

APPLYING FOR CONSENT FOR A LAND-BASED AQUACULTURE FACILITY



Prepared for
Ngati Porou Fisheries

By:



January 2014

Contents

1. BACKGROUND.....	3
2. INTRODUCTION.....	3
3. LAND-BASED AQUACULTURE.....	4
4. THE PROCESS	5
4.1. PROJECT DEVELOPMENT AND INFORMATION GATHERING	6
4.2. CONSULTATION	7
5. THE APPLICATION	9
5.1. Legal Report	11
5.2. Company Report	11
5.3. Economic Report	11
5.4. Hydrology	12
5.5. Site Engineering Report.....	12
5.6. Wastewater Treatment/discharge quality.....	12
5.7. Freshwater ecology of receiving waters	12
5.8. Biosecurity Report.....	13
5.9. Noise Report.....	13
5.10. Landscape Report	13
5.11. Transit Report	14
5.12. Planners Report	14
5.13. Consultation Report.....	14
5.14. Proposed Consent Conditions	14
6. LODGEMENT AND NOTIFICATION	15
7. SUBMISSION PERIOD	15
8. HEARING	15
9. DECISION.....	16
10. APPEAL PERIOD.....	17
11. ENVIRONMENT COURT	17
12. DECISION.....	17
13. APPEAL TO HIGH COURT.....	17
14. IMPLEMENTATION	17
15. LAPSE PERIOD	18
16. FISH FARM LICENCE	18
17. APPENDICES	19
17.1. Marlborough District Council Guidelines for Applying for a Resource Consent ...	19
17.2. Marlborough District Council Resource Consent Application	23

17.3.	Information to support an application for Water Permits	25
17.4.	Information to support an application for a Resource Consent	27
17.5.	Application for the Takaka Salmon Farm Renewal	28
17.6.	Resource consent decision Takaka salmon farm 2011	40
17.7.	Written Approval of Person(s) Likely to be Adversely Affected.....	56
17.8.	Resource Consent Process Flowchart.....	57
17.9.	Overview of the current land-based aquaculture regime	58

1. BACKGROUND

Ngati Porou Fisheries has contracted Aquaculture Direct Limited to prepare a brief report on the processes involved in applying for Resource Consents to enable a land-based aquaculture facility to become established. This will be based on the experience within the Aquaculture Direct team in obtaining a range of different consents at different times for at least four freshwater salmon farms, a land-based paua farm and a land-based marine fin fish hatchery over a large number of years. All facilities require relevant consents granted under the Resource Management Act 1991 (RMA).

This report is intended to be a brief overview of what can appear to be a somewhat complicated process. The report focusses on identifying the key steps, likely timelines and issues to be addressed along with identifying the experienced persons who are required to satisfactorily take an idea through to a fully consented operation from a “green fields” situation. It is not intended that this report will cover “renewals” for existing facilities although technically the processes are the same, the way the applications are considered against existing baseline can be different. This report is written from the perspective of a generalised practitioner rather than from a specialised legal or planning expert fully conversant with all the detail.

2. INTRODUCTION

Land-based aquaculture is the farming of marine or freshwater organisms above the mean high water spring tide mark. It may be of any species.

Aquaculture, both land-based and marine, is defined in the Fisheries Act 1996 as “fish farming”. In summary, fish farming is:

- The breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, and seaweeds for harvest, and*
- All stock must be in the fish farmer’s exclusive and continuous possession or control, and be distinguished or kept separate from naturally occurring wild stock.¹*

Land-based aquaculture can be for sale, for personal use, research, and for enhancement of wild stocks for fisheries and conservation reasons. It can occur on private land or in public

¹ Land Base Aquaculture Review, Problems and Opportunities: Engagement Paper, DOC and MPI, Industry Discussion Paper, July 2013.

water space such as lakes, rivers and canals. It can involve farms that take and discharge water from and into natural waterbodies, and farms that require no or little take and discharge of water (ie, recirculating aquaculture systems).

Throughout this report there is reference to legislation relating to land-based aquaculture. A summary of this legislation and the party responsible for implementing the law is given below;

Legislation	Party Responsible for Implementation
Resource Management Act (1991)(RMA)	Regional or Territorial Authority (e.g. Regional or District Council)
Freshwater Fish Farming Regulations (1983)	Ministry for Primary Industries (MPI)
Conservation Act (1987)	Department of Conservation (DOC) and Fish and Game New Zealand
Building Act (2004)	Regional or Territorial Authority (e.g. Regional or District Council)

3. LAND-BASED AQUACULTURE

Land-based aquaculture in New Zealand is relatively limited in scale; however there are several operations that appear to have been successful such as the salmon farming activities in the hydro canals in Central Otago and the Oceanz Blue Abalone farming plant at Ruakaka in Northland and a paua hatchery in Tory Channel, Marlborough Sounds. Other land-based activities are small such as the tourist oriented Wairakei prawn farm and the tourist oriented salmon farm at Anatoki in Golden Bay. There are also some small scale Paua farms operating. There have been some major failures at times such as the Parengarenga recirculation facility set up to grow Kingfish.

On a global scale land-based aquaculture is huge with much of the world's aquaculture products being grown in fresh water especially in Asia and across the world with species not generally found in New Zealand.

There is a huge diversity of options in respect of land-based aquaculture ranging from simple flow through operations to sophisticated recirculation systems where the total environment is fully controlled. Geothermal activity in certain areas of New Zealand may lend themselves to warm water aquaculture such as the prawn farm mentioned above.

4. THE PROCESS

This paper will focus on a freshwater land-based operation and will limit issues to those that are relatively straight forward.

The RMA is a very important statute in New Zealand. It was originally intended to be user friendly legislation that the average New Zealander could make a resource application or submit in response to an application. It has been many years since that ideal and the process is now one for involvement by lawyers and often many other experts are required.

For an applicant the process is often daunting and increasingly the opposition is becoming more organised and sophisticated, often employing their own lawyers and experts. It is therefore imperative an applicant has a strong case that is substantiated by science and by expert opinion and that has the input of Lawyers and other focussed practitioners such as Planners to mould the application in to a logical, coherent and worthwhile proposal document to be followed by a hearing at Council or commissioner level or possibly if the initial decision is appealed a hearing in the Environment Court. In the event the parties have still not accepted a decision from this court, which is the usual final step then there is the High Court, the Court of Appeal or in extreme situations the Supreme Court.

There are several steps that need to be taken into account when embarking on such an application process. Some of these are legislative requirements and some others we recommend as a matter of course in order to streamline what can sometimes become a quite confrontational process.

Most Councils (as the Managers of the Environment) have information packages on their websites setting out the process to be followed in order to apply for and obtain resource consent. Most applications will in the first instance be submitted to the Council. Attached as Appendix 17.1 is a document from The Marlborough District Council website that provides such information, it also sets out the sometimes convoluted process and timeline required in order to process an application.

Before making an application there are a range of things that need to be done by the potential aquaculture proponent:

4.1. PROJECT DEVELOPMENT AND INFORMATION GATHERING

This cannot be overemphasised. In all proposals it is important that the basics have been carefully thought through. What is it you wish to do? Be very clear in as much of the detail as possible, people will want to know and you will be challenged.

We will assume the land has been acquired and you have done enough preliminary work to determine there will be enough water of suitable quality to grow the amount of fish proposed. A reputable **Fish Husbandry Expert** should be involved at an early stage of the process.

A **Business Plan** is a prerequisite for any proposed development and an expert in such modelling who has a sound knowledge of the key assumptions is extremely important early on, not so much at this stage for other parties but to give the potential applicant confidence in the proposal.

In relation to water supply, at an early stage it would be wise to enlist the services of a **Hydrologist**; they will be able to assist with knowledge about supply, seasonality, temperature and other parameters such as the location of a suitable aquifer. If the information is not readily available they will be able to recommend how to obtain that information. On site monitoring may be required if it is not available elsewhere. The hydrologist must also be able to assess and clearly demonstrate if there is to be any effect on existing users or if there is any limitation on the amount that can be taken (for example the Canterbury Plains is already over-allocated in places).

The water must be tested for its suitability; it must be sampled and it should be analysed by a **reputable laboratory** for key water quality parameters such as heavy metals, O₂, CO₂, hardness, turbidity and a range of others. These are basic knowledge requirements for any facility and an expert knowledgeable in fish husbandry will be able to ascertain suitability of the water supply.

An **Engineer** specialising in the required field will be required to carry out assessments of availability and make recommendations as to how the water will be taken and distributed through the proposed facility. The type of take may range for example from a bore to gravity supply and may even involve geothermal considerations. An engineer will also be

required to prepare a design of the facility. A drawing will be helpful when talking to potentially affected parties such as Council, neighbours, other users of the water resource, Iwi, Fish and Game, Ministry for Primary Industries and others. The design should include location of the water take location, raceways, tanks, ponds (including settling pond if necessary) buildings and vehicle access.

Resource Management Consultants, Surveyors and Architects may also be useful during this stage.

It is important this information gathering and project development phase is carried out diligently and enough time is allowed to obtain the relevant information. Potentially it could be one to two years before satisfactory robust information is obtained.

4.2. CONSULTATION

Consultation is not obligatory under the RMA, however it is very strongly recommended that where possible early discussions are had in particular with the relevant officers within the **Council** responsible for processing any application, they can be very helpful in identifying issues at an early stage and can help identify potentially affected parties.

Before completing preparation of the application documents it is wise to meet with as many people who may be affected as possible. This will include **neighbours** who may possibly have issues about visual effects, increased activity on site, noise, smell, lights, discharge and increased road traffic. If they are using water from the same supply you propose then that very obviously needs to be discussed.

Are there **other Aquaculture facilities** in the same water catchment? You should spend time with these to determine how best to mitigate any concerns. They will predominantly be to do with biosecurity issues.

Maori must be consulted. The RMA gives special recognition to Iwi and it is important they are part of the consultation process early on. Be sure you are talking with the relevant Iwi members, sometimes the Iwi may be mandated to speak on behalf of all and other times you may need to be speaking with the relevant hapu or whanau. Be aware the strong values

Maori place on the land and water may be much different than your own. Allow for meetings and deliberations to go on for some time.

Other **Special Interest Groups** may be identified who have an interest in your proposal such as dive clubs, canoe clubs, fishing clubs and there may even be some other special reason such your site potentially affecting some other activity you were not aware of. On occasion NGO's such as Forest and Bird and the Environmental Defence Society may become involved. You will be able to determine the concerns of all parties by face to face discussions which are far more beneficial to parties rather than waiting until the application has been made and the process underway.

Both **Fish and Game** and the **Department of Conservation** have a statutory role under the Freshwater Fish Farming Legislation and should be consulted early in the process. Both will likely have concerns and early discussions will help determine what may be required to be included in proposed consent conditions to mitigate those concerns.

The purpose of meaningful consultation is to reduce the potential for confrontation during the hearing, to enable the issues to be identified early on, for the parties to discuss between them and for possible solutions to be agreed and for the issues and recommended and accepted avoidance, remediation or mitigation measures to be clearly identified in the application documents and at the hearing.

It is our experience that no matter how much consultation is done nor how well you may think you have carried it out, there will always be someone who criticises an application for lack of consultation; that is considered normal, you should not be concerned and you should concentrate on doing what you consider reasonable and to the best of your ability. Start consultation as early as possible, but that start may be limited to when the proposal is clarified for some parties and for others it may be at the embryonic idea stage. Be prepared during the consultation period to modify the proposal in order to address concerns of other parties if necessary.

5. THE APPLICATION

An application document is important in that it must clearly set out what it is you are applying for and where you propose to carry it out. It is important that the application covers everything required as Council cannot grant consent for an activity that has not been applied for. Generally each Council has their own Resource Consent Application form that sets out what is required as part of the application. The template used by Marlborough District Council is included in Appendix 17.2.

Clear legal site location and ownership details along with details of the applicant and the applicant's agent contacts will be required. A clear succinct summary of what is being applied for is also included, this is often only one or two paragraphs; this will be used as part of the notification process and will appear in media such as local and national newspapers.

An application to for Water Permits also requires further mandatory information. Marlborough District Council and most other Councils include another form for completion. This is included in Appendix 17.3 for your information. Only the relevant sections need to be completed.

The application to take, use, divert/dam and/or discharge does not always include application to build structures or buildings. These often require separate Building Consents and are not dealt with here.

For a very simple application (which fish farm applications are not) then only the basic two pages (in the case of MDC) application document will be required.

For more substantial applications, additional information is required and this is appended to the document. This additional information will take the form of an Assessment of Environmental Effects (AEE). This document describes the application in some detail, summarises all of the potential issues and the proposed means to avoid, remedy or mitigate if necessary. It includes discussion around alternative options to carry out the proposed activity and also gives a summary of the social and economic benefits and environmental effects. There are specific legislative issues identified under the Fourth Schedule of the RMA that must be addressed. MDC has placed a copy on its website and this is included in Appendix 17.4.

A copy of an application made for the Takaka Salmon Farm is attached as Appendix 17.5 (not all attachments are included). Although technically not a "renewal" as the RMA treats all applications

as new it was an application to enable the continuation of the operation of an already established facility. The decision for that application is included as Appendix 17.6. It is interesting to note the application was treated as a non-notified application due to the significant amount of consultation and negotiation undertaken and the track record of the facility.

