

**IN THE MATTER**

of the Resource Management Act  
1991 ("the Act")

**AND**

**IN THE MATTER**

of appeals under Clause 14(1) of  
Schedule 1 to the Act in relation to  
proposed changes to the Northland  
Regional Coastal Plan

**BETWEEN**

MOTUROA ISLAND LIMITED  
(ENV-2008-AKL-000145)

JH DOWELL  
(ENV-2008-AKL-000148)

ENVIRONS HOLDINGS  
LIMITED  
(ENV-2008-AKL-000166)

YACHTING NEW ZEALAND  
(ENV-2008-AKL-000167)

AUCKLAND YACHTING AND  
BOATING ASSOCIATION &  
OTHERS  
(ENV-2008-AKL-000168)

PAORA BAY STATION  
LIMITED  
(ENV-2008-AKL-000170)

WILLIAM CAPITAL  
HOLDINGS NO.1, E & K  
WILLIAMS AND WJ  
FALCONER  
(ENV-2008-AKL-000171)

ROBINIA INVESTMENTS  
LIMITED  
(ENV-2008-AKL-000172)

MINISTER OF  
CONSERVATION  
(ENV-2008-AKL-000176)

Appellants



**AND**

**NORTHLAND REGIONAL  
COUNCIL**

Respondent

**BEFORE THE ENVIRONMENT COURT**

Principal Environment Judge L J Newhook sitting alone under section 279 of the Act  
**IN CHAMBERS** at Auckland

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**REPORT AND RECOMMENDATIONS OF THE ENVIRONMENT COURT TO THE  
MINISTER OF CONSERVATION IN AN INQUIRY INTO APPEALS AGAINST  
THE NORTHLAND REGIONAL COASTAL PLAN CHANGE 4**

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**A. Under s 279(1)(b) of the Resource Management Act 1991 (the Act), the Environment Court by consent, orders that:**

- i. The appeals are allowed in part subject to the amendments set out in Annexure A to this order.**
- ii. The appeals are otherwise dismissed.**

**B. Under s 285 of the Act, there is no order as to costs.**

**REASONS FOR REPORT AND RECOMMENDATIONS**

**Introduction**

1. These appeals are against the decision of the Respondent on Proposed Change 4 (PC4) to the Regional Coastal Plan for Northland. PC4 sets out how existing aquaculture will be managed, and guides the location of new aquaculture activities in the region's coastal marine area for the future.
2. Following a case management conference convened by the Court after lodgement of the appeals, the relief sought in the appeals was divided into two topics.

3. Topic 1 comprised the wording of Policy 27.4.9, the rules in PC4 which state in which areas aquaculture is to be a prohibited activity, and what exceptions to the rules might apply in some or all of those areas.
4. Topic 2 comprised the remaining PC4 provisions under appeal, including objectives and policies other than Policy 27.4.9.
5. The appeals regarding Topic 1 were heard by the Court on 12 and 13 March 2013. The Court subsequently issued an interim report and recommendation to the Minister of Conservation.<sup>1</sup>
6. Following further submissions from the parties, the Court by Minute dated 18 December 2014 resolved the matters left outstanding in Topic 1 by directing that there would be no further change to Policy 27.4.9, and that the consented area for aquaculture in the vicinity of Stephenson's Island should be excluded from the areas with prohibited activity status.
7. Subsequently, the parties resumed discussions on Topic 2 and as a result have reached agreement on amendments to the decisions version of the PC4 that will enable all aspects of the appellants' appeals on both topics to be resolved.
8. In making this order the Court has read and considered the appeals and the memorandum of the parties dated 25 May 2015.
9. The parties listed below have given notice of an intention to become parties to this appeal under section 274 of the Act, and have signed the memorandum setting out the relief sought:

- (a) Te Runanga a Iwi o Ngapuhi;
- (b) Bay of Islands Coastal Watchdog;
- (c) David Keys;
- (d) Mountain Landing Properties; and
- (e) Federated Farmers of New Zealand.

10. Ngati Wai Trust Board, Whangarei Harbour Warchdog Inc and Bream Bay Action Group also gave notice of an interest in these appeals under section 274 of the Act. However, they have not signed the memorandum of the parties. They were directed to advise the Court of their position in relation to the agreement reached between the parties by 5 June 2015. These parties did not respond within this timeframe, and as a result the Court has proceeded to determine these matters, *and strike them out.*

11. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings, except for those listed at paragraph [10], have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

### Order


12. Accordingly, the Court orders that these appeals are settled by consent on the terms set out in **Annexure A**.

13. The provisions attached as **Annexure A** comprise both those determined by the Court in its interim recommendation to the Minister on Topic 1, and those agreed upon by the parties for Topic 2.

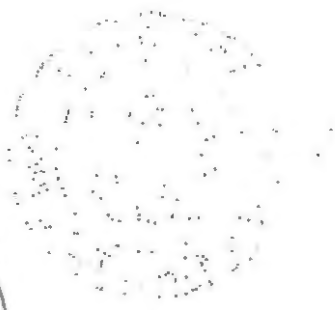
14. The appeals are otherwise dismissed.

15. There is no order for costs.

DATED at Auckland this *29<sup>th</sup>* day of *June* 2015

  
\_\_\_\_\_  
L J Newhook  
Principal Environment Judge

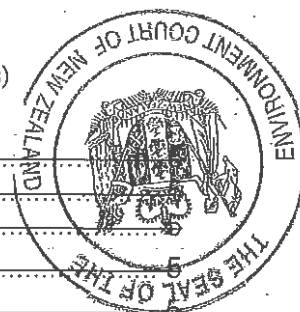
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## ~~1. INTRODUCTION~~

~~(Note: this section is not part of the plan change).~~

~~The aquaculture reform legislation came into effect on 1 January 2005 with the aim of creating a more integrated regime for the management of aquaculture. The Resource Management Act 1991 ("RMA") now specifies that aquaculture activities may only take place within an identified in the Regional Coastal Plan as an Aquaculture Management Area ("AMA").~~

~~The Northland Regional Council has determined that the invited private plan change (IPPC) approach set out in the RMA will be the preferred mechanism for the establishment of AMAs in Northland. Under this approach, the Council will invite, by public notice, any person to submit a plan change request to establish an AMA. Following the establishment of an AMA through the plan change process, the RMA requires that a further coastal permit must be obtained to undertake the aquaculture activities within the AMA.~~

~~Plan Change 4 seeks to provide the policy framework that will apply to the establishment of new AMAs and the management of activities within existing AMAs. The intention of the Plan Change is to ensure that the purpose of the RMA, that is the promotion of the sustainable management of natural and physical resources, remains the over-arching guide for the management of aquaculture in Northland.~~

