

Provision	Drafting source	Comment
Chapter 9		
Policy 9.3.2.1.12	Board of Inquiry	Policy 9.3.2.1.12 is based on consent conditions imposed by the Board of Inquiry that set an overall framework for the management of effects on water quality from the salmon farm sites that were considered by the Board. Recognising that the relocation proposal should be integrated with the ongoing management of the existing high flow sites, Policy 9.3.2.1.12 sets policy guidance for all salmon farming in the Sounds.
Rule 35.3.3		
Rule 35.3.3 description	MSRMP	<p>The introduction to the rule is drafted to match existing rules in the MSRMP.</p> <p>Marlborough District Council uses the terminology 'Limited Discretionary' to refer to restricted discretionary activities, so that terminology has been adopted for the draft rule.</p> <p>The rule describes the bundle of activities that are included within the term 'marine farms and marine farming', consistent with the approach taken in the MSRMP for salmon farms in Coastal Marine Zone Three.</p>
35.3.3.1 Requirements		
35.3.3.1 Requirements	RMA	The two 'limited discretionary' activities currently in Chapter 35 of the MSRMP list 'Limits to the Council's Discretion' and 'Terms'. Section 87A of the RMA states that a restricted discretionary activity must comply with the requirements, conditions and permissions, if any, specified in the plan. The term 'requirements' has therefore been adopted in the proposed regulations, to set out the matters that determine whether a consent application is made under Rule 35.3.3 or not
Requirement a)	MSRMP Chapter 35A	<p>The new Chapter 35B contained in the proposed regulations provides an allocation mechanism under Part 7 of the RMA for the space within Coastal Marine Zone Four.</p> <p>The existing Chapter 35A of the MSRMP sets out an allocation mechanism for space within Aquaculture Management Areas if private plan changes were received to establish AMAs. As far I understand no such private plan changes have been received by Marlborough District Council, but the allocation mechanism still exists.</p> <p>The general format of Chapter 35A has been used for new Chapter 35B. The specific provisions have been drafted to address the particular requirements of the salmon relocation proposal. The key points to note are:</p> <ul style="list-style-type: none"> an exact site swap has not been outlined in the proposed regulations, although the mechanism to outline it is included. An exact site swap cannot be defined until the potential relocation sites are

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		<p>confirmed, which requires the input of the public and iwi authorities through the independent advisory panel process and reporting to the Minister</p> <ul style="list-style-type: none"> the standards outlined in Rule 35B.2.1.2 set the parameters for the salmon relocation proposal – that consents for existing salmon farm sites must be surrendered, and that the area of sea pens on a Coastal Marine Zone Four site does not exceed the area on the existing site standard c) sets out a priority order for sites to be relocated. This order is a suggestion only, and can be adjusted following public and iwi authorities' comments and the independent advisory panel process. The priority order was developed based on feedback from officials and the report of the Marlborough Salmon Working Group. Of particular note, the two Crail Bay sites are listed as the lowest priority to move, as while consents are held and marine farming of salmon could occur on the sites, it is not occurring currently.
Requirement b)	Various	See separate table on Appendix D4
Requirement c)		Because of the detailed nature of the standards to which applicants under Rule 35.3.3.1 would be subject, restrictions on the ability to transfer the consents are proposed, to allow Marlborough District Council to ensure that conditions of consent will be complied with by any new consent holder
35.3.3.2 Matters to Which Discretion is Limited		
Matters b), c), i), j), k) and l)	MSRMP	All these matters are relatively standard matters of discretion relating to structural safety and administration of the consent
Matter a)	Cultural Impact Assessments	The two Cultural Impact Assessments that have been prepared as part of the process of considering whether to consult on proposed regulations identify a number of potential concerns for tangata whenua. Options to clarify or resolve some or all of these concerns may become clear during the independent advisory panel's hearing process. Matter of discretion a) recognises that at this stage concerns have been expressed. The matter of discretion may be able to be refined in response to the hearing process and the panel's report to the Minister.
Matter d)	Board of Inquiry	The Board of Inquiry required a set of structural safety and security measures to be carried out as each of the salmon farms confirmed as part of that process were established. Implementation and monitoring of those measures was to be outlined in a Marine Farm Mooring and Maintenance Schedule and a Navigation Risk Reduction and Management Plan. Matter of discretion d) provides for the Marlborough District Council to impose similar requirements on any consent for a relocation site, acknowledging that the differences between each of the sites makes it most appropriate to consider these matters at the time of considering consent.
Matter e)	Water quality technical report and further technical discussions	The water quality technical report for Queen Charlotte Sound/Tory Channel identifies the possibility of increased nutrient concentrations in bays on the southern side of Tory Channel. Scenarios that were modelled did not include one where only the potential Tio Point relocation site was included. The need for further investigations of the likely risks to water quality in Oyster Bay has also been identified. Matter of

