

# CHAPTER 25: COASTAL MARINE AREA RULES

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**25.1 STRUCTURES AND OCCUPATION**

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1, 24.1.*

**25.1.1 Scope of Section**

This section deals with occupation and associated structures for a range of purposes, within the coastal marine area. Disturbance relating to aquaculture structures is addressed in Section 25.1. Disturbance relating to other activities in the coastal marine area are dealt with in Section 25.2. Information required with coastal permit applications for occupation or structures is detailed in Chapter 26.

**25.1.2 Structures Relating to Craft****25.1.2.1 Permitted Activities (Structures Relating to Craft)**

Any structure for the launching, haulout, mooring, berthage, or storage of craft, including launching ramps, slipways, swing or pile moorings, jetties, or boatsheds is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule in Chapter 25 of this Plan.
- (b) The activity is the occupation of the coastal marine area by, and use of, a structure listed in Schedule 25A; OR:  
*[Clauses (i) – (vi) of condition 25.1.2.1(b) are deleted]*
- (c) The activity is the occupation of the coastal marine area by and use of a mooring structure in a Mooring Area that is authorised by a Mooring Licence issued under the Council Consolidated Bylaw, Chapter 5A, provided that:
- (i) no person lives on board a craft moored on the mooring for a period exceeding seven days within any two calendar months;
  - (ii) no commercial operations are undertaken on board a craft moored on the mooring;
  - (iii) any mooring in Torrent Bay/Rākauroa and Boundary Bay Mooring Area is in association with an interest in a land title at Torrent Bay/Rākauroa and Boundary Bay; OR
- (d) The activity is the maintenance, repair or replacement of the structure and meets the following conditions (except mooring within a Mooring Area):
- (i) There is no change in the character, intensity or scale of the structure.
  - (ii) There is no change in the location of the structure.
  - (iii) The materials used are similar or the same as previously used for the structure.
- (e) The owner of the structure provides their name and contact details to the Harbourmaster;
- AND
- (f) The structure is maintained free of any pest or pest agent declared under the Biosecurity Act 1993.

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**25.1.2.2 Controlled Activities (Structures Relating to Craft)**

[Rule 25.1.2.2 is deleted]

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**25.1.2.3 Discretionary Activities (Structures Relating to Craft)**

Any structure for the launching, haulout, mooring, berthage, or storage of craft, or yacht or boat club clubrooms, and including launching ramps, slipways, swing or pile moorings, jetties, or boatsheds, that does not comply with rule 25.1.2.1, is a discretionary activity, if it complies with the following conditions:

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- (a) The structure is not sited in any area identified in Schedule 25D, except:
- (i) within 200 metres of the breakwaters at Port Tarakohe, as they existed at 31 December 2002;
  - (ii) within 100 metres of the wharves, jetties, boatramps or slipways at Port Mapua, Port Motueka, Waitapu, Collingwood or Mangarakau, as they existed at 31 December 2002;
  - (iii) within 75 metres of the public jetty at Torrent Bay/Rākauroa, as it existed at 31 December 2002;

OR

- (b) The structure is a launching ramp or swing mooring; and
- (c) The New Zealand Hydrographic Authority, Land Information New Zealand, is given written advice of the work at the time of commencement and completion.

**A resource consent is required.** Consent may be refused or conditions imposed to manage any likely effect of the activity. Council's assessment of an application may include, but is not restricted to, consideration of the following matters:

- (1) The purpose of the structure, and the appropriateness of its being located in the coastal marine area, including reasons why any location on dry land is not suitable.
- (2) The scale of the structure.
- (3) Structural integrity.
- (4) The effects of the structure and its use, including:
  - (a) effects on the natural character of the coastal environment;
  - (b) effects on the shape of the shoreline (in plan view and profile);
  - (c) effects on the long-term stability of the foreshore or seabed;
  - (d) effects on animal and plant habitats and ecosystems, including effects on the natural ecosystem values of the areas listed in Schedule 25D;
  - (e) the risk of material or contaminants moving or leaching from the structure into any part of the coastal marine area;
  - (f) changes to wave patterns, current flow, sediment transport and deposition, exchange of saltwater and fresh water, nutrient transfer, or other coastal processes;
  - (g) navigational safety;
  - (h) public access;
  - (i) access and use by other authorised activities.
  - (j) amenity values of the locality;
  - (k) efficiency of the use of space for the structure;

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- (l) effects of the existence and use of the structure on landscape and seascape values and visual amenity;
  - (m) effects during the construction, continued existence, maintenance and use of the structure;
  - (n) any likely adverse effects from the removal of any existing structure;
  - (o) effects on water quality;
  - (p) effects on any network utility; C72 6/20  
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  - (q) effects on any heritage or cultural value. Op 7/22
- (5) Measures to avoid, remedy, or mitigate any identified adverse effects of the structure.
- (6) Circumstances where removal of the structure will be required.
- (7) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (8) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).
- (8A) Circumstances when living aboard the structure or any associated use will be provided for. C72 6/20  
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- (8B) Any declaration under the Biosecurity Act 1993.
- (9) In relation to launching ramps, the following:
- (a) the need for ancillary facilities such as trailer parking, catwalk or protection from wind and wave action;
  - (b) safety in relation to other adjacent activities;
  - (c) width and gradient of the ramp, and its alignment to wind, waves and current;
  - (d) practicality in relation to natural foreshore processes.
- (10) In relation to slipways and haulout facilities for vessel construction or maintenance, the following:
- (a) the use for which the facility is sought, and the effects of that use on the environment and on other activities and values in the vicinity;
  - (b) measures to prevent the escape of wastes and contaminants to the coastal marine area;
  - (c) appropriate authorisation for the dry land activity to which the facility relates.
- (11) In relation to swing or pile moorings, the following:
- (a) relationship with tenure, use and character of land in the vicinity;
  - (b) permanence, or ease of removal;
  - (c) intended duration or frequency of use, including seasonal or intermittent use.
- (12) In relation to jetties, wharves and other structures providing berthage, the following:
- (a) practicality and effectiveness of the structure in relation to tidal range and seabed gradient, and its effects on the natural character and public access, or access by other specified parties, to and along the coastal marine area or its margins;
  - (b) the use of the facility, including commercial, public or sole or shared private use;

- (c) relationship with the tenure, use and character of land in the vicinity.
- (13) In relation to boatsheds, including ancillary ramps or slipways, the following:
- (a) practicality and effectiveness of the structure in relation to tidal range and seabed gradient.

#### 25.1.2.4 Non-Complying Activities (Structures Relating to Craft)

Any structure for any of the purposes specified in rule 25.1.2.3, that does not comply with the conditions of that rule, is a non-complying activity.

**A resource consent is required.** Consent may be granted and conditions imposed, or consent may be refused.

#### 25.1.3 Occupation and Disturbance by Structures for Spat Catching in:

- ▶ Subzone (a): **AMA 1 Waikato**
- ▶ Subzones (a) – (k): **AMA 2 Puramakau**
- ▶ Subzones (a) – (h): **AMA 3 Te Kumara**

#### 25.1.3.1 Controlled Activities (Spat Catching)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for scallop spat catching or mussel spat catching in subzone (a) AMA 1 Waikato, subzones (a) – (k) AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara is a controlled activity, if it complies with the following conditions:

##### AMA 1 Waikato Subzone (a)

- (a) The activity has been undertaken pursuant to a marine farm licence or coastal permit existing at 1 January 2004, for which a new permit is sought. Conditions (b) to (j) below shall not apply.

##### For Scallop Spat Catching

- (b) The activity occurs entirely within a subzone for scallop spat catching, and in any season the activity occurs in only one of subzones (a) – (d) in AMA 2 Puramakau and AMA 3 Te Kumara respectively. For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones, with only one subzone in each bay to be used in any season.
- (c) Prior to the commencement of each season, the Group Manager – Environment Assurance Group of Council is to be advised in writing of the sites to be used.
- (d) Notwithstanding (b), scallop spat caught as a by-catch in mussel spat-catching subzones, and mussel spat caught as a by-catch in scallop spat-catching subzones, may be harvested.

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##### For Mussel Spat Catching

- (e) Subject to condition (f), the activity occurs entirely within subzones (e) – (k) of AMA 2 Puramakau and (e) – (h) of AMA 3 Te Kumara.
- (f) In any season the activity occurs in only:
- (i) one of subzones (e) – (g) in AMA 2 Puramakau;
  - (ii) one of subzones (h) – (j) in AMA 2 Puramakau;
  - (iii) subzone (k) in AMA 2 Puramakau;
  - (iv) one of subzones (e) – (g) in AMA 3 Te Kumara;

- (v) one-third of subzone (h) in AMA 3 Te Kumara.

(For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones (e) – (k) in AMA 2 Puramakau and (e) – (h) in AMA 3 Te Kumara.)

- (g) Notwithstanding (e), mussel spat caught as a by-catch in scallop spat-catching subzones, and scallop spat caught as a by-catch in mussel spat-catching subzones, may be harvested.

### **For All Spat Catching**

- (h) The activity allowed by condition (b) or condition (e) occurs only in the period between 1 November and 30 April in the following year.
- (i) The activity uses longline structures, with backbone lines submerged and maintained at a depth of not less than 5 metres below the surface of the water.
- (j) The presence of longlines is marked by surface floats connected to the submerged backbone lines, but above the backbone lines there is no connection between floats.

**A resource consent is required** and may include conditions on the following matters over which the Council has reserved control:

- (1) Ecological effects, including monitoring.
- (2) Type, scale, location, density and integrity of structures.
- (3) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (4) Management of biosecurity risk organisms, such as *Undaria*.
- (5) Duration of the permit.
- (6) Financial contributions, bonds, administrative charges.
- (7) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Where the spat catching is to occur in a subzone not used for spat catching in the last five years, no spat-catching structures are placed in the water until information to implement Schedule 25E has been provided to the Council.

- (vi) Where the spat catching is to occur in a subzone used for spat catching within the last five years, no spat catching structures are to be placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat-catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.

### 25.1.3.2 Restricted Discretionary Activities (Spat Catching)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, in subzone (a) AMA 1 Waikato, subzones (a) – (k) AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara for mussel spat catching and scallop spat catching, and the activity does not comply with condition (i) or (j) of rule 25.1.3.1, is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity occurs only in the period between 1 November and 30 April in any 12-month period.
- (b) The activity uses longline structures, including surface backbone lines and floats.
- (c) Scallop spat caught as a by-catch in mussel spat-catching subzones, and mussel spat caught as a by-catch in scallop spat-catching subzones, may be harvested.

**A resource consent is required.** Consent may be refused or conditions imposed, only in respect of the following matters over which the Council has restricted its discretion:

- (1) Type, scale, location, density and integrity of structures.
- (2) Treaty values.
- (3) Ecological effects, including monitoring.
- (4) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (5) Management of biosecurity risk organisms, such as *Undaria*.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.



- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Where mussel spat catching is to occur in a subzone not used for mussel spat catching in the last five years, no spat catching structures are placed in the water until information to implement Schedule 25E has been provided to the Council.
- (vi) Where spat catching is to occur in a subzone used for spat catching in the last five years, no spat catching structures are placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat-catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.