~~Plan Change 4 will delete and replace Section 27 of the Regional Coastal Plan for Northland, and will also make consequential amendments to other parts of the plan.~~





## 2. SUMMARY OF PROPOSED CHANGES

The main changes proposed in this document are summarised in the following table:

Section of Regional Coastal Plan Affected	Change proposed
All Sections – General Changes	<del>Delete and replace</del> the phrase “Marine 3 (Marine Farming) Management Area” with the phrase “Marine 3 (Aquaculture) Management Area” throughout the Plan.
Section 4 – Administrative framework	<b>Amend</b> Table 1 (page 23): Ministry of Fisheries <b>Amend</b> Section 4.6 Ministry of Fisheries
Section 6 – Marine Management Areas	<b>Amend</b> Policy 6.4.3 <b>Amend</b> Section 6.5 Methods of Implementation
Section 22 – Dredging and Spoil Disposal	<b>Amend</b> Introduction <b>Amend</b> Policy 22.4.2 <b>Amend</b> Method of Implementation 22.5.3
Section 27 – Marine 3 (Aquaculture) Management Areas	<del>Delete</del> Section 27 within the Regional Coastal Plan for Northland and <b>replace</b> with the Section 27 provisions contained within Proposed Plan Change 4.
Section 31 – Rules	<b>Amend</b> Rule 31.3.10 (a) <b>Amend</b> Rule 31.4.10 (a) <b>Delete</b> Rule 31.4.10 (b) <b>Delete</b> Section 31.5 – Rules for Marine 3 (Aquaculture) Management Areas and <b>replace</b> with the Section 31.5 rules contained within Proposed Plan Change 4.
Section 32 – Assessment Criteria	<b>Amend</b> 32.2.8 Marine Farms (other than structures)
Definitions	<b>Add</b> the following definitions to the Regional Coastal Plan for Northland:  Aquaculture activities; Aquaculture Management Area; Authorisation; Available space; Trustee; Marae-based aquaculture.
Appendices	<b>Add</b> list of areas within Marine 2 (Conservation) areas where will be restricted



### 3. PROPOSED CHANGES

#### GENERAL CHANGES

Delete all instances of "Marine 3 (Marine Farming) Management Area" and replace with "Marine 3 (Aquaculture) Management Area" throughout the Regional Coastal Plan for Northland.

#### SECTION 4 – ADMINISTRATIVE FRAMEWORK

TABLE 1

Amend Table 1 (Page 23) as follows:

<p><u>Ministry for Primary Industries Ministry of Fisheries</u></p>	<ul style="list-style-type: none"> <li>• Fisheries management</li> <li>• Aquaculture decision (undue adverse effect test) on proposed <u>AMAs</u> aquaculture activities</li> <li>• Concluding any forfeiture action started</li> </ul>
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#### 4.6 Ministry for Primary Industries ~~Ministry of Fisheries~~

Amend Section 4.6 as follows:

The Ministry for Primary Industries (MPI) ~~Ministry of Fisheries (Mfish)~~ is responsible for the management of fisheries within the coastal marine area under a variety of legislation, including the Fisheries Act 1983, the Fisheries Act 1996 and subsequent amendments, the Maori Fisheries Act 1989, Maori Fisheries Act 2004, which specifies the method for allocation of Maori Fisheries Assets and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. This management principally involves:

- The evaluation of fish stocks (population sizes) of commercially harvested species, the setting of catch limits, and allocation of quota under the Quota Management System (QMS) to commercial users.
- Responsibility for the establishment of taiapure and mataitai reserves (areas set aside for non-commercial traditional and customary fishing).
- Setting and policing daily limits and equipment restrictions for recreational fisheries.

The Ministry of Fisheries ~~MFish~~ (now merged with ~~MPIMAFs~~) was responsible for monitoring compliance of marine farmers with leases and licences for marine farming issued under the Marine Farming Act 1971. Responsibility for approving and monitoring marine farms has now passed to regional councils under the Resource Management Act 1991, although in the case of derelict or abandoned marine farms, any forfeiture action begun by the Ministry of Fisheries under the Marine Farming Act will be concluded.

~~Prior to notifying a plan change to establish an AMA~~ Upon the granting of a coastal permit for a marine farm, ~~the Council must request the Ministry of Fisheries~~ ~~MAF~~ ~~MPI Fisheries~~ to make an aquaculture decision. This involves ~~the Ministry of Fisheries~~ ~~MAF~~ ~~MPI Fisheries~~ making a formal



assessment on whether the proposed AMA aquaculture activity will have an undue adverse effect on customary, recreational or commercial fishing.

The Ministry of Fisheries was MPI is also responsible, under the Biosecurity Act 1993, for controlling the deliberate or accidental importation of foreign organisms into New Zealand, including via the ballast water of ocean-going vessels. However, in 2004 the biosecurity functions performed by the Ministry of Fisheries transferred to the Ministry of Agriculture and Forestry.

## SECTION 6 – MARINE MANAGEMENT AREAS

### 6.4 Policies

Amend Policy 6.4.3 as follows:

3. To define areas to be managed principally for aquaculture activities as Marine 3 (Aquaculture) Management Areas which are:

- (a) Deemed AMAs specific areas to which coastal permits to occupy space in the coastal marine area for the purposes of aquaculture activities applied as at 20 December 1994; or
- (b) specific areas to which Marine Farming Act 1974 leases or licences applied as at 20 December 1994; or
- (bc) AMAs new areas established through the Resource Management Act 1991 Plan Change process,

as a means of providing for such activities, where appropriate, and facilitating the management of any adverse environmental effects associated with them. Other activities are provided for within Marine 3 (Aquaculture) Management Areas only where they are compatible with aquaculture activities.

### 6.5 Methods of Implementation

Amend Method 6.5.1 as follows:

1. Marine 3 (Aquaculture) Management Areas are those to be managed principally for aquaculture activities and include:

- (a) specific areas to which coastal permits to occupy space in the coastal marine area for the purposes of aquaculture activities applied as at 20 December 1994; Deemed AMAs; and
- (b) specific areas to which Marine Farming Act 1974 leases or licences applied as at 20 December 1994; or
- (bc) AMAs new areas established through the RMA Resource Management Act 1991 Plan Change process.

All Marine 3 (Aquaculture) Management Areas AMAs within Northland's Coastal Marine Area are shown on the Coastal Plan Maps. Individual marine farm boundaries within Marine 3 (Aquaculture) Management Areas AMAs are derived from the specified grid coordinates provided in



the resource consent applications. For more specific boundary location information, contact the Northland Regional Council. Other activities should only be provided for within Marine 3 (Aquaculture) Management Areas where they are compatible with aquaculture activities.

