

Marlborough Salmon Relocation Proposal Proposed Regulations
Presentation to Marlborough Salmon Farm Relocations Advisory Panel
by Frances Lojkine, Principal Planner

1. My name is Frances Alexandra Lojkine. I am a Principal Planner at MWH now part of Stantec. I have been contracted to the Ministry for Primary Industries since February 2016 to provide planning advice in relation to the potential relocation of salmon farms in the Marlborough Sounds. I have worked with officials from the Ministry for Primary Industries, the Ministry for the Environment and the Department of Conservation drafting the proposed regulations that were released for public comment in January 2017, and I am the principal author of the summary assessment of environmental effects document.
2. I hold a Bachelor of Science in Microbiology, a Postgraduate Diploma in Environmental Science and a Master of Regional and Resource Planning. I have over 21 years of experience, working both for regional councils and private consultancy, specialising in regional planning – both the development of regional policy statements and regional plans, and preparation and assessment of consent applications. I have been involved in aquaculture planning since 2008 and over that time have provided planning advice to the Ministry for the Environment, the then Ministry of Fisheries, and the Ministry for Primary Industries. In 2011 I was responsible for preparing amendments to the Waikato and Tasman regional coastal plans that were included in the Aquaculture Reform Legislation.
3. I have been asked to provide you with a brief presentation today on the proposed regulations as an expert planner and to be available to answer any questions you may have.

Summary of the proposed regulations

4. Under sections 360A and 360B of the RMA, regulations can only be made to amend a regional coastal plan, not a proposed regional coastal plan. The proposed regulations therefore take the form of potential amendments to the Marlborough Sounds Resource Management Plan 2003, which is the current operative regional coastal plan for the Marlborough Sounds. For the purposes of consultation, what has been provided for public and iwi authority comments are the proposed amendments. They have not been set out as a draft regulation, as that is the role of Parliamentary Counsel. My understanding, however, is that any regulations would be very simple, with a clause providing for title and commencement date, and then a clause providing that the amendments as then set out be made. I note that an amendment as provided for the purposes of consultation may be similar to a plan change, but as the amendment is proposed by the Minister of Aquaculture it should not be described as a plan change.
5. Amendments are proposed to existing Chapters 9 and 35 of the MSRMP and the planning maps. A further proposed amendment is the addition of a new Chapter 35B for the MSRMP.
6. The bulk of the proposed regulations relate to new rules to be inserted into Chapter 35 of the MSRMP:
 - a limited discretionary activity rule for marine farms and the marine farming of salmon in a new coastal marine zone – Coastal Marine Zone 4
 - a discretionary activity rule for current marine farms for species other than salmon in the areas that would be zoned Coastal Marine Zone 4 if the proposed regulations proceed
 - a non-complying activity rule for the marine farming of salmon in Coastal Marine Zone 4 that does not comply with the requirements of the limited discretionary activity rule
 - a non-complying activity rule for current marine farms for species other than salmon in the areas that would be zoned Coastal Marine Zone 4 if the proposed regulations proceed

- four prohibited activity rules that have the effect of:
 - prohibiting marine farming at five of the six current low-flow salmon farm sites operated by New Zealand King Salmon, once the relocation of salmon farms from those sites has occurred
 - prohibiting finfish farming at the sixth site (the Crail Bay MFL48 site), recognising that existing mussel farming at the site (not undertaken by New Zealand King Salmon) should not be prevented
 - prohibiting salmon farming in Coastal Marine Zone Four if the surrender of existing salmon farming space does not form part of a consent application
 - prohibiting marine farming of species other than those being farmed by current marine farms in the areas that would be zoned Coastal Marine Zone Four if the proposed regulations proceed
7. Amendments proposed to Chapter 9 of the MSRMP would adjust that part of the plan to recognise the new rules in Chapter 35. The most significant change is the proposal for a new Policy 9.3.2.1.12, which would provide overall water quality outcomes specific for salmon farming in the Marlborough Sounds.
 8. Chapter 35B provides an allocation mechanism, developed under Part 7 of the RMA, for ensuring that existing salmon farming space in the Marlborough Sounds must be surrendered as part of obtaining consents for salmon farming space within Coastal Marine Zone Four.
 9. Amendments to the planning maps would show each of the sites to be zoned Coastal Marine Zone Four visually, as for example the existing Coastal Marine Zone Three marine farm sites are shown.

Development of the proposed regulations

10. The proposed regulations have been developed as far as possible to fit within the existing structure of the MSRMP (for example, reference is retained to a 'limited discretionary' activity, which is the terminology the MSRMP uses for restricted discretionary activities), and the objectives, policies and rules of the MSRMP were used as a starting point for the drafting of the regulations.
11. Significant technical work, to the level of detail that I would expect to be required for a consent application (i.e. a greater level of detail than would be typical for a plan change application), has been completed in relation to each of the proposed relocation sites. The development of the regulations also took into account issues raised by the Marlborough Salmon Working Group through its meetings and report.
12. The limited discretionary rule that forms part of the proposed regulations recognises both the technical work and the report of the Marlborough Salmon Working Group, by setting a series of standards (contained in the potential amendments as Appendix D4) that sets parameters to ensure that adverse effects on the environment would be no more than minor if consents were granted. The wording of these standards has been developed based on:
 - the consent conditions that were imposed by the Board of Inquiry for the 2011 applications for new salmon farming sites by New Zealand King Salmon
 - the *Best Management Practice Guidelines for salmon farming in the Marlborough Sounds: Benthic environmental quality standards and monitoring protocols* (the Benthic Guidelines), which were developed in 2014 to ensure good management of the effects of salmon farming on the seabed in the Marlborough Sounds, and so post-dated the Board of Inquiry decision
 - replacement consents that have recently been issued for the Clay Point and Te Pangu salmon farm sites, which showed how the Benthic Guidelines could be implemented as consent conditions for specific sites
13. Consent conditions are not, of course, the same as rule standards, and so the standards contained in proposed Rule 35.3.3 have been adjusted to ensure they fit with

plan drafting requirements. The table attached to this presentation provides the drafting source and comments on many elements of the proposed regulations.

14. The proposed regulations have also been developed in the context of the requirements of Part 2 of the RMA, the objectives and policies of the New Zealand Coastal Policy Statement 2010, and the objectives and policies of the Marlborough Regional Policy Statement. The MSRMP as currently written gives effect to each of these requirements, and the proposed regulations have been drafted to ensure that the MSRMP as amended would continue to give effect to them.

Proposed regulations as a starting point

15. Some of the matters the independent advisory panel will be faced with through the hearing, for example effects on landscape and natural character, and effects on King shags are matters that will determine whether a particular relocation site is suitable to include in the regulations. The proposed regulations have been developed so that that decision can be made at the stage of deciding whether to proceed with regulations (i.e. at the stage of the plan provisions), consistent with the direction of Policy 7 of the NZCPS 2010 in relation to strategic planning.
16. Recognising that comment from the public and iwi authorities, including further technical information, will contribute to a full understanding of the effects of including any particular relocation site in the regulations, my advice to the Ministry for Primary Industries officials has been to draft the proposed regulations to a level of confidence that they could proceed to public consultation, but with a full acknowledgement that changes may be needed as a result of the written comment and hearing process. A planning analysis and section 32 evaluation will also need to be completed, but my advice has been to complete those following the consultation process in order to ensure that all possible information is available to inform any decision to proceed with regulations, rather than appearing to have reached a position prior to consultation.

Frances Lojkin
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