### **25.1.3.3 Prohibited Activities (Spat Catching)**

- (a) Scallop and mussel spat catching in subzones (a) – (k) of AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara that does not comply with conditions (a) – (h) of rule 25.1.3.1 or with rule 25.1.3.2 is a prohibited activity for which no resource consent application will be received or granted. For the avoidance of doubt, this does not preclude an applicant from applying for consent to catch spat across all spat-catching subzones in an AMA in successive years, subject to compliance with rule 25.1.3.1(b) and (f) in any spat-catching season.
- (b) The catching of spat of species other than scallops or mussels in subzones (a) – (k) of AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara is a prohibited activity for which no resource consent application will be received or granted.
- (c) Aquaculture other than the catching of scallop or mussel spat in subzones (a) – (k) of AMA 2 Puramakau and subzones (a) – (h) of AMA 3 Te Kumara is a prohibited activity for which no resource consent application will be received or granted.

### **25.1.4 Occupation and Disturbance by Structures for Aquaculture in:**

- ▶ **Subzones (a) – (d): AMA 1 Waikato**
- ▶ **Subzones (l) – (q): AMA 2 Puramakau**
- ▶ **Subzones (i) – (l): AMA 3 Te Kumara**

**Note:** Catching of spat falls within the definition of ‘aquaculture’ and is therefore provided for under rules 25.1.4.1 – 25.1.4.5 below within subzones (a) – (d) AMA 1 Waikato, subzones (l) – (q) AMA 2 Puramakau and subzones (i) – (l) Te Kumara.

**Note:** The activities provided for by rules 25.1.4.1 – 25.1.4.5 may also require consent for discharge under rule 36.2.3.1 or 36.2.3.2, but note that effects of shell and live organism drop-off, faeces and pseudofaeces are addressed under the rules for occupation of the coastal marine area for the purposes of aquaculture and therefore do not need separate discharge permits.

### **25.1.4.1 Controlled Activities (Aquaculture involving Filter Feeding Bivalves, including Mussels)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture involving filter feeding bivalves (including mussels) is a controlled activity, if it complies with the following conditions:

- (a) The activity occurs entirely within any of the following subzones:
  - (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara.

- (b) Except for AMA 1 Waikato subzone (a), the activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25E, including baseline information.
- (c) The aggregate area of consent(s) in any one subzone is:
- (i) less than 50 hectares, which is located in one contiguous area, and is to be farmed at up to the full intensity allowed by the consent; or
  - (ii) less than 75 hectares, which is located in one contiguous area, and is to be farmed at not more than 67 percent of the intensity in (i); and
  - (iii) for either (i) or (ii), no current consent exists for spat catching in that same subzone;
- or (d) applies.
- (d) The activity occurs in AMA 1 Waikato subzone (a) on a site that has been farmed pursuant to a marine farm licence or coastal permit that existed on 25 May 1996, for which a new permit is sought.
- (e) The activity uses longline structures, incorporating surface buoys.

**A resource consent is required.** Conditions will be imposed on the following matters over which the Council has reserved control:

- (1) Ecological effects, including:
  - (a) monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site;
  - (b) managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock;
  - (c) application of available monitoring information through consent conditions and reviews;
  - (d) consistency with the ecological management plan for the subzone;
  - (e) integration with ecological management plans that are relevant for other subzones in the same AMA.
- (2) Natural character values (AMA 2 Puramakau, subzone (l) only). *Refer to Schedule 25G.*
- (3) Type, scale, location, density and integrity of structures.
- (4) Treaty values.
- (5) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) The activity does not discharge contaminants to the sea, and in particular tributyl-tin anti-fouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.

**25.1.4.2 Restricted Discretionary Activities (Aquaculture involving Filter Feeding Bivalves, including Mussels)**

- (ii) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (iii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iv) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (v) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (vi) No structures are placed in the water until baseline information to implement Schedule 25E has been provided to the Council.

For the avoidance of doubt, baseline information is not required for replacement consents where the application site has been farmed within the last five years.

**25.1.4.2 Restricted Discretionary Activities (Aquaculture involving Filter Feeding Bivalves, including Mussels)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture involving filter feeding bivalves (including mussels) that does not comply with the conditions of rule 25.1.4.1, is a restricted discretionary activity, if it complies with the following conditions:

- (a) The activity occurs entirely within any of the following subzones:
  - (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara.
- (b) The activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25E, including baseline information.
- (c) Except in AMA 1 Waikato subzone (a) or (b), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67 percent of that intensity, is allowed as the first stage of development.
 

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on initial development does not preclude consent being sought and granted over whole subzones. The progression to subsequent stages within any subzone will be assessed by the Council after the monitoring reports from three years or two growing cycles of the first stage at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group. “Full intensity of development allowed by the consent” means 50 hectares farmed at full intensity.
- (d) The activity uses longline structures, incorporating surface buoys.

**Note:** In circumstances where it is not possible or practicable to farm at full intensity (as per condition (c) of this rule), parties wishing to progress beyond the first stage of development will need to apply to the consent authority to review the conditions of consent.

**A resource consent is required.** Consent may be refused or conditions imposed on the following matters over which the Council has reserved its discretion:

- (1) Ecological effects, including:
  - (a) monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site;
  - (b) application of available monitoring information through consent conditions and review;
  - (c) consistency with the ecological management plan for the subzone;
  - (d) intensity of development;
  - (e) further development of aquaculture in any subzone;
  - (f) in AMA 1 Waikato subzones (a) and (b), the size of the initial stage of development;
  - (g) integration with ecological management plans that are relevant for other subzones in the same AMA;
  - (h) managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock.
- (2) Degree of exclusive occupation if sought.
- (3) Treaty values.
- (4) Type, size and scale, location, layout, density, and integrity of structures.
- (5) Natural character and amenity values, including visual and noise effects, except that for mussel farming, this matter is limited to natural character values at AMA 2 Puramakau, subzone (1). *Refer to Schedule 25G.*
- (6) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (7) Duration of the permit.
- (8) Financial contributions, bonds, administrative charges.
- (9) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure.  
  
The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

- (v) Except where aquaculture activities have already commenced, no structures are placed in the water until the baseline information to implement Schedule 25E has been provided to the Council.

### **25.1.4.3 Discretionary Activities (Aquaculture Involving Extractive Species)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for:

- (i) aquaculture involving filter feeding bivalves (including mussels), that does not comply with condition (d) of rule 25.1.4.2; or
- (ii) aquaculture involving other extractive species;

is a discretionary activity, if it complies with the following conditions:

- (a) The activity occurs entirely within any of the following subzones:
- (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara.
- (b) No current consent exists for aquaculture involving additive species in that same subzone.
- (c) Except in AMA 1 Waikato subzone (a), the activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25E, including baseline information.
- (d) Except in AMA 1 Waikato subzone (a), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67 percent of that intensity, is allowed as the first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on initial development does not preclude consent being sought and granted over whole subzones. The progression to subsequent stages within any subzone will be assessed by the Council after the monitoring reports from three years or two growing cycles of the first stage at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group.

**A resource consent is required.** Consent may be refused or conditions imposed. In considering applications and determining conditions, Council will have regard to the following matters as well as other provisions of the Plan and the Act.

- (1) Ecological effects, including:
- (a) Monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site.
  - (b) Application of available monitoring information through consent conditions and review.
  - (c) Consistency with the ecological management plan for the subzone.
  - (d) Effects of intensity of development.
  - (e) Further development of aquaculture in any subzone
  - (f) In AMA 1 Waikato subzone (a), the size of the initial stage of development.
  - (g) Integration with ecological management plans that are relevant for other subzones in the same AMA.
  - (h) Managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock.

- (2) Degree of exclusive occupation if sought.
- (3) Treaty values.
- (4) Type, size and scale, location, layout, density, and integrity of structures.
- (5) Natural character and amenity values, including visual and noise effects; except that for mussel farming, this matter is limited to natural character values at AMA 2 Puramakau subzone (1). *Refer to Schedule 25G.*
- (6) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (7) Duration of the permit.
- (8) Financial contributions, bonds, administrative charges.
- (9) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Except where aquaculture activities have already commenced, no structures are placed in the water until baseline information to implement Schedule 25E has been provided to the Council.

#### 25.1.4.4 Discretionary Activities (Mussel Farming at Wainui Bay)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for mussel farming, including mussel spat catching and mussel spat holding, is a discretionary activity, if it complies with the following conditions:

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- (a) The activity is at the Wainui Bay mussel farming sites as shown on the planning maps; and
- (b) The activity uses longline structures, incorporating surface buoys.

**A resource consent is required.** Consent may be refused or conditions imposed.

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The following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) The activity does not discharge contaminants to the sea, and in particular tributyl-tin anti-fouling is not used on any structure or equipment and no artificial feed is added to the sea.

For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.

- (ii) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (iii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iv) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (v) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

#### **25.1.4.5 Discretionary Activities (All Other Aquaculture)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for:

- (i) aquaculture involving additive species; or
- (ii) aquaculture involving filter feeding bivalves (including mussels) that does not comply with condition (b) of rule 25.1.4.3; or
- (iii) aquaculture involving extractive species that does not comply with condition (b) of rule 25.1.4.3;

is a discretionary activity, if it complies with the following conditions:

- (a) The activity occurs entirely within one of the following subzones:
  - (i) subzones (a) – (d) of AMA 1 Waikato;
  - (ii) subzones (l) – (q) of AMA 2 Puramakau;
  - (iii) subzones (i) – (l) of AMA 3 Te Kumara
- (b) With the exception of aquaculture activities in AMA 1 Waikato subzone (a), the activity is identified in an ecological management plan which has been prepared for the entire subzone and is submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25F, including baseline information, and must address the independent and cumulative effects of all aquaculture within the subzone.
- (c) For aquaculture involving additive species in subzones other than AMA 1 Waikato subzone (a):
  - (i) the applicant holds an authorisation to apply for consent, issued by the Council pursuant to policy 22.1.3.15;
  - (ii) a maximum of 10 hectares is allowed as the first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on development does not preclude consent being sought and granted over the whole area for which an applicant holds an authorisation to apply for consent. The progression of development beyond 10 hectares will be assessed by the Council after the monitoring reports for three years of farming 10 hectares at the full intensity allowed by the consent have been reviewed by an Ecological Advisory Group.

- (d) For aquaculture involving additive species in AMA 1 Waikato subzone (a):

- (i) the applicant holds an authorisation to apply for consent, issued by the Council pursuant to policy 22.1.3.15;
- (ii) the aggregate area authorised by all consents for aquaculture involving additive species within the subzone does not exceed 10 hectares as a first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on development does not preclude consent being sought and granted over the whole area for which an applicant holds an authorisation to apply for consent. The progression of development beyond 10 hectares will be assessed by the Council after the monitoring reports for three years of farming 10 hectares at the full intensity allowed by the consent have been reviewed by an Ecological Advisory Group.

- (e) For aquaculture involving extractive species in subzones other than AMA 1 Waikato subzone (a), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67 percent of that intensity, is allowed as the first stage of development.

For the avoidance of doubt, and notwithstanding rule 25.1.4.6, this restriction on initial development does not preclude consent being sought and granted over larger areas of subzones. The progression to subsequent stages within any subzone will be assessed by the Council after the monitoring reports from three years or two growing cycles of the first stage at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group.

