

Resource Consent Application

This application is made under Section 88 of the Resource Management Act 1991



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Please read and complete this form thoroughly and provide all details relevant to your proposal. Feel free to discuss any aspect of your proposal, the words used in this form or the application process with Council staff, who are here to help.

This application will be checked before formal acceptance. If further information is required, you will be notified accordingly. When this information is supplied, the application will be formally received and processed further.

You may apply for more than one consent that is needed for the same activity on the same form.

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Receipt No. 1718536

Consent No.

Case Officer:

1. Applicant details *(If a trust, list full names of all trustees.)*

Name: The New Zealand King Salmon Co. Limited

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3. Type of Resource Consent Applied for

Coastal Permit

Discharge Permit

Land Use

Subdivision

Water Permit

4. Brief Description of the Activity

To re-consent an existing salmon farm, including all activities ancillary to the farm's operation, for a 35 year term.

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5. Property Details

The location to which the application relates is (address): Te Pangu Bay, Tory Channel

Legal description (i.e. Lot 1 DP 1234): Marlborough District Council marine farm site number 8408

(Attach a sketch of the locality and activity points. Describe the location in a manner which will allow it to be readily identified e.g. house number and street address, Grid Reference, the name of any relevant stream, river, or other water body to which application may relate, proximity to any well known landmark, DP number, Valuation Number, Property Number.) (Please attach a copy of the Certificate of Title.)

The names and addresses of the owner and occupier of the land (other than the applicant):

n/a

Please attach the written approval of affected parties/adjoining property owners and

Note: That as a matter of good practice and courtesy you should consult your neighbours about your proposal. If you have not consulted your neighbours, please give brief reasons on a separate sheet why you have not.

6. Assessment of Effects on the Environment (AEE) (Attach separate sheet detailing AEE.)

I attach, in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

Note: Failure to submit an AEE will result in return of this application.

7. Other Information

Are additional resource consents required in relation to this proposal? If so, please list and indicate if they have been obtained or applied for.

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I attach any other information required to be included in the application by the relevant Resource Management Plan, Act or regulations.

Declaration

I (please print name) Peter-Clare Brunel agree

- (i) That I am liable for all fees and charges relating to this application.
(ii) The lodgement fee is to be paid at the time of lodging the application for resource consent.
(iii) That payment is due within 30 days of the issue date of any additional charges.
(iv) That Council will charge me interest on any overdue invoices at 15% per annum from the date of issue of the invoice to the date of payment and Council may stop processing my application until an overdue invoice is paid in full. In the event of non-payment the applicant and/or agent will be liable for all legal and other costs of recovery.
(v) That where this application is completed and signed by an agent, all communication regarding this application will be with the agent.
(vi) The information provided in this application and the attachments to it are accurate.

Signature of applicant or authorised agent

[Handwritten signature]

Date 30/1/15

Privacy Information

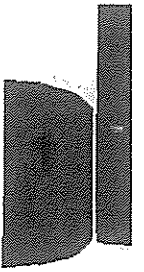
The information you have provided on this form is required so that your application can be processed and so that statistics can be collected by Council. The information will be stored on a public register and held by Council. Details may be made available to the public about consents that have been applied for and issued by Council. If you would like access to or make corrections to your details, please contact Council.



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Assessment of Environmental Effects in support of an application for resource consent pursuant to Section 88 of the Resource Management Act 1991

APPLICANT: The New Zealand King Salmon Co. Limited

SITE(S) OF APPLICATION: Te Pangu Bay, Tory Channel. Marlborough District Council marine farm site number 8408.

PROPOSAL: An application pursuant to s 88 of the Resource Management Act 1991 to re-consent an existing salmon farm, including all activities ancillary to the farm's operation for a further 35 year term.

Summary

1. This assessment of environmental effects supports an application by The New Zealand King Salmon Co. Limited ("NZ King Salmon") to re-consent an existing salmon farm in Te Pangu Bay, Tory Channel.
2. The application seeks feed discharge levels of 6,000mt, and the same volume of surface structures as is currently on site (1.5ha). Some flexibility is sought in the type and location of structures used. The application is intended to renew all aspects of the farm's operations for a further 35 year term.

