



**environment
SOUTHLAND**

**File No:
Consent No:**

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Coastal Permit

Pursuant to Section 104B of the Resource Management Act 1991, a resource consent is hereby granted by the Southland Regional Council (the "Council") to **Zane Morgan Smith and Terrence James Maass-Barrett** (the "consent holder") of **Oban, Stewart Island** from

_____.

Please read this Consent carefully, and ensure that any staff or contractors carrying out activities under this Consent on your behalf are aware of all the conditions of the Consent.

Details of Permit

Purpose for which permit is granted:

To place structures in, on and over the seabed, and to occupation the coastal marine area with the structures for the purpose of marine farming

Location - site locality
- map reference

Big Glory Bay

Site	Corner	Eastings	Northings
Site 1	NE	1229203.93	4786581.20
Site 1	SE	1229236.61	4786261.04
Site 1	SW	1229043.82	4786190.15
Site 1	NW	1229016.70	4786488.97
Site 2	NE	1228804.62	4784931.42
Site 2	SE	1228762.07	4784787.58
Site 2	SW	1228570.29	4784844.31
Site 2	NW	1228612.84	4784988.15
Site 3	NE	1229226.68	4785067.47
Site 3	SE	1229184.13	4784923.64
Site 3	SW	1228992.34	4784980.37
Site 3	NW	1229034.89	4785124.21

- receiving environment

Coastal marine area

Expiry date:

Schedule of Conditions

Term and Purpose

1. This consent expires on the _____, unless it has been lapsed, cancelled or surrendered at an earlier date pursuant to Sections 125, 126 or 138 respectively of the Resource Management Act 1991.

Note:

- (a) *In accordance with Sections 125 and 126 of the Resource Management Act 1991, this coastal permit may be lapsed or cancelled if it has not been exercised within 5 years from the date of granting or if exercised in the past but has not been exercised during the preceding 5 years. Continuing to exercise this coastal permit means the site is actively used to farm the authorised species, not just having structures on the site.*
 - (b) *Pursuant to Sections 123 and 124 of the Resource Management Act 1991, a new consent may be required at the expiration of this consent. The application will be considered in accordance with the plans in effect at that time, and the adverse effects of the proposed activity. The holder of this coastal permit has a preferential right to apply for a new consent pursuant to Sections 165ZH and 124 of the Resource Management Act 1991.*
2.
 - (a) This consent authorises the placement of structures in, on and over the seabed, and the occupation of the coastal marine area with the structures for the purpose of marine farming the following species:
 - green-lipped mussels (*Perna canaliculus*) (generally called by the brand name greenshell mussels);
 - blue mussels (*Mytilus galloprovincialis*);
 - Bluff dredge oysters (*Tiostrea chilensis*); and
 - scallops (*Pecten novaezelandiae*).
 - (b) Except for green-lipped mussels and Bluff dredge oysters, spat and stock shall only be obtained from the Stewart Island / Rakiura coastal waters.
 - (c) All green-lipped mussel spat and stock shall be obtained from Ninety Mile Beach, unless authorised by a separate resource consent.
 - (d) Bluff dredge oyster spat and stock may be obtained from the Foveaux Strait Growing Area 1902 or from Bluff Harbour provided that the oysters are submerged into a solution of at least 5% acetic acid for a minimum of 60 seconds to ensure that Undaria and other marine fouling are eradicated prior to transportation.
 - (e) This consent also authorises the deposition, on the seabed, of material, arising from marine farming the various organisms.
3. The occupation of the coastal marine area for marine farming activities, pursuant to this consent, shall only occur within the application co-ordinates as detailed and shown on the attached survey map dated _____ for [site number], comprising approximately X hectares.

In addition, all used and unused mussel anchors outside the above co-ordinates that are detailed on the attached survey map are to be considered part of the marine farm site.

4. Except to the extent that it is necessary to achieve the purpose of this consent and for public safety, members of the public shall not be excluded from the marine farm site at all times.

Note: This consent does not authorise exclusive occupation within the authorised area even though the marine farming structures and operations will result in some physical exclusion over part of that area. The extent that the physical exclusion over part of the authorised area is necessary for the normal operation of the marine farm is provided for by this consent (refer to Section 122(5) of the Resource Management Act 1991).