## SECTION 22 – DREDGING AND SPOIL DISPOSAL

### 22.1 Introduction

Amend 22.1 as follows:

Dredging and dredging spoil disposal activity may occur in all Marine Management Areas. However, large scale maintenance dredging is largely restricted to the Marine 2, Marine 4 and Marine 5 Management Areas in the upper Whangarei Harbour.

### 22.4 Policies

Amend Policy 22.4.2 as follows:

2. Within the Marine 3 (Aquaculture) Management Area, to manage all dredging activity.

**Explanation.** *As the effects of dredging can be contrary to the management purpose of these areas, it is necessary to manage dredging activities within Marine 3 (Aquaculture) Management Areas.*

### 22.5 Methods of Implementation

Amend Method 22.5.3 as follows:

3. Include a rule within this Plan making dredging a discretionary activity within the Marine 3 (Aquaculture) Management Area.

cross-references

31.5.7(a)

## SECTION 27 – MARINE 3 (AQUACULTURE) MANAGEMENT AREAS

Delete Section 27 within the Regional Coastal Plan for Northland, and replace with the following:

### 27.1 Introduction

Aquaculture, or marine farming, is an industry of growing social and economic importance in New Zealand, providing benefits such as employment and international trade. The aquaculture sector was estimated to be worth over \$300 million a year to the national economy in 2005<sup>1</sup>. Aquaculture products from New Zealand are perceived as high quality, both locally and internationally, largely as a result of the promotion of New Zealand's "clean and green" image.



In ~~2002~~2013, aquaculture in Northland was estimated to have produced over ~~\$20m~~\$18.5m in total sales regional GDP and directly employed more than 400 ~~380~~ people<sup>2</sup>. Indirect economic activity was estimated to generate a further ~~\$20M and 140 jobs~~. In addition to aquaculture activities, spat collection from Northland significantly supports aquaculture activities in other parts of New Zealand. Mussel spat collected from seaweed at Ninety Mile Beach supplies over 75% of seed to mussel farms throughout New Zealand. Kaipara Harbour provides oyster spat.<sup>3</sup>

Aquaculture has the potential to be an increasingly important contributor to the social, economic, and cultural wellbeing and health of Northland, especially in the more remote parts of the region. Currently, marine farms are located in 10 of the region's 15 harbours, utilising the extensive intertidal flats, warm waters, and generally high water quality of the coastal marine area.

Aquaculture is one of many important industries in Northland that rely on the Coastal Marine Area (CMA). However, unlike many of those industries, aquaculture generally requires the exclusive use of physical space in the CMA and has the potential to impact significantly on other existing industries such as tourism and recreational boating.

Aquaculture has recognised potential for expansion in the Northland region, subject to the identification and use of suitable and appropriate sites and the adoption of management controls.

### 27.1.1 THE EFFECTS OF AQUACULTURE IN NORTHLAND

Aquaculture can be a sustainable and efficient use of the coastal marine area, if appropriately located and managed.

Benefits associated with aquaculture could include:

- Providing social, cultural and economic benefits, including employment and enhancing Maori development, particularly in areas where alternative opportunities are limited.
- Supplementing natural fish and shellfish stocks by providing an important alternative source of fish and shellfish.
- Providing a good indicator of the quality of coastal waters because of requirements for clean, high quality water.

Many parts of Northland's coastal marine area are highly valued for their natural character, landscape, amenity, ecological, cultural, heritage and recreational values. Aquaculture can conflict with other uses and values and may have adverse effects on the environment. However many of these effects can be avoided, remedied or mitigated by;

- appropriate site selection,
- choice of aquaculture operation,
- best-practice farm management, and
- the development and use of innovative techniques and technologies.

Adverse effects associated with aquaculture could include:



<sup>2</sup> Te Tokerau Northland Growth Study Opportunities Report, February 2015.

<sup>3</sup> Assessment for the potential for aquaculture in Northland", NIWA, 2003, report for Enterprise Northland

- (i) Physical exclusion of other uses ~~from the aquaculture management area~~, such as recreational activities.
- (ii) Restriction of public access.
- (iii) Impacts on waahi tapu, customary activities, and sites and areas of cultural, spiritual and historical significance to Maori.
- (iv) Interference with navigation, including anchoring and the ability to seek shelter in adverse weather conditions.
- (v) Visual impacts of farm structures, particularly in areas of significant landscapes or high natural character.
- (vi) Impacts of abandoned or deteriorated farm structures.
- (vii) Potential siltation and build-up of organic matter.
- (viii) Disposal of shell debris from oyster washing and sorting processes.
- (ix) Impacts on the feeding activity of some species of wading birds.
- (x) Impacts on the migration, feeding, resting, and recovery of marine mammals.
- (xi) Loss of ecological carrying capacity.

Notwithstanding the effects above, there is the potential for conflict from non-aquaculture activities affecting suitability of water quality for aquaculture.

Cumulative effects on natural character, landscape, ecology, and other activities and values can arise when multiple marine farms become established in a particular area or along a particular part of the coast. A long-standing issue in Northland is the effect of aquaculture operations, and the potential effect of further marine farms on the natural character of the Rangaunu, Houhora and Parengarenga harbours of the Far North. These harbours have long been recognised as significant in terms of the number, variety, and rarity of the wading bird species that they support. They also have high scenic value and, because of their relative isolation, are largely unchanged by human use and development. All have been identified by the Minister of Conservation as Areas of Significant Conservation Value and have been incorporated as areas of important conservation value in the Marine 1 (Protection) Management Areas established by this plan. Aquaculture operations have also had adverse effects on the natural character of other areas including the Bay of Islands, Whangaroa and Kaipara Harbour and the Northland Regional Council intends to manage the potential for adverse effects (including cumulative effects) of further aquaculture operations in these areas.

Aquaculture may involve activities that are undertaken on adjoining land, as well as in the coastal marine area, to facilitate access, processing, and waste disposal. Conversely, land uses in the adjoining catchment can adversely affect water quality and therefore influence the ability of an area to sustain aquaculture activities. While regional councils are responsible for issuing resource consents for aquaculture activities below mean high water springs (MHWS), approval of activities associated with aquaculture activities above MHWS is the responsibility of territorial authorities. To achieve integrated management, the Northland Regional Council and other local authorities will



need to adopt a consistent and co-operative approach in dealing with aquaculture and neighbouring land based activities.

### **27.1.2 AQUACULTURE LEGISLATION**

The challenges of managing aquaculture development are not unique to the Northland region and the legislation covering aquaculture has evolved over time to help meet those challenges.

Prior to the passage of the Resource Management Act 1991, aquaculture in Northland was largely controlled by the Ministry of Fisheries under the Marine Farming Act 1971. With the enactment of the Resource Management Act, new aquaculture developments were managed under a dual permitting system, with both a coastal permit and a fisheries permit required before aquaculture could commence.