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		discretion e) therefore provides for the Marlborough District Council to consider effects on water quality for the Tio Point site at the time of considering a consent application.
Matter f)	Benthic guidelines	Standards 38 and 39 set seabed standards in accordance with the Benthic Guidelines. Until the relocation sites and feed limits are confirmed it is not possible to define the extent of the area of seabed affected. Matter of discretion f) therefore provides for the Marlborough District Council to do this at the time of considered a consent application, although requiring that the approach adopted is consistent with any guidelines.
Matter g)	Board of Inquiry	See discussion of standards 53-59 in Appendix D4 table below
Matter h)	Board of Inquiry	Standards 53-59 require the preparation (or amendment and amalgamation) of five management plans, based on those that were required as part of the Board of Inquiry decision. Matter of discretion h) provides for Marlborough District Council to require other management plans to be prepared if considered necessary at the time that consents are applied for. In addition, through the process of hearing written comments, the independent advisory panel may determine that additional management plans are required, and recommend them.
Rules 35.4, 35.5 and 35.6		
Rule 35.4	MSRMP	The discretionary rule relating to existing marine farms recognises that at the potential Horseshoe Bay site, Coastal Marine Zone Four would overlap to a small extent with an existing mussel farm. The existing mussel farm is classified as a discretionary activity under the MSRMP (as it was extended post-1996, which is the cutoff for the classification of an existing marine farm as a controlled activity). The rules contained in the proposed regulations recognise that it is appropriate for the existing activity classification to continue for this marine farm.
Rule 35.5	MSRMP	The non-complying rule relating to existing marine farms recognises that at the potential Blowhole Point South site, Coastal Marine Zone Four would overlap to a small extent with an existing mussel farm. The existing mussel farm is classified as a non-complying activity, as it is located in part more than 200m offshore. The rules contained in the proposed regulations recognise that it is appropriate for the existing activity classification to continue for this marine farm.
Rule 35.6	MSRMP	As explained in FLojkine presentation Appendix D5 and Appendix D6 provide maps, coordinates and consents for each of the current sites where consents are to be surrendered and further marine farming (or in the case of Appendix D6, finfish farming) then prohibited.

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Appendix D4 – where not discussed below, standards are common to salmon farming sites in the Marlborough Sounds and have been developed from existing MSRMP rules and existing consent conditions		
Standards 10 and 11		Specific standards that have been developed to address one of the parameters set at the initiation of the salmon relocation proposal – that the total surface area of structures at the relocation sites was not to exceed the total surface area of structures at the six existing low-flow sites
Standard 12	Board of Inquiry Existing consents	Standard 12 specifies the standards that feed and accommodation barges at each of the potential relocation sites must meet. Technical reports, particularly the landscape assessment, have been based on feed and accommodation barges of these specifications. Standard 12(a) restricts feed and accommodation barges to five of the six potential relocation sites. Standard 13 addresses the Waitata Mid-Channel site
Standard 13		At the Waitata Mid- Channel site, my understanding of the landscape technical report is that a standard feed and accommodation barge could cause significant adverse effects on landscape and natural character values. Standard 13 therefore provides for a much smaller, semi-submersible feed only barge, in order to minimise adverse effects. The design and secure mooring of this barge is discussed in the OCEL engineering report for the Waitata Mid-Channel site, and its effects on landscape and natural character values is discussed in the landscape technical report. The photosimulations prepared and available on the MPI website demonstrate the visibility effects of the barge in the context of the sea pens at the site and various views of the site.
Standards 14 – 16	Landscape technical report Board of Inquiry	The assessment of effects on landscape and natural character provided through the landscape technical report was based on circular net pens being used at three of the potential relocation sites. Surface structures and feed and accommodation barges with particular design parameters were also assessed, matching the requirements imposed by the Board of Inquiry. These parameters have therefore been included in the proposed regulations.
Standards 19 – 31	Board of Inquiry MSRMP Water quality technical report Benthic technical report Further technical advice	Standards relating to increases in feed discharges have retained the form of the rules for Coastal Marine Zone Three and the consents that were granted by the Board of Inquiry (and confirmed by the Supreme Court). The stages of feed increases developed for each site have been updated to reflect further scientific advice about how to stage development – with an approach now adopted of taking smaller increase steps as the feed discharges approach the overall limit set for each site. Scientific advice is that this provides a higher likelihood of being able to manage the seabed effects of the discharge to within the limits set by the benthic guidelines.