It is strongly recommended that someone experienced in compiling these is employed to do this. It may be for example a Lawyer or Resource Management Practitioner or both. Gone are the days when it is sufficient for a layman to prepare these documents, they require specialised knowledge and ability. There are many very good organisations able to do this in New Zealand but it would be wise to choose one that has experience in fish farm applications.

In general, fish farms will require consent to “TAKE”, to “USE”, to “DAM/DIVERT” and to “DISCHARGE” water. Some may not require “DAM/DIVERT” depending on the layout of the facility. Most freshwater facilities are not consumptive takes so the amount taken is the same as the volume discharged.

Compilation of the AEE is reliant to a significant degree on input from relevant experts. In addition to those issues already determined to be a concern, the consultation process will have assisted in giving direction as to what the key issues are and these must be given extra emphasis in the preparation by the relevant experts of reports covering off those issues and subsequently in the AEE. The list below is not exhaustive, however in normal circumstances could be expected to include:

1. Legal Opinion
2. Company Report
3. Economic Report
4. Hydrology
5. Site engineering report
6. Wastewater Treatment/discharge quality
7. Freshwater ecology of receiving waters
8. Biosecurity Report
9. Noise Report
10. Landscape Report
11. Transit Report
12. Planners Report

13. Consultation Report
14. Proposed Consent Conditions

5.1. Legal Report

This sets out the legal issues associated with the application that must be considered in particular as it relates to the RMA and Planning issues.

5.2. Company Report

This report provides the overall context of the proposal. It will include the background of the developer, the expertise of the persons employed and detail regarding the proposed facility.

This detail may include excerpts from the Business Plan to demonstrate the financial viability and proposed social and economic benefits.

It will discuss how the facility is to be used including such activities as pond cleaning, feeding and waste management. It will include how much water is applied for, what feed is to be used and what species are to be farmed. It will specify how many people will be employed. It will address many of the issues identified as part of the information gathering and project consolidation process stage and also the consultation process.

These issues might include vehicle movements, noise and visual effects. How each issue is to be avoided, remedied or mitigated will also be discussed. The key to this report is to give the decision maker comfort that the proposer is fully conversant and the proposal has addressed the issues considered more than minor and has a high probability of success if granted. Some of the substance of this report can be taken from the expert reports.

5.3. Economic Report

Generally it will not be necessary to present too much financial information as much of this will be commercially sensitive, however it will assist the process if there can be some idea presented that outlines the relative scale of the operation. Information supplied should assist in demonstrating the economic benefits to the area, to the region and to the country.

5.4. Hydrology

As indicated earlier water take and discharge are likely to be the main issues to be addressed in the application, it is important an expert in hydrology is used to prepare a report that clearly demonstrates the effect of the take on the aquifer or surface water supply. Some surface water such as rivers and streams may already have minimal flows imposed so it will be necessary in those instances to demonstrate these will not be exceeded as a result of the proposed take. They will need to present information that models the proposed take against the base flows, to take in to account seasonality and importantly to estimate what the effect will be on other users if there are any.

5.5. Site Engineering Report

An engineering Report will be required for the project, this will include site Plans showing the layout of tanks, raceways ponds and buildings. It will show how water moves through the facility and where it discharges. Most facilities will require some form of water treatment to reduce the effect the discharge will have on the receiving waters this may be in the form of a large settling pond or possibly a more sophisticated treatment process such as micro screening and/or aeration. A recirculation system uses limited water so a more “natural” low volume treatment system such as a soakage field may be appropriate. This will need to be identified in the report.

Site suitability must be addressed. Is the land stable or subject to instability? Is it subject to flooding and if so is there provision for a stop bank or similar?

Each site has its own specific issues so it is important an expert is used to investigate these and propose solutions.

5.6. Wastewater Treatment/discharge quality

This requires a review of the stocking levels, feed use, pond cleaning and modelled discharge quality. This will enable an assessment as to what treatment may be required before water is discharged.

5.7. Freshwater ecology of receiving waters

The effect any discharge has on the receiving waters and on the flora and fauna within those waters is possibly one of the most important aspects of any land-based freshwater

proposal. A Baseline Report will be required prior to making the application. This will require field work at least once before beginning discharge but possibly more and two six months apart is a likely scenario to allow for seasonal variability and to ascertain the relative health of the receiving water body. This monitoring and reporting will determine how sensitive the receiving waters will be and will allow an expert to recommend the agreed level effect and thus determine what the quality of the discharge may be. There is a range of water quality parameters that may be used however these are often limited to O₂, BOD, Suspended solids and one or two others. In some situations such as where the water has high visual clarity a condition limiting the reduction in visual clarity may be imposed. Generally these are included in the proposed conditions that accompany the application.

5.8. Biosecurity Report

Biosecurity has received more attention over recent years and will likely to be one of the issues brought up during the application process. An expert opinion in relation to the risk of escapes from the proposed species to be farmed, the potential for other species to move in to the proposed facility, the likelihood and consequence of a disease outbreak on site and the effect on the receiving waters, the risk of transfer of unwanted pests and organisms such as Didymo as a result of farm activities will need to be assessed. A Fish Veterinarian experienced in biosecurity matters will be the most applicable person to prepare such an opinion/report. There are one or two suitable in New Zealand that can be recommended, alternatively overseas input may be required. In general an overarching Biosecurity Risk Management Plan will ordinarily address all of the potential issues. A Biosecurity Risk Management Plan should be prepared or at least a commitment made that one will be in place prior to start up.

5.9. Noise Report

Where machinery such as vehicles, pumps and generators are proposed it may be necessary to employ an acoustics expert to provide expert opinion on the potential noise emissions, likely nuisance to neighbours and compliance with the local Plan.

5.10. Landscape Report

A Landscape Report may not always be required, however it has become more of an issue over recent years. Recently a large land-based proposal was turned down partly due to visual issues. Expert opinion may be required on the visual aspects of the proposal. This

may require an artist impression of the fully developed site with plantings and careful use of recessive colours and building and plant design to minimise the overall effect. The report will provide expert comment on the appropriateness of the final design and layout.

5.11. Transit Report

This report will comment on the increased road traffic, its frequency and the potential for increased accidents and incidents. The effect on road maintenance requirements may also be an important issue especially with heavy vehicles in rural areas where many of the roads are either gravel or poorer quality bitumen surfaced. Access on to and from the site may also need to be addressed as road frontages do not always allow for easy site access.

5.12. Planners Report

The Planners Report pulls together all of the issues and then takes in to account the local Resource Management Plan with its Policies and Rules and in general the RMA itself. The report clarifies the issues and then ascertains whether they are compliant.

5.13. Consultation Report

As identified previously, consultation is not obligatory but is recommended. A Consultation Report provides a summary of who was consulted, how often and when, the issues arising and the actions taken to address those concerns. Meaningful consultation will often mean there will be less submitters appearing at the hearing as the concerns of those submitters will have been addressed to their satisfaction.

Iwi consultation is particularly relevant. Iwi may wish to prepare a Cultural Impact Assessment (CIA) and may ask for the applicant to fund this. This is relatively common and not an unreasonable request. There will be range of issues of interest to Iwi such as the effect on the water, on Kaimoana, traditional/ancestral sites such as Pa (village) and Urupa (burial sites), on Maori land or land subject to an historical rights claim and other issues. They may be interested in the potential for jobs and any other potential offsetting options. The CIA will accompany the application.

5.14. Proposed Consent Conditions

It is good practice to provide a draft set of proposed consent conditions. This will assist the consenting officer, submitters and decision makers. It will be a “live” document that can be

modified at any time. A copy of a final set of Consent conditions for the Takaka Salmon Farm is appended as Appendix 17.6.

6. LODGEMENT AND NOTIFICATION

It is possible to apply directly to the Environment Court to have the applications processed however it is most common for the application to go to Council. Council also have the option of recommending the application go direct to the Environment Court.

The completed application is presented to Council and a receipt with the date and time is issued. Council then review the documents for completeness. If not satisfied the Council can then issue what is colloquially termed a section 92 which is a request for further information. The purpose of preparing a very full application is to avoid such a request and subsequent time delay. If a section 92 request is made the processing clock is stopped until such time as the requested information is received.

Once satisfied either with the lodged application as is or subsequent to receipt of section 92 information the Council will formally inform the applicant. Council then have up to 10 working days in which to notify the application. A new facility will normally be a fully notified application which means the application will appear in local papers and will be sent to all potentially affected parties and statutory parties. It is unlikely that a “limited” or “non-notified” process will occur unless there are some very special considerations. It is advisable to obtain written consent for the application from potentially affected parties if possible this may be done at any time but is best if before the process gets to a hearing. Marlborough District Council have a form for this which when filled out, signed along with a copy of the application document also signed and dated will be taken in to account when making any decision. This is included in Appendix 17.7.

7. SUBMISSION PERIOD

Once notified there is a period of 20 working days to make a submission.

8. HEARING

A hearing date is normally scheduled within 25 working days of the final date for submissions.

In the unlikely event there are no submissions and the proposal is generally in accordance with RMA and Plan requirements then a formal hearing may not be required and the proposal may progress as non-notified.

Council may decide to appoint a Hearings Committee to hear the application or alternatively may appoint a Commissioner. In an extreme case the Council may decide to not hear the application and refer it directly to the Environment Court. This situation is rare.

More likely there will be a formal hearing in front of either the Committee or a Commissioner.

The Hearing is formal and requires some preparation by the applicant; depending on emphasis required as a result of obtaining feedback through the submission process each expert may be required to prepare a brief of evidence with special emphasis on issues identified. Generally the submissions will be in writing and may be read to the Hearing Panel or Commissioner. Expert evidence will be confirmed to be given according to the rules for expert witnesses. The usual procedure for the hearing is for all parties to introduce themselves, then the applicant will lead off usually with the applicant's lawyer introducing the company representative/s and the experts appearing on behalf of the applicant. There is usually a Legal submission setting out the relevant legal issues followed by each expert presenting. All or only some of the experts involved in preparing the Application may be required to appear. There is no cross examination allowed but each may be asked questions of clarification sometimes during the presentation but often at the end. The other parties appearing may also be offered the opportunity to ask for clarification.

Similarly the submitters are able to present their submissions with questions of clarification only allowed as for the applicant. The Consenting Officer then is able to make comment and recommendation on the proposal followed by questions from the Hearings Panel or Commissioner followed by a Right of Reply based on issues arising from the submissions.

The Court can then close the Hearing in which case a decision is to be made within 15 days with provision to extend if necessary. Alternatively the case may be held open subject to further information requirements such as for example reaching agreement on certain consent conditions.

9. DECISION

A decision is made in writing and is copied to all parties. A decision includes the basis for the decision including case law, legal considerations including compliance with the RMA and Plan. There are few if any recent new freshwater land-based applications that can be used as an example, however a copy of a Resource Consent Granted in 2011 for the Takaka salmon farm owned by the New Zealand King Salmon Company Ltd is attached as App(2). This Consent although processed as a non-notified application for a range of reasons including agreement from all potentially affected parties and

because it was a long standing operation is still relevant to show the outcome from the decision making process. There was a significant amount of consultation and negotiation required including drafting and redrafting the Consented conditions in consultation with the various parties.

10. APPEAL PERIOD

On receipt of the Council Decision there is a period of 15days granted to respond to the decision after which the decision document is finalised. This period is used to object to the detail of the decision and consent conditions and it is very important the applicant reads the decision carefully in particular the consented conditions which historically have contained such errors. Once granted they cannot be changed without some difficulty.

There is a period of 15 days allowed to make an appeal to the Environment Court subsequent to receipt of the Council decision. That Court although now relatively quick in hearing appeals still make take several months before a hearing date can be set, then some months may be taken before a decision is made.

11. ENVIRONMENT COURT

In most cases it is advisable to avoid the Environment Court. The Environment Court can be quite challenging and expensive for all parties. Effectively appearance before it can be because of a challenge on just one issue to do with the application but more normally is a rerun of the Council hearing, however in more detail and a much more formal style with the ability for all parties to cross examine on all issues. This process is confrontational and can become personal and can be long and expensive.

12. DECISION

There is no time limit set on releasing a decision from the Environment Court and it is possible that a decision can take many months and even years.

13. APPEAL TO HIGH COURT

It is possible to Appeal the Environment Court Decision to the High Court.

14. IMPLEMENTATION

Once all appeals are completed and subject to compliance with the Consent Conditions the building and commissioning of the proposed facility may begin. Consent conditions may include conditions

such that a period of baseline monitoring must be carried out before any on-site activity for example.

15. LAPSE PERIOD

Each resource Consent has a lapse period within which the Consent must be given effect to. This is normally 5 years. If the consent is not used and it lapses but is still required, a full application process must be employed as though starting from scratch.

A flow chart summary of the application process is included in Appendix 17.8 to show the convoluted process through which an application must progress. The above sequence is a simplification of this flow chart.

16. FISH FARM LICENCE

Although not considered part of the brief for this report, included here is a basic summary for obtaining a Fish Farm Licence. It sets out the requirements including Resource Consent to take and discharge water. The application for a Licence is relatively straight forward subject to meeting the provisos below but will be subject to much scrutiny by bureaucrats within the relative government departments and other statutory bodies. Much of the information prepared for the RMA process will be useful for this application to MPI even though Council will have already sought MPI and other statutory bodies input to the Consenting process, so they should already be familiar with the proposal.