The expansion of aquaculture industries and increased demand for coastal space in a number of areas around New Zealand has driven a series of aquaculture reforms. The aquaculture reform legislation ("the reforms") came into effect on 1 January 2005 and amended five existing Acts, including the Resource Management Act and Fisheries Act. The stated aim of the reforms was to create a more integrated aquaculture management regime in New Zealand which balances economic development, environmental sustainability, Treaty of Waitangi obligations and community concerns. The reforms reduced the dual permitting system to a Resource Management Act process, giving regional councils a more strategic role in managing aquaculture in their region.

The Resource Management Act specifies that aquaculture activities may only take place within areas identified in the Regional Coastal Plan as Aquaculture Management Areas ("AMAs"). Providing for aquaculture activities within AMAs enables the effects of aquaculture activities to be managed and allows the cumulative effects of multiple farms in an area to be considered at the same time. Section 165W of the RMA also allows for a regional council to specifically exclude an area from consideration as an AMA by way of a public notice.

The Ministry of Fisheries ("MFish") maintains a significant role in the creation of AMAs. Before notifying any plan change proposing to establish an AMA, Council must request MFish to undertake an assessment as to whether the proposed AMA would have an "undue adverse effect" on commercial, customary or recreational fishing. Only AMA plan change requests that pass this test can proceed as a proposed plan change.

#### **"Deemed AMAs"**

The reforms state that all existing lawfully established marine farms are deemed to be AMAs, which means that Council will not need to create AMAs around existing farms by way of a plan change. All marine farming permits and licences granted under the previous Marine Farming and Fisheries legislation will be transferred to coastal permits under the Resource Management Act.

#### **The Maori Commercial Aquaculture Claims Settlement Act 2004**

The provisions in the Maori Commercial Aquaculture Claims Settlement Act 2004 are designed to settle all Maori claims to commercial aquaculture post 21 September 1992, by providing iwi with an allocation of an area equivalent to



20% of the total space allocated since 1992, and 20% of new aquaculture space. This will be met through the provision of new space, the purchase on a willing buyer/ willing seller basis of existing space, or the provision of financial compensation from the Crown.

### **Foreshore and Seabed Legislation**

The passing of the Resource Management (Foreshore and Seabed) Amendment Act 2004 also places new requirements on councils during plan preparation, plan change and consent processes. The Council must consider potential effects of proposed plan change provisions or consent applications on recognised customary activities. The Council must also recognise and provide for any lodged Foreshore and Seabed Reserve Management Plan when preparing or changing its regional plans.

#### **27.1.3 The Establishment of Aquaculture Management Areas (AMAs)**

Under the reforms, AMAs can be created through a council initiated plan change, a standard private plan change or through a new category, the invited private plan change (IPPC). All of these processes follow the publicly notified plan change process prescribed under the Resource Management Act, which includes the requirement for public consultation, the opportunity for interested parties to make submissions and further submissions (submissions on the submissions of other parties), and to participate in a plan hearing by the council. This process also provides the opportunity to appeal the decision of the Council to the Environment Court.

The general nature of these processes is outlined below:

##### **(i) Council Initiated Plan Change Process**

A council may choose to initiate a plan change to establish one or more AMAs within the coastal marine area. The plan change is funded by the Council, but it has the ability to recover some or all of the costs by tendering the right to apply for a coastal permit to undertake aquaculture within the AMA.

##### **(ii) Invited Private Plan Change (IPPC) Process**

Under the Invited Private Plan Change (IPPC) approach, a council may, by public notice, invite any person to submit a plan change request to establish an AMA. Prior to the invitation, a council may decide to identify parts of the coastal marine area that will be excluded from plan change requests to establish AMAs. In the case of the IPPC process, the private party funds the cost of the planning process up to the point at which council formally adopts the plan change.

##### **(iii) Private Plan Change Process**

The normal private plan change process set out in the First Schedule to the Resource Management Act continues to apply, enabling any person to apply for a private plan change to establish an AMA in any part of the coastal marine area of Northland. The private party funds the cost of the planning process up to the point at which the Council formally adopts the plan change.

#### **7.14 STATUTORY FRAMEWORK FOR AQUACULTURE IN NORTHLAND**

The Council has assessed the options that are now available under the reforms, and has decided to adopt the invited private plan change (IPPC) approach as





the preferred mechanism through which AMAs are proposed and established. This process is outlined in Figure 1. It is intended that this process will work as follows:

**1. Development of a general statutory framework for aquaculture in Northland**

This plan provides a cohesive and integrated policy framework for the appropriate establishment of new AMAs through the plan change process, and the development and management of aquaculture activities within all AMAs (including deemed AMAs) through the coastal permit process.

**2. Invitation to Request a Private Plan Change to Establish AMAs**

The Council will, by public notice, invite private plan change requests to establish AMAs in the Northland region. The private plan change process will be undertaken in accordance with Part 7A – Subpart 2 (sections 165W to 165ZF) and/ or the First Schedule of the RMA. Guidance regarding the extent of information required to support a private plan change request is provided in this plan and other documentation issued by Council.

**3. Evaluation Criteria**

Upon receiving a Plan Change request to establish one or more AMAs, Council must first evaluate the proposal to determine whether the Plan Change request can be publicly notified. This first stage evaluation process involves a threshold test to determine whether an Invited Private Plan Change meets the required elements described in the criteria, and set out in the First Schedule to the Resource Management Act. Where more than one Plan Change request is received for the same physical location, and each request satisfies the first stage of evaluation, an additional comparative evaluation step may be required to determine the successful request that will be accepted by Council for public notification.

**4. Undue Adverse Effects Test**

Before notifying any plan change to establish an AMA, Council must request MFish to undertake an Undue Adverse Effects Test, to determine whether the proposed AMA will have an undue adverse effect on commercial, customary and/or recreational fishing. The decision made by MFish must be publicly notified, and any appeal against the decision must be lodged with the High Court within three months of the decision.

**5. Public Notification and Consideration of Plan Change Request**

All AMA plan change requests accepted or adopted by Council and having passed the Undue Adverse Effects Test will be publicly notified and continue through the full public participation process for plan changes set out in the Resource Management Act. This process includes the opportunity for public submissions, further submissions, hearings before the Council, and appeals on Council's decision to the Environment Court.

**6. Minister of Conservation Approval**

Once the decision has been finalised through the Council and where relevant the judicial process, the Minister of Conservation makes the final decision on the AMA (as they do on all changes to the Regional Coastal Plan). If this



decision confirms the AMA then the allocation process proceeds to the next step.

### 7. Allocation of Authorisations

Once an AMA has been approved by the Minister of Conservation, an application for a coastal permit to occupy space within an AMA may not be made or granted unless the applicant holds the authorisation (the right to apply for a coastal permit) for the space within the AMA.