- (f) For aquaculture involving extractive species in AMA 1 Waikato subzone (a) the activity occurs on a site that has been farmed pursuant to a marine farm licence or coastal permit that existed on 25 May 1996, for which a new permit is sought.

**A resource consent is required.** Consent may be refused or conditions imposed. In considering applications and determining conditions, Council will have regard to the following matters as well as other provisions of the Plan and the Act.

- (1) Ecological effects, including:
  - (a) water column and benthic effects resulting from the activity, in the vicinity of the site, throughout the subzone, and beyond the AMA;
  - (b) effects of structures on or above the surface of the water;
  - (c) cumulative effects of activities throughout the subzone, adjoining subzones and the wider environment;
  - (d) monitoring to ensure sustainable management of the marine environment;
  - (e) application of available monitoring information through consent conditions and review;
  - (f) consistency with the ecological management plan for the subzone;
  - (g) effects of intensity of development;
  - (h) further development of aquaculture in any subzone;
  - (i) managing risks of incursion, disease, biosecurity risk organisms, and genetic risk to wild stock.
- (2) Location of different aquaculture activities throughout the subzone, including separation distances.
- (3) Type, size and scale, appearance, layout, density, and integrity of structures, including any accommodation and feed storage structures, plant and machinery.
- (4) Any proposed staging of the first stage of development.



- (5) Hydrodynamic effects.
- (6) Natural character and amenity values, including visual and noise effects; except that for mussel farming, this matter is limited to natural character values at AMA 2 Puramakau subzone (I). *Refer to Schedule 25G*
- (7) Degree of exclusive occupation if sought.
- (8) Treaty values.
- (9) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (10) Duration of the permit.
- (11) Financial contributions, bonds, administrative charges.
- (12) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (a) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (b) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (c) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (d) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

#### **25.1.4.6 Prohibited Activities (Aquaculture other than Spat Catching)**

Aquaculture that would otherwise be a restricted discretionary activity or a discretionary activity that does not comply with:

- (i) conditions (a), (b), and/or (c) of rule 25.1.4.2; or
- (ii) conditions (a), (c), and/or (d) of rule 25.1.4.3; or
- (iii) rule 25.1.4.4; or
- (iv) rule 25.1.4.5;

is a prohibited activity for which no resource consent application will be received or granted.

**Note:** Existing TRMP rule 25.1.5.2 is a permitted activity rule for the deployment of structures for scientific investigation. This rule would permit control sites for monitoring effects of aquaculture outside the AMAs, without conflicting with prohibited activity rule 25.1.4.6.

**25.1.4.7 Prohibited Activities (Aquaculture Exclusion Area)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture in the Aquaculture Exclusion Area is a prohibited activity for which no resource consent application will be received or granted.

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Op 12/19**25.1.5 Other Structures or Occupation****25.1.5.1 Permitted Activities (Disturbance or Occupation for Lines or Cables)**

Any disturbance or occupation of the coastal marine area for the installation, use, maintenance or replacement of submarine lines or cables is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule in Chapter 25 of this Plan.
- (b) The line or cable is completely and permanently buried under foreshore or seabed.
- (c) The line or cable is buried by mole plough or water blasting.
- (d) The site is reinstated within 72 hours.

**25.1.5.2 Permitted Activities (Structures, etc. for Scientific Investigation)**

The deployment of any structure, instrument or material for or in connection with any scientific investigation is a permitted activity that may be carried out without a resource consent, if it complies with the following conditions:

- (a) There is no damage to any animal or plant habitat.
- (b) There is no impediment to public access.
- (c) The structure or instrument is clearly marked so as not to be a hazard to navigation.
- (d) The structure of instrument does not occupy an area of more than 20 square metres nor exceed 5 metres in height.
- (e) The deployment does not constitute a contaminant discharge.

**25.1.5.3 Permitted Activities (Occupation for Temporary Military Training)**

Any occupation that excludes the public for temporary military training purposes in accordance with the Defence Act 1990 is a permitted activity that may be carried out without a resource consent, if it complies with the following conditions:

- (a) Public notice is given of the exclusion of the public, or warning signs are erected adjacent to the site of the activity, at least 24 hours before any occupation.
- (b) Only temporary and no permanent structures are erected.
- (c) Vehicle or vessel passage and disturbance of the foreshore or seabed complies with the rules of this Plan.
- (d) The duration of the occupation at any site is no more than 10 days.

#### **25.1.5.4 Permitted Activities (Structures for Recreational Hunting or Fishing)**

Any constructed platform or support structure for recreational hunting or fishing, including a mai-mai or whitebait stand, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The structure is constructed only from local natural materials (except for framing) and is no more than 5 square metres in area.
- (b) The structure does not impede or divert water flows.

#### **25.1.5.5 Permitted Activities (Disturbance or Occupation of the Coastal Marine Area)**

Any disturbance or occupation in the coastal marine area resulting from the maintenance, repair, replacement or reconstruction of any structure or work that is:

- (i) for the purpose of avoiding or mitigating effects of erosion or inundation; or
- (ii) part of a road, including any bridge, culvert or protection work;

is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule of this Plan.
- (b) The activity relates to an authorised structure or work.
- (c) There is no alternative location from which the activity can be carried out.
- (d) Disturbance is confined to the smallest practicable area and does not cause significant habitat damage.
- (e) The activity avoids further restriction to tidal flushing and fish passage.
- (f) Vehicle movement in the coastal marine area is avoided wherever practicable and otherwise:
  - (i) avoids unnecessary disturbance;
  - (ii) traverses hard substrate wherever practicable;
  - (iii) avoids indigenous vegetation wherever practicable.
- (g) Within seven days of the work being completed, the natural levels of the foreshore and seabed are reinstated as close as practicable to those which existed prior to the activity commencing.

#### **25.1.5.6 Permitted Activities (Aviation and Marine Navigational Aids and Beacons)**

The placement, operation and maintenance of aviation navigational aids and beacons, and marine navigational aids and beacons, is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The navigational aid or beacon is installed for and on behalf of the Maritime Safety Authority, the Airways Corporation of New Zealand, or the Council, to mark a navigational hazard or for air navigational purposes.
- (b) Light spill to land is avoided as far as practicable, without detracting from the effectiveness of the navigational aid or beacon.
- (c) The navigational aid or beacon does not include an audible navigation warning.

- (d) All structures:
- (i) do not exceed 5 square metres in ground floor area; and
  - (ii) do not exceed 5 metres in height.

### 25.1.5.6A Permitted Activities (Removal of Structures)

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The removal of structures and any disturbance of the coastal marine area by or in connection with the removal is a permitted activity that may be undertaken without resource consent, if it complies with the following conditions:

- (a) The removal is undertaken by or on behalf of:
  - (i) the owner of the structure;
  - (ii) the Council; or
  - (iii) the Crown.
- (b) The area of disturbance does not exceed the minimum practical footprint required for access and removal.
- (c) Any damage to animal or plant communities does not exceed the minimum practical footprint required for access and removal or have any significant adverse effects on aquatic life.
- (d) The foreshore or seabed disturbed during the removal of the structure is restored as close as practicable to the local undisturbed condition within two days following removal.
- (e) Any person who intends to remove a structure must provide the following information to the Group Manager – Environment Assurance Group of Council before the removal takes place:
  - (i) a description of the structure and how it is proposed to be removed;
  - (ii) the date of removal;
  - (iii) the expected duration required to remove the structure;
  - (iv) the location co-ordinates of the structure to be removed;
  - (v) how the structure will be disposed of; and
  - (vi) who will be undertaking the work.
- (f) The structure is not entered on the New Zealand Heritage List/Rarangi Korero or listed in Schedule 16.13, or within a Cultural Heritage Site, including those listed in Schedule 16.13D

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NOTE: Before undertaking any work that may affect an archaeological site (recorded or unrecorded) an authority is required from Heritage New Zealand. An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

- (g) Navigation safety will not be adversely affected during the removal of the structure.
- (h) Network utilities will not be adversely affected during the removal of the structure.
- (i) Where the structure to be removed is marked on a hydrographic chart, the New Zealand Hydrographic Authority, Land Information New Zealand, is given written advice of the work before removal.

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### **25.1.5.7 Controlled Activities (Other Structures or Occupation)**

Any disturbance or occupation of the coastal marine area by or in connection with the use, maintenance, repair, replacement or removal of any pipe, discharge outfall structure, navigation aid, overhead line or with the upgrading of any overhead line, is a controlled activity, if it complies with the following conditions:

- (a) The activity does not include the construction or installation of any facility in a new location.
- (b) The activity does not involve any additional support structure.
- (c) The location, type, and need for any navigation aid has been approved by the Maritime Transport Authority under the Maritime Transport Act 1994.

**A resource consent is required** and may include conditions on the following matters over which the Council has reserved control:

- (1) Matters (3) to (8) specified in rule 25.1.2.3.
- (2) Measures to avoid, remedy, or mitigate any identified adverse effects of the activity.
- (3) In relation to navigation aids, the following additional matters:
  - (a) any loss of amenity as a result of the location, type and use of the navigation aid;
  - (b) the effectiveness of the navigation aid as a result of the actual or potential use or development of any land.
- (4) In relation to structures for the purpose of mitigating coastal erosion or inundation, the following additional matters:
  - (a) the design and appearance of the structure, including its profile;
  - (b) materials used in relation to adjoining foreshore material;
  - (c) likely effectiveness of the structure; and
  - (d) the avoidance, remedying, or mitigation of any adverse effect.

### **25.1.5.8 Discretionary Activities (Other Structures or Occupation)**

The disturbance or occupation of the coastal marine area by any structure or activity specified in rules 25.1.5.1 to 25.1.5.7, or the use of any such structure, in a manner that does not comply with the conditions, standards or terms of those rules, is a discretionary activity.

**A resource consent is required.** Consent may be refused or conditions imposed.

## **25.1.6 Structures and Occupation**

### **25.1.6.1 Prohibited Activities (Structures and Occupation)**

No resource consent shall be granted for the following prohibited activities:

- (a) The construction or use of any jetty, or the occupation of coastal marine area by any jetty, along the coastline between Kaka Island and Toko Ngawa Point.
- (b) The construction or use of any boatshed, or the occupation of coastal marine area by any boatshed, along the coastline between Kaka Island and Abel Tasman Point.

- (c) The construction or use of any boatshed or other structure, or the occupation of coastal marine area by any boatshed or other structure, for the accommodation of any person.
- (d) The construction or use of any structure or work, or the occupation of coastal marine area, by or in connection with any aquaculture purpose, within any part of the Aquaculture Exclusion Area **except that** this prohibition does not apply to any structure or work that is ancillary to an aquaculture operation carried out landward of the line of mean high water springs – such as a seawater intake or discharge structure.

## 25.1.20 Principal Reasons for Rules

### Structures for Launching, Haulout, Mooring, Berthage or Storage of Craft or Vessels

The District contains several existing structures that have no current authorisation – because none were needed previously, or consent requirements were not administered. Those existing unauthorised structures that have no adverse effects have been given permitted activity status, subject to a condition relating to the provision of the owner’s name and contact details to Council. Consent needs to be obtained for other unauthorised structures if adverse effects can be adequately managed; otherwise the structures need to be removed.