Recently MPI and DOC began a review of land-based aquaculture. As part of the June 2013 briefing document a summary of the current land-based regime was presented to workshop attendees. Extracts from that are included in Appendix 17.9 including the definition of land-based aquaculture above and a summary of the authorisations required.

17. APPENDICES

17.1. Marlborough District Council Guidelines for Applying for a Resource Consent

Guidelines for Applying for a

RESOURCE CONSENT

A resource consent is the approval of a local authority - in this case, the Marlborough District Council - to undertake an activity that is not a permitted activity and may not occur 'as of right' under the Resource Management Act 1991 (RMA) or the various formal plans governing the use of natural and physical resources in Marlborough and its coastal areas. This brochure explains the Council's obligations under the RMA for the issuing of resource consents, how to apply for them and the Council process for considering them. It is not intended as a substitute for the RMA or Marlborough's resource management plans. For specific information, reference should be made to those documents.

1 This aim is the basis of the Marlborough Regional Policy Statement from which Marlborough's resource management plans - principally, the Marlborough Sounds Resource Management Plan and the Wairau/Awatere Resource Management Plan - are prepared and administered, in accordance with the RMA. These plans allow people to use resources in ways that limit harmful effects on the environment.

Activities are classified as permitted, controlled, restricted discretionary, discretionary or prohibited. If they do not fit any of these categories they are termed non-complying. A resource consent is required for all activities other than a permitted or prohibited activity. The Council is unable to accept an application for a prohibited activity.

POLICIES AND CONTROLS

The primary aim of the RMA is to promote the sustainable management of natural and physical resources while safeguarding air, water, soil and ecosystems, sustaining the resources for future generations and dealing with any adverse effects from activities on the environment.

MARLBOROUGH DISTRICT COUNCIL

2 CONSENT TYPES

There are five types of consent:

- land use consents
- subdivision consents
- water permits
- discharge permits
- coastal permits

Each of these consent types is the subject of a separate brochure, available on request from the Council.

Some activities may require more than one consent. For example, sinking a well for irrigation purposes requires both a land use consent and a water permit.

The Council's role is to assess each application and to approve, conditionally approve or decline the application.



INFORMATION REQUIREMENTS

As an applicant for a resource consent, you need to give the Council sufficient information to enable a proper assessment of your application. If sufficient information is not received, the Council can decline to receive the application.

Council staff are available to discuss your proposal and guide you about the type of consent(s) you may require, the

information you need to provide, and who the affected (or potentially affected) persons may be. (The Case Officer dealing with the application will confirm who the affected persons are, once a complete application has been received.) It is advisable to consult with these affected persons.

Talking to the Council and other interested and/or affected parties will help avoid the unnecessary delays and costs that can arise through lack of information provided in the application.

Professionals such as surveyors, resource management consultants, civil engineers, architects and lawyers can help you prepare your application, especially if it is complicated or will have significant adverse effects on the environment. Council staff cannot give you this help, because they have to remain impartial in the resource consent process.

PROCESSING OF APPLICATIONS

The Council processes applications in accordance with procedures defined in the RMA.

Applications can be processed in one of three ways –

- **public notification** (advertised in the local newspaper and served on affected and other statutory parties) or;
- **limited notification** (served only on affected parties) or;
- **non-notified** (not advertised).

3 Non-notified applications

If the Council is satisfied your activity will have only minor adverse effects on the environment, and if all persons the Council considers may be affected by your proposal have approved it in writing, your application may not need to be notified.

The Council staff dealing with your application will assess your proposal, usually visiting its location. They will then write a report and recommendation for the Council, which will decide if the consent should be granted.

A written decision on a non-notified application is issued within 20 working days of the application being received.

Limited Notification Applications

Limited notification applies where it is determined that the proposal will have no more than a minor adverse effect on the environment but the written consent of all affected parties has not been received. Council is required to serve notice, a copy of the application, on all the affected parties.

The period for lodging a submission is 20 working (statutory) days. A hearing shall be required if a submitter requests to be heard and follows the same procedure as that for a publicly notified application hearing.

Publicly notified applications

The Council has 10 working days from the date the application was received to notify it. If your application is to be publicly notified, the details of it will be advertised in the local newspaper(s) to give members of the public the

opportunity to make submissions on your proposal.

Persons that the Council considers may be affected by your proposal are advised of it by mail, together with a copy of your application. A sign may be placed on the property identifying it as the site of the application. Submissions close 20 working days after the advertisement appears in the newspapers.

If your proposal is generally in accordance with RMA and plan requirements, and no submissions are received that require a formal hearing, then the application may proceed as for a non-notified application.

If your proposal is not generally in accordance with RMA and plan requirements and/or submissions are received that require a formal hearing, the application will be considered at a hearing of the Resource Hearings Committee (usually comprising three Councillors). In some cases an independent Commissioner will hear the application.

This hearing is usually scheduled within 25 working days of the closing date for submissions. For further information on the hearing's process refer to the Council's brochure.

Guidelines for Attendance at Resource Consent Hearings.



A written decision is required to be given to the applicant and submitters within 15 working days of the end of the hearing. The hearing concludes when a decision is formally reached.

(NOTE: Either the applicant or submitters can appeal the decision to the Environment Court, within 15 working days of receipt of the decision.)

Having issued a resource consent, the Council is responsible for monitoring conditions of consent, as required.

COMPLETING THE APPLICATION FORM

Applicant details: Provide your contact details. If you are employing an agent to act on your behalf, provide the agent's contact details as well.

Type of consent(s): Tick the box relevant to the consent(s) you are seeking. Some applications will require more than one type of consent. Tick all the relevant boxes.

Description: Fully describe the proposal for which consent(s) is being sought. Continue this description on a separate sheet if required. Fill this out accurately and completely, because the Council



4

cannot grant a consent for any activity for which you have not applied. [It is also recommended that you complete the assessment of environmental effects (as outlined below) before finalising the description, because you may wish to reconsider the details of your proposal based on this assessment.]

Location: Describe the location of the proposal site in a way that will allow it to be easily identified - for example, house number and street address, the name of any relevant stream, river or other water body to which the application may relate, and the proximity of the proposal to any well-known landmark.

Provide the legal description (usually described as Lot and DP number), the valuation number and the property number of the location. This information can be found on the rates invoice for the property. Include the certificate of title reference (or a copy of the title) if you have it available.

If you are renting or leasing the property, if it is in joint or multiple ownership, or is owned by a company or family trust, provide the full name(s) and address of the registered owner(s).

Provide a site plan of the location and the areas where activities are intended to take place, identifying features such as buildings, roads, property boundaries, watercourses etc. Drawings should be to scale, preferably 1:200 for a site plan, and 1:100 for plans and elevations of buildings. You may also wish to provide photographs. For rural applications include a 1:50,000 scale map identifying the site location.

Assessment of environmental effects: The Council cannot process an application that does not include this

assessment as required by Schedule 4 of the RMA. The amount of information you provide should correspond to the scale and significance of the effects of your proposal. If you are in any doubt about the effects or if you are submitting a complicated or high impact proposal, it is recommended that you seek professional assistance with this assessment. Council staff can advise on the type of assistance you may need. A copy of the Fourth Schedule of the Resource Management Act 1991 (Assessment of Effects on the Environment) is available from the Council on request.

The RMA defines "environment" very widely. It is not solely the air, land and water but also ecosystems, as well as people and communities. An "environmental effect" is any change to the environment caused by an activity.

Environmental effects can be:

- positive or negative
- temporary or permanent
- past, present or future
- cumulative (occur over time or in combination with other effects)
- of high probability
- of low probability but high impact.



5

It is essential that you fully understand the environmental effects of your proposed activity. Think about your proposal and how it will change the site you intend to use or develop.

Consider the:

- effects on those in the neighbourhood (look at your proposal from your neighbour's point of view)
- physical effects on the location
- effects on ecosystems, plants and animals
- effects on natural and physical resources

Some examples of adverse effects caused by activities are increases in traffic, soil erosion, noise, dust, shading, degradation of historic or cultural sites, loss of vegetation and habitat, decrease in water quality and/or quantity, visual impact, changes to coastal processes, discharge of contaminants into air, land or water.

Information about the requirements for specific consents is available in the Council's brochures on each of the five types of consent provided for.

Approval from affected parties: Talk to everyone who has an interest in, or is likely to be affected by your proposed activity - for example, your neighbours, iwi, the Department of Conservation, environmental groups and the owner of the property if it is not you. Council staff will give you a list of everyone who may be affected. For non-notified applications you may need to obtain written approval of your proposal from these parties, and obtain their signature on a copy of your application. The

Council has a standard form for this purpose. Include copies of any correspondence with these parties.

An affected person may withdraw approval at any time before a decision is made on your application. It is recommended, therefore, that your consultation is open, even-handed and covers all aspects of your proposal.

Consultation with iwi may be necessary. Council staff can provide you with contact details for local iwi. Areas of possible special interest to iwi include:

- water quality and quantity
- fish, seafood and other food sources
- the coastal environment
- sand and shingle in riverbeds
- Maori traditional/ancestral sites, including cemeteries
- Maori land
- cultural resources.

Signing the application form: Read the terms and conditions on the application form before signing it. If your agent signs the form on your behalf, your agent is also bound by these terms and conditions and is responsible for the payment of the fees.



6

COMMONLY ASKED QUESTIONS

How much does a resource consent cost?

Costs vary. The Council operates a user pays policy in processing resource consent applications, charging all associated costs on an actual and reasonable basis, at set hourly rates. All applications require a lodgement to be paid when lodged with Council. Without it, the application will be returned.

The amount of the lodgement depends on the type of application and the process it goes through. A full schedule of fees is provided on the website.

These costs are payable irrespective of whether an application is granted or declined.

Can I still be involved in the process if I employ an agent?

Yes. You can reach an arrangement with your agent. The agent will prepare and sign your application. To enable efficient processing of your application the Council will refer all dealings regarding the application to the agent. It is, therefore, important to give your agent clear instructions on your requirements.

Can the Council ask me for more information about my application?

Yes. Section 92 of the RMA allows the Council to request further information regarding the application at any reasonable time before the Council makes its decision. The RMA provides you with a right to object to this request.

7



Can I object to and/or appeal the Council's decision?

Yes. If your application was non-notified you may, within 15 days of receipt of the decision, request that the Council's Resource Hearings Committee reconsider the decision. If the Council's consideration of your objection is unsuccessful you can appeal to the Environment Court.

If your application was notified, both the applicant and any submitters can appeal the Council's decision to the Environment Court.

An appeal must be lodged within 15 working days of receipt of the decision. The Court will reconsider your application. The Environment Court has the status of a court of law. Be aware



that appeals can be expensive and time-consuming and the Court can award costs against one or more parties.

If you are considering an appeal, in either instance, it is strongly recommended that you seek legal advice.

"WORKING DAY"

The words "working day" used in this brochure mean any day except:

- Saturdays, Sundays, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday and Waitangi Day
- a day from 20 December in any year to 10 January the following year (inclusive).

**For further information,
please contact:
Marlborough District Council
PO Box 443
Blenheim 7240
Ph: (03) 520 7400
Fax: (03) 520 7496**

Email

ISO 9001:2008
Document Number:
R/B0001-C11247
September 2011

mdc@marlborough.govt.nz

Website
www.marlborough.govt.nz

17.2. Marlborough District Council Resource Consent Application

Resource Consent Application

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



**MARLBOROUGH
DISTRICT COUNCIL**

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.

For Office Use

ISO 9001:2008
Document Number:
RAP0002-CH248

Lodgement Fee Paid \$

Receipt No.

Consent No.

Case Officer:

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

Name:

Mailing address:

Email Address:

Phone: (Daytime)

Phone: (Mobile)

Fax:

2. Agent Details *(If different from above or if your agent is dealing with the application.)*

Name:

Mailing address:

Email Address:

Phone: (Daytime)

Phone: (Mobile)

Fax:

3. Type of Resource Consent Applied for

☐ Coastal Permit

☐ Discharge Permit

☐ Land Use

☐ Subdivision

☐ Water Permit

4. Brief Description of the Activity

Date Received

5. Property Details

The location to which the application relates is (address):

Legal description (i.e. Lot 1 DP 1234):

(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):

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.

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) 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 Date

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.

[Reset Form](#)

Marlborough District Council
PO Box 443
Blenheim 7240

Telephone: (03) 520 7400
Website: www.marborough.govt.nz
mdc@marborough.govt.nz



17.3. Information to support an application for Water Permits

Applicants Name



INFORMATION TO SUPPORT AN APPLICATION for Water Permits (mandatory information)

This additional application form is required to be provided to supplement the Application For A Resource Consent. It is recommended you read the Council's brochures *Guidelines for Applying for a Resource Consent* and *Guidelines for Applying for a Water Permit*. This form does not include any information necessary to support a Land Use Consent application that may also be required in association with your water permit – e.g. construction of a bore, intake structure, dam etc. Further information on these activities is available in the Council's brochure *Guidelines for Applying for a Land Use Consent*.

Please complete all sections that apply.

GENERAL:

1. Type of permit required:

Take surface water

☐

Dam water

☐

Take underground water

☐

Divert water

☐

2. Do you currently hold a water permit that is due to expire? Yes / No

If yes, please state the water permit number

3. Purpose for which water is required?

(Industrial, crop irrigation, etc)

4. Source of water

(name of river, stream, aquifer, etc)

5. Maximum quantity of take litres per second

cubic metres per day

cubic metres per week

GROUNDWATER:

1. Well number (if existing well)

2. Depth from ground level to bottom of well metres

3. Diameter of well millimetres

4. Has a pump test or well interference test been carried out on the well? Yes / No

If yes, please attach results.