The Applicant

3. NZ King Salmon was formed in 1996 as the result of a merger between Regal Salmon Ltd and Southern Ocean Seafoods Ltd, and is now the largest producer of Chinook (King Salmon) in the world. The company is majority owned by the Oregon Group (whose parent company is the Tiong Group) and Direct Capital.
4. NZ King Salmon farms approximately 6,500 tonnes of Chinook King Salmon and has consent for eleven salmon farms, located across the Marlborough Sounds. The company's operations generate significant regional and national economic benefits. In addition, NZ King Salmon provides contributions to support services such as charter boats, freight, road, sea and air haulers, specialist divers, hardware suppliers, engineering services, science providers, professional services, and a host of other New Zealand based companies.

Background

Overview of the Te Pangu Farm

5. Consent for a salmon farm in Te Pangu Bay was originally granted in the early 1990s. In 2000/2001 the farm was moved further out into the bay and extended to a total size of 1.5ha of pens within a wider 13.75ha consented area.
6. The site is located within an area of 'high' current flows (15cm/s) and is one of NZ King Salmon's more productive farms. Water depth at the site ranges from 27-31m with water

temperatures averaging between ~11.5-16.5°C. Currently there are twelve 25x25m and six 30x30m steel sea pens at this site.

Existing Consents

7. The Te Pangu Bay salmon farm is consented pursuant to seven separate resource consents, as follows:
 - (a) MFL484, the underlying marine farming license for a 5.85ha salmon farm;
 - (b) U000237, which permitted a 7.9ha extension to the site (resulting in a 13.75ha consented area) and contains conditions relating to structures, occupancy and activity.
 - (c) MPE446, a marine farming permit issued by the former Ministry of Fisheries to accompany U000237;
 - (d) U010142, which increased the amount of surface structures permitted on the farm to 1.5ha and contains conditions relating to structures, occupancy and activity;
 - (e) U080726, a consent to discharge fouling organisms and antifoul media;
 - (f) U090841, a standalone consent to discharge up to 6,000mt of salmon feed per annum; and
 - (g) U130472, a consent to install and use underwater lighting in a maximum of eight net pens at the farm.
8. MFL484 and U080726 are due to expire on 31 December 2024. Consents U000237, MPE446, U010142, U090841 and U130472 are due to expire on 31 July 2015.
9. Like many marine farms in the Marlborough Sounds, the Te Pangu Bay salmon farm has a complex consenting history, with separate consents being granted for each aspect of the operation over time and across multiple legislative regimes.
10. To address potential issues which can arise from multiple consents regulating the same activity, the consent holder is seeking, as part of this application, to re-consent the entire operation at Te Pangu, and surrender *all* existing consents.

Application

Reasons for Application

11. This application has been made as a result of the pending expiry of resource consents U000237, MPE446, U010142, U090841 and U130472 which regulate feed discharges, underwater lighting and most of the structures at the site. A decision has been made to roll into this renewal resource consents MFL484 and U080726 to enable the site to be re-consented as a single operation. This will also enable the principles of the recently developed *Best Management Practice guidelines for salmon farms in the Marlborough Sounds: Benthic environmental quality standards and monitoring protocol* ("Best

Management Practice guidelines”) to be incorporated into the consent. A copy of those guidelines is included in **Appendix A**.

Overview of Application

12. The *key* aspects of this application are outlined below.

Surface Structures

13. A proposed structures diagram is shown in **Appendix B**.
14. NZ King Salmon intends to keep the same volume of surface structures on the site, being a maximum of 1.5ha, but seeks flexibility to use a variety of pen types. Combinations might include existing steel pens of a variety of sizes, plastic circles, “Wavemaster type” platforms or new pen technology as it is developed. The company also seeks the ability to place the 1.5ha of surface structures over a wider area (shown as the Net Pen Area Boundary in **Appendix B**).
15. This change is intended to enable the company the ability to move some/all structures further north to take advantage of the stronger current flows and to update their pen types as technology develops. No structures will be located closer to the Te Pangu Lodge than they are currently, and in many instances structures will be further away.

Overall Structures Area

16. NZ King Salmon are seeking a 21.092ha total farm boundary as part of this application, which will allow for the wider Net Pen Area Boundary (in which 1.5ha of pens may be located).¹ The company has not designed a mooring system for the variety of structures which may be used on the site in the future. Conditions have been offered to ensure any changes to moorings are appropriately precautionary.
17. Mooring of the farm in the outermost area of the net pen area boundary may require moorings outside the farm area boundary to the north. Prior to locating any moorings in this area additional consents may be required. The ability to bring such an application is likely to be sought by the company as part of the Marlborough District Council-led plan review process which is currently underway.