Under the Invited Private Plan Change approach, the authorisation to apply for the coastal permit is awarded to the applicant of the plan change. However, the percentage of authorisation allocated to the applicant is governed by the Maori Commercial Aquaculture Claims Settlement Act, and these requirements must be satisfied before a plan change becomes operative, and a coastal permit applied for.

#### Allocation of Authorisations to the Trustee under the Maori Commercial Aquaculture Claims Settlement Act 2004

The Maori Commercial Aquaculture Claims Settlement Act 2004 provides a settlement of Maori claims to commercial aquaculture space established on or after 21 September 1992. This Act requires 20% of all new aquaculture space to be allocated in the form of a tradeable authorisation to Te Ohu Kai Moana Trustee Limited (the Trustee).

Under the Invited Private Plan Change process, the applicant is guaranteed 80% of the remaining space within the AMA once the plan change has become operative. However, if Council decides to undertake a plan change to establish an AMA, or an applicant applies for a standard private plan change, up to an additional 20% (a maximum of 40%) of the remaining new space may be allocated to iwi in the form of a settlement under the Maori Commercial Aquaculture Claims Settlement Act 2004. As there is no automatic authorisation for the remainder of available space under the council initiated or standard private plan change process, the remaining new space will be allocated by public tender or by any other allocation mechanism specified in this Plan.

<u>Plan Change Process</u>	<u>Allocation to Te Ohu Kai Moana Trustee Ltd (the Trustee)</u>	
	<u>New space obligation</u>	<u>Historic settlement obligation</u>
<u>Invited private plan change (IPPC)</u>	<u>20% of space.</u>	
<u>Council initiated plan change</u>	<u>20% of space.</u>	<u>Up to an additional 20% of space to assist in satisfying the Crown's obligations if required.</u>
<u>Private plan change</u>	<u>20% of space.</u>	<u>Up to an additional 20% of space to assist in satisfying the Crown's obligations if required.</u>

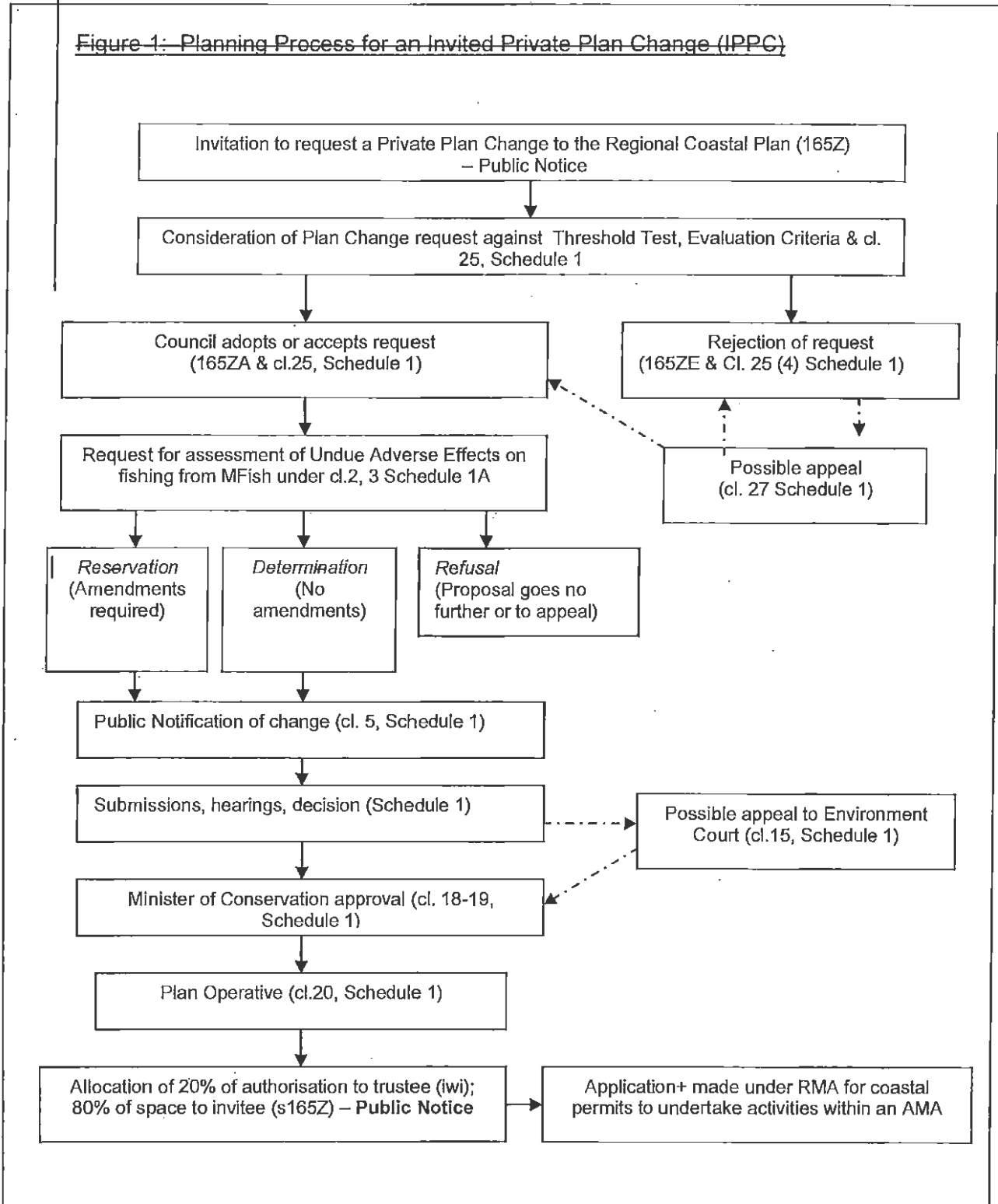


The Resource Management Act specifies that aquaculture activities may only take place within an AMA and that a coastal permit must be obtained to undertake these activities. An authorisation enables the holder to apply for the necessary coastal permits to carry out the aquaculture activity within an AMA. Applications for coastal permits will be processed in the usual manner and either be granted, subject to appropriate conditions, or refused.



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Figure 1: Planning Process for an Invited Private Plan Change (IPPC)



### 27.1.5 THE IDENTIFICATION OF POSSIBLE AMA-AQUACULTURE SITES

Aquaculture has particular biophysical and locational needs, such as adequate nutrients, high water quality, a particular temperature range, proximity to servicing facilities, sheltered sea conditions and adequate water depth. Some of these requirements are common to all types of aquaculture, while others depend on the type of species farmed and farming method. Additionally, in some locations, aquaculture will be one of many competing activities in Northland's coastal marine area. Aquaculture activities can also have adverse effects, including cumulative effects, on other processes, values and uses of the coastal environment.