SURFACE WATER:

1. Abstraction method
(e.g. intake gallery, suction hose, diversion channel, etc.)
2. Number of pumps to be used?
3. Rate of flow for pump litres per second.
4. Delivery pipe diameter millimetres

DAMMING OR DIVERTING WATER:

1. Please advise reason and purpose
.....
2. Is the dam or diversion permanent / temporary? (circle one)
3. If temporary, give duration details

CONSUMPTION SCHEDULE

	CROP A				CROP B				CROP C				TOTALS			
CROP TYPE e.g. corn, olives, etc																
AREA Number of hectares																
APPLICATION RATE (m ³ / ha / day)																
QUANTITY Cubic metres per day																
IRRIGATION PERIOD Circle months which apply	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr	Jan	Feb	Mar	Apr
	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug	May	Jun	Jul	Aug
	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec	Sep	Oct	Nov	Dec
METHOD Trickle, spray, etc																

Conversion formulae – 1,000 litres = 1 cubic metre (m³) = 220 gallons 1 acre = 0.4047 hectare

Y031a... © Registering Quality Systems/Resource Mgmt Control Chapter/Water Permit/Additional Formulae. Serial 20/001 16/08

Reset form

17.4. Information to support an application for a Resource Consent

Resource Management Act 1991 FOURTH SCHEDULE Assessment of Effects on the Environment



ISO 9001:2000
Document Number:
RAF0009-C1896

Extracted from the Resource Management Act 1991 as at 15 September 2005

1. Matters that should be included in an assessment of effects on the environment—

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88 should include—

- (a) A description of the proposal;
- (b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
- (c) Repealed.
- (d) An assessment of the actual or potential effect on the environment of the proposed activity;
- (e) Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use;
- (f) Where the activity includes the discharge of any contaminant, a description of—
 - (i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and
 - (ii) Any possible alternative methods of discharge, including discharge into any other receiving environment;
- (g) A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
- (h) Identification of the persons affected by the proposal, the consultation undertaken, if any, and any response to the view of any person consulted;
- (i) Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

1A. Matters that must be included in an assessment of effects on the environment

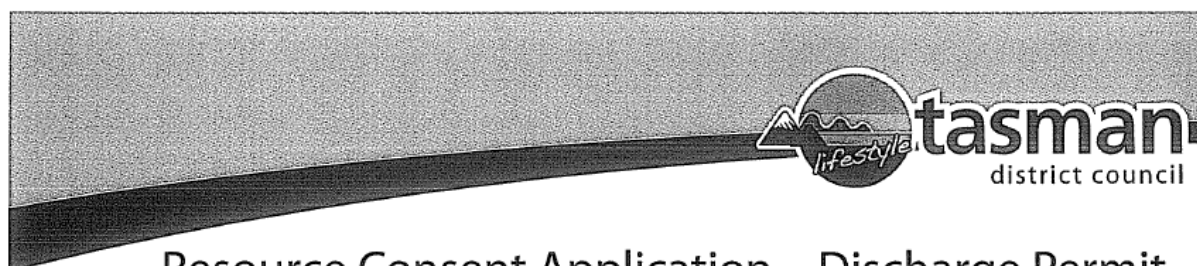
An assessment of effects on the environment for the purposes of section 88 must include, in a case where a recognised customary activity is, or is likely to be, adversely affected, a description of possible alternative locations or methods for the proposed activity (unless written approval for that activity is given by the holder of the customary rights order).

2. Matters that should be considered when preparing an assessment of effects on the environment—

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

- (a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects;
- (b) Any physical effect on the locality, including any landscape and visual effects;
- (c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
- (d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations;
- (e) Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants;
- (f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

17.5. Application for the Takaka Salmon Farm Renewal



Resource Consent Application – Discharge Permit

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

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.

A deposit in accordance with the Tasman District Council's schedule of charges, is required to be paid with the application.

In terms of Section 36 the Resource Management Act 1991, further charges may be imposed to recover actual and reasonable costs in processing the application. Likewise, if actual costs are less than deposit a refund will be made.

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.

FOR OFFICE USE ONLY

Deposit Paid \$ _____

Receipt No. _____

Consent No. _____

☐ Notified ☐ Non-notified

1 Applicant Details

If partnership, list full names of all partners

Name: THE NEW ZEALAND KING SALMON COMPANY LIMITED

Mailing Address: PO Box 1180, Nelson 7040

Phone(Bus): (03) 5259527 Phone(Pvt): 029 289 7037 Fax: (03)525 8130

2 Name and Address for Service *(if different from above or if your agent is dealing with the application)*

Name: CAMILLA OWEN

Mailing Address: c/- DUNCAN COTTERILL
PO BOX 827, NELSON 7040

Phone(Bus): (03) 546 6223 Phone(Pvt): _____ Fax: (03) 546 6033

3 Type of Resource Consent applied for

(Please also supply the information requirements on the sheet indicated by () following the type of consent.)

Land Use

- ☐ Land use Consent (5P)
- ☐ Signs (5P)
- ☐ Disturbance (5LD)
- ☐ Mineral Extraction (5LD)
- ☐ Bore (5LD)
- ☐ Removal of Indigenous Forest (5IF)
- ☐ Gravel (5LD)
- ☐ Dam (5DM)
- ☐ Watercourse (5WC)

Coastal Permit (5C)

- ☐ Occupancy *(Marine farm, Jetty, mooring etc)*
- ☐ Disturb/Reclaim/Plant Foreshore or Seabed
- ☐ Take/Use or Discharge to seawater

Subdivision (5S)

☐

Water Permit (5W)

- ☐ Take (and use) water
- ☐ Divert water
- ☐ Dam water

Mining (5M)

- ☐ Exploration and prospecting

Discharge Permit (5D)

☒

Is your proposed activity in a special area? See Information Sheet Special Areas.

07/10

1/4

4 Property Details

The location to which the application relates is: 367 Pupu Valley Road, Takaka

(Attach a sketch of the locality and activity points. Describe the location in a manner which will allow it to be readily identified eg 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 etc.)

Legal Description Lot 1 DP 14799, and section 296-297 Takaka District (CT9C/364)

(eg DP number, Valuation Number, Property Number. Please attach a copy of the Certificate of Title) (Nelson Land Registry)

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

Note: that as a matter of good practice and neighbourliness you should consult your neighbours about your development proposal. If you have not consulted your neighbours, please give brief reasons as this may be important for all applications.

5 Full Description of the Activity

To discharge salmon farming effluent via a settling pond to the Springs River.

To discharge salmon farming effluent via a bypass channel to the Springs River,
only when the effluent settling pond is being emptied, cleaned and maintained.

(continue on separate sheet if necessary)

6 Assessment of Effects on the Environment (AEE) *(Information Sheet RM Form B should be obtained)*

I acknowledge the requirement to advise of ways in which any adverse effects may have on the environment. I also acknowledge the requirement to advise of ways in which any adverse effects may be prevented or reduced. An assessment has been set out in terms of the Fourth Schedule of the Resource Management Act and is attached.

Note: Failure to submit an AEE may result in a delay of processing while this information is obtained.

7 Other Information

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

To take water from below Waikoropupu Springs at two intakes by gravity flow,
at a maximum rate of 4m³/s. To use water from below Waikoropupu Springs for the
purposes of salmon farming.

(ii) Include any other information required to be included in the application by the Resource Management Plan or Regional Plan or regulations.

(iii) **Please provide Three copies (minimum) of any plan, at least one of which is to be size A3 or smaller.**

Declaration

I (please print name) THE NEW ZEALAND KING SALMON COMPANY LIMITED hereby acknowledge:

(i) The requirement to provide details of additional consents needed, and the effects of my proposal on the environment.

(ii) That the minimum fee paid is a deposit against full costs.

(iii) That the information provided in this application and the attachments to it are to the best of my knowledge accurate.

(iv) I attach other information(if any) required to be included in the application by the Resource Management Plan or Regional Plan or regulations.

Signature of applicant or authorised agent:

Date March 2011

DISCHARGE PERMIT

Name: _____

Please provide information required in questions 1-3 and fill in the appropriate section(s) following:

1. Details of Discharge

Specify clearly details of this discharge to water, land or air (eg treated agricultural effluent, stormwater, processing water vapour) and the expected composition, including trace materials:

TO DISCHARGE SALMON FARMING EFFLUENT VIA A SETTLING POND TO THE SPRINGS RIVER.

~~TO DISCHARGE SALMON FARMING EFFLUENT VIA A BYPASS CHANNEL TO THE SPRINGS RIVER,~~
ONLY WHEN THE EFFLUENT SETTLING BOND IS BEING EMPTIED, CLEANED AND MAINTAINED.

Application relates to:

☐

New process

☒

Existing process

☐

Expansion of existing process

If the application is a renewal, state previous Discharge Permit Number: NN940175 and NN940183

Additional information attached. ☒ YES ☐ NO

(Discharge via
settling pond)

(Discharge via bypass
channel)

2. Discharge Impact

Are any of the discharges likely to give rise to odours, visible impact or other environmental effects under either normal or adverse discharge conditions? If so, describe or attach details.

Refer to AEE (attached)

3. Maximum Quantity of Discharge

4m³/s

~~litres per second~~

and/or

cubic metres per day

and/or

cubic metres per week

4. Site Plan

Application must include a site plan and elevations to scale, showing details of relevant proposed or existing pipeline chimneys, plant and facilities, the location and ownership of the immediately adjacent properties, site topography and any proposed changes thereto and the presence of any watercourses, drains, irrigation channels, depressions, wetland fresh or saline bodies of water or wells.

Conversion Formulae

1,000 litres = 1 cubic metre (m) = 220 gallons

1 acre = 0.4047 hectares

SECTION 1. Discharge to Surface or Ground Water

(i) Name of receiving waters: _____

(ii) Is discharge Treated/Untreated? _____

(iii) Is discharge Continuous/Frequent/Intermittent? _____

(iv) Describe any treatment process prior to discharge: _____

(v) Outfall configuration and location: _____

(vi) Describe land cover and subsurface soil type(s), including depth to any impermeable layers: _____

3/4

SECTION 2. Discharge to Land

(i) Discharge application rates mm per week

(ii) Land area on to which discharge is disposed hectares

(iii) Is discharge ☐ Treated ☐ Untreated?

(iv) Is discharge ☐ Continuous ☐ Frequent ☐ Intermittent?

(v) Describe any treatment process prior to discharge:

(vi) Describe land cover and subsurface soil type(s), including depth to any impermeable layers:

SECTION 3. Discharge to Air

Process

- (i) Give full details of the process, including drawings and flow diagrams, detail all components of the plant, show all liquid and gas flow, all interconnections, pressure relief, safety valves and bursting discs, if used.
- (ii) Details of the disposal of all waste generated by the process and associated facilities.

Structures and Surroundings

- (i) Give the dimensions (width, length and height) of all structures on site and the height and distance from any buildings on adjacent properties which are other than the on site structures.
- (ii) Give details of the surrounding terrain eg flat, gentle hills, steep slopes rising to "x" metres, sea etc.

Have you included your Assessment of Environmental Effects?

A contingency plan for dealing with all emergency discharges may be require by Council.

Signature of applicant authorised agent

Date: MARCH 2011

Application For Resource Consent to Take, Use or Divert Surface Water

To: Co-ordinator Customer Services
 Tasman District Council
 Private Bag 4
 Richmond, Nelson 7050

(Including Changes to Conditions of Current Resource Consents)

PART A: Contact Details

Pursuant to Section 88 of the Resource Management Act 1991, the undersigned hereby applies for a permit in accordance with the details below:

FOR OFFICE USE ONLY

Consent No: _____

Fee: _____

Customer No: _____

1. Applicant(s) Details

Company Name: (if applicable) THE NEW ZEALAND KING SALMON COMPANY LIMITED

Name(s):

First Name(s) _____ Surname: _____

First Name(s) _____ Surname: _____

First Name(s) _____ Surname: _____

Contact Person Details (if applicable)

Name of Contact Person: Jon Bailey

Postal Address: The New Zealand King Salmon Company Limited
PO Box 1180, Nelson 7040

Street Address: (if different from above) _____

Phone Number: (03) 525 9527

Business: _____ Private: 029 289 7037

Mobile: 029 289 7037 Fax: (03) 525 8130

Email Address: Jon.Bailey@kingsalmon.co.nz

2. Consultant/Agent Details (if applicable)

Consultant/Agent Name: Camilla Owen

Postal Address: c/- Duncan Cotterill
PO Box 827, Nelson 7040

Phone Number: _____

Business: (03) 546 6223 Private: _____

Mobile: 021 248 6103 Fax: (03) 546 6033

Name of Contact Person: _____

Email address: c.owen@duncancotterill.com

3. All correspondence relating to this application should be sent to: (tick one only)

☐ Applicant ☒ Consultant/Agent ☐ Other (specify) _____

07/10

1/10

4.* Application type: Indicate whether this application is for: (tick one)

- ☐ a. A new water permit
- ☒ b. A replacement for an expiring/~~expiring~~ water permit and for the same quantities or less
- ☐ c. A change to the conditions of a current water permit
- ☐ d. A replacement for an expiring/expired water permit and for increased quantities

If you have ticked b, c or d, give the reference number and description (purpose and quantities) of the expired or current permit

NN840174 - expires on 25 September 2011

5. List any other consents required in relation to this proposal and indicate whether or not they have been applied for or granted:

Renewal of existing discharge consents NN940175 (discharge via settling pond)
and NN940183 (discharge via bypass channel)- both applied for contemporaneously.