Onsite Barge

18. NZ King Salmon is seeking to utilise a feed and accommodation barge on site, consistent with the current consent. The barge will have a maximum footprint of 280m² and height of 7.5m and may be of the same type as has been consented for the three most recent farms, however existing barges may alternatively be used.

¹ An Aquaculture Decision (“UAE Test”) under the Fisheries Act 1996 will be required for the area not encompassed within MPE446 and MFL484.

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Feed Discharge

19. NZ King Salmon is seeking feed discharge of 6,000mt per annum, which is consistent with the position under the current consent (U090660). Tonnage was reduced to 5,500mt through to 2015 as part of the application to increase feed discharge at Clay Point for the 2012 year (to 4,500mt). Feed discharge at Clay Point has subsequently returned to 4,000mt.
20. It is recognised that at present, 6,000mt per annum discharge is unlikely to be achievable and that the environmental constraints identified with Best Management Practice guidelines will continue to be the limiting factor. However, given the proposed 35 year life of this consent, 6,000mt gives some movement to allow for developments in feed technology and fish conversion efficiency which may reduce the deposition of fish faeces (and environmental effects) to the seabed in future.
21. NZ King Salmon is seeking that benthic deposition is regulated and monitored as set out in the Best Management Practice guidelines. Conditions have been proposed to reflect these outcomes.

Underwater Lighting

22. NZ King Salmon is seeking to continue the use of underwater maturation lighting, but extend it to all pens.
23. Use of underwater lighting was first trialled at Te Pangu in 2010 pursuant to U100656 (now surrendered). Further trials have been consented pursuant to U110410, U120226 and now U130472. The use of underwater lighting on NZ King Salmon farms, including Te Pangu, has clearly shown it is very successful in delaying maturation.

Antifouling

24. NZ King Salmon seeks consent to continue the use of antifouling. Antifouling has not been used at Te Pangu since 2011, and fouling has instead been cleared using a waterblaster and, more recently, an in situ net cleaner. The company is keen to retain its current options and is seeking to obtain a further consent for the use of antifouling, should its use become necessary into the future.

Status of Application

Category of Activity

25. The status of this application is complex. Under the current plan many rules regulate salmon farming activities. In particular:
 - (a) Structures which are parallel/oblique/perpendicular to the coastal marine area require consent as discretionary activities (rules 35.4.2.3 and 35.4.2.4);

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- (b) Disturbance of the seabed associated with the anchors requires consent as a discretionary activity (rule 35.4.2.5);
 - (c) Occupation of the coastal marine area requires consent as a discretionary activity (rule 35.4.2.7);
 - (d) Discharges to water associated with marine farms, including greywater and feed discharge, require consent as discretionary activities (rule 35.4.2.11.1.2(g));²
 - (e) Marine farms within 50m to 200m from the mean low water mark require consent as discretionary activities (rule 35.4.2.9);
 - (f) Marine farms beyond 200m from the mean low water mark require consent as non-complying activities (rule 35.5).
 - (g) Underwater lighting may require consent as a limited discretionary, discretionary or non-complying activity.³
 - (h) A term of 35 years requires consent as a non-complying activity (rule 35.5).
26. Given all aspects of this application are integral to one another, the applicant accepts that it is appropriate to bundle all elements of the application together and consider it as a *non-complying* activity. As a result, in addition to being considered pursuant to s 104, the application must pass one of the two 'gateway' tests in s 104D of the RMA.

Assessment of Environmental Effects

Benthic/Water Column

27. It is accepted that this application is likely to have moderate benthic and water column effects. NZ King Salmon has sought advice from the Cawthron Institute as to the level of anticipated effect and how any effects might be appropriately mitigated to ensure consistency with the Best Management Practice guidelines. A copy of a report from the Cawthron Institute is included in **Appendix C**.
28. The effects of this application on the seabed are anticipated to be limited to the impact of deposition of fish faeces from the pen area.⁴ The recent Best Management Practice guidelines have accepted that an 'Enrichment Stage' of ES≤5.0 is generally considered as the

² It is generally accepted that rule 35.4.2.11.1.2(g) takes primacy over non-complying activity rule 35.5.4 which relates to the deposition of material on the foreshore/seabed not otherwise regulated by any other rule. This is because Rule 35.4.2.11.1.2(g) specifically references discharges associated with marine farms.