To understand local issues, Council undertook an extensive public consultation exercise to identify the various uses and values within the coastal marine area of Northland. The public consultation covered an extensive area, involved a wide range of stakeholders and interest groups, and culminated in the production of a set of maps that covered the coastal marine area of Northland<sup>4</sup>.

The maps, known as 'Coastal Use and Value Maps', function to identify recognised uses and values within the coastal marine area of Northland such as shipping channels, sewage and stormwater discharges. It is noted that the maps are not a complete 'picture' of all the uses and values.

The Coastal Use and Value Maps act as a guide to potential aquaculture applicants and decision makers as to some of the uses and values that need to be considered. Whether the area under consideration is actually suitable for aquaculture is dependent on the identified use and/or values and the type, intensity and scale of the aquaculture activity proposed. The onus is on the plan change applicant to demonstrate, in accordance with the wider policy framework of this Plan, that any AMA-aquaculture activity is appropriately located within the coastal marine area of Northland.

It is important to note that there are limitations to the Coastal Use and Value Maps. Some uses and values have not been spatially defined or quantified well in the Northland region.

## 27.2 Issues

1. Further development of aquaculture in Northland provides opportunities to enhance the social, economic and cultural wellbeing of Northland communities.
2. Aquaculture can provide significant opportunities ~~to~~ for Maori to enhance their social, economic and cultural wellbeing.
3. In some locations, aquaculture will be one of many competing activities for use of Northland's coastal marine area.
4. Aquaculture activities can have adverse effects, including cumulative effects, on other processes, values and uses of the coastal environment.

Insufficient knowledge of coastal processes may prevent the adverse effects from aquaculture developments being adequately determined, particularly where new species and technology are proposed.

The initial mapping exercise led to 18 areas being identified as possibly suitable for consideration as AMAs, although it is important to recognise that these areas have not been assessed in detail. Further information on these areas is available by request.



- ~~6. The cost of establishing AMAs can be considerable and how these costs should be apportioned is a matter of regional concern.~~
- ~~7.6. Aquaculture operators require security of tenure to justify the significant levels of investment required to establish marine farms.~~
- ~~8.7. The adverse effects of land and water based discharges may affect the viability of aquaculture activities.~~
- ~~9.8. Aquaculture activities may require shore-based facilities which have implications for adjacent land uses and raise cross-boundary issues.~~
- ~~10.9. Poorly maintained, abandoned and/or derelict marine farms may pose a hazard to navigation and adversely affect natural character and amenity values.~~
- ~~11.10. The specific biophysical requirements of some types of aquaculture activities may restrict the establishment of AMAs aquaculture activities to parts of the coastal marine area where such requirements can be met.~~
- ~~12.11. Depleted kaimoana stocks have affected natural traditional Maori food sources and have adversely impacted Maori wellbeing.~~

### 27.3 Objectives

1. The development of sustainable aquaculture activities in Northland is enabled.  
(Issues 1, 2, 4, 7.6, 8.7, 8, 9-8 and 11.10)
2. Sustainably managed aquaculture provides socio-economic and cultural benefits for the Northland Region and its communities.  
(Issues 1 and 2)
- 2a To enable opportunities for Maori involvement in sustainable aquaculture.  
(Issues 2 and 12)
3. The ongoing practice of recreational fishing and the provision of customary kaimoana harvest are not unduly compromised by aquaculture development.  
(Issues 2 and 4)
4. Aquaculture activities are located in appropriate areas where there are no significant adverse effects on important natural, social, economic and cultural values and uses.  
(Issues 3, 4 and 5)
- 4a Avoid aquaculture activities in areas of identified significant values where they are incompatible.  
(Issues 3 and 4)



5. A clear and open process for the establishment of ~~AMAs~~ aquaculture activities is provided, to enable the full participation of the aquaculture industry, the community, Maori, relevant local authorities and other stakeholders.

(Issues ~~6, 98, 10-9~~ and ~~11~~10)

~~AMAs are established through a process in which the costs and benefits are appropriately apportioned between the regional ratepayer and the resulting aquaculture beneficiary.~~

~~(Issue 6)~~

~~Processes used for the allocation of space within AMAs are both efficient and equitable and provide sufficient certainty of tenure for operators to enable farms to be developed.~~

~~(Issues 6 and 7)~~

6. Activities that might potentially create adverse effects on existing the use of an AMA aquaculture activities are managed appropriately.

(Issues 3 and ~~8~~7))

7. Aquaculture activities ~~AMAs~~ that require shore-based facilities are located in areas where adequate and appropriate facilities can be provided.

(Issue ~~9~~8)

8. Marine farms are maintained in good order and repair.

(Issue ~~1~~09)

9. Marae-based ~~aquaculture~~ Aquaculture is recognised as a significant opportunity for Maori to enhance their wellbeing ~~provision of kaimoana for traditional non-commercial purposes.~~

(Issue ~~12~~11)

## 27.4 Policies

### Establishment and Development of ~~AMAs and~~ Aquaculture Activities - Matters for Consideration

1. Enabling aquaculture can provide benefits to local communities, Maori, and the Northland region. When considering plan changes for AMAs and coastal permits applications for aquaculture activities, key benefits to be taken into account include:

- Social, cultural and economic benefits, including local employment and enhancing Maori development (e.g. by involvement in the aquaculture industry), particularly in areas where alternative opportunities are limited.



- Supplementing natural fish and shellfish stocks by providing an alternative source of fish and shellfish.

A further benefit of aquaculture is that it may provide improved information about water quality. Providing a good indicator of the quality of coastal waters.

(Objective 2)

**Explanation.** Aquaculture has the potential to provide benefits to local communities, Maori, and the Northland Region. Proponents wishing to take advantage of this policy AMA Plan change proponents and coastal permit applicants for aquaculture activities will need to demonstrate the extent of the benefits. A key way which these benefits may be realised is through tangata whenua being directly involved in aquaculture ventures.

2. The significant opportunity Marae-based aquaculture Aquaculture provides for Maori to enhance their wellbeing (through improving traditional customary kaimoana provision for Marae) kaimoana stocks for their traditional non-commercial purposes should be recognised when considering plan changes for AMAs and coastal permits applications for Marae-based aquaculture Aquaculture.

(Objectives 4 and 11)

**Explanation.** Marae-based aquaculture Aquaculture can provide significant benefits to the ability of Maori to provide kaimoana for traditional non-commercial purposes, for their well-being. Examples of this include kaimoana for traditional non-commercial purposes, and as a way of expressing mana (status) within the rohe moana (territorial waters) of a marae. – These benefits should be taken into account when considering AMAs and coastal permits applications for Marae-based aquaculture. A key difference between typical “commercial” scale aquaculture and Marae-based Aquaculture is that the farmed kaimoana cannot be sold (see definition of Marae-based Aquaculture).