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		Information on the derivation of the feed limits and the staged increases proposed is contained in section 11.2 and Appendix F of the summary AEE
Standards 36 and 37	Board of Inquiry Recent consents Annual monitoring reports for existing high flow salmon farm sites	<p>Interim water quality standards were developed by the Board of Inquiry, in concert with water quality objectives. The objectives have been used in Policy 9.3.2.1.12 of the proposed regulations. The interim water quality standards have been included for the Pelorus Sound sites.</p> <p>For the potential Tio Point relocation site, as discussed in the table above in relation to matter of discretion e) instead of the initial water quality standards specified in standard 36, a matter of discretion has been proposed, to allow in particular water quality effects on the bays on the south side of Tory Channel to be assessed based on site specific modelling.</p> <p>Standard 37 sets out the steps to be adopted if the water quality standards are exceeded. The wording is based on the approach adopted in the Board of Inquiry process, which has been further refined through implementation and monitoring of those consents. Standard 37(a) recognises the multiple activities that can affect water quality in the Marlborough Sounds, and in particular in relation to dissolved oxygen, recent experience of naturally reduced levels of dissolved oxygen at control monitoring sites for the existing high flow salmon farm sites.</p>
Standards 38, 39 and 40	Board of Inquiry Benthic guidelines Recent consents	<p>The starting point for standards 38 and 39 was the Board of Inquiry approach to seabed effects. Since the Board of Inquiry decision however, significant work has been completed in developing the Benthic Guidelines, which has led to a refinement of the approach to benthic quality standards and procedures to follow in the event of any exceedance. Standards 38 and 39 are consistent with the approach to monitoring and adaptive management outlined in the Benthic Guidelines. Consent conditions equivalent to these standards have been imposed recently on consents for the Clay Point and Te Pangu salmon farm sites.</p> <p>Standard 40 has also been developed from the benthic guidelines.</p>
Standards 41 – 52	Board of Inquiry Recent consents	<p>Standards 41 – 52 set out the Marine Environmental Monitoring – Adaptive Management Plan and reporting approach that was first developed by the Board of Inquiry and was then applied to recent consent applications for the Te Pangu and Clay Point salmon farm sites. The standards mirror the approach adopted by the Board of Inquiry with two major exceptions:</p> <ul style="list-style-type: none"> • standard 41 reflects the more recent approach to the contents of the annual MEMP-AMP • the approach to specifying the monitoring to be included in the MEM-AMP, where a matter of discretion has been provided instead, recognising that establishing a monitoring programme is not possible until the potential relocation sites are confirmed.

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Standards 53 – 59	Board of Inquiry	<p>Standards 53 – 59 reflect the Board of Inquiry approach in terms of requirements for management plans. Recognising that management plans have already been prepared for the salmon farms located in Coastal Marine Zone Three, the standards provide for those management plans to be updated and submitted for marine farms in Coastal Marine Zone Four to avoid unnecessary preparation of management plans.</p> <p>The Board of Inquiry consents also required the preparation of a king shag management plan. The approach in the proposed regulations is to include that as a matter of discretion, to recognise the developing information base on king shags. The Tio Point site is excluded from this matter of discretion because it is distant from any king shag breeding or roosting colonies.</p>