³ There is some uncertainty here. Underwater lighting may be a permitted activity pursuant to Rule 35.1 as an addition to a lawful structure. Lighting systems for marine farms are listed as restricted discretionary activities in Rule 35.3, but it is unclear whether this relates only to navigational lighting. As a result lighting may be either a discretionary activity under Rule 25.4 or a non-complying activity under rule 35.5.

⁴ It is accepted that a very small number of uneaten fish pellets may be deposited to the seabed, contributing to benthic enrichment, however the effect of this is minimal in comparison to the effect of fish faeces. Feed is NZ King Salmon's biggest operational cost. A variety of steps are taken to minimise feed wastage to the seabed.

appropriate upper maximum level of effect permitted directly beneath salmon farm pens in the Marlborough Sounds.⁵

29. The Cawthron Institute have made recommendations as to the appropriate 'zone of maximum effect' (ZME), 'outer limit effects' (OLE), monitoring regime, and other matters relevant to incorporation of the Best Management Practice guidelines. In the applicant's view, potential benthic and water column effects can be adequately mitigated through the offered conditions.

Visual Effects, Landscape and Natural Character

30. While this proposal may have some visual effects in the sense that the farm will be able to be seen, those effects are not anticipated to be significant.
31. Te Pangu Bay is not identified in either the Marlborough Sounds Resource Management Plan or 2009 Boffa Miskell Study as an area of outstanding landscape value/outstanding natural landscape. Neither the water nor adjacent land is identified as having any particular natural character values.⁶
32. While NZ King Salmon is seeking a wider area in which to locate surface structures the company is not intending to increase the current volume of surface structures (1.5ha) (refer Appendix A). In that sense nothing 'additional' is being introduced into the environment. While the existing pens are likely to be used in the near future, alternative structures such as plastic circles, "Wavemaster type" platforms and new pen technology may be utilised. These technologies are generally considered to have a lesser visual impact than what is currently in place.
33. The wider surface structure area will also give NZ King Salmon the option to move structures further from the Te Pangu Lodge, which is the only residence with a view of the farm. The company operates the site pursuant to a Residential Amenity Management Plan which addresses issues such as odour, visual effects, noise, occupation of space and intrinsic values.

Noise

34. Noise generated by the Te Pangu farm was assessed in a report presented to the Environmental Protection Authority Board of Inquiry which considered an application for new salmon farm sites in 2013. A copy of that report is included in Appendix D.

⁵

⁶ The recent Marlborough District Council Natural Character of the Marlborough Coast Report (June 2014) does not identify the area as having high, very high or outstanding natural character values.

35. The report found that the main noise associated with a salmon farm is derived from the diesel generator, feed dispenser, water blaster, net lifter and harvesting vessels.⁷ Anticipated noise generated by this equipment is outlined in the table below.

Equipment	Noise	Duration
Diesel Generator	93 dB LWA	24hr, 7 days.
Feed Dispenser	93 dB LWA	9 hours (cycle of 4 seconds followed by 10 second break).
Water Blaster	103 dB LWA10	n/a
Net Lifter	92 dB LWA10	n/a
Harvesting	97 dB LWA10	Approximately 3 months a year.

36. At Te Pangu, NZ King Salmon have now replaced the water blaster and net lifter with a quieter in situ net cleaner.
37. At 250m, the Noise Report considered that noise generated by the salmon farm would be, without mitigation (and including the net lifter and water blaster), 51 dBA L10, which is within the permitted activity daytime noise limit, and close to the 45 dBA L10 limit at all other times. The nearest property is the Te Pangu Lodge, which is approximately 300m away from the closest possible pen location, and approximately 550m away from the barge, where most noise generating equipment is located. The proposal for a wider net pen boundary area would enable alternative pen configurations to be moved away from the Lodge, further reducing the potential for noise.
38. NZ King Salmon has a good working relationship with the owners of the Te Pangu Lodge and takes steps where appropriate to address any noise concerns raised.

Public Access and Recreation

39. This application is not anticipated to have any particular impact on public access and recreation. This farm has been in place for over 20 years. While a further consent will continue that occupation, it will not introduce anything 'new' into the environment.
40. A public recreation report was prepared as part of NZ King Salmon's application for new farm sites considered before the Board of Inquiry in 2012. A copy of that report is included in

⁷ The arrival and departure of service vessels may also generate noise, however this is regarded as normal marine activity and has not been specifically assessed. This is consistent with the permitted activity rules for the Coastal Marine Zones 1 & 2.