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Where coastal structures are abandoned and no owner can be found then, under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Marine and Coastal Area (Takutai Moana) Ownership of Structures Regulations 2015, the Crown (Department of Conservation) is deemed to be the owner and the structure can be removed. Council can also remove some abandoned structures where the structure is considered to be of minimal value and the owner cannot be found. All new structures require consent, which will not be granted unless adverse effects can be avoided, remedied or mitigated.

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### Structures for Aquaculture

Structures for aquaculture purposes have the potential to occupy a significant extent of the coastal marine area. There is a range of important public values over the coastal marine area that could be adversely affected by allowing aquaculture activities involving permanent occupation of space. For these reasons, aquaculture has been confined to limited Aquaculture Management Areas. These are generally three nautical miles offshore, but in northern Golden Bay/Mohua the AMA extends seaward from the existing marine farms area. The remainder of the coastal marine area is an Aquaculture Exclusion Area in which aquaculture is prohibited.

The AMAs provide space for both permanent farming activities and the catching of spat. The area available for seasonal spat catching is extensive, but the area that can be used in any 12-month period is limited. Spat catching is also limited to a season, providing a corresponding season when there are no spat catching structures in the water. These provisions give spat catchers some flexibility in location, while maintaining public values during the season of no spat catching and over the area not available for spat in any season.

As there is uncertainty in relation to the effects on marine ecology of aquaculture activities over extensive areas of Tasman Bay/Te Tai-o-Aorere and Golden Bay/Mohua a cautious and adaptive approach has generally been adopted. Spat catching in specific subzones is provided for on the basis that it is undertaken on a seasonal and rotational basis. For other aquaculture activities, the rules provide for the staged uptake of space within the subzones dependent on the results of monitoring effects of the activities prior to expansion. The effects of mussel farming in the region are relatively well known and consequently mussel farming (and farming of other filter feeding bivalves – which are considered to have similar effects to mussels) has been provided with a specific restricted discretionary activity status. Aquaculture involving other extractive species that does not require the addition of material, such as feed or therapeutants, is provided for through a discretionary activity rule that requires staged development to be undertaken. For species such as, for example, finfish that require addition of material, a more cautious approach has been adopted. A limited amount of space will be made available within the subzones through a tendering process to convert existing farms or establish new farms for aquaculture involving additive species. Within this space a limited first stage of development will be provided for, with progression to the full area available

under the tender process being guided by the results of monitoring. Ecological Advisory Groups will be established to assist Council in assessing the significance of monitoring results as development proceeds.

All aquaculture structures must be easily visible to allow safe navigation in the coastal marine area. The requirements for marking and lighting aquaculture structures are a compromise between the high visibility needed for navigation safety, and the low visibility sought to maintain natural character and amenity values.

### **Aviation and Marine Navigational Aids**

There are limited siting options for marine navigational aids and beacons to achieve their function of warning of the presence of natural hazards to navigation. Similarly, for aviation navigational aids and beacons, there are limited siting options if the facilities are to achieve their purpose of ensuring safe and efficient air traffic movement within the District. Adverse effects of navigational aids and beacons are likely to be limited, and are considered to be outweighed by the safety need which they serve. Where marine navigational aids are required for any activity in the coastal marine area, such as a structure for aquaculture operations, effects of any necessary navigational aids can be considered as part of the assessment of the consent application for the activity.





## **25.2 DISTURBANCE**

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1.*

### **25.2.1 Scope of Section**

This section deals with disturbances or physical modifications to the foreshore or seabed, including reclamations, excavation, deposition or removal of material. Information required with coastal permit applications for disturbances is detailed in Chapter 26.

### **25.2.2 Passage on Foreshore**

#### **25.2.2.1 Permitted Activities (Passage on Foreshore)**

The passage of craft or vehicles across or along the foreshore is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule of Chapter 25 of this Plan.
- (b) In relation to the launching and retrieval of any craft, the most direct route is taken between any launching ramp and water.
- (c) In relation to any craft or vehicle, including any motorcycle, land yacht, or hovercraft:
  - (i) there is no damage to the foreshore or seabed or to animal or plant habitats;
  - (ii) there is no mooring, beaching, or other continued occupation of the foreshore or seabed by the craft or vehicle.
- (d) There is no vehicle or craft passage across any foreshore within any estuary at all times that that foreshore is exposed to the air, except where the passage is for or in connection with:
  - (i) any lawful structure, occupation or disturbance; or
  - (ii) any scientific research or coastal management activity.

### **25.2.3 Disturbance of Foreshore or Seabed**

#### **25.2.3.1 Permitted Activities (Disturbance of Foreshore - Marine Mammals)**

Disturbance of foreshore for the purpose of facilitating the rescue or burial of stranded marine mammals is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule of Chapter 25 of this Plan.
- (b) The activity does not involve the burial of marine mammals on the foreshore.
- (c) The work is required by the person directing the rescue operation as being the best practicable option having regard to the location, nature and scale of the task.
- (d) Any excavated material is retained adjacent to the excavation.
- (e) The natural foreshore level and profile are reinstated with the excavated material within seven days of the rescue or burial, either by natural processes or by mechanical means.

### 25.2.3.2 Discretionary Activities (Disturbance of Foreshore or Seabed – Other Purposes)

Any disturbance of the foreshore or seabed involving the excavation, deposition, redistribution or removal of material for any purpose other than those specified in rules 25.1.3.1, 25.1.3.2, 25.1.4.1 to 25.1.4.6, 25.1.5.1, 25.1.5.2, 25.1.5.4 to 25.1.5.8 or 25.2.3.1 is a discretionary activity, if it complies with the following conditions:

- (a) The activity does not take place in any area identified in Schedule 25D except:
  - (i) within 200 metres of the breakwaters at Port Tarakohe, as they existed at 31 December 2002;
  - (ii) within 100 metres of the wharves, jetties, boatramps or slipways at Port Mapua, Port Motueka, Waitapu, Collingwood or Mangarakau, as they existed at 31 December 2002;
  - (iii) within 75 metres of the public jetty at Torrent Bay/Rākauroa, as it existed at 31 December 2002;
- (b) The New Zealand Hydrographic Authority, Land Information New Zealand, is given written advice of the work at the time of commencement and completion.

**A resource consent is required.** Consent may be refused or conditions imposed. Council's assessment of any application may include, but is not restricted to, matters of the kind listed in rule 25.1.2.3, and:

In relation to reclamation:

- The minimum practical area needed for the proposed activity, adequate management of effects likely from that activity, and for public access to and along the coast.

In relation to dredging:

- The need for the dredging.
- The need for future maintenance dredging.

In relation to redistribution of foreshore material:

- The nature of the replenishment material.
- Effects on habitats and ecosystems in both the receiving area and the source area for the replenishment material.
- Natural coastal processes occurring in the source and replenishment areas, and the likely destination of material moved from the replenishment site by natural processes.

### 25.2.3.3 Non-Complying Activities (Disturbance of Foreshore or Seabed – Other Purposes)

Any disturbance of foreshore or seabed for any purpose specified in rule 25.2.3.2, that does not comply with the conditions for that rule, is a non-complying activity.

**A resource consent is required.** Consent may be refused or conditions imposed.

### 25.2.3.4 Prohibited Activities (Disturbances)

No resource consent shall be granted for the following prohibited activities:

- (a) The disturbance of sites in the coastal marine area by or in connection with the use of any structure for aquaculture purposes within any part of the Aquaculture Exclusion Area **except that** this prohibition does not apply to any structure or work that is ancillary to an aquaculture

operation carried out landward of the line of mean high water springs, such as a seawater intake or discharge structure.

## **25.2.20 Principal Reasons for Rules**

### **Passage of Craft or Vehicles**

Passage of craft or vehicles over the surface of the foreshore may damage animal or plant habitats, or interfere with public access or use of this space, and these effects need control.

### **Marine Mammal Disposal**

Beachings of whales or other marine mammals is a frequent occurrence, particularly in Golden Bay/Mohua. Disposal of carcasses by burial away from the foreshore, and disturbances of the foreshore in rescuing mammals or moving carcasses to burial, are allowed as being appropriate and necessary activities, generally without significant contaminating or other adverse effect.

### **Disturbances**

Disturbances in the coastal marine area may adversely affect animal and plant habitats and communities, water quality and natural coastal processes. These effects need to be regulated.



## 25.3 PASSAGE OF CRAFT

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 24.1.*

### 25.3.1 Scope of Section

This section deals with the passage of craft in the coastal marine area.

### 25.3.2 Navigation

#### 25.3.2.1 Permitted Activities (Navigation)

The use of any craft for navigation purposes is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity is not restricted by any other applicable rule of Chapter 25 of this Plan.
- (b) The activity does not damage or destroy coastal marine habitat or species within the estuarine or intertidal areas identified in Schedule 25D.
- (c) The activity does not disturb coastal marine species in a manner that prevents animals or plants from occupying their usual habitat within the estuarine or intertidal areas identified in Schedule 25D.

#### 25.3.2.2 Discretionary Activities (Navigation)

The use of any craft for navigation purposes that does not comply with the conditions for a permitted activity is a discretionary activity.

**A resource consent is required.** Consent may be refused or conditions imposed.

### 25.3.3 Aircraft

#### 25.3.3.1 Permitted Activities (Aircraft)

Any aircraft landing or takeoff is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The landing or takeoff is at least 500 metres seaward of mean high water springs in any area identified in Schedule 25D.
- (b) Clause (a) does not apply in emergencies, including:
  - (i) fire, accident and medical emergencies;
  - (ii) responding to danger to life and property;
  - (iii) emergency lighthouse servicing;
  - (iv) conservation emergencies (under the direction of the Department of Conservation).

#### 25.3.3.2 Discretionary Activities (Aircraft)

Any aircraft landing or takeoff that does not comply with conditions for a permitted activity is a discretionary activity.

**A resource consent is required.** Consent may be refused or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

- (1) Number or frequency of aircraft landings and takeoffs, separate from and in addition to any cumulative total of authorised landings and takeoffs in any location.
- (2) Amenity and natural values of the location, including the effects of noise, wash and wind-blast.
- (3) Period for engine running while the aircraft is on the foreshore or coastal water.
- (4) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).
- (5) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).
- (6) Navigation safety.

### **25.3.20 Principal Reasons for Rules**

The passage of craft is an appropriate activity in the coastal marine area where navigational safety is observed, damage or disturbance to coastal ecosystems is avoided, and public access is not impeded by occupation of space. Marine aircraft movements other than in near-shore areas of high use or of wildlife significance are also appropriate.

An exception is needed for aircraft in emergency operations, when landing on water may be necessary to avoid sand or debris being ingested into the aircraft or controls.

## 25.4 HAZARDOUS FACILITIES

*Refer to Policy set 23.2.  
Refer to Rule section 16.7.*

### 25.4.1 Scope of Section

This section deals with the use, storage and transport of hazardous substances in the coastal marine area. Information required with resource consent applications is detailed in Chapter 26.

### 25.4.2 Hazardous Facilities

#### 25.4.2.1 Permitted Activities (Hazardous Facilities)

Any hazardous facility is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) The activity does not contravene any other applicable rule in Chapter 25 of this Plan.
- (b) The activity has a total quantity ratio calculated in accordance with Schedule 16.7A that does not exceed 0.02.