Restrictions on Operations

5. (a) The consent holder shall at all times during the continuance of this consent maintain the marine farm structures, including but not restricted to the associated structures of anchors, lines, droppers, buoys, and if relevant cages and fixed barges, in good repair, appearance and condition. The marine farm structures shall also be secured so as to not create a navigation hazard. No significant alteration or deviation from the authorised structures that may adversely alter the impact on the environment is permitted without the prior written approval of the Council's Director of Environmental Management.

Note: any such alteration may require an application for a new resource consent or an amendment to this consent.

- (b) Any authorised officer of the Council may, at all times, enter upon the marine farm structures and view its state of repair, including all associated structures. Upon receipt of a notice in writing, of any defect or want of repair in the structures, requiring the consent holder to repair the structures, the consent holder shall, with all reasonable speed, cause the defect to be removed or the repairs to be made.
6. (a) The consent holder shall ensure all the marine farming structures are laid out and the boundaries of the marine farm marked and lit in accordance with the navigation and safety requirements of the Council's Harbourmaster or their delegate.

Note: Navigation and safety guidelines for aquaculture areas can be found in the "Guideline for Aquaculture Management Areas and Marine Farms" booklet dated December 2005 produced by Maritime New Zealand, or its replacement booklet.

- (b) Except for the purpose of navigational safety pursuant to condition 9(a), the exterior colour of any structures used on the marine farm site shall be consistent with the surrounding physical landscape.
7. The consent holder shall manage the marine farming operation in such a way that deposition of shell, and other material, on the seabed is minimised. Any shell and other material collected from the site shall not be disposed of in the coastal marine area in an unauthorised manner.
8. (a) Any equipment or materials, excluding vessels, used in the coastal marine area, for marine farming purposes, which have been previously used or stored in another geographic coastal marine area, shall be thoroughly cleaned and sterilised before

transport to the marine farm site and used. It shall be the consent holder's responsibility to ensure that any marine farming structure, including associated structures, is maintained free of unwanted organisms and pests as identified by either or both Biosecurity New Zealand or the Council's Regional Pest Management Strategy. Any removed unwanted organism or pest shall be disposed of at an authorised land disposal site, to the satisfaction of the Council's Director of Environmental Management.

Note:

- (a) *Another geographic coastal marine area from Big Glory Bay is outside of the Stewart Island / Rakiura coastal waters.*
- (b) *Under Section 44 of the Biosecurity Act 1993 every person has a duty to inform Biosecurity New Zealand, as soon as practicable, of the presence of an organism not normally seen or otherwise detected in New Zealand.*
- (c) *Under Section 46 of the Biosecurity Act 1993 every person is required, without unreasonable delay, to notify the chief technical officer at Biosecurity New Zealand of the presence or possible presence of notifiable organisms. Unwanted organisms also fit under this category.*

- (b) The consent holder shall advise the Council's Biosecurity Manager, no later than 5 working days after detecting any incidence of unwanted organisms and/or pests not normally seen or detected within Big Glory Bay.

9. The consent holder shall ensure that:

- (a) the marine farm site identification number _____ is displayed above the water level at each four corners of the surface infrastructure block, and if relevant on the salmon marine farm structure, at all times to the satisfaction of the Council's Compliance Manager;
- (b) no equipment or materials from the marine farming activity is stored in an unauthorised manner;
- (c) all rubbish is removed from the marine farm site and disposed of at an authorised refuse site;
- (d) any material lost from the marine farm site is retrieved where relevant, as soon as practicable;
- (e) all reasonable steps are taken to retrieve any lost material from the marine farm site that could constitute a navigation hazard, and the Council's Harbourmaster is notified immediately of the situation;
- (f) other than the deposition authorised under Condition 2, no oil, diesel, petrol, grey water, detergents, cleaning materials, bilge water, sewage or any other toxic or polluting substances, shall be discharged into the coastal marine area at the site, either directly or indirectly, as a result of exercising this consent;
- (g) in the event of any spill of oil or fuel at the marine farm site, the first person to the scene shall:
 - (i) take immediate steps to contain the spill and to recover it; and
 - (ii) notify as soon as practicable the Southland Regional Council's pollution hotline on 03 211 5245 that a spill has occurred. Notification shall include the type and quantity of oil or fuel spilled and the steps taken to remedy or mitigate any adverse effects; and
- (h) in the event of a spill of any contaminant, no dispersants or degrading agents shall be discharged to water without the approval of the Southland Regional Council.