ASSESSMENT OF EFFECTS

PART B: Description of Proposal

Enclose with your application a Council (GIS) generated aerial photo showing the location of any neighbouring bores, the river/stream/lake/dam from which you propose to take water, the position of the take point, the area in which the water is to be used, local named roads, names of neighbouring property owners, property boundaries, any upstream or downstream water users, any waterfalls, dams, wetlands or wildlife habitats and other relevant features eg. buildings, fences. Council's Customer Services Officers will provide this aerial photo on request.

1. Site where water is to be USED.

☒ Owner ☐ Lessee ☐ Prospective purchaser

☐ Other (specify)

b. Legal Description (as shown on Rate Demand)

Lot 1 DP 14799 CT 9C/364

☐ Other (specify)

c. Property valuation number

d. Total Property area (ha) 9.1725ha

e. Address/Location 367 Pupu Valley Road, Takaka

2.* If the site from which the water is to be TAKEN is not on the above property, please indicate

a. Name of owner The Crown

Address/Location Waikoropupu Springs, Takaka

b. Legal Description of land where take point is situated

Lot - DP CT

c. Property valuation number -

3.* Map reference of Take Point

[Use NZMS 260 (1:50,000)] If unknown, this can be left blank for Council staff to complete provided the bore is accurately located on the aerial photo.

4.* Source of Water

☐ River/Stream ☐ Existing dam ☐ Proposed dam ☒ Spring ☐ Lake

Give the name of the stream, river or lake (or if the stream is unnamed, state what water body it is a tributary of)

Name WAIKOROPUPU SPRINGS or Tributary of

2/10

- ☐ Irrigation ☐ Industry ☐ Municipal supply ☐ Stock ☐ Household
- ☒ Other (specify) **SALMON FARMING**

- | | | | | | |
|-----------------------------|----|--------------|-------|-------------------------|----|
| Pasture | ha | Horticulture | ha | Sportsfield/Golf course | ha |
| Glass/Plastic house/nursery | | ha | Other | ha | |

ha	Start date	Finish date
ha	Start date	Finish date
ha	Start date	Finish date

If the total irrigated area is partly developed or proposed, state when full development will occur date:

Please state any other irrigation type

Maximum period of irrigation hours per day

Soil type name	Area (ha)	Water holding capacity (mm) (for the depth of soil utilised by the crop)

Area irrigated per rotation: ha

(ii) Surface runoff after irrigation of hill blocks? ☐ Yes ☐ No

Do you intend to apply to irrigate this land in future? ☐ Yes ☐ No ☐ Uncertain

7. Pump details:

Indicate whether the pump is: ☐ Existing ☐ Proposed

Pump Brand and Model _____

Maximum Pumping Capacity _____ cubic metres per hour

Operating head (pressure) _____ Motor size _____ kW or hp Motor speed _____ rpm

8. Quantities of water applied for:

a. Maximum hourly rate 240) _____ cubic metres per hour

b. Maximum daily quantity _____ cubic metres per day

c. Maximum weekly quantity _____ cubic metres per week

9.* Water Meter Details

Has a water flow meter been fitted? ☐ Yes ☒ No

If YES, current meter reading _____ m³ on (date) _____

Meter make _____ Model _____

Date meter was last recalibrated _____

10.* Screen intake details

Will the intake be screened? ☐ Yes ☒ No

If YES, will the screen hole/slot size used be less than 5mm? ☐ Yes ☐ No

And velocity less than 0.3m/sec at the screen surface? ☐ Yes ☐ No

11.* If water is to be used for INDUSTRY, state the type of industry, and the process in which water is used.

12. If water is to be used for MUNICIPAL SUPPLY, state population supplied:

13. If water is to be used for STOCK drinking water, state number and type of animals:

14. If water is to be used for HOUSEHOLD use, state number of houses and average number of people within each household:

PART C: Alternative Locations and Methods

1. Are there any alternative water sources available to you where any adverse effects of your taking may be less significant? (eg. groundwater, dam)

☐ Yes ☒ No

If YES, how are the effects less significant and why have you not chosen any of these water sources?

2. If water used is for industrial purposes, has a water audit been completed on your activity?

☐ Yes ☐ No

Are there any water conservation or leak detection programmes practised?

☐ Yes ☐ No

If the answer to either question is **YES**, provide details:

PART D: Assessment of Effects of the Proposed Activity on the Environment

You may wish to discuss this part of the form with the appropriate staff of the Tasman District Council. An assessment of the stream catchment may already have been completed. Regarding renewal applications, some of the following questions may not be relevant particularly for the larger rivers.

1. List the names of all the property owners/occupiers adjacent to and/or immediately downstream of your take point and distances to their boundaries.

Indicate if they draw water from the same watercourse (attach details on a separate sheet if necessary) and mark on your aerial photo.

(a) Name of owner	(b) Water Source(s)	(c) Permit number if held	(d) Distance to their Water Source (metres)	(e) Their use(s) of Water
?				
Identify any other person(s) who take water from this bore				
n/a	-		-	

2. Describe the watercourse downstream of your stream pump or dam site during the typical low flow period December to April

a. Width of watercourse m

b. Average depth of Water m

c. Mean annual low flow (if known) l/sec

d. Proportion of flow you intend to take at the low flow times %

Attach any stream flow data or observations which show there is sufficient water available in the watercourse for your activity, while sustaining the existing biota, and any other users etc.

3. Describe the bed of the stream (e.g. Is it gravelly, muddy or sandy? Are there any large pools?)

Refer to AEE (attached)

4. Give details (type and extent) of any vegetation bordering the stream (eg. pasture, bush, scrub).

Photos will be particularly useful.

Refer to AEE (attached)

5. Below your take point or dam site (where the take is from a dam) are there any:

a. obvious signs of biota? (eg. fish, shellfish, insect life, aquatic plants)

☒ Yes ☐ No

b. areas where food is gathered from the water? (eg. watercress, eels, kaimoana)

☐ Yes ☒ No

c. significant wetlands? (eg. large swamp area)

☐ Yes ☒ No

d. waste discharges? (eg. from rural sources, industries, sewage plants)

☒ Yes ☐ No

5/10

- e. recreational activities carried out? (eg. swimming, fishing, canoeing) ☒ Yes ☐ No
- f. areas of particular aesthetic value? (eg. scenic waterfall, rapids) ☒ Yes ☐ No
- g. areas or aspects of significance to Iwi ☒ Yes ☐ No

If you have answered yes to any of the previous seven features, then describe what is present and identify what adverse effects your taking may have. (Attach details on a separate sheet if necessary).

Refer to AEE (attached)

6. From the Tasman Resource Management Plan (TRMP)

(i) List any water body values and uses from Schedule 30.1

Waikoropupu Springs

Springs River

(ii) State any allocation limit specified for this zone in either Fig 31.1E or Fig 31.1F TRMP

N/a

(iii) Does the amount of water you propose to take on its own or in combination with other users exceed any allocation limit specified in the TRMP or any water conservation order?

☐ Yes ☒ No

(iv) From Schedule 31.1C does Council propose or require water rationing in your zone?

☐ Yes ☒ No

(v) If Yes, what is the proposed minimum flow and trigger for rationing in your zone?

(vi) Are water meters required or proposed in your zone?

☐ Yes ☒ No

(vii) Please confirm that you are applying for the common expiry date specified for this zone in the TRMP

☐ Yes ☒ No

If 'No' what shorter or longer period are you applying for?

25 year term

7. Are there any culverts on streams on your property with a drop on the downstream likely to obstruct the passage of fish?

☐ Yes ☒ No

8. Is your pump intake structure likely to cause erosion of the streambanks? n/a

☐ Yes ☐ No

If Yes, describe

9. Describe the extent to which rivers and streams on your property are fenced to exclude stock

N/a

10. Have you undertaken any water quality analyses or instream assessment on the stream? ☒ Yes ☐ No

If Yes, please attach a copy

PART E: Mitigation of Adverse Effects

1. Describe steps you will take to mitigate any adverse effects identified above.

(Attach details on a separate sheet if necessary)

Refer to AEE (attached)

2. Can the combined (cumulative) abstraction by you and other users be reduced by increasing the length of time over which water is taken or by rostering use with other users?

☐ Yes ☒ No

If so, how and to what rate?

PART F: Consultation

List below those parties consulted, their address and/or phone number, any concerns they have expressed and your response to this (attach additional list and/or supporting information where appropriate).

1. Name: Refer to AEE (attached) Address: _____

Position: _____
Their concerns: _____

Your response: _____

2. Name: _____ Address: _____

Position: _____
Their concerns: _____

Your response: _____

3. Name: _____ Address: _____

Position: _____
Their concerns: _____

Your response: _____

PART G: Declaration

I hereby certify that, to the best of my knowledge and belief, the information given in this application is true and correct. I undertake to attach the required aerial photo of the property. I also undertake to pay all actual and reasonable application processing costs incurred by the Tasman District Council.

Signature of Applicant or Agent: _____

Date: MARCH 2011

Name (block capitals) CAMILLA OWEN

Designation: (eg. owner, manager, consultant) Counsel for NZ King Salmon Co Ltd

Please attach your Deposit Fee payment for this application. Make cheques payable to the Tasman District Council. Refer to the fee schedule for details.

7/10

See separate document for continuation of Appendix 17.5

17.6. Resource consent decision Takaka salmon farm 2011



RM110270, RM110271
Writer's Direct Dial No. (03) 543 7241
Writer's E-mail: michael.croxford@tasman.govt.nz

2 December 2011

The New Zealand King Salmon Company Limited
C/- Camilla Owen
Duncan Cotterill
PO Box 827
Nelson 7040

RECEIVED
5 DEC 2011
BY:

Dear Madam

DECISION ON NON-NOTIFIED RESOURCE CONSENT APPLICATION NO. RM110270 & RM110271 – THE NEW ZEALAND KING SALMON COMPANY LIMITED

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent referred to above.

Section 357A of the Act provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be lodged with the Council, together with a fixed fee of \$200.00 (GST inclusive), within 15 working days of receiving this letter.

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly regarding the final costs of processing your application.

You may commence your activity immediately unless you lodge an objection to this decision. However, it is important that you check the conditions of your consent carefully as some of them may require you to provide information and/or plans to the Council before you may commence your activity. In addition, in some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.

Please note that under Section 125 of the Act, your consent will lapse in 5 years unless you have given effect to it before then.

Please feel free to contact me if you have any questions regarding any aspect of your consent or its conditions. My contact details are listed at the top of this letter.

Yours faithfully


Michael Croxford
Consent Planner, Natural Resources

Tasman District Council Email info@tasman.govt.nz Website www.tasman.govt.nz 24 hour assistance

Richmond	189 Queen Street, Private Bag 4, Richmond, Nelson 7050, New Zealand	Phone 03 543 8400	Fax 03 543 9524
Murchison	92 Fairfax Street, Murchison 7007, New Zealand	Phone 03 523 1013	Fax 03 523 9012
Motueka	7 Hickmott Place, PO Box 123, Motueka 7143, New Zealand	Phone 03 528 2022	Fax 03 528 9751
Takaka	78 Commercial Street, PO Box 74, Takaka 7142, New Zealand	Phone 03 525 0020	Fax 03 525 9972



RESOURCE CONSENT DECISION

Resource consent numbers: RM110270 and RM110271

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Tasman District Council ("the Council") hereby grants resource consents to:

The New Zealand King Salmon Company Limited
(hereinafter referred to as "the Consent Holder")

Activities authorised by these consents:

RM110270 To discharge water containing salmon farming effluent to Springs River via a settling pond or via a bypass channel only when the settling pond is being emptied, cleaned and maintained.

RM110271 To take, use and divert water from Springs River for the purpose of salmon farming.

Location details:

Location Co-ordinates (New Zealand Map Grid Datum) – see Plan A for reference:

Water Intake 1	2490585E 6039875N
Water Intake 2	2490564E 6039870N
Settling Pond Discharge	2490770E 6040450N
Bypass Channel Discharge	2490720E 6040325N

Address of property:	Legal description:	Certificate of title:	Valuation number:	Ownership:
Pupu Valley Road	Pt Lot 1 DP 6769	None	1870009301	Department of Conservation
Pupu Valley Road	Lot 2 DP14799	None	1870009401	Department of Conservation
367 Pupu Valley Road, Takaka	Sec 296 Takaka Dist, Lot 1 DP14799	NL9C/364	1870008600	NZ King Salmon Co Ltd
None	Crown Land Block V (under action) Waitapu Survey District	None	None	Crown Land
None	Legal Bed of Springs River	None	None	None

Pursuant to Section 108 of the Act, these consents are issued subject to the following conditions:

CONDITIONS RM110270 – DISCHARGES

VIA SETTLING POND

1 Records to be Kept

- 1.1 The Consent Holder shall keep such records to enable compliance with Conditions 5 – 8 to be monitored, and shall, if requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the Consent Holder shall in agreement with Council's Co-ordinator Compliance Monitoring, at its own expense, install, operate and maintain suitable devices.
- 1.2 Results of monitoring shall be held in a form that can be provided to the Council within 2 working days of any request being received.