#### 25.4.2.2 Discretionary Activities (Hazardous Facilities)

Any hazardous facility that does not comply with the conditions for a permitted activity is a discretionary activity, if it complies with the following conditions:

- (a) The activity does not involve the manufacture or processing of any hazardous substance.
- (b) Conditions (c) to (p) in rule 16.7.2.1.

**A resource consent is required.** Consent may be refused or conditions imposed.

#### 25.4.2.3 Prohibited Activities (Hazardous Facilities)

No resource consent shall be granted for the following prohibited activities:

- (a) Any hazardous facility involving the manufacture or processing of hazardous substances.

### 25.4.3 Radioactive Material

#### 25.4.3.1 Non-Complying Activities (Radioactive Material)

The transport or use of radioactive material or the use of irradiating apparatus for research or medical purposes, undertaken in compliance with the Radiation Protection Act 1965, is a non-complying activity.

**A resource consent is required** and may include conditions.

#### 25.4.3.2 Prohibited Activities (Radioactive Material)

No resource consent shall be granted for the following prohibited activities:

- (a) The generation of, or generation of energy from, radioactive material.
- (b) The transport or use of radioactive material which is not irradiating apparatus, for educational or research purposes.

## **25.4.20 Principal Reasons for Rules**

### **Hazardous Facilities**

The manufacture or processing of hazardous substances and the storage of hazardous waste carry unacceptable risks of contamination and environmental damage to the coastal marine area. The storage of hazardous waste in the coastal marine area is prohibited under the Act and therefore not included in rule 25.4.2.3.

The Hazardous Facilities Screening Procedure in Chapter 16.7 is applied to the coastal marine area. Activities such as fuel storage on wharves will be a discretionary activity.

### **Radioactive Material**

The prohibition on the generation of, or the generation of energy from, radioactive material, or storage or disposal of radioactive material is because these carry unacceptable risks of contamination and other environmental damage to the coastal marine area. Use of radioactive material for educational purposes was considered an unnecessary risk for the coastal marine area. Storage and disposal of radioactive material in the coastal marine area is prohibited by the Act and therefore is not included in rule 25.4.3.2.



## **25.5 FINANCIAL CONTRIBUTIONS**

*Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1, 23.2, 24.1.  
Refer to Rule sections 25.1 – 25.4.*

### **25.5.1 Scope of Section**

This section deals with financial contributions requirements for activities in the coastal marine area.

### **25.5.2 Purposes of Financial Contribution**

The Council may require as a condition on any coastal permit that a financial contribution of money or land, or any combination of those, is made for the following purposes:

- (a) To avoid, remedy, or mitigate any identified adverse effect on the environment from the activity that is the subject of the consent.
- (b) To attain any positive effect on the environment to offset any adverse effect.
- (c) To provide access and utility services if appropriate.
- (d) To attain the objectives and policies of the Plan.

In particular, these purposes may include contributing to:

- (i) works such as channel maintenance or shoreline protection;
- (ii) harbour management services such as the provision of navigation aids, advisory signs, or Navigation Safety Bylaw administration;
- (iii) enhancement of public access, including provision of parking areas;
- (iv) beach enhancement;
- (v) provision of, or connection to, water supply, power and lighting; collection and disposal facilities or services for sewage and waste;
- (vi) environmental assessment or monitoring.

### **25.5.3 Maximum Amount of Financial Contribution**

The maximum amount of any financial contribution is the amount of money or land required to attain the above purposes to the extent specified in the coastal permit.

### **25.5.20 Principal Reasons for Rules**

Financial contributions are one means of overcoming or off-setting adverse effects. They will not be applied as a penalty for effects which cannot otherwise be adequately managed. If a financial contribution cannot lessen the effects of an activity, consent should be refused, not granted at a price.

Nor do financial contributions compensate for opportunities foregone. For example, occupation of the coastal marine area to the exclusion of other people is best addressed by an occupation charge, not a financial contribution.

It is not possible to provide a basis for calculating the maximum exposure to financial contributions more explicitly for activities in the coastal marine area at present. The significance of effects is related to the nature, scale and location of each activity, and there are no pre-determined and pre-costed solutions as with, for example, the utility services required to manage the effects of subdivision, use and development of dry land.

## SCHEDULES

### Schedule 25A: Coastal Structures Permitted by Rule 25.1.2.1

STRUCTURE	LOCATION	DESCRIPTION	POSITION (NZTM)		POSITION (WGS 84) ①			
			EASTING	NORTHING	EASTING	NORTHING		
<b>(i) Wharves and Breakwaters</b>								
1	Mapua	Seaward end of floating wharf	173.1023385	-41.2562993	1608573	5432785		
2		Mid-length of main wharf	173.1021478	-41.2565336	1608557	5432759		
3	Motueka	Mid-length of main wharf	173.0226082	-41.1386206	1601897	5445854		
4	Tarakohe	Western breakwater, outer end	172.8930088	-40.8211596	1590977	5481090		
5		Eastern breakwater, outer end	172.8941353	-40.8204048	1591072	5481174		
6		Southern wharf, mid-length	172.8981023	-40.8232893	1591407	5480854		
7		Northern wharf, mid-length	172.8974988	-40.8224429	1591356	5480948		
8	Waitapu	North-east corner of wharf	172.8084642	-40.8228618	1583848	5480889		
9	Milnthorpe	Eastern corner of wharf	172.6846290	-40.7170426	1573363	5492605		
10	Collingwood	Wharf	172.6791298	-40.6789657	1572883	5496830		
11	Mangarakau	North-east end of uncompleted wharf structure	172.5239085	-40.6221127	1559732	5503081		
<b>(ii) Boat Ramps</b>								
1	Best Island	West of jetty	173.1613927	-41.3012220	1613511	5427791		
2	Rough Island	Hunter Brown Reserve	173.1075613	-41.2689829	1609009	5431377		
3	Rabbit Island/ Moturoa	Ski-lane ramp	173.1511199	-41.2835410	1612654	5429755		
4	Mapua	Adjoining wharf	173.1020280	-41.2562004	1608547	5432796		
5		Grossi Point	173.0987782	-41.2613359	1608274	5432226		
6	Kina	Baigent's Reserve	173.0398101	-41.1635951	1603339	5443081		
7	Motueka	East of main wharf	173.0239663	-41.1379267	1602011	5445931		
8		Peninsula	173.0204166	-41.1374319	1601713	5445986		
9	Riwaka	End of Green Tree Road	173.0069527	-41.0716890	1600584	5453284		
10	Kaiteriteri		173.0195796	-41.0352000	1601645	5457335		
11	Otuwhero	Estuary	173.0075894	-41.0090957	1600638	5460233		
12		Beach	173.0090627	-41.0081956	1600762	5460333		
13	Totaranui	Beach	173.0060332	-40.8181461	1600508	5481430		
14	Totaranui	Estuary	173.0055589	-40.8176957	1600468	5481480		
15	Tata Beach		172.9147836	-40.8115242	1592812	5482161		
16	Tarakohe		172.8942731	-40.8232588	1591084	5480857		
17	Waitapu		172.8075846	-40.8239864	1583774	5480764		
18	Rangihaeata		172.7889710	-40.8059900	1582200	5482758		
19	Onekaka		172.7093369	-40.7479647	1575461	5489180		
20	Collingwood		172.6805998	-40.6756915	1573006	5497194		
21	Mangarakau	Adjoining uncompleted wharf	172.5239908	-40.6221671	1559739	5503075		

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STRUCTURE	LOCATION	DESCRIPTION	POSITION (NZTM)		POSITION (WGS 84) ①			
			EASTING	NORTHING	EASTING	NORTHING		
<b>(iii) Public Structures in the Abel Tasman Foreshore</b>								
1	Torrent Bay/ Rakauroa	Torrent Bay/Rakauroa Jetty	1604079	5467276	173 02.907651	40 56.738118		
1a	Torrent Bay/ Rakauroa	Track markers (Various)	-	-	-	-		
2		Torrent Bay/Rakauroa Finger Jetty	1603974	5467221	173 02.832824	40 56.767876		
3a	Marahau	Causeway Marahau 1	1600414	5461687	173 00.295327	40 59.759566		
3b		Causeway Marahau 2	1600514	5461787	173 00.366660	40 59.705513		
3c		Causeway Marahau 3	1600514	5461887	173 00.366655	40 59.651463		
3d		Causeway Marahau 4	1600514	5461987	173 00.366650	40 59.597414		
3e		Causeway Marahau 5	1600614	5462087	173 00.437979	40 59.543360		
4	Bark Bay	Water Pipe Bark Bay	1604765	5470680	173 03.395087	40 54.898028		
5d		Bark Bay Estuary steps	1604256	5470469	173 03.032507	40 55.012243		
5e		Bark Bay Estuary ramp / steps	1604240	5470497	173 03.021095	40 54.997114		
6	Mosquito Bay	One set of wooden steps	1605012	5470983	173 03.570929	40 54.734167		
8a	Watering Cove	Beach Steps	1604723	5465238	173 03.367651	40 57.839446		
8b		Beach Steps	1604741	5465254	173 03.380478	40 57.830792		
8c	Awaroa	Track markers (various)	-	-	-	-		
<b>(v) Jetty or Berth at Specified Locations</b>								
1	Ligar Inlet	Jetty	172.9099630	-40.8182922	1592407.0	5481410.0		
2		Pile berth	172.9099394	-40.8182111	1592405.0	5481419.0		
3		Ramp and slipway	172.9099161	-40.8179499	1592403.0	5481448.0		
4		Pile berths (3)	172.9099873	-40.8178598	1592409.0	5481458.0		
5		Pile berths (4)	172.9100350	-40.8177257	1592413.0	5481472.9		
6	Best Island	Jetty	173.1617276	-41.3013746	1613539.4	5427774.0		
7	Deadman's Island	Jetty	173.1521402	-41.2965965	1612737.7	5428305.9		
8	Jackett's Island	Jetty	173.0219418	-41.1411691	1601841.4	5445571.4		
9	Collingwood	Western jetty adjoining boat ramp	172.6802685	-40.6756816	1572978.7	5497195.2		
10		Eastern jetty adjoining boat ramp	172.6804690	-40.6758082	1572995.7	5497181.2		
11	Port Motueka	Yacht Club jetty and berths	173.0198685	-41.1373420	1601667.5	5445996.3		
<b>(vi) Jetty or Berth at Riwaka</b>								
1	Riwaka	Jetty	173.0059410	-41.0728592	1600499.1	5453154.8		
2		Jetty	173.0060243	-41.0727421	1600506.1	5453167.8		
3		Jetty	173.0060600	-41.0726971	1600509.1	5453172.8		
4		Jetty	173.0063457	-41.0723728	1600533.1	5453208.8		
5		Jetty	173.0064409	-41.0723007	1600541.1	5453216.8		
6		Jetty	173.0065123	-41.0722115	1600547.1	5453226.7		
7		Jetty	173.0066432	-41.0720313	1600558.1	5453246.7		
8		Jetty	173.0067861	-41.0720223	1600570.1	5453247.7		
9		Jetty	173.0068456	-41.0719953	1600575.1	5453250.7		
10		Jetty, 120m west of boat ramp	173.0054766	-41.0714999	1600460.1	5453305.7		
11		Jetty, 100m west of boat ramp	173.0056790	-41.0714729	1600477.1	5453308.7		
12		Boatshed	173.0063696	-41.0734898	1600535.1	5453084.8		
13		Boatshed	173.0063696	-41.0733997	1600535.1	5453094.8		
14		Boatshed, ramp, and jetty	173.0064529	-41.0733366	1600542.1	5453101.8		
15		Boatshed	173.0065243	-41.0732646	1600548.1	5453109.8		
16		Boatshed	173.0065243	-41.0732015	1600548.1	5453116.8		
17		Jetty	173.0064410	-41.0731384	1600541.1	5453123.8		
18		Jetty	173.0065600	-41.0730844	1600551.1	5453129.8		

STRUCTURE	LOCATION	DESCRIPTION	POSITION (NZTM)		POSITION (WGS 84) ①			
			EASTING	NORTHING	EASTING	NORTHING		
19		Jetty	173.0087847	-41.0725528	1600738.0	5453188.8		
20		Jetty	173.0088918	-41.0725798	1600747.0	5453185.8		
21		Jetty	173.0089752	-41.0725978	1600754.0	5453183.8		
22		Jetty	173.0090823	-41.0726248	1600763.0	5453180.8		
23		Wharf, mid-length of northern face	173.0093561	-41.0726158	1600786.0	5453181.8		



**Schedule 25B:**

*[Schedule 25B is deleted]*

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**Schedule 25C: Location of River Mouths**

The location of mouths of rivers, agreed between Tasman District Council and the Minister of Conservation, as required by Section 2 of the Resource Management Act 1991; and the associated boundary of the coastal marine area across those rivers.