- 2a. When considering coastal permit applications for aquaculture activities within Maori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986), appropriate recognition should be given to the history of those reserves and the significant benefit that aquaculture can provide to Maori.

(Objective 1 and 3)

**Explanation.** Maori oyster reserves are currently recognised by Regulation. Put simply, they are areas of the coastal marine area where only Maori are allowed to take oysters. Several such reserves are located in the Northland region. Historically, the reserves were managed by committees that were representative of the local Maori community. The committee had the authority to manage the harvest, enhance the oyster fishery in the reserve, and sell surplus oysters. Aquaculture is one method Maori can use for the management and enhancement of Maori oyster reserves to provide for their social, economic and cultural wellbeing.

All adverse environmental effects of aquaculture activities are avoided as far as practicable. Where it is not practicable to avoid significant adverse effects, these should be remedied or mitigated.





(Objectives 1, 4 and 9)

**Explanation.** *To achieve the sustainable management of aquaculture in the Northland region, ~~AMAs aquaculture activities~~ will only be established where effects on other values and uses of the coastal environment are as far as practicable avoided. Where significant adverse effects cannot be avoided, then these should be remedied or mitigated.*

4. It is recognised and will be taken into account that different aquaculture species and/or farming structures have particular biophysical and infrastructural requirements, limiting where such activity can be located.

(Objective 1)

**Explanation.** *To achieve the sustainable management of aquaculture in Northland, the Council will recognise that different types of aquaculture activities have specific biophysical and locational requirements. For example, conventional mussel farms usually require longlines and relatively deep water to achieve optimum growth, while oyster farms are generally established within sheltered inter-tidal areas.*

5. When considering coastal permit applications for or any plan change request to establish for an ~~AMA~~ aquaculture activities, particular consideration will be given to the following matters:

- a) The type of aquaculture and species proposed to be farmed within the ~~AMA~~ and the suitability of the location for the proposed aquaculture activities;
- b) The nature and sensitivity of the existing environment in the proposed AMA site;
- c) Any lawful existing uses of the area, including public access, safe navigation and customary uses, and the extent to which those uses may be modified or restricted adversely affected;
- d) The potential positive and adverse effects of the proposed aquaculture activities on natural, social, cultural and economic values;
- e) The identification and location of any associated structures, facilities and activities required within the coastal marine area (within and outside the AMA proposed site); and
- f) The need for the integrated management of any associated land use effects outside the coastal marine area.

(Objectives 1, 2, 3, 4 and 9)

**Explanation.** *These are the key matters to address when considering plan change coastal permit applications and plan changes for aquaculture activities requests. General information requirements for any plan changes for Marine 3 (Aquaculture) Management Areas ~~request~~ and coastal permit applications for aquaculture activities are specified in Section 27.7.*

~~AMA's~~ Aquaculture activities will not be appropriate in the following areas:



- a) Areas of the coastal marine area where a Marine Reserve has been established or publicly notified under the Marine Reserves Act 1971;
- b) Marine 1 (Protection) Management Areas
- c) Locations within Marine 2 (Conservation) Management Areas where adverse effects (actual or potential) of aquaculture activities on the following are unavoidable listed in Appendix 14:
  - (i) Residential activities in significant urban areas provided for in operative District Plans, which activities are existing [at the date PC4 becomes operative], authorised by unexercised resource consents or enabled by operative District Plan provisions having permitted, controlled, restricted discretionary or discretionary activity status; or
  - (ii) Significant tourism and/or recreation areas; or
  - (iii) Areas of outstanding natural character and/or outstanding natural landscapes (including seascapes); or
  - (iv) Recognised navigational routes (commercial and recreational), , recognised anchorages of refuge, and/or port or harbour approaches; or
  - (v) Taxa, indigenous ecosystems and vegetation types, habitats, and areas listed in NZCPS Policy 11(a); or
  - (vi) Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity)
- d) Marine 4 (Mooring) Management Areas
- e) Marine 5 (Port Facilities) Management Areas
- f) Marine 6 (Wharves) Management Areas
- g) Places, sites and areas identified in Rarangi Taonga: the Register of Historic Places, Historic Areas, Waahi Tapu and Waahi Tapu Areas (Historic Places Trust, Historic Places Act 1993).

Exceptions to b) and c):

- (h) Marae-based aquaculture may be considered appropriate in Marine 1 (Protection) Management Areas and the locations within Marine 2 (Conservation) Management Areas in Appendix 12, where the adverse effects on the values represented by these areas are no more than minor.
- (i) Aquaculture activities may be considered appropriate in the outer Kaipara Harbour Marine 1 (Protection) Management Area where they have no more than minor adverse effects on the values represented by this area.
- (j) Relocations of existing farms within the northern Parengarenga Harbour Marine 1 (Protection) Management Area and the Waikare Inlet Marine 2 (Conservation) Management Area in Appendix 12.



(k) Aquaculture activities in the Maori oyster reserve in the outer Kaipara Harbour Marine 1 (Protection) Management Area.

(l) Currently authorised aquaculture activities.

~~Notwithstanding the above, Marae-based aquaculture may be considered appropriate in Marine 1 (Protection) Management Areas and the locations within Marine 2 (Conservation) Management Areas listed in Appendix 11, provided the adverse effects on the values represented by these areas are no more than minor.~~

(Objectives 1, 4, 4a and 11)

**Explanation.** These areas contain identified significant values which are considered to be generally incompatible with AMAs aquaculture activities, and have been through a robust statutory and/or public process, and therefore aquaculture activities should generally be prohibited in these areas. The above areas are shown in the Aquaculture Prohibited Areas Maps – Appendix 12, the maps titled “AMA Restriction Maps”.

Marine reserves and AMAs aquaculture activities are generally incompatible.

Marine 1 (Protection) Management Areas (MM1 areas) MM1 areas are those identified for their significant environmental values.

The locations within Marine 2 (Conservation) Management Areas (MM2 areas) MM2 listed in Appendix 4+12 are those unsuitable for new aquaculture activities.

Significant urban areas (where an urban zoning enables residential activities on relatively small lots and the population density is markedly greater than the surrounding area) and aquaculture would generally be incompatible. The adverse effects of aquaculture on recreation, tourism, navigation and visual aspects are likely to be elevated and significant where it would be close to a concentration of people. Also aquaculture generally relies on good water quality, and the water quality adjacent to significant urban areas, particularly within confined water spaces such as harbours, can be degraded. This can lead to reverse sensitivity effects.