2 Access for Council Staff and Agents

- 2.1 Access by the Council or its officers or agents to the land subject to this discharge consent is reserved pursuant to Section 332 of the Resource Management Act 1991.

3 Review of Conditions

- 3.1 The conditions of this consent may be reviewed in accordance with Sections 127 to 133 of the Resource Management Act 1991, within the month of December each year, for the purposes of:
 - (a) dealing with any adverse effect on the environment arising from the exercise of the consent;
 - (b) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
 - (c) reviewing the monitoring requirements placed on this consent;
 - (d) achieving consistency with relevant policies and rules of a future regional plan covering taking of water or discharging of water or contaminants; or
 - (e) requiring compliance with any National Environmental Standard.
- 3.2 In particular, within 6 months before 31 December 2017 and 31 December 2025, the Consent Holder shall provide Council with a written analysis and summary of all monitoring results received since either the grant of consent or (in the case of the 2025 report), since the 2017 report, identifying any trends or problems, so that the need for a review of conditions can be determined by Council (including review of the minimum flow requirements and any methods of taking and discharging).

4 Malfunctions, Complaints, and Farm Works

- 4.1 The Consent Holder shall keep a record of any malfunctions or complaints relating to the exercise of this consent, and any action taken. This record shall be supplied to Council upon request.

- 4.2 The Consent Holder shall notify Council's Co-ordinator Compliance Monitoring, and obtain any necessary resource consents, prior to carrying out excavation or construction works in any channel, pond, intake channel, riverbank or bed.

5 Discharge Quality

- 5.1 The effluent discharge shall comply with the following water quality standards:
- (a) the concentration of suspended solids shall not exceed 10 g/m³, and for monitoring purposes both volatile suspended solids and fixed suspended solids shall be measured;
 - (b) the 5-day biochemical oxygen demand shall not exceed 3 g/m³;
 - (c) the dissolved oxygen concentration shall not be less than 6 g/m³.

6 Receiving Water Quality

- 6.1 The effluent discharge shall not result in a percentage decrease in visual clarity in the Springs River downstream of the discharge which exceeds the following, after full mixing, when compared with the visual clarity in the Springs River immediately upstream of the discharge:

- (a) during normal operations -20%;
- (b) during fish pond and/or raceway cleaning -60%;
- (c) visual clarity, after full mixing downstream of the discharge, shall be calculated based on the following equation from Ministry for the Environment (1994)¹:

$$y_d = (Q + q) / \{ (Q/y_u) + (q/y_{eff}) \}$$

where:

Q	=	Springs River flow upstream of discharge
q	=	discharge flow
y _d	=	visual clarity of river downstream of discharge (after full mixing)
y _u	=	measured visual clarity of Springs River upstream of discharge
y _{eff}	=	measured visual clarity of salmon farm effluent discharge

- 6.2 Visual clarity of the Springs River immediately upstream of the discharge, and of the salmon farm effluent discharge, is to be measured using transmissometry.
- 6.3 Beam attenuation coefficients (c) measured using transmissometry are to be converted to visual clarity using equation 8 of Davies-Colley & Smith (2001)² (visual clarity = 4.8/c) if a green wavelength (~500nm) transmissometer is used; or the equation of Zaneveld & Pegau (2003)³ (visual clarity = 3.7 / (c*1.18+0.081)) if a red wavelength (~650nm) transmissometer is used.

¹ Water Quality Guidelines No 2 – Colour and Clarity, Ministry for the Environment, June 1994.

² Davies-Colley R J and Smith D G 2001. Turbidity, suspended sediment and water clarity: a review. *Journal of the American Water Resources Association* 37: 1085-1101.

³ Zaneveld R J and Pegau W 2003. Robust underwater visibility parameter. *Optics Express* 11: 2997-3009.

7 Settling Pond Maintenance

- 7.1 The settling pond shall be operated and maintained such that visible deposits of solids do not occur in the Springs River downstream of the discharge. A written statement regarding compliance with this condition shall be provided in meeting the requirements for discharge monitoring outlined in Condition 9 below.

8 Use of Chemicals in Water

- 8.1 The Consent Holder shall keep and make available to Council upon request records of any chemicals, antibiotics or additives which may be applied to or reach waters discharging from the salmon farm, and shall only use such substances as are commonly accepted for use in fish farming and only at rates up to those specified in manufacturers' directions.

9 Discharge Monitoring

- 9.1 Monitoring for compliance with Conditions 5 to 7 shall be carried out at least every 2 months during normal operations at the Consent Holder's expense.
- 9.2 In addition, monitoring for compliance with Condition 6 shall be undertaken once per year during pond or raceway cleaning operations. Monitoring shall occur during and up until 1 hour after cleaning operations have been completed.
- 9.3 Where non-compliance with any of the parameters under Conditions 5 to 7 are detected, the Consent Holder is to inform the Tasman District Council's Co-ordinator Compliance Monitoring immediately, and provide results of the non-compliance within 5 working days of the non-compliance being detected.
- 9.4 Resampling of the relevant parameter/s are to be undertaken within 7 working days to confirm compliance. The Council shall be informed of the results and any remedial action undertaken by the Consent Holder.
- 9.5 The results of all monitoring for compliance with Conditions 5 to 7 shall be summarised and reported in writing annually, and audited at the Consent Holder's expense, by the Tasman District Council.
- 9.6 The annual report shall include the following:
- (a) a description of the consent condition requirements; and
 - (b) a description of the methods used to monitor water quality; and
 - (c) a description of water quality monitoring and compliance; and
 - (d) reasons for any non-compliances that occurred.
- 9.7 The Consent Holder shall continue monitoring of the ecological health of the Springs River above and below the discharge by monitoring Macroinvertebrate Community Index and a visual inspection every year. The type, frequency and sites of ecological monitoring may be changed at the discretion of Council's Co-ordinator Compliance Monitoring but shall not be reduced to less than monitoring once every 3 years.

VIA BYPASS

10 Records to be Kept

- 10.1 The Consent Holder shall keep such records to enable compliance with Conditions 14-16 to be monitored and shall, if requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the Consent Holder shall in agreement with Council's Co-ordinator Compliance Monitoring, at its own expense, install, operate and maintain suitable devices.
- 10.2 Results of monitoring shall be held in a form that can be provided to the Council within 2 working days of any request being received.

11 Access for Council Staff and Agents

- 11.1 Access by the Council or its officers or agents to the land subject to this discharge consent is reserved pursuant to Section 332 of the Resource Management Act 1991.

12 Review of Conditions

- 12.1 The conditions of this consent may be reviewed in accordance with Sections 127 – 133 of the Resource Management Act 1991, within the month of December each year, for the purposes of:
- (a) dealing with any adverse effect on the environment arising from the exercise of the consent;
 - (b) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
 - (c) reviewing the monitoring requirements placed on this consent;
 - (d) achieving consistency with relevant policies and rules of a future regional plan covering taking of water or discharging of water or contaminants; or
 - (e) requiring compliance with any National Environmental Standard.
- 12.2 In particular, within 6 months before 31 December 2017 and 31 December 2025, the Consent Holder shall provide Council with a written analysis and summary of all monitoring results received since either the grant of consent or (in the case of the 2025 report), since the 2017 report, identifying any trends or problems, so that the need for a review of conditions can be determined by Council (including review of the minimum flow requirements and any methods of taking and discharging).

13 Malfunctions, Complaints, and Farm Works

- 13.1 The Consent Holder shall keep a record of any malfunctions or complaints relating to the exercise of this consent, and any action taken. This record shall be supplied to Council upon request.
- 13.2 The Consent Holder shall notify Council's Co-ordinator Compliance Monitoring, and obtain any necessary resource consents, prior to carrying out excavation or construction works in any channel, pond, intake channel, riverbank or bed.

14 Discharge Quality

14.1 The effluent discharge, no sooner than 15 minutes after the bypass is opened, shall comply with the following water quality standards:

- (a) the concentration of suspended solids shall not exceed 10 g/m³, and for monitoring purposes both volatile suspended solids and fixed suspended solids shall be measured;
- (b) the 5-day biochemical oxygen demand shall not exceed 3 g/m³;
- (c) the dissolved oxygen concentration shall not be less than 6 g/m³.

15 Receiving Water Quality

15.1 Following the establishment of full flow in the bypass channel, the effluent discharge shall not result in a percentage decrease in visual clarity in the Springs River downstream of the discharge which exceeds the following, after full mixing, when compared with the visual clarity in the Springs River immediately upstream of the discharge:

- (a) during bypass use -20%.

15.2 Visual clarity after full mixing downstream of the discharge shall be calculated based on the following equation from Ministry for the Environment (1994)⁴:

$$y_d = (Q + q) / ((Q/y_u) + (q/y_{eff}))$$

where:

- Q = Springs River flow upstream of discharge
- q = discharge flow
- y_d = visual clarity of river downstream of discharge (after full mixing)
- y_u = measured visual clarity of Springs River upstream of discharge
- y_{eff} = measured visual clarity of salmon farm effluent discharge

15.3 Visual clarity of the Springs River immediately upstream of the discharge, and of the salmon farm effluent discharge, is to be measured using transmissometry.

15.4 Beam attenuation coefficients (c) measured using transmissometry are to be converted to visual clarity using equation 8 of Davies-Colley & Smith (2001)⁵ (visual clarity = 4.8/c) if a green wavelength (~500nm) transmissometer is used; or the equation of Zaneveld & Pegau (2003)⁶ (visual clarity = 3.7 / (c*1.18+0.081)) if a red wavelength (~650 nm) transmissometer is used.

16 Restrictions on Use of Bypass

16.1 The discharge via the bypass shall only be exercised:

- (a) while the settling pond is being cleaned or maintained; and
- (b) for a total period of not more than 24 hours in any 6 month period; and

⁴ Water Quality Guidelines No. 2 – Colour and Clarity, Ministry for the Environment, June 1994.

⁵ Davies-Colley R J and Smith D G 2001. Turbidity, suspended sediment and water clarity: a review. *Journal of the American Water Resources Association* 37: 1085-1101.

⁶ Zaneveld R J and Pegau W 2003. Robust underwater visibility parameter. *Optics Express* 11: 2997-3009.

- (c) after any solids deposited against the bypass channel gate have been removed to avoid discharge into the river;
- (d) while there is no cleaning of raceways or ponds occurring.

16.2 The discharge via the bypass shall not be exercised between 20 December and 20 January inclusive, on public holidays or weekends.

17 Discharge Monitoring

17.1 Records shall be kept of the dates and duration of discharges via the bypass channel.

17.2 Monitoring for compliance with Conditions 14 and 15 shall be carried out during bypass use at the Consent Holder's expense.

17.3 Where non-compliance with any of the parameters under Conditions 14 and 15 are detected, the Consent Holder is to inform the Tasman District Council's Co-ordinator Compliance Monitoring immediately, and provide results of the non-compliance within 5 working days of the non-compliance being detected.

17.4 The results of all monitoring for compliance with Conditions 14 and 15 shall be summarised and reported in writing annually, and audited at the Consent Holder's expense, by the Tasman District Council.

17.5 The annual report shall include the following:

- (a) a description of the consent condition requirements; and
- (b) a description of the methods used to monitor water quality; and
- (c) a description of water quality monitoring and compliance; and
- (d) reasons for any non-compliances that occurred.

18 Duration of Consent

18.1 This consent expires on 31 May 2034.

CONDITIONS RM110271 – WATER TAKE, USE AND DIVERT

19 Records to be Kept

19.1 The Consent Holder shall keep such records of water flows to enable compliance with Condition 5 to be monitored, and shall, if requested, supply this information to the Council. If it is necessary to install measuring devices to enable satisfactory records to be kept, the Consent Holder shall in agreement with Council's Co-ordinator Compliance Monitoring, at its own expense, install, operate and maintain suitable devices.

19.2 In particular, the Consent Holder shall at its expense continuously monitor and record, electronically, water flows to standards agreed with Council, and supply the data to Council at least annually on the anniversary of the grant of this consent, to ensure compliance with Conditions 5 to 6 of this consent.

19.3 Results of monitoring shall be held in a form that can be provided to the Council within 2 working days of any request being received.

20 Access for Council Staff and Agents

- 20.1 Access by the Council or its officers or agents to the land subject to this consent is reserved pursuant to Section 332 of the Resource Management Act 1991.

21 Review of Conditions

- 21.1 The conditions of this consent may be reviewed in accordance with Sections 127 to 133 of the Resource Management Act 1991, within the month of December each year, for the purposes of:

- (a) dealing with any adverse effect on the environment arising from the exercise of the consent;
- (b) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
- (c) reviewing the monitoring requirements placed on this consent;
- (d) achieving consistency with relevant policies and rules of a future regional plan covering taking of water or discharging of water or contaminants; or
- (e) requiring compliance with any National Environmental Standard.

- 21.2 In particular, within 6 months before 31 December 2017 and 31 December 2025, the Consent Holder shall provide the Council with a written analysis and summary of all monitoring results received since either the grant of consent or (in the case of the 2025 report) since the 2017 report, identifying any trends or problems, so that the need for a review of conditions can be determined by Council (including review of the minimum flow requirements and any methods of taking and discharging).