10. In the event a marine mammal is entangled or stranded within the marine farm structures, the consent holder shall as soon as practicable contact the Department of Conservation Southland Conservancy.

11. Neither the issuing of this consent nor anything contained in it shall affect the liability of the consent holder for any injury caused by the marine farm structures to any vessel or person through any default or neglect of the consent holder.
12. Upon expiry of the period for which the consent is granted, or on any cancellation of the consent, the consent holder shall, if required by the Council to do so, remove the marine farm structures, including all associated structures, entirely from the site and to restore the site as near to its original condition within three months of the date of expiry, or cancellation. If the consent holder fails to do so, the Council may cause the marine farm structures, including all the associated structures, to be removed and the site restored, and may recover the costs incurred by the removal and restoration from the consent holder.

Monitoring

13. (a) The consent holder shall carry out the Big Glory Bay Monitoring Programme specified in Appendix 1.
- (b) The consent holder shall carry the following monitoring programme for the activity authorised by Condition 2(d) of this consent:
 - (i) Monitor at least 10 percent of each re-seeded crop transferred to Big Glory Bay by lifting the trays on which seeded oysters are attached out of the water and visually inspect for contamination by any unwanted pests and/or species not found within Stewart Island coastal waters at 1, 3, 6 and 12 months after the droppers are hung. Visual Inspections shall also be undertaken at the time the re-seeded crop is harvested. The work is to be carried out by a suitably qualified person to detect unwanted organisms and pests.
 - (ii) Ensure that if any unwanted organism, pest (excluding Undaria), and/or species not found within Stewart Island coastal waters is found on the re-seeded crop, the trays and re-seeded oysters are removed immediately from the coastal waters and dispose of at an authorised land disposal site. In addition, the surrounding area shall be inspected and, if necessary, cleaned of the unwanted organism pest (excluding Undaria), and/or species not found within Stewart Island coastal waters, and a monitoring program approved by the Council's Director of Environmental Management established to ensure the unwanted organism pest (excluding Undaria), and/or species not found within Stewart Island coastal waters no longer exists at the location. If the unwanted organism pest (excluding Undaria), and/or species not found within Stewart Island coastal waters infestation are such that the biosecurity of Stewart Island is considered to be at risk, then the consent holder shall remove all of the trays and other equipment used for the re-seeded crop from the coastal marine area.
 - (iii) The consent holder shall maintain a log of all re-seeded oyster spat and stock, including the timing, amount and location of re-seeded spat and stock, treatments and monitoring carried out in accordance with Conditions 13(b)(i) and 13(b)(ii) of this consent. A copy of the entries in this log shall be made available to the Council on request.
14. Monitoring in accordance with the Big Glory Bay Monitoring Programme specified in Appendix 1 shall conform with the following standards:

- (a) sample collection, preservation and analysis of the seabed samples shall be carried out by a suitably qualified person or as agreed to, in writing, by the Council's Director of Environmental Management;
 - (b) sample collection, preservation and analysis of the water quality samples shall be carried out in accordance with the most recent edition of APHA "Standard Methods for the Examination of Water and Wastewater" or as agreed to, in writing, by the Council's Director of Environmental Management;
 - (c) the monitoring and analyses are to be carried out by a laboratory with IANZ accreditation or equivalent, or as agreed to, in writing, by the Council's Director of Environmental Management;
 - (d) the result of seabed analysis shall be supplied to the Southland Regional Council no later than five working days of the consent holder receiving them. The methods of analysis are to be specified with the results;
 - (e) the results of water quality analysis shall be supplied to the Southland Regional Council no later than 20 working days from the end of the month in which the samples are taken. The methods of analysis are to be specified with the results; and
 - (f) the Southland Regional Council may audit monitor sample collection up to once each year at a cost covered by the consent holder.
15. The consent holder shall undertake an investigation, if the result from any one sample in the Big Glory Bay Monitoring Programme identifies an adverse effect on the environment, to determine the probable cause of the adverse effect. A report shall be provided summarising the results and analysis on completion of the investigation sampling, but no later than two months from the initial sample that identified an adverse effect being provided to the Council.
16. The consent holder shall provide an annual report summarising the results and analysis of the Big Glory Bay Monitoring Programme on completion of the sampling but no later than 31 July each year.