RIVER	MAP	RIVER MOUTH	CMA BOUNDARY
Big River	190	Where river widens to estuary – L25: 476-482	At junction of Ceres Creek – L25: 477-478
Raukawa Stream	191	Where stream meets coast – L25: 493-502	Same point – L25: 493-502
Anaweka River	192	Where river widens to estuary – M25: 504-493	Same point – M25: 504-493
Turimawivi River	193	Where river discharges to coast – M25: 520-528	At point – M25: 522-526
Anatori River	194	Where river discharges to coast – M25: 563-561	At bend below ford – M25: 565-558
Sandhills Creek	195	At the inland edge of the tidal dune system – M25: 587-593	Same point – M25: 587-593
Paturau River	196	Where river discharges to coast – M25: 620-627	At road bridge – M25: 621-622
Wairoa River	197	At stream confluence – M25: 757-658	M25: 756-657
Muddy Creek (western arm)	198	At the junction of stream and estuary – M25: 775-673 and M25: 778-669	Same points – M25: 775-673 and M25: 778-669
Muddy Creek (main stream)	199	At the peninsula in the stream channel – M25: 784-670	Downstream of confluence – M25: 787-668
Nguroa Stream	200	At the point of discharge to the dune/estuary system – M24, N24: 781-757	Same point – M24, N24: 781-757
Greenhills Stream	201	At the point of discharge to the dune/estuary system – M24, N24: 805-773	Same point – M24, N24: 805-773
Wharariki Stream	202	At the point of discharge to the dune/estuary system – M24, N24: 832-781	Same point – M24, N24: 832-781
Pakawau Creek	203	Where creek enters estuary – M25: 826-690	At road bridge – M25: 825-690
Gorge Creek	204	At channel divergence around island – M25: 805-613	At road bridges – M25: 801-611 and M25: 802-607
Aorere – northern channels	205	At the change from farmed land to estuarine vegetation – M25: 816-596	At the channel junction – M25: 813-594
Aorere River (main channel)	206	Where a minor channel branches to the south – M25: 817-589	At the Puponga Road bridges – M25: 814-590 and M25: 819-583
Parapara River	207	At the abrupt change from confined channel to estuary – M25: 830-531	At the State Highway 60 road bridge – M25: 828-531
Onekaka River	208	Where river enters estuary – M25: 852-504	Same point – M25: 852-504
Pariwhakaoho River	209	Point of discharge to open sea – M25: 880-480	Same point – M25: 880-480
Takaka River	210	At end of tide banks on present channel – N25: 932-431	At divergence of present and immediately previous channels – N25: 928-426
Motupipi River	211	An arbitrary point behind two houses: there is no obvious change from land to estuarine margins – N25: 963-403	N25: 964-402
Wainui River	212	Where a ditch enters left bank of river – N25: 047-425	Where the last river meander adjoins the road – N25: 047-424
Nakahi Stream/ Awapoto River	213	At road bridge – N26: 097-387	Same point – N26: 097-387
Awaroa River	214	At the edge of wetland – N26: 095-370	N26: 095-368
Marahau River	215	Where the river channel reaches open sea – N26: 109-235	N26: 106-232
Otuwhero River	216	At boundary of salt marsh and estuary – N26: 092-214	N26: 092-215
Kaiteriteri	217	At access bridge where stream enters estuary – N26: 107-186	Same point – N26: 107-186
Riuwaka River	218	Where river abruptly widens into estuary – N26: 101-157	N26: 098-157
Motueka River	219	Where channel divides – N26:114-136	State Highway 60 Bridge – N26: 109-128
Moutere River	220	At Batchelor's Ford – N27: 100-067	Adjoining Robinson Road "loop" – N27: 099-066
O'Connor Creek	221	At the junction of eastern tide banks – N27: 196-913	At the channel divergence – N27: 196-907
Pearl Creek	222	At the junction of the western tide bank with Cotterell Road – N27: 212-908	At the tide gate adjoining Cotterell Road – N27: 210-904
Waimea River	223	At the junction of the eastern tide bank and access track – N27: 216-907	Due east of the Nelson VOR Aeronautical Navigation Station – N27: 212-902
Neiman Creek	224	At the seaward end of the north bank tide bank – N27: 232-889	At the Queen Street culvert – N27: 226-888
Reservoir Creek	225	At stock bridge on railway embankment – N27: 268-861	Same point – N27: 268-861



### Schedule 25D: Areas with Nationally or Internationally Important Natural Ecosystem Values

AREA NO.	AREA NAME	SEAWARD BOUNDARY	SUMMARY OF VALUES	STATUS
1	Big River Estuary	A line due east across the mouth, commencing from the western point.	A small (~ 35 ha) estuary with a low level of human impact. Catchment is clad in unmodified indigenous forest dominated by northern rata and hard beech. Rare variable oystercatcher and white-fronted tern are present.	National
2	Whanganui (Westhaven) Inlet	A line from South Cone Head to Bar Point.	Large (2,774 ha) estuary surrounded by a combination of forest and pasture. Notable for intact vegetation sequences from estuary to hill top. Low level of permanent human impact. Important breeding site for vulnerable banded rail, banded dotterel and Australasian bittern. Rare alluvial indigenous forest-type present adjacent to estuary. Excellent variety of estuarine habitats and species. Area protected as Wildlife Management Reserve and Marine Reserve.	National
3	Kahurangi River to Big River	A line 1 km offshore from MHWS, commencing at the boundary of the District at Kahurangi Point, and extending to a line due north from the western point at the mouth of Big River.	Remote area of limestone coast (~ 5 km in length) dominated by large intertidal shore platforms. Area with outstanding coastal landforms and marine terraces. Area used by breeding variable oystercatchers.	National
4	Te Hapu to Fossil Point	A line 1 km offshore from MHWS, between a line north-west from Sharks Head and a line due north from Fossil Point.	Remote area of coast (~ 36 km in length) with dramatic cliffs, reefs, offshore stacks and areas of extensive dune systems. Areas used for fur seals and reef heron. Coast supports only known population of a coastal broom species. Area with a low human presence and high seascape values.	National
5	Farewell Spit and Tidal Flats	A line commencing at a line due north from Fossil Point then extending generally east at a distance of 1 km offshore from MHWS, and continuing at that distance around the eastern end of the Spit to join the 5m depth contour shown on Chart NZ 61, and then generally west along that contour to a line on a bearing of 140° from Puponga Point, and then along that line to MHWS at Puponga Points.	New Zealand's longest spit system (~ 30 km) is internationally recognised under IUCN criteria as an important wetland. It is also recognised as an internationally important landform. Important sites for a wide variety of wading species which feed over large intertidal flats. Presence of rare plants, including <i>Euphorbia glauca</i> , sand daphne, sand spike rush and <i>Eleocharis neozelandica</i> . Area protected in Nature Reserve to mean low water.	International
6	Puponga Inlet	A line due east across the mouth.	A small estuary (~ 40 ha) with relatively intact saltmarsh and fringing vegetation. Breeding area for banded rail and Australasian bittern.	National
7	Pakawau Inlet	A line seaward of the road bridge, projecting from the southern spit outer beach, to Seaford.	A small estuary (~ 60 ha) with intact estuarine habitats, including relatively large areas of saltmarsh. Presence of banded rail, spotless crane and South Island fernbird.	National
8	Waikato Spits, Inlet and Shell Banks	A line between the seaward ends of the two spits.	A relatively small elongate estuary (~ 30 ha) enclosed by two barrier spits. Presence of banded rail, banded dotterel, variable oystercatcher, Caspian tern and occasional white-fronted tern. An area with important shell banks which are utilised by roosting waders.	National
9	Ruataniwha Inlet	A continuation of the beach line from Collingwood to the northern sandspit.	The largest estuary in Golden Bay/Mohua (~ 1,610 ha). The estuary receives fresh water from the Aorere River. Contains a variety of habitats and estuarine species, including extensive areas of relatively intact saltmarsh located in river delta areas. Presence of banded rail, Australasian bittern and South Island fernbird.	National
10	Parapara Inlet/ Sandspits	A continuation of the beach line between Parapara and Milnthorpe.	An approximately 200 ha estuary, fed by the Parapara River. Presence of banded rail, Caspian tern and white heron. Important high tide roost located at the top of the southern sandspit.	National
11	Onekaka Estuary/ Sandspit	A continuation of the outer beach line.	A small estuary (~ 24 ha) notable for the presence of South Island fernbird, Caspian tern, banded rail, banded dotterel and white-fronted tern.	National
12	Onahau Estuary	A line from the sandspit to the western entrance point.	A small estuary (~ 33 ha) enclosed by a narrow sandspit. Notable for presence of banded rail, South Island fernbird and marsh crane.	National