22 Malfunctions, Complaints and Farm Works

- 22.1 The Consent Holder shall keep a record of any malfunctions or complaints relating to the exercise of this consent, and any action taken. This record shall be supplied to Council upon request.
- 22.2 The Consent Holder shall notify Council's Co-ordinator Compliance Monitoring, and obtain any necessary resource consents, prior to carrying out excavation or construction works in any channel, pond, intake channel, riverbank or bed.

23 Restrictions on Flow Take

- 23.1 When the flow in the Springs River above the salmon farm intakes is between 5.3 and 8.2 m³/s, the maximum take shall be reduced from 4.0 m³/s linearly down to 1.1 m³/s, as determined by the following equation:

$$\text{Maximum take} = \text{river flow above intakes} - 4.2 \text{ m}^3/\text{s}$$

Advice Note:

For example, if the flow in Springs River above the intake is 6.0 m³/s then the maximum take shall be 1.8 m³/s (ie, 6.0 m³/s – 4.2 m³/s = 1.8 m³/s).

- 23.2 When the flow in the Springs River above the intake channels is less than or equal to 5.3 m³/s, the maximum take shall be 1.1 m³/s.
- 23.3 For monitoring compliance with this condition, Springs River flow above the intakes may be calculated as [Flow at Springs River recorder] plus [Flow through salmon farm].
- 23.4 Compliance with the flow restrictions of this consent shall be deemed to have occurred if recorded flow through the salmon farm is no more than 5% more than the maximum take permitted at any one time.
- 23.5 Compliance with the flow restrictions of this consent shall also be deemed to have occurred where it can be demonstrated that high flows in the Springs River have flooded the flow recorder at the discharge weir, where flows are measured at the weir.

24 Take is Limited to Actual Needs

- 24.1 No water taken is permitted to bypass the salmon farm facilities unused, and no water taken shall exceed the minimum required for the salmon held at that time.

25 Monitoring of Flow through Salmon Farm

- 25.1 All flow monitoring shall be carried out at the Consent Holder's expense. The results of all monitoring shall be summarised and reported in writing annually, and audited at the Consent Holder's expense, by the Tasman District Council, except that the Council shall be informed within 72 hours of any results which breach consent conditions and the steps taken to remedy the situation.
- 25.2 The annual report shall include the following:
- (a) a description of the consent condition requirements;
 - (b) a description of the methods used to monitor flows;
 - (c) a description of flow monitoring and compliance. Flows for the Main Spring and water take are to be plotted in a hydrograph against the maximum permissible take. Reporting is to be at 2-hourly intervals, +/- 5%;
 - (d) reasons for any non-compliance that occurred.

26 Duration of Consent

- 26.1 This consent expires on 31 May 2034.

ADVICE NOTES

- 1 This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either: 1) comply with all the criteria of a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP); 2) be allowed by the Resource Management Act; or 3) be authorised by a separate resource consent.
- 2 Section 125 of the Resource Management Act 1991 states that a consent shall lapse where it is not given effect to within 5 years of its granting.

- 3 Section 126 of the Resource Management Act 1991 states that the consent may be cancelled upon not less than 3 months' notice in writing if the consent remains unexercised without good reason for any continuous period exceeding 5 years.
- 4 Access by the Council or its officers or agents to the land subject to this resource consent is reserved pursuant to Section 332 of the Resource Management Act.

REASONS FOR THE DECISION

Background to Proposed Activity

The applicant is seeking to renew resource consents to take and use water from immediately downstream of the Waikoropupu Springs near Takaka, Golden Bay. The water is to be used within an existing salmon farm and then discharged to Springs River, which flows from the springs. The farm was established in 1976 with the take of water from Springs River beginning in 1977 with permits granted to take and discharge up to 550 l/s (0.55 m³/s). In 1985, as a result of mediation between competing water users, the take permitted for two existing salmon farms was increased to 1.1 m³/s when the flow was less than 5.3 m³/s, increasing to a 4 m³/s take when the flow exceeds 8.2 m³/s. In 1990, one of the companies obtained the rights held by the other and an application to renew the consents as one was made in 1994. The consent process was not resolved until 1997 when consents were issued for a 14 year duration expiring on 25 September 2011. It was at this time that consent was also obtained to discharge via a bypass channel when the settling pond was being cleaned.

An application to renew consents was made prior to 6 months before the expiry of consent and as such the applicant has continued to exercise the existing consent until this one is resolved pursuant to Section 124 of the Act. Further information was sought including commissioning of a Cultural Impact Assessment by Manawhenua ki Mohua and this information has been provided by the applicant.

Water passes into the farm and then through a series of races and ponds which are used for the hatching and growing of juvenile salmon and the rearing of broodstock. Water moves through the farm by gravity rather than being pumped. Each pond is controlled by a series of weirs to control the volume of water dependent on the use of each pond at the time. Overall though the take is non-consumptive with the volume of water discharged being equal to the water taken. There is generally two series of ponds, the first discharging into a main service channel that runs through the farm. The water is then directed into a lower series of ponds used solely for the growing of juveniles. Upon discharging from these ponds the water flows into a head-pond separated from the lower settling pond by a baffle. The water cascades over the baffle distributing flow evenly over the width of the pond. The 3000 m² settling pond then discharges to Springs River via a channel.

Over the life of the existing consent the farm has changed focus from that of a grow-out operation to that of a hatchery with the juveniles being extracted and trucked to a grow-on operation within the Marlborough Sounds. As a consequence the maximum biomass on the farm has dropped from 300 tonnes in 1997 to an average of 190 tonnes currently. The monthly average biomass has reduced from 230 tonnes to 90 tonnes over the same period and most importantly the annual average feed input has reduced from 700 to 200 tonnes. The reduction in the volume of feed has also coincided with a change in the type of feed moving from pressed-pellet to predominantly extruded-pellets which are composed of less dust and chip than the previously used feed. Recently some semi-float pellets have also been incorporated into the feed to reduce the percentage of pellets that sink to the bottom of the pond before being consumed. The combination of the reduction in total volume of feed used, the improvements in the pellet ingredients and the reduction in biomass means that there has been a reduction in the effluent load produced from the farm (although not quantified).

The main impact of the farm operation on water quality is the daily cleaning of ponds. The water level within each pond is reduced and the walls water blasted to remove accumulated effluent and weed. Waste is then flushed down the races to the settling ponds. There is currently a restriction on the timing of this cleaning operation and the applicant has requested that this is lifted, but with no increase in the duration or amount of cleaning overall. It should be noted that cleaning in the top series of ponds does flow into the water race below before flowing into the lower series of ponds meaning that at some point the dirty water does flow into the lower ponds. Salmon are very sensitive to water quality and so the above practice indicates that there is likely to be minimal impact on the recreational fishing below the discharge.

Tasman Resource Management Plan ("TRMP") Area and Rules Affected

According to the TRMP the following apply to the application site:

Zone: Rural 2, Conservation, Open Space
Area(s): Takaka Water Management Zone

The activity authorised by resource consent RM110270 does not comply with Permitted Activity Rule 31.1.2.1 of the TRMP and is deemed to be a **Controlled Activity** in accordance with Rule 31.1.2.2 of the TRMP.

The activity authorised by resource consent RM110271 does not comply with Permitted Activity Rule 36.2.2.8 of the TRMP and is deemed to be a **Discretionary Activity** in accordance with Rule 36.2.3.1 of the TRMP.

Overall, the consents are bundled and are deemed to be a **Discretionary Activity**.

Principal Issues (Actual and Potential Effects on the Environment)

The principal issue(s) associated with the proposed activity involve the actual and potential effects on the environment. For this application these were:

- (a) water quantity;
- (b) water quality;
- (c) chemicals used;
- (d) cultural impacts;
- (e) consistency with adjoining Department of Conservation reserve.

The Council considers that the adverse effects of the activity on the environment will be no more than minor for the following reasons:

- (a) The rate of take to the farm is at a constant 4 m³/s take when the flow exceeds 8.2 m³/s reducing to 1.1 m³/s when the flow was less than 5.3 m³/s. Water flow was previously determined from a gauging station along Springs River below the point of take and after the confluence with Fish Creek. In 2006, the flow rate used to determine an inferred flow rate from only those inputs upstream of the take was correlated. A correlation was made between the main Springs River gauge and the groundwater site adjacent to the Pupu Main Spring and this was considered by Joseph Thomas, Council's Scientist – Groundwater, as an appropriate good correlation for determining flows without the input of Fish Creek which does convey some surface water flows. The volume of water taken has historically been gauged at the point of discharge from the settling pond. This created problems at times

when the bypass channel was being used. As a result the gauging of the take is being relocated to the two intake sites and data kept at both locations to determine that the rate is correct.

Prior to 2005 King Salmon had no access to real time data of flow rates. Their ability to be responsive to flow levels within the river in determining the take levels was limited to visual observations. This meant that there were occasions when the level of take in retrospect was in excess of those allowed in the consent. In 2005 with the agreement to correlate the take to the Council's groundwater monitoring station and the installation of an alarm system when the take exceeded 4.0 m³/s then the applicant has been able to monitor daily the flow rate within the source and the take. The applicant is not seeking a change to the volumes taken and has volunteered a more robust monitoring method for tracking take which means that the likelihood of a breach in the take conditions is substantially reduced.

- (b) The previous consent has required that the visual clarity monitoring occurred beyond a mixing zone of 200 m downstream of the discharge point. Using the black disc method, the discharge was not to cause a reduction of visual clarity more than 50% compared with that above the discharge. The main problem with the information gathered over the duration of the previous consents is that the point 200 m downstream is a large deep pool which is difficult to access safely. Recordings have been made at a point approximately 80 m downstream of the discharge point and full mixing unlikely. Based on records of monitoring between 1997 and the time of application, five instances of non-compliance were detected at this point. No record has been made of factors causing these non-compliances and no follow-ups from Council staff were made. The applicant states that there are other permitted and natural sources of sedimentation within this stretch of Springs River, including Bell Creek which drains rural land to the south-west of the site, run-off from adjoining unsealed roads, subdivision run-off and a recorded natural decline in water quality. The applicant engaged the Cawthron Institute to investigate other inputs that affect visual clarity and transmissometry readings were taken on 10 and 11 February 2011. The latter date coincided with a period of pond cleaning within the farm. Results indicated that it is during the pond cleaning operations that there is a potentially significant loss of visual clarity, although this recovers rapidly within 30 minutes of ceasing cleaning. Cleaning currently occurs on weekdays for up to 3 hours between the hours of 7.00 am and 1.00 pm.

The applicant argues that the large drop in visual clarity must be considered against the backdrop of the existing very high water quality within the river upstream of the discharge and that even with the reduction the water quality within the river downstream of the discharge is nationally high. They also argue that there is a change in the character and use of the river below this point with inputs from other land uses and a change in ability to view the river from public space. Macroinvertebrate testing downstream of the discharge has also indicated that there is not a significant adverse effect on the environment. The applicant has volunteered altering the consent conditions to reflect what actually occurs on the basis that the discharge from the current operation has only a minor adverse effect on water quality.

Trevor James, Council's Freshwater Scientist, has reviewed the application and considers VWC [Visual Water Clarity] due to the operation is within 20% which is acceptable according to national guidelines and that no fine sediment has been evident on the bed of Springs River. Essentially, while the discharge during cleaning does lead to a considerable relative drop to recordable visual water clarity, the effect on noticeable change of visual water clarity is not significant from an amenity perspective given the already high water quality. Also, from an effects basis the downstream macroinvertebrate study and the visible solids testing indicate no adverse effects from the discharge. Although it is likely to be difficult to differentiate the effects further downstream from other users, the potential for cumulative effects needs to be recognised. Both Trevor James and Manawhenua ki Mohua have raised an issue regarding the water quality during the cleaning processes and the

applicant has committed to investigating means of developing an effective method for removing effluent from the water during these operations within 3 years. I consider though that the adverse effects of the operation on water quality will be no more than minor.

- (c) The applicant has provided a full list of chemicals used within the salmon farm and all are approved for use within this kind of operation.
- (d) The Springs are listed in Schedule 30A as having internationally significant wetland values including plant, macroinvertebrate, and fauna habitat and cultural, spiritual and landscape values. They are of particular significance as a taonga/treasure to Maori. The applicant has provided a Cultural Impact Assessment prepared in conjunction with Manawhenua ki Mohua. Together they have worked on an agreement in relation to the recommendations within the report. These are to be adopted as part of the consent conditions.
- (e) It should also be noted that the application is not in conflict with the Te Waikoropupu Springs Management Plan March 2009, which is a Department of Conservation plan developed through a collaborative process between the Department of Conservation, Tasman District Council and Manawhenua ki Mohua from 1998 to 2008.

Relevant Statutory Provisions

In considering this application, the Council has had regard to the matters outlined in Section 104 of the Act. In particular, the Council has had regard to the relevant provisions of the following planning documents:

- (a) the Tasman Regional Policy Statement (TRPS);
- (b) the Tasman Resource Management Plan (TRMP);
- (c) National Policy Statement for Freshwater Management 2011;
- (d) Te Waikoropupu Springs Management Plan, March 2009.

Most of the objectives and policies contained within the TRPS are mirrored in the TRMP. The activity is considered to be consistent with the relevant objectives and policies contained in Chapters 5, 7, 8, 9, 10, 27, 30 and 33 of the TRMP.

The proposed activity contravenes Section 15 of the Act, and therefore the Council has also had regard to the matters outlined in Section 105 of the Act and the Council is also satisfied that the activity will not give rise to the effects outlined in Section 107 of the Act.