Other Permits

17. The granting of this consent does not absolve the consent holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body.

Council Charges

18. In consideration of the right to occupy Crown land in the coastal marine area for the activity specified above, the consent holder shall, each year, pay to the Southland Regional Council the appropriate coastal occupation charge specified in the Regional Coastal Plan. Each financial year, commencing 1 July, the charge shall be adjusted for inflation in accordance with the Consumer Price Index. The sum payable in the first year of this consent (or the proportion thereof for which the consent is current) is \$_____ plus GST, and shall be payable in advance on invoice. The revenue from this charge shall be used only for the purpose of promoting the sustainable management of the coastal marine area.

19. In addition to the above sum, the consent holder shall pay an administration and monitoring charge to the Southland Regional Council collected in accordance with Section 36 of the Resource Management Act, payable upon invoice.

Review of Conditions

20. The Southland Regional Council may, in accordance with Sections 128 and 129 of the Act, serve notice, during the months of August to October each year, of its intention to review the conditions of the consent for the purposes of:
- (i) dealing with any adverse effect or cumulative effects on the environment which may arise from the exercise of this consent; or
 - (ii) considering any changes to information on the effects of marine farming, particularly information gained from monitoring; or
 - (iii) complying with the requirements of a regional plan; or
 - (iv) providing for a bond if further investigation and/or information, including relevant case law on the application of bonds to consents, shows that one is necessary to avoid, remedy or mitigate potential adverse effects on the environment.

Note: The consent holder may request the Council to collaboratively review under Section 127 of the Act any specific consent conditions at any time for the same purposes in Condition 20 (a)-(d).

for the **Southland Regional Council**

W J Tuckey
Director of Environmental Management

APPENDIX ONE
Big Glory Bay Monitoring Programme

1. The consent holder shall monitor the effects of the marine farming activities on the seabed, as follows:

- (a) (i) except for LI339, LI340, MF249, MF250, MF271, MF272 and MF365, monitoring of the seabed at representative locations under the marine farm site shall be undertaken at least once prior to 1 January 2025.

Note: It is the Council's intention that the Programme shall monitor at least two marine farm sites per year within the bay from the following marine farm sites LI149, LI315, LI316, LI317, LI318, LI319, LI320, LI321, LI322, LI323, LI324, LI325, LI337, LI338, LI342, LI366, LI418, LI461, LI474, LI475, MF244, MF245, MF246, MF247, MF248, MF273, MF274, MF275 and MF326 so each site is monitored at least once prior to 1 January 2025.

- (ii) in addition to Clause 1(a)(i), monitoring of the seabed at two control sites identified in the Programme and approved, in writing, by the Council's Director of Environmental Management. The monitoring shall occur every year for the first three years, then once every three years thereafter.

(b) the samples will be analysed for the following to assess the sediment quality:

- sediment colour, including providing a colour photograph of the sediment sample;
- depth of the oxygenated layer below the sediment surface;
- occurrence of hydrogen sulphide;
- sediment texture and grain size;
- total organic carbon content; and
- infaunal and epifauna community composition.

2. The consent holder shall monitor the effects of the marine farming activities on the water quality, as follows:

- (a) (i) monitoring of the water column shall be undertaken monthly for the first two years, commencing from 1 July 2011, by taking samples at four sites within Big Glory Bay and two control sites inside the bay, at a depth of 5 metres, as identified in the Programme and approved, in writing, by the Council's Director of Environmental Management.

- (ii) after the first two years outlined in clause 2(a)(i), monitoring of the water column shall be undertaken three times during the period of 1 November to 30 June each year and once during the period of 1 July to 31 October each year at four sites within Big Glory Bay and two control sites inside the bay, at a depth of 5 metres, as identified in the Programme and approved, in writing, by the Council's Director of Environmental Management.

(b) the water quality samples will be analysed for the following:

- water temperature;

- chlorophyll *a*;
- vertical seechi depth; and
- dissolved oxygen.