Appendix E. While the report was specific to the sites concerned, it does reach some conclusions which have relevance to this application. In particular:

- (a) The report did not consider that a total of 16 salmon farms in the Sounds would have a cumulative impact on public recreation. If this application is granted, the total number of salmon farms in the Sounds will be 11.
 - (b) The farm is located away from known recreational sites in the Queen Charlotte Sound/Tory Channel.
 - (c) There are no Department of Conservation reserves or 'priority recreation sites' in the area. The land within the Bay is entirely Maori land with the exception of the Te Pangu Lodge.
41. In terms of public access, Te Pangu Bay is not an area which is frequently transited. The primary access point to and from the coastal marine area is the Te Pangu Lodge jetty, which is well clear of the farm. The area inshore of the farm is, on occasion, used for water-based activities by Te Pangu Lodge guests. The farm provides some level of physical separation between those activities and the more frequently trafficked Tory Channel.
42. Overall, any effect on public access and recreation is anticipated to be negligible.

Navigation

43. The Te Pangu farm has been in place for over twenty years and following a breakaway in 2006, it has been operating without any significant navigational incidents.⁸ Navigation safety was comprehensively reviewed as part of the Board of Inquiry process into the Ngamahau Farm. David Walker, in his navigational assessment stated:

There is no suggestion from the large vessel community that existing salmon farms are a hindrance to shipping in the Marlborough Sounds. The closest salmon farms to large vessels are the Clay Point and Te Pangu farms in Tory Channel. Both those farms are highly visible on radar. The farms make good radar targets even in circumstances where rain masks surrounding land masses.

While master of the Aratere, I have measured the distance to the Clay Point farm structure by radar while navigating along Interislander designated inward track (cross track error 0m). At this time the range (distance) to the structure measured 0.17 nautical miles (this equals 315m).

On this basis I conclude that, in principle, there can be no navigational reason why salmon farms cannot be placed in Tory Channel provided that they are at least 315m from the standard ferry track. I recommend further conditions be placed on such farms which I will detail below.⁹

44. Conditions have been offered to ensure appropriate mooring integrity is maintained and NZ King Salmon will meet any lighting and marking requirements of the Harbourmaster. In

⁸ A farm breakaway did occur in 2006. Following that incident mooring systems and processes were redesigned and there have since been no incidents.

⁹ Walker, D. "Navigation Report on New Zealand King Salmon's proposal for new salmon farms in the Marlborough Sounds, 29 September 2011. <http://www.epa.govt.nz/Publications/Navigation%20Report.pdf>

addition, the company holds a mooring maintenance plan for the site and is in the process of preparing a Navigation Risk Reduction and Management Plan and Emergency Contingency Plan (developed in consultation with the Harbourmaster).

Cultural Effects

45. NZ King Salmon is aware that Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu Te Ātiawa o Te Waka-a-Māui and Ngati Toa Rangatira all have Statutory Acknowledgements in the area of the application site, which formally recognise the cultural, spiritual, historical and traditional associations of these iwi to the area.
46. In preparing this application, NZ King Salmon has had regard to the Statutory Acknowledgments and has reviewed the statements of association for each iwi. No areas of conflict have been identified.
47. It is understood that there are no areas of customary marine title or protected customary rights (as defined in the Marine and Coastal Area Act) in the area of the application, nor are any applications pending. No taiapure or mataitai reserves are established in the area. The company are not aware of any wahi tapu that might be affected by the application.
48. NZ King Salmon has recently provided a copy of the draft application to each of the iwi with Statutory Acknowledgements in the area. Further details of this and other consultation is outlined below.

Greywater Discharge

49. NZ King Salmon prepared a report on the effects of greywater discharge as part of the company's application for new farm sites, heard before an Environmental Protection Authority Board of Inquiry in 2012. A copy of that report is included in **Appendix F**.
50. The greywater report concludes that the greywater contribution of this farm (in conjunction with all other NZ King Salmon farms in the Sounds) is likely to be negligible compared with the myriad of other point and non-point source discharges to the Sounds.¹⁰ The report went on to note that there is likely to be little or no benefit, and perhaps even a net loss in transporting greywater offsite given the additional time, fuel and effort required.
51. As a result of information considered in that report, it is anticipated that this application is unlikely to result in adverse effects on the environment from greywater discharge which are more than minor.