AREA No.	AREA NAME	SEAWARD BOUNDARY	SUMMARY OF VALUES	STATUS
13	Waitapu Estuaries	A line from Rangihaeata Head to the outer lead light for the Waitapu harbour entrance.	This complex of river deltas and estuarine habitats extend over an area of ~ 360 ha from Rangihaeata Head to Soper's Hill in the east. Extensive areas of saltmarsh exist in these river and estuarine delta areas. Totara forest exists in the Takaka River mouth. Notable for presence of royal spoonbill, banded rail, Australasian bittern, marsh crake and South Island fernbird.	National
14	Motupipi Estuary	A line from the seaward end of Nees Road to the north-western end of the Pohara sandspit.	A small estuary (~ 40 ha) divided by a hill into two distinct parts. The estuary provides important high tide roosts for both national and international waders. Notable for the highest number of banded rail in a Golden Bay/Mohua estuary. Also present are marsh crake and fernbird.	National
15	Tata Beach Estuary	A line from the north-eastern point of the Abel Tasman Monument site, to the peninsula.	A small estuary (~ 8 ha) influenced by the surrounding granite catchments. Notable for presence of banded rail and South Island fernbird.	National
16	Wainui Inlet	A line generally parallel to the sandspits and 200 metres seaward of MHWS.	A relatively large estuary in Golden Bay/Mohua (~ 275 ha). Important high tide roosts are located at the tops of both spits. Notable for presence of banded rail, marsh crake and South Island fernbird. Important seascape values as viewed from road to Totaranui. Adjoins Abel Tasman National Park.	National
17	Pohara to Abel Tasman Point	A line generally 200 metres from MHWS, between a line on a bearing of 315° from the base of the western breakwater of Port Tarohe and a line on a bearing of 23° from Abel Tasman Point, and including the Tata Islands.	This section of limestone coast (~ 11 km) is notable for its outstanding seascape/landscape features. The vulnerable sea spurge and threatened reef heron occur along this coast.	National
18	Abel Tasman National Park Coastline and Estuaries	A line generally at 1 nautical mile offshore from Taupo Point, changing to an arc 6 nautical miles from Separation Point/Te Matau between a line on a bearing of 15° from Taupo Point and a line on a bearing of 76° from Trig G (at the northern end of Totaranui), and continuing at 1 nautical mile offshore generally south to and around Fisherman Island (and except where it meets the northern point of AMA 3 in Tasman Bay/Te Tai-o-Aorere).	A granite dominated coast some 92 km in length, interspersed by sand beaches, sculptured granite headlands, 15 estuaries and 7 islands. Notable for protected "bryozoan" coral beds at Separation Point/Te Matau. Also important as a refuge for banded rail, reef heron and fernbird. Backed by coastal forest, the area has spectacular seascape values. Granite coast and associated marine communities unique in New Zealand. Recognised as an area supporting one of only two populations of the endangered peppergrass.	International
19	Otuwhero, Marahau Estuaries, Sandspits and Tidal Flats	A line across Sandy Bay, from the eastern end of Tinline Bay to the western end of rocks extending west from Toko Ngawa Point.	A complex of two estuaries linked by tidal flats. Notable for largest number of banded rail for any estuary in Tasman Bay/Te Tai-o-Aorere. Also present in these estuaries are fernbird, marsh crake and bittern. Presence of regionally rare <i>Mimulus repens</i> .	National
20	Motueka Delta	A line following the 5m depth contour on Chart NZ 614, between a line due east of Anawera Point and a line due east from the inner beacon at Port Motueka.	A complex of small river deltas dominated by estuarine habitats linked by extensive tidal flats. Tidal flats are notable as important wader feeding areas. Banded rail are present at Motueka River delta. Several high tide roosts are included. Of particular note is the Motueka sandspit, which attracts over 10,000 birds in late summer.	National
21	Moutere Inlet	A line following the general line of the outer beaches from Kina Peninsula to Jackett Island and from the Island to Port Motueka.	Moderate sized estuary (~ 750 ha). Notable for presence of white heron and royal spoonbill. Habitat for banded rail is now restricted to the head of the inlet. Marsh crake have also been observed in the inlet.	National
22	Waimea Inlet	At Mapua, a line following the general line of the outer beaches from Rabbit Island/Moturoa to Mapua; at the Blind Channel. A line from the eastern end of Rabbit Island/Moturoa to the "front beach" at Tahunanui.	Largest barrier enclosed estuary in the South Island (~ 3,455 ha). One of only two sites where the endangered peppergrass plant has been recorded. Also present are endangered grey saltbush, white heron, royal spoonbill, Australasian bittern and banded rail. Considered of outstanding importance to waders. Rabbit Island/Moturoa is the largest barrier island in New Zealand.	National

**Source:** *Internationally and Nationally Important Coastal Areas from Kahurangi Point to Waimea Inlet, Nelson, New Zealand: Recommendations for Protection*  
Department of Conservation, Nelson-Marlborough Conservancy  
Occasional Publication No. 14, 1993.

## **Schedule 25E: Ecological Management Plans and Monitoring Requirements for Aquaculture Activities involving Extractive Species**

This Schedule provides a basis for:

- establishing information required for consent applications;
- the preparation and implementation of ecological management plans required for mussel farming; and
- setting conditions to monitor ecological effects of aquaculture activities.

The information requirements below are based on knowledge at the time this part of the Plan was prepared. There may be changes to monitoring and information requirements as development of aquaculture proceeds, knowledge expands, and technology evolves. There may also be changes to the methods by which monitoring is carried out in the future.

It is a requirement of the Plan that applications for aquaculture involving filter feeding bivalves (including mussels) and other extractive species will be accompanied by an ecological management plan for the whole of the subzone in which the application is sited, submitted at the time of application. This information can then be applied to determining whether successive stages of aquaculture development within the subzone should proceed, and to reviewing the appropriateness and effectiveness of the conditions governing the activity, as well as providing general information about the state of the marine environment.

Applications should also demonstrate how management of the proposed farm will be integrated with any existing ecological management plan for adjacent subzones in the same AMA.

### **1. Baseline Assessment and Monitoring**

Baseline information is the first set of data for a continuing iterative monitoring programme. Baseline information needs to be provided before the site is affected by any structures being placed in the water. This will be a condition of consent unless the information has already been provided as part of the application for consent. The investigations that produce the baseline information will then be repeated at intervals in order to monitor changes from those initial conditions.

An appropriate interval, or a series of repeat monitorings, is required to provide the basis for deciding whether development of aquaculture should be extended. Intervals could be set as a number of years or a number of crop cycles, or after each stage of development.

All monitoring data and results should be archived after analysis to enable future comparative analysis.

All monitoring must be undertaken with appropriate recognition of tikanga tangata whenua.

### **2. Monitoring Sites**

Sites need to be established at the baseline information stage with sufficient accuracy to allow repeat sampling in subsequent monitoring phases. Repeat sampling accuracy within 10 metres is preferred.

Monitoring sites may need to be located:

- within the aquaculture site;
- adjoining the aquaculture site, within and beyond the predicted deposition zone, and along the line of the prevailing current;
- in the vicinity of areas of significance to tangata whenua iwi.

Benthic monitoring should include sites directly beneath structures, and sites between structures (noting that, depending on the type of structure, the position of the structure may change with tide and sea conditions). Specific provisions may need to be made for benthic monitoring in relation to growing species such as seaweeds, sponges and sea cucumbers.

Applicants should ensure that an appropriately competent person in assessing the effects of these types of aquaculture species has identified suitable monitoring sites to enable assessment of the effects on benthic sites.

Monitoring control sites need to be located in areas with similar characteristics to the aquaculture site but beyond its influence.

### **3. Monitoring Methods**

#### **(a) Video/Photographic and Visual Information**

Observations by diver or camera made along transects intersecting the monitoring and control sites. Observations could also be made along transects from the edge of an aquaculture site to any specified distance beyond the Aquaculture Management Area.

#### **(b) Sediment Sampling**

Methods may include dredge, grab or core samples, or SCUBA survey. Other methods may be appropriate, and sampling technology may develop over time. Samples from both monitoring and control sites are required, and sufficient sample replication is needed to achieve statistical verification for detection of change over space and time.

#### **(c) Water Column**

Monitoring should commence before any site development takes place and initially be repeated monthly. Subsequent monitoring should take place just prior to crop harvests, although this timing will become less significant as harvesting of lines within any one farm is staggered towards achieving a more continuous supply of product. Monitoring frequency could be re-assessed after at least two harvest cycles.

### **4. Parameters to be Monitored**

#### **(a) Benthic Environment**

Observations could include: general habitat type, conspicuous epifauna, bacterial mat development, sediment out-gassing, and species of significance to tangata whenua iwi.

Sediment sampling should provide for analysis of:

- sediment texture of the upper 2 centimetre layer;
- depth of the oxygenated layer from the sediment surface;
- total organic content of the upper 2 centimetre layer;
- nutrients (total N and P) of the upper 2 centimetre layer;
- occurrence of excess hydrogen sulphide;
- bacterial mat development and/or sediment outgassing;
- infauna species and abundance;
- epifauna species and abundance.

**(b) Water Column**

Water column monitoring should provide for analysis of:

- physical variables (temperature, salinity);
- chlorophyll;
- nutrients (NO<sub>3</sub>-N, NH<sub>4</sub>-H and total N);
- oxygen;
- current flow and wave climate.

**5. Reporting and Assessing Information**

An assessment of the results of monitoring should be made prior to the progression to the next stage of mussel farming within any subzone. Monitoring results will also aid as part of any review of consent conditions either collectively or for an individual consent.

The assessment should compare monitoring results with the initial prediction of potential environmental effects provided with the application for consent, with the baseline information, with the conditions of the consent, and with any other information about the state of the marine environment.

The assessment should be made by a person or persons appropriately qualified and experienced to identify the significance of any differences between the sets of information. The Ecological Advisory Group will conduct a review of the assessment and advise the Council regarding issues associated with development progression and staging, the extent of areas farmed, the need for additional or reduced monitoring, and the overall effects of aquaculture on the ecology of the coastal marine area.

One goal of monitoring is to generate a set of parameters that indicate whether the resources of the marine environment are being sustainably managed. For the water column, the indicators may be phytoplankton biomass, nutrient and/or dissolved oxygen composition, and hydrodynamic modification.

For the benthic habitat, species of particular ecological interest, unwanted species, species under stress, and invasive species, should be noted.

The analysis of monitoring results should address:

- whether changes represent a stable state;
- whether observed changes are likely to precipitate further changes;
- whether changes are reversible;
- the relevance of changes to species and habitat.

The analysis should identify criteria for assessing the significance of any changes or trends apparent from the monitoring. It should also identify as far as is possible what changes are attributable to aquaculture, what are attributable to the modification of fishing at aquaculture sites, and what are attributable to natural factors.

**6. Integration of Information**

As far as practicable, the kind of information required from different consent applicants, and the information required through conditions on consents, should be comparable and consistent. This will be an effective way of ensuring that the information gained is relevant over a wide area, and increase levels of certainty in making decisions.

**Schedule 25F: Ecological Management Plans and Monitoring Requirements for Aquaculture Activities involving Additive Species, or Aquaculture Activities involving Additive and Extractive Species in the Same Subzone**

Where aquaculture activities are proposed to occur under rule 25.1.4.5, the requirements for an ecological management plan differ from those outlined in Schedule 25E above in the type and level of detail required.

The purpose of an ecological management plan required under rule 25.1.4.5 is to:

- establish the level of information required for consent applications;
- outline how that information is to be gathered and presented to the Council;
- for aquaculture involving both additive and extractive species in the same subzone, demonstrate to the Council how aquaculture on more than one site in a subzone and involving more than one species can be managed to avoid, remedy or mitigate adverse effects of the individual activity and its cumulative effects with any other aquaculture in the same subzone;
- establish a means of assessing effects of aquaculture involving additive, or additive and extractive species, to inform development of successive stages and ongoing management of the activities through consent conditions.