Part II Matters

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

Notification and Affected Parties

The adverse environmental effects of the activity are considered to be no more than minor. The Council's Resource Consents Manager has, under the authority delegated to him, decided pursuant to Section 95 of the Act that the application did not require public or limited notification.

Duration of the Consent

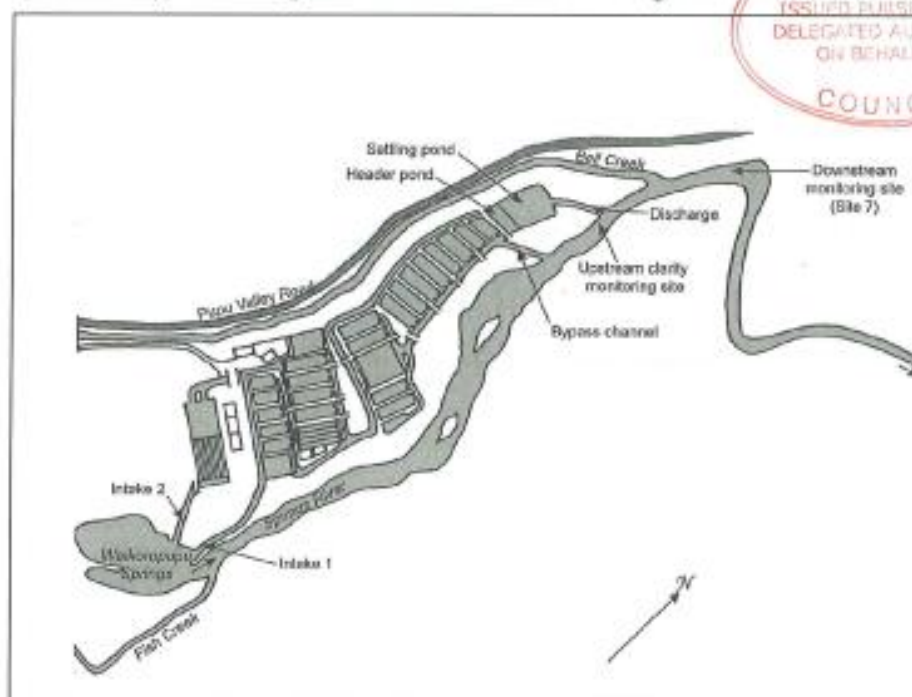
A period of 25 years was requested by the applicant. The consent has been granted with an expiration date of 31 May 2034 with the agreement of the applicant. The period was reduced to be consistent with the second expiry date listed in Schedule 31A of the TRMP for the Takaka Water Management Zone.

This consent is granted on 2 December 2011 under delegated authority from the Tasman District Council by:


Michael Croxford
Consent Planner Natural Resources



Plan A: Site plan showing location of intakes and discharges – dated 2 December 2011



ISSUED PURSUANT TO
DELEGATED AUTHORITY
ON BEHALF OF
COUNCIL

17.7. Written Approval of Person(s) Likely to be Adversely Affected

Written Approval of Person(s) Likely to be Adversely Affected



**MARLBOROUGH
DISTRICT COUNCIL**

ISO 9001:2008
Document Number:
RAF0001-CI1204

Print Form

Resource Consent Application Number

Resource Management Act 1991

Resource Consent Application Details: (To be completed by the applicant(s))

Applicant's Name

Description of activity(s) applied for

Site location details

(Street address)

(Legal description)

Affected party details: (To be completed by person(s) or organisation giving approval)

Full name(s)

Position (if applicable)

Owner ☐

and/or Occupier ☐ (tick which applies)

Postal address

Contact details

(Telephone)

(Fax)

(E-mail)

Property details

(Street address)

(Legal description e.g. Lot and DP number, Certificate of Title number etc)

I confirm:

1. I have been shown a copy of the above application, which includes an assessment of effects on the environment, and;
2. I have been shown, and have signed and dated (each page/sheet) a copy of the application, including drawings, which is attached and;
3. I do not oppose the proposed application (as detailed) and give written approval in terms of the provisions of the Resource Management Act 1991, and;
4. I authorise the applicant to give this written approval to the Marlborough District Council, and;
5. I have read and understand the information contained in section 104 (3)(a)(ii) & (4) of the Resource Management Act 1991 which is detailed on the back of this form

It is not appropriate to impose conditions on this form.

Signed

(All parties with an interest in the affected property must sign or be signed for 'on behalf of')

On behalf of

Date

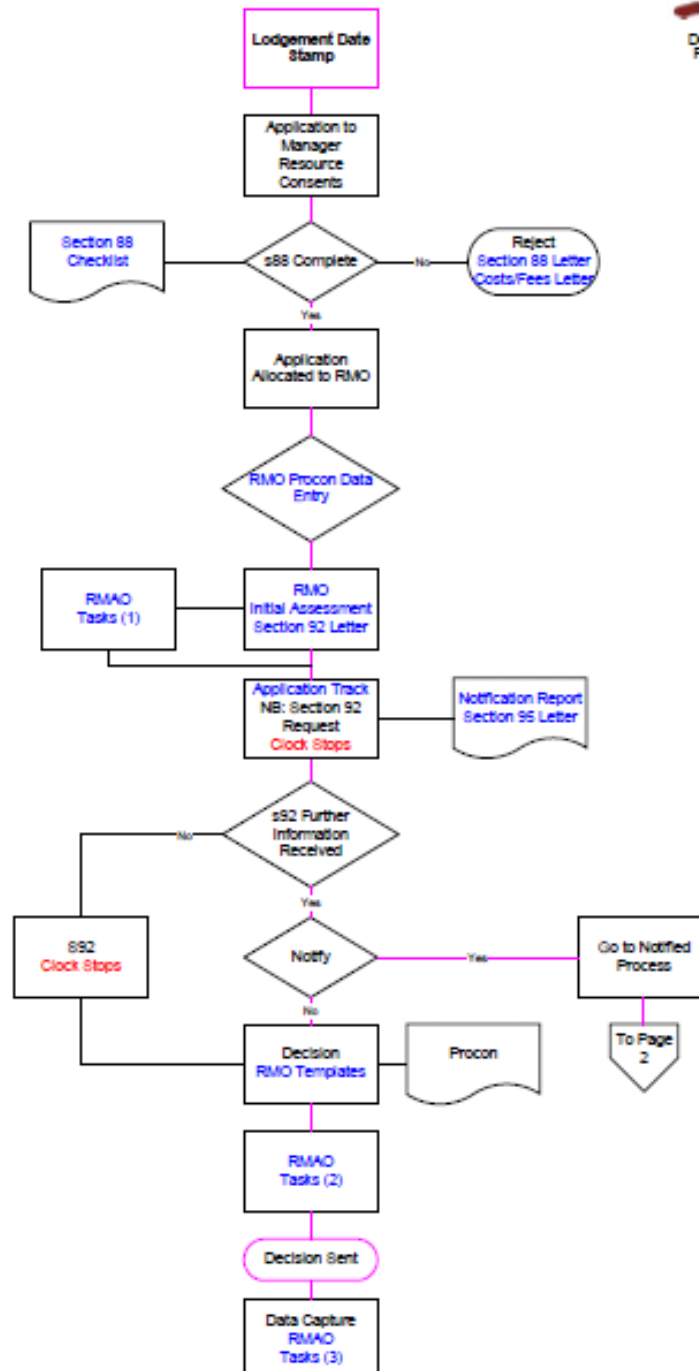
Please advise the Council if you have concerns.

If you have any queries regarding completion of this form please contact one of the Council's Resource Management Officers on ph 620 7400 or Fax 620 7488

Reset Form

17.8. Resource Consent Process Flowchart

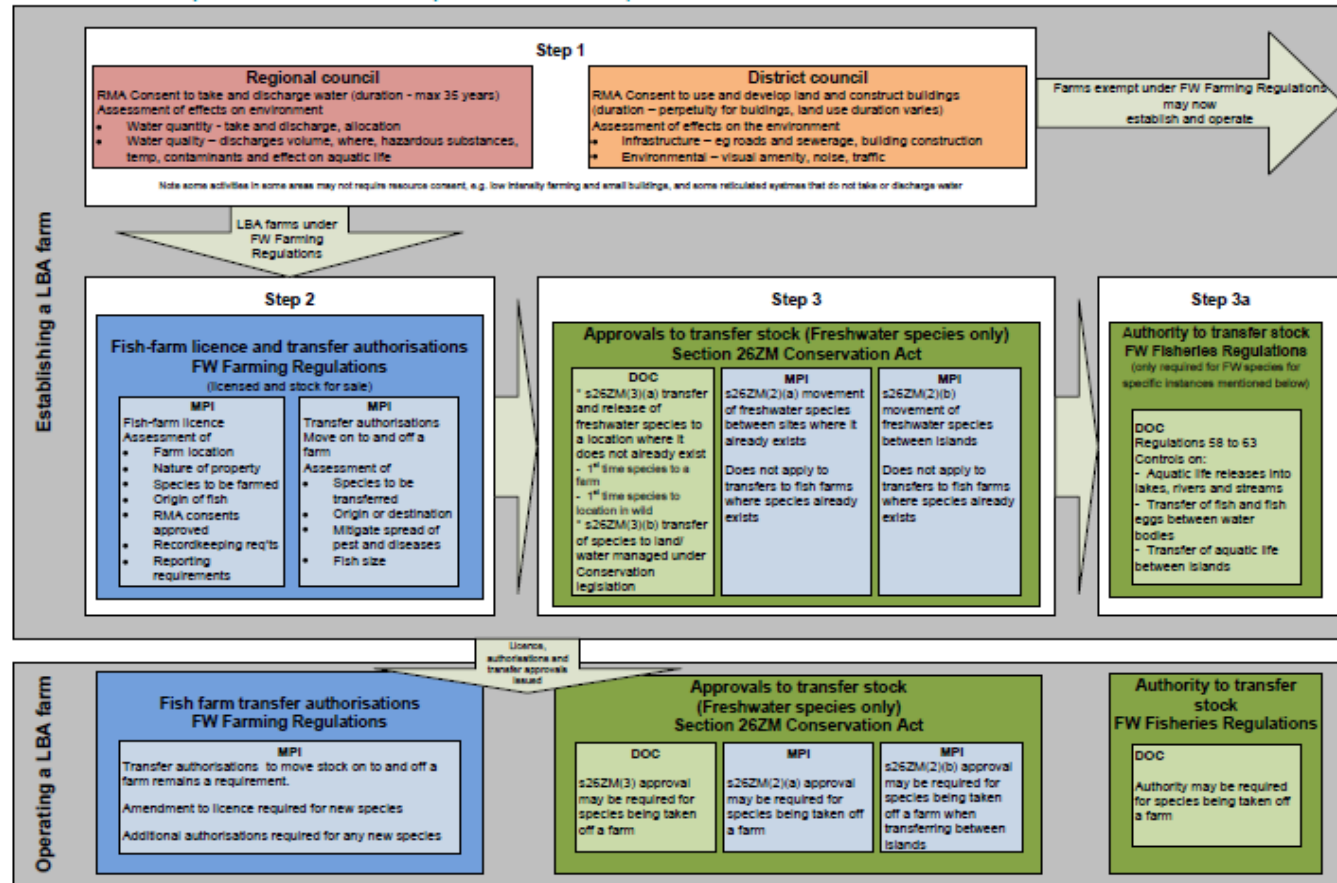
Resource Consent Process Flowchart



17.9. Overview of the current land-based aquaculture regime

To set up and operate a land-based aquaculture farm, a number of authorisations may be required (Figure 1). The actual authorisations needed depend on the type of activity:

Figure 1. Overview of current processes to establish and operate a land-based aquaculture farm



Consents from a Territorial Authority to build and operate a farm

A building consent under the Building Act 2004 is normally required from a territorial authority (district or city council) for farm buildings. Building consents are issued in perpetuity. A consent may not be required for small buildings if permitted by council rules.

- 1. A land use consent under the Resource Management Act 1991 (RMA) may also be required from a territorial authority to use land for aquaculture activities. Land use consents can be issued in perpetuity or for a maximum of 35 years in certain circumstances. The need to hold a consent is dependent on council rules and zoning.*

Consents from Regional Councils to take and discharge water

An RMA resource consent from a regional council may also be required if farming involves the take and discharge of water from natural sources (issued for a maximum of 35 years). This will depend on the rules in the regional plan and where the water is being sourced from. Some farms, such as those with recirculating systems, do not need to take and discharge water from natural sources.

A fish-farm licence from MPI to farm fish for sale

A fish-farm licence under the Freshwater Fish Farming Regulations 1983 is required to farm freshwater and marine species for sale. Licences are issued for a maximum of 14 years. A licence is not required if the farmed stock is not for sale. Only species listed in the Gazette Notice² may be farmed. Transfer authorisations are also required under these regulations to move stock onto and off a fish farm.

Approvals from DOC and MPI to transfer freshwater species

Transfers approvals are required under section 26ZM of the Conservation Act 1987 to stock a freshwater farm with live aquatic life where it does not already exist. In addition, approvals are required to transfer live aquatic life off a farm and release it into any freshwater; this includes movements between islands. Section 26ZM approvals are not required for marine species and saltwater farms.

Additional authorities from DOC to transfer freshwater species

Authorities under the Freshwater Fisheries Regulations 1983 may be required to transfer freshwater species from a farm and liberate them into the wild, and to move live freshwater species between islands.