Underwater Lighting Effects

¹⁰ Cawthron Report 2021, at page 16.

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52. NZ King Salmon has previously trialled the use of underwater maturation lighting at the Te Pangu farm. The first trial commenced in 2010. A report on the first trial which accompanied a consent application in 2011 concluded that the effects on the surrounding marine environment from artificial lighting are likely to be highly localised and small in scale, both in terms of physical effects on the underwater light environment and subsequent biological and ecological (eg food web) effects.¹¹
53. A further report commissioned late 2011 concluded that while the effects of artificial lighting may be measureable at some level within the pen structures themselves, the effects in terms of the much larger marine ecosystem of the Marlborough Sounds will be very small and unlikely measureable.
54. A 2013 report which continued the study of underwater lighting reached similar conclusions to the two previous assessments.¹² Copies of the underwater lighting reports are included in **Appendix G**.
55. Overall, the continued use of underwater lighting at the farm is unlikely to have an impact on the environment that is more than minor.

Seabirds

56. The environmental effect of NZ King Salmon's farms on seabirds was comprehensively assessed as part of the Board of Inquiry process. The general conclusion reached was that the new farms were unlikely to have a discernible environmental effect on seabirds.¹³
57. NZ King Salmon is taking steps to minimise the aggregation of red-billed and black-backed gulls on salmon farms which catch and consume stray feed pellets. The aggregation of gulls has been minimised at the Clay Point farm. Techniques used at that site are now being applied to Te Pangu.

Marine Mammals

58. As part of the Board of Inquiry process, the effect of salmon farming on marine mammals was assessed. The report, prepared by Martin Cawthron, together with a supplementary report in relation to fur seals, is included in **Appendix H**.
59. The conclusion in those reports is that the risk of environmental effects is low. However, it is essential that grower nets and predator nets are adequately tensioned to resist deformation by currents which can push the predator net against the inner grower net. This is part of NZ King Salmon's standard operating procedure.

¹¹ Cawthron Report 1851 at page 15.

¹² Cawthron Report 2374 at page 17.

¹³ Statement of evidence of Dr Sager June 2012, [I].

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60. NZ King Salmon has a specific Marine Mammal and Shark Management Plan which has been created in conjunction with the Department of Conservation and Iwi. In addition to providing guidelines for the handling of seals that do enter the farm, it aims to minimise the risk of seal entry. NZ King Salmon staff have been involved with the training of Department of Conservation staff in seal handling.

Notification/Consultation

61. NZ King Salmon has attempted to consult with parties potentially affected by this application. In 2014 NZ King Salmon notified the Te Pangu Lodge owners and various iwi groups of the upcoming expiry of consents, and the company's intention to lodge a renewal.
62. Attempts were made to contact the owners of the remaining properties in Te Pangu Bay.¹⁴ Inquiries were made of the Marlborough District Council and Te Kooti Whenua Māori regarding the owners details. A notice was placed in the Marlborough Express on 25 October 2014, seeking the owners come forward. To date no responses have been received.
63. NZ King Salmon has discussed the application with Te Ātiawa representatives, given the particular relationship of Te Ātiawa to the application area. It is understood that the Te Ātiawa o Te Waka-a-Māui Trust is not opposed to the application in principle, subject to a review of the final draft.
64. A copy of the draft application has recently been provided to the Te Pangu Lodge owners, Te Ātiawa o Te Waka-a-Māui Trust and seven other iwi trusts with Statutory Acknowledgements in Tory Channel. NZ King Salmon has sought feedback on the draft application, and intends to get in touch with all parties to discuss feedback prior to any hearing.

Conditions

65. A set of conditions have been volunteered by the applicant to mitigate and control the potential for adverse effects. A copy of those conditions is included in Appendix I.

Policy Analysis/Part II Matters

Marlborough Sounds Resource Management Plan

66. A consideration of the Marlborough Sounds Resource Management Plan suggests the application is not contrary to the plan's objectives and policies.
67. All aspects of the current Te Pangu farm operation have been previously assessed through the consent process to be consistent with the objectives and policies of the plan. The findings of those earlier decisions are outlined in the table below:

¹⁴ These sites are all held as Maori Freehold Land.