Aquaculture involving additive species is not currently occurring in Tasman and information on effects and site suitability within the district is limited. Combinations of aquaculture involving additive and extractive species occur in both Marlborough and Southland, but in quite different environmental conditions. The onus will therefore fall on the applicant to provide a sufficient level of information to prove that adverse effects from aquaculture under rule 25.1.4.5 can be avoided, remedied or mitigated to the satisfaction of the Council.

In the first instance, applicants should refer to Schedule 25E for the basic information that should be provided in an ecological management plan. Outlined below are additional matters that should be considered. Ecological management plans for aquaculture involving additive, or additive and extractive species, must be prepared by an appropriately competent person in marine ecology to identify the significance of any effects likely to result from the activity.

Applicants should also demonstrate how management of the proposed farm will be integrated with any existing ecological management plan for any other aquaculture in the same subzone, or for aquaculture in adjacent subzones.

**1. Baseline Assessment and Monitoring**

As for ecological management plans prepared under Schedule 25E, baseline information for aquaculture involving additive species should provide an indication of the existing conditions at the site, in the subzone and at any control sites. This information is needed in order to assess changes likely to result from the establishment of aquaculture involving additive species.

Suitable intervals for repeat monitoring will need to be established and agreed with the Council, dependent on the species that is being grown and the technology used.

A baseline assessment of water and sediment quality and benthic communities will be particularly critical for aquaculture involving additive species in recognition of the potential effects of discharges of feed, therapeutants, waste material and contaminants from anti-fouling protection measures.

The baseline assessment will also need to assess any additional environmental parameters that could be affected by a combination of different types of aquaculture, as opposed to single species.

*Refer to Schedule 25E for further requirements for baseline assessment and monitoring.*

## **2. Monitoring Sites**

At a minimum, the monitoring sites established at the baseline information stage should be as outlined in Schedule 25E. Benthic monitoring should include sites directly below the structures as well as within the wider affected area. Monitoring sites adjoining the aquaculture site should be located taking into account the depositional characteristics of and hydrodynamic effects on discharges of contaminants in order to ensure that the maximum area of effect is monitored.

The regional rules retain the possibility that more than one site for aquaculture activities may be able to establish within any subzone, particularly where both additive and extractive species are being farmed in the same subzone. In these situations, control sites for monitoring will need to be located in areas with similar characteristics to the sites where aquaculture is proposed to occur, but beyond the influence of any sites within the same subzone and/or any adjoining subzones. Several types of monitoring sites will be necessary, including sites directly affected by each type of aquaculture, sites affected by a combination of types and locations of aquaculture, and control sites of similar characteristics but completely removed from any influence of aquaculture activities.

## **3. Monitoring Methods**

In general the types of monitoring outlined in section 3 of Schedule 25E will also be suitable for monitoring of aquaculture involving additive species or additive and extractive species.

## **4. Parameters to be Monitored**

The parameters to be monitored should include those listed in Schedule 25E. In addition, monitoring should be undertaken of:

- levels of contaminants arising from feed, therapeutants and anti-fouling treatments;
- any other contaminants specific to aquaculture involving additive species;
- any contaminants and/or effects that arise as a result of interactions between different types of aquaculture.

## **5. Reporting and Assessing Information**

An assessment of the results of monitoring from the first stage of development should be made prior to further development of farming within any subzone, with recommendations for ongoing management of existing activities and/or development of successive stages.

As for mussel farming or aquaculture involving extractive species, the assessment should compare monitoring results with the initial prediction of potential environmental effects provided with the application for the first stage of development, with the baseline information, with the conditions of the consent, and with any other available information about the state of the marine environment.

*For a general outline of the requirements of an appropriate assessment, refer to Schedule 25E.*

## **6. Integration of Information**

As noted earlier, under rule 25.1.4.5 more than one discrete site for aquaculture involving additive species may be able to be applied for within a subzone. Integration of information relating to different sites will allow the Council to assess both the individual effects of specific farming sites and the cumulative effects of multiple sites within subzones, adjoining subzones and surrounding coastal waters. This will ensure that the information gathered is relevant over a wide area, and that sufficient information is provided to enable decisions on subsequent applications to be made.

### **Schedule 25G: Assessment Criteria for Natural Character**

The following principles will be taken into account when assessing natural character under the controlled activity rule 25.1.4.1, and the restricted discretionary activity rule 25.1.4.2:

- (a) Consider the effects of alternative size, spacing, extent of visual obtrusiveness and geometric patterning of structures when endeavouring to reduce effects on the natural character of land and coastal water.
- (b) Design of surface structures that individually and collectively have low visibility from land and coastal water.
- (c) Rationalise layout and design to minimise the higher impact of edge structures, including lighting. Avoid duplicating edge structures when additional areas are brought into production.

### **Schedule 25H: Protocol for Tasman District Council Ecological Advisory Group (EAG) – Mussel Farming**

#### **Purpose**

1. To peer review consent-holder reports on the results of monitoring ecological effects of mussel farming.
2. After reviewing consent-holder monitoring reports, to advise the Council in relation to Council decisions on:
  - the adequacy and appropriateness of monitoring ecological effects of mussel farming;
  - whether consent conditions on mussel farming are delivering the intended ecological results; and if not, what matters need to be addressed in revised conditions;
  - the significance of any ecological effects detected by mussel farm monitoring;
  - the scale, intensity and timing at which mussel farming should continue, within the ecological parameters set by the Plan or the consent, or be modified after reviewing monitoring results.

#### **Composition**

1. The EAG should consist of a working group of up to three members, to be appointed by Council from a panel of nominees. At the Council's discretion, in instances of simple or straight-forward monitoring results, a single member may provide an adequate peer review and advice to Council.
2. The members must have a relevant tertiary qualification and appropriate experience in marine ecology.
3. The members will be appointed by Council after:
  - each of the following parties has nominated up to two candidates for inclusion on a panel of potential members: Ring Road, Sealord MacLab Westhaven, Golden Bay Marine Farmers Consortium, Tasman Mussels Ltd, Challenger, Ngati Tama ki Te Tau Ihu, Minister of Aquaculture (within the meaning of the Resource Management Act 1991), Te Atiawa ki Te Tau Ihu, Ngati Rarua ki Te Tau Ihu, Minister for Conservation, Friends of Nelson Haven and Tasman Bay, and Friends of Golden Bay;



- prior to nominating a candidate, the nominating party will need to have established each candidate's willingness to participate in the EAG, and their confirmation that the candidate will provide advice to the Council from his or her professional expertise;
- membership of the panel will be reviewed five years after its inauguration, or when any member withdraws from it.

### **Operation**

1. The EAG is required when the holder of a consent for mussel farming wishes to expand the operation beyond the scale of the initial development that is limited by a consent condition to 50 or 75 hectares; and then only when there are ecological monitoring results after an area of 50 hectares has been farmed at the full intensity allowed by the consent condition for three years or two growing cycles, whichever is the earlier.
2. The EAG will be involved in advising the Council on appropriate development of AMA 1 subzone (a), beyond the development of the 80 hectares of mussel farming authorised as at 25 May 1996.
3. The Council will take the EAG's advice into account in assessing the results of monitoring and in considering the consent holder's proposals for development beyond stage one.
4. Advice from the EAG will be required when the consent condition governing staged development is reviewed, either at the request of the consent-holder, or if initiated by the Council. The monitoring results referred to in item 1 are a prerequisite for a review of the staging requirements of the consent.
5. The members of the EAG will be provided with copies of the ecological monitoring report submitted to Council by or on behalf of a consent-holder and will have access to monitoring data on request.
6. The EAG will provide a report to the Council on implications for the future development of mussel farming, and future monitoring obligations, arising from the EAG's review of current monitoring reports.
7. EAG members will invoice Council for time and disbursements incurred in reviewing the monitoring reports and advising Council. Those costs will be passed to the consent-holder concerned through section 36 monitoring charges.

**Schedule 25I: Protocol for Tasman District Council Ecological Advisory Group (EAG) – Aquaculture involving Extractive or Additive Species (excluding mussels)****Purpose**

1. To peer review consent-holder reports on the results of monitoring ecological effects of aquaculture involving extractive or additive species (excluding mussels) in subzones (a) – (d) of AMA 1 Waikato, (l) – (q) of AMA 2 Puramakau, and (i) – (l) of AMA 3 Te Kumara.
2. After receiving consent-holder monitoring reports, to advise the Council in relation to Council decisions on:
  - the adequacy and appropriateness of the monitoring;
  - whether consent conditions are delivering the intended ecological results; and if not, what matters need to be addressed in revised conditions;
  - the significance of any ecological effects detected by the monitoring;
  - the scale, intensity and timing at which aquaculture involving extractive or additive species (excluding mussels) in these subzones should continue, within the ecological parameters set by the Plan or the consent, or be modified after reviewing monitoring results.

**Composition**

1. An EAG should consist of a working group of up to three members, to be appointed by Council from a panel of nominees. Separate EAGs may be established by the Council for each different species being farmed.
2. The members of an EAG must have a relevant tertiary qualification and appropriate experience in marine ecology and/or the species being farmed.
3. The members will be appointed by Council after:
  - each of the following parties has nominated up to two candidates for inclusion on a panel of potential members: Ngati Tama ki Te Tau Ihu, Te Atiawa ki Te Tau Ihu, Ngati Rarua ki Te Tau Ihu, Minister of Aquaculture (within the meaning of the Resource Management Act 1991), Minister of Conservation, Friends of Nelson Haven and Tasman Bay, and Friends of Golden Bay;
  - prior to nominating a candidate, the nominating party will need to have established each candidate's willingness to participate in the EAG, and their confirmation that the candidate will provide advice to the Council from his or her professional expertise;
  - the Council has sought nominations for up to two candidates from appropriate industry representatives for the species that is being farmed.
4. Membership of the panel will be reviewed five years after its inauguration, or when any member withdraws from it.

**Operation**

1. An EAG for aquaculture activities being undertaken subject to rule 25.1.4.2 or rule 25.1.4.3 is required when the holder of a consent for these species wishes to expand the operation beyond the scale of the initial development (limited by a consent condition to 50 or 75 hectares); and then only when there are ecological monitoring results after an area of 50 hectares has been farmed at the full intensity allowed by the consent condition for three years or two growing cycles, whichever is the earliest.

2. An EAG for aquaculture activities being undertaken subject to rule 25.1.4.5 is required when the holder of a consent wishes to expand the operation beyond the scale of the first 10 hectares of development, and then only when there are ecological monitoring results after that area has been farmed at the full intensity allowed by the consent condition for a period of three years.
3. The Council will take an EAG's advice into account in assessing the results of monitoring and in considering the consent holder's proposals for development beyond the first stage outlined in the relevant rules.
4. Advice from the EAG will be required when the consent holder requests a change to the consent condition restricting development or governing staged development, or when the Council reviews the condition. The monitoring results referred to in (1) and (2) above are a prerequisite for an application to change consent conditions or a review of consent conditions.
5. The members of an EAG will be provided with copies of the ecological monitoring report submitted to Council by or on behalf of a consent-holder and will have access to monitoring data on request.
6. An EAG will provide a report to the Council on the implications of the monitoring results for the future development of the specific type of aquaculture that is being assessed and future monitoring obligations.
7. EAG members will invoice Council for time and disbursements incurred in reviewing the monitoring reports and advising Council. Those costs will be passed to the consent-holder concerned through section 36 monitoring charges.

