



RESOURCE MANAGEMENT ACT 1991

**Decision of Marlborough District Council
Change of Resource Consent Conditions**

RESOURCE CONSENT: U140295

APPLICANT: The New Zealand King Salmon Company Limited

LOCATION: Richmond Bay, Pelorus Sound

**THIS IS THE DECISION ON THE APPLICATION TO CHANGE AND CANCEL
RESOURCE CONSENT CONDITIONS:**

To change condition 66(e) to enable the monitoring approach to water quality to be adjusted in accordance with recommendations of the Peer Review Panel.

DECISION:

Granted

Decision

Pursuant to section 127 and after having regard to Part 2 matters and sections 88 to 121 of the Resource Management Act 1991, the Marlborough District Council hereby **changes** Condition 66(e) of Resource Consent U140295 for marine farm site 8633 as follows:

- **Condition 66(e) now reads:**

66. The MEM-AMP shall include the following monitoring:

e. Targeted water column surveys to quantify the localised effect of the marine farm on surrounding water quality, for the purpose of obtaining information regarding marine farm-specific, near-farm mixing properties in order to provide a context for evaluating compliance with the EQS – WQS in condition 44. This shall involve a series of fine-scale surveys in the vicinity of the marine farm (within 1km from the net pens) measuring: salinity, clarity, temperature, chlorophyll *a*, turbidity, dissolved oxygen (DO), nutrient concentrations (NH₄-N, NO₃-N, NO₂-N, DRP, Si, TN and TP), phytoplankton composition and biomass along transects that move away from the marine farm and span potential nutrient gradients. The surveys shall be undertaken at least twice per year and continued for at least two years after the marine farm has reached stable maximum feed discharge levels and no future increases are proposed. With respect to the monitoring objective, the monitoring approach may be adjusted over time in accordance with the written recommendation of the Peer Review Panel.

Advice Notes

1. This decision is to be read in conjunction with the original decision dated 17 April 2014.

Reasons

Proposal

1. The applicant seeks to change one of the adaptive management conditions applying to the existing 1.5 hectare salmon farm site number 8633 in Richmond Bay, in Pelorus Sound. The proposed change is the insertion of the following sentence at the end of condition 66(e): "With respect to the monitoring objective, the monitoring approach may be adjusted over time in accordance with the written recommendation of the Peer Review Panel." The effect of this additional sentence would be to allow water quality monitoring methodology to be adapted in light of new data, technology or methods. No change is proposed to the consented salmon farming activity.

Background

2. Application U140295 was granted by the Environmental Protection Authority on 17 April 2014 for a new 1.5 hectare salmon farm near the mouth of Richmond Bay, in the Waitata Reach of Pelorus Sound. A suite of conditions were imposed on the consent in order to, amongst other things, monitor and respond to the effects of the farm on water quality.

Activity Status

3. Section 127 of the Resource Management Act 1991 requires any application for a change or cancellation of conditions to be assessed as a discretionary activity.

Notification and Affected Persons

- 4. Council processed the application without public or limited notification.

Assessment of Effects

- 5. In terms of the considerations required by section 104(1)(a) of the Resource Management Act 1991, based on the submitted application it is concluded that the proposed change of condition would have no adverse environmental effects and would be likely to result in improved water quality monitoring and related management outcomes for the salmon farm.

Relevant Statutory and Plan Provisions

- 6. In terms of the considerations required by section 104(1)(b) of the Resource Management Act 1991, based on the submitted application it is concluded that the proposed change of condition would be consistent with the relevant provisions of the New Zealand Coastal Policy Statement 2010, including Policies 8, 11, 12, 22 and 23; the Marlborough Regional Policy Statement, including Objective 5.3.2 and Policy 5.3.5; the Marlborough Sounds Resource Management Plan, including Policies 4.3.1.2, 9.2.1.1.1, 9.3.2.1.4 and 9.3.2.1.6; and the proposed Marlborough Environment Plan, including Policies 15.1.1 and 15.1.9.

Part 2 Resource Management Act 1991

- 7. Having considered the matters of national importance and other matters, including subsections 6(a), 6(c), 6(e), 7(a), 7(f) and 7(h), along with the relevant principles of the Treaty of Waitangi as required by Part 2 of the Resource Management Act 1991, it is concluded that the sole purpose of the Act would be better achieved through changing the condition as set out in this decision.

Recommended for approval:



.....
Peter Johnson
Resource Management Officer

Approved:



.....
Anna Eatherley
Marlborough District Council Manager Resource Consents

5th September 2017
.....
Date

Additional Important Information for Resource Consent Holders

The following information provided in this information sheet is a guide to the legal rights of applicants and submitters.

If you want to discuss matters raised in this information sheet you are welcome to contact Council. However, if you require specific advice you should contact an independent professional and refer to the relevant sections of the Resource Management Act 1991.

Change or Cancellation of Conditions of Resource Consent

Refer to section 127 of the Resource Management Act 1991

- The consent holder may apply to the Council to change or cancel conditions of the consent, except a condition specifying duration.

Monitoring Fees

Refer to section 36 of the Resource Management Act 1991 and the Council's Schedule of Fees

- The consent holder will be charged for actual and reasonable costs associated with the monitoring of this consent.

Objections

Refer to section 357 of the Resource Management Act 1991

- In certain circumstances the applicant has the right to object to the Council's decision.
- Any objection shall be made in **writing** and will need to outline the reasons for the objection.
- An objection needs to be lodged with the Council within **15 working days** of the Council's decision being received by you or your agent.

Appeals

Refer to Form 16 and sections 120 and 121 of the Resource Management Act 1991

- The applicant and any submitters have the right to appeal the whole or any part of the Council's decision.
- A notice of appeal must be lodged with the Environment Court and the Council, within **15 working days** of the Council's decision being received (or received by your agent on your behalf). A copy also needs to be served on the applicant and submitters to the application within 5 working days of the notice being lodged with the Environment Court.

Before lodging an objection or an appeal it is recommended that you seek professional advice.