Activity	Application	Section 42A Report Conclusion	Decision
Discharge	U090841	In the writers opinion this is a situation that is encompassed within the Plan provisions such that the proposal cannot be said to be contrary to the plan" (Page 11). "The Policy Statement is given effect to through the objectives and policies of the resource management plan. An assessment in terms of the Plan therefore constitutes an assessment of the objectives of the Policy Statement." (Page 11)	"Consistent with the objectives and policies of the Marlborough Sounds Resource Management Plan." (Page 13)
Structures and Occupation	U010142*	Unable to be located.	"The proposal is a non-complying activity and the Committee considered that the proposal met both limbs of the Section 105 (2A) test in the Resource Management Act 1991 in that the effects of the proposal on the environment were likely to be no more than minor and the proposal was consistent with the relevant objectives and policies from the Proposed Marlborough Sounds Resource Management Plan." (Page 3)
Structures and Occupation	U000237*/ MPE466*	Unable to be located.	"That the marine farming activity is consistent with the rules, objectives and policies of the Proposed Marlborough Sounds Resource Management Plan, the New Zealand Coastal Policy Statement and the Resource Management Act." (Page 2).
Antifoul	U080726	"The proposed activity is considered to be inline with the relevant objectives and policies of	Not specifically addressed.

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		the Marlborough Sounds Resource Management Plan." Page 6.	
Underwater lighting	U130472	None prepared.	"In terms of the considerations required by s 104(1)(b) of the Resource Management Act 1991, it is concluded that the installation and use of subsurface lights, subject to conditions, would not be inconsistent with the relevant objectives and policies of the Marlborough Sounds Resource Management Plan provisions." (Page 5). "In addition the proposal has been assessed against the relevant provisions of the statutory documents and found to be consistent with those outcomes sought. Therefore the proposal passes both limbs of the section 104D test." (Page 5)

*These consents granted while the current plan was still proposed however the conditions were reviewed in 2006 to make them consistent with the Resource Management Act 1991; s 20 Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

68. The current application differs only in terms of the location and type of structures. A consideration of the current proposal against the objectives and policies of the plan is outlined in **Appendix J**.
69. Overall, the application is considered not to be contrary to the objectives and policies of the plan.

Higher Order Policy Documents and Part II Matters

70. Recent cases, and in particular the recent Supreme Court *NZ King Salmon* decision, have cautioned against constant reference back to higher order policy documents and Part II of the Act when there is no uncertainty as to how the relevant rules and policies of the plan should be applied. Whilst it is recognised that in a resource consent application such as this decisions are always made subject to Part II,¹⁵ a separate Part II analysis is likely to add little to the policy analysis in **Appendix J**.
71. It is acknowledged that the New Zealand Coastal Policy Statement 2010 is a higher order document which was introduced subsequent to the current Marlborough Sounds Resource

¹⁵ Resource Management Act (1991) s 104.

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Management Plan. The document appears to support the continuation of the Te Pangu farm. In particular, Policy 8 supports the location of aquaculture activities in appropriate places, taking into account the social and economic benefits of aquaculture.

72. This farm is sited in ideal high-flow, low temperature growing conditions within the CMZ2 zone. It generates economic benefits in terms of direct employment and contributions to transport support services, engineering services, science providers and professional services.
73. This farm is not located within an area of outstanding natural landscape, outstanding natural character or other characteristic which would trigger policies of the NZCPS which require avoidance of adverse effects.

Conclusion

74. The Te Pangu salmon farm is a productive farm located in ideal growing conditions.
75. While the proposal to extend the farm's operation for a further 35 years may have some limited adverse effects, these are able to be controlled through appropriate conditions which reflect the outcomes of the Best Management Practice guidelines.
76. Overall, the continuation of consent for the Te Pangu farm reflects appropriate development which enables the continuity of economic benefits to the region and achieves the Act's overarching purpose of sustainable management.

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NOTE:
 Area A = area within which surface structures of 1.5ha may be located
 Area B = Anchoring Area

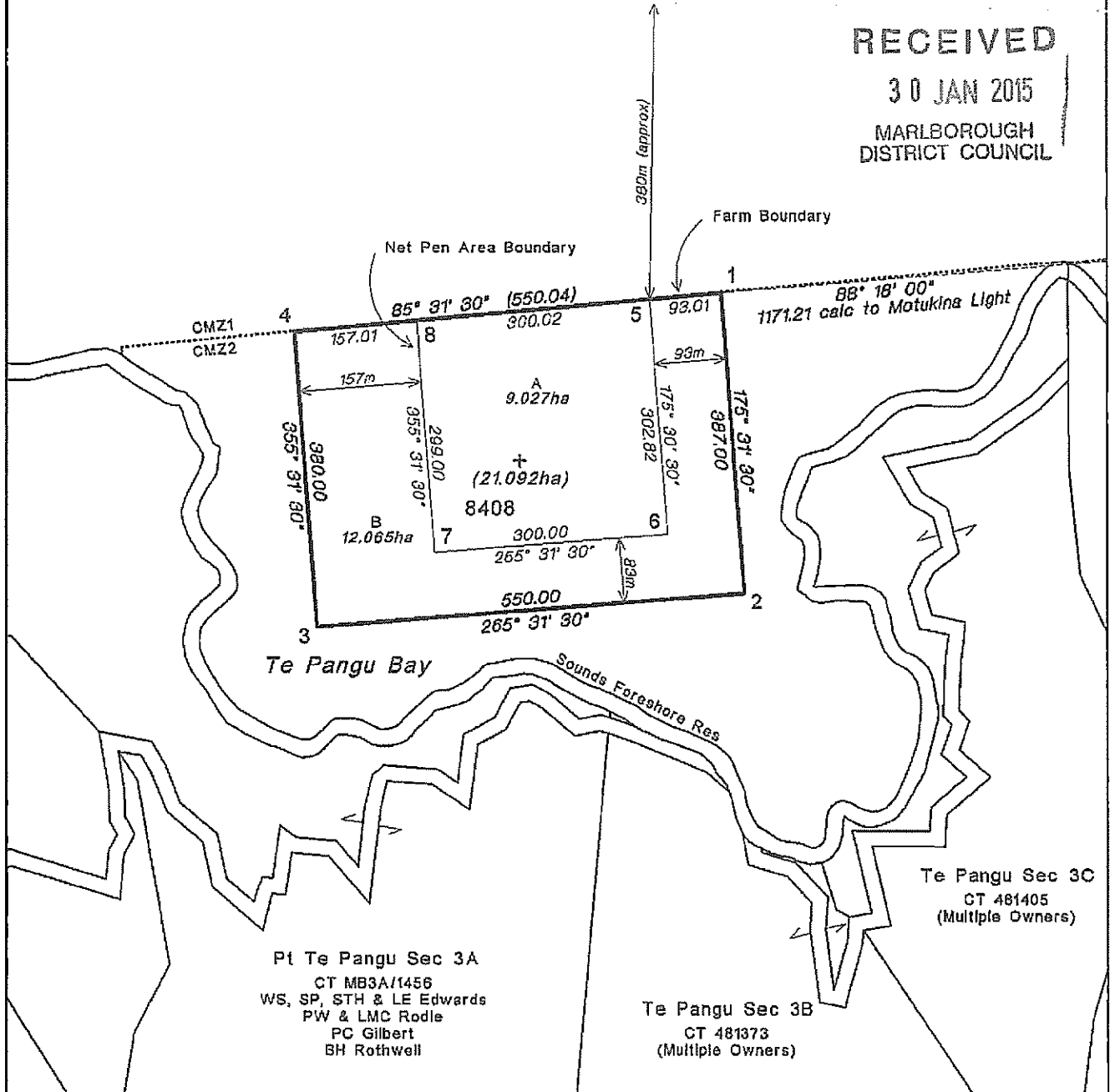
Tory Channel

Interislander Route [Picton - Wellington]

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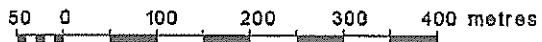


SCHEDULE OF COORDINATES
 DATUM: NZTM2000

Point	East	North
1	1703982.81	5433326.44
2	1704013.01	5432840.62
3	1703464.68	5432897.75
4	1703435.03	5433276.59
5	1703890.19	5433318.01
6	1703913.81	5433016.12
7	1703814.73	5432892.73
8	1703591.40	5433290.82
Centroid	1703723.80	5433110.80
Motukina Light	1705150.08	5433422.41

Proposed Coastal Permit
 Marine Farm 8408 & Extension
 Te Pangu Bay, Tory Channel

SCALE 1:7,500



Prepared By
 DRAUGHTING PLUS LTD

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 20 January 2015