Significant tourism and/or recreation activities in the Northland CMA are generally found in locations where one or more of the following attributes or resources are present:

- (a) Public reserves
- (b) Outstanding natural character and/or outstanding natural landscapes (including seascapes)
- (c) Recognised recreational anchorages
- (d) Tourism facilities or services
- (e) Outstanding natural features (for example Piercy Island)
- (f) Concentrations of marine mammals, seabirds and fish (for example fishing grounds and dolphin watching locations)
- (g) Recognised dive sites
- (h) Popular beaches
- (i) Popular surf breaks
- (j) Coastal walkways
- (k) Significant historic heritage



In most instances, the adverse effects of aquaculture on significant tourism and/or recreation activities would be unavoidable. Aquaculture generally occupies relatively large areas and includes structures that sit below, on and/or above the water surface or in intertidal areas. Where there is a concentration of tourism and/or recreation activity, these structures can significantly impede access and/or detract from the values that attract people to the area.

~~and MM4, 5 and 6 areas were identified as being are unsuitable for aquaculture as they would be incompatible with the activities these areas provide for (moorings and marinas, port facilities, and commercial wharves respectively). during the development of the original operative Regional Coastal Plan for Northland. As the prohibition of aquaculture in these areas has been through an extensive public process, and adopting the precautionary approach, these areas continue to be considered not appropriate for aquaculture at this time.~~

There are very few registered historic places, sites or areas within the coastal marine area of Northland. It is highly unlikely that ~~an~~ AMA aquaculture activities would be compatible with the values represented by any registered historic place, site or area.

Marae-based aquaculture is small, and as such, with careful design and location, the adverse effects on the identified values of MM1 areas (refer Appendix 6) and the identified MM2 areas (refer Appendix 12) ~~are likely to~~ may, depending on the specific location and proposal, are likely to be no more than minor. This, coupled with the recognition of the significant benefits Marae-based aquaculture could provide, mean that Marae-based aquaculture may in some cases be appropriate in these areas.

One of the main reasons the outer Kaipara Harbour was identified as a MM1 area is because of the important habitat intertidal areas and coastal wetlands provide for significant bird species. However the outer Kaipara Harbour has large areas of sub tidal water space where aquaculture activities, depending on the specific location and proposal, could occur while avoiding adverse effects on the significant bird species and their habitats. Another significant aspect of the outer Kaipara Harbour is the unique ecosystem in and adjacent to the harbour entrance. Again, there is enough space within the harbour to accommodate aquaculture activities while avoiding adverse effect on this ecosystem.

Parengarenga Harbour is a MM1 area principally because of the important habitat intertidal areas and coastal wetlands provide significant bird species. The significant bird species and their habitats in the Parengarenga Harbour are generally in the southern part of the harbour. Most of the aquaculture activities (oyster farms) are in the northern part of the harbour. These oyster farms could be relocated into and within the northern part of the harbour while avoiding adverse effect on the significant bird species and their habitats.

The Waikare Inlet is an area where there are concerns about the amount of available food (plankton) in the water. There is currently over 77 hectares of approved oyster farming space in the inlet. Any more oyster farms, or other filter feeding shellfish farms, could reduce the yield from the existing oyster farms and adversely impact naturally occurring filter feeding plants and animals. While it would be inappropriate to allow more filter feeding



aquaculture, the existing oyster farms could be relocated without affecting food availability.

Maori oyster reserves have been in existence since the early 20th century. They were established in response to Maori concerns that government restrictions on the harvesting of oysters denied Maori access to local kaimoana resources that were customarily used to feed their families. The legislation establishing oyster reserves provided that only Maori who were resident in the immediate vicinity (essentially tangata whenua) were permitted to take oysters from each area.

The legislation governing Maori oyster reserves has changed over time. Of note, from 1965 to 1983 the Minister could appoint local committees of management. These committees managed the oyster beds and could undertake such activities as selling the oysters and using the money used to cultivate or grow more oysters. In 1983 the fisheries legislation removed the ability for the Minister to appoint committees. Maori oyster reserves are currently governed by the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986.

Te Uri o Hau is unique in that its 2002 settlement legislation recognises the significance of the oyster reserves to Te Uri o Hau and provides the Governor General the ability to make regulations to give Te Uri o Hau management functions over the oyster reserves in the Kaipara Harbour. Also Te Uri o Hau have identified aquaculture as an activity that could complement and support the customary management of their oyster reserves, including through commercial development of the reserve. For these reasons, it is appropriate that coastal permits for aquaculture activities can be applied for within the Maori oyster reserve in the Outer Kaipara MM1 area.

There are some authorised marine farms that are either in a MM1 area or a MM2 area identified in Appendix 12. It is appropriate that these existing farms have the opportunity to apply for a coastal permit to continue the same activity.

**Advice note.** Where an applicant wishes to propose an aquaculture activity at a location shown on the Aquaculture Prohibited Area Maps (Appendix 12) that would avoid adverse effects on the matters listed in Policy 27.4.9(a)–(g), but it is a prohibited activity, the proposal should be made by way of a private plan change for a specific location and aquaculture activity and be processed accordingly.

Two ways in which the Council can implement this policy are;

- a) excluding these areas from the invitation for invited private plan changes; and

not considering favourably any plan change applications received within these areas.



7. AMAs and any aquaculture Aquaculture activities should have no adverse effects on;

- a) The use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables,
- ~~b) Navigation within significant commercial vessel routes (commercial vessel routes include shipping, ferries and tourist charter routes),~~
- ~~e)b) Consented sand dredging zones,~~
- ~~e)c) Defence exercise areas,~~
- ~~e)d) Access Lanes as referred to by the Navigation Safety Bylaw, and~~
- ~~f)e) The management purpose or objectives of:
  - (i) Any gazetted Taiapure or Mahinga Mataitai reserve;
  - (ii) Any area for which fisheries restriction methods have been established under the Fisheries Act 1996 and Regulations, including any Maori Oyster Reserve or set netting ban;
  - (iii) Any Protected Customary Rights Order and Customary Marine Titles issued by the Maori Land Court or the High Court of New Zealand under the Marine and Coastal Area (Takutai Moana) Act 2011; and
  - (iv) Any Wildlife Refuge established under the Wildlife Act 1953.
  - (v) Areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977;
  - (vi) Areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971<sup>5</sup>.
  - (vii) Any Marine Park established by or through statutory or regulatory processes~~

(Objectives 1, 3, 4 and 4a)

**Explanation.** *The existing uses and values listed in the policy are considered a priority over aquaculture and should be protected. Aquaculture is likely to adversely affect the use or functioning of the above sites and areas. Accordingly, ~~plan change requests to establish AMAs and coastal permits for aquaculture activities that have adverse effect on these existing structures and uses should not be considered favourably by Council.~~*

*Access Lanes include water ski and jet ski lanes.*

*The sites listed in ~~f)e)~~ do not preclude the establishment of an AMA aquaculture activities but they may be sensitive to the establishment of AMAs aquaculture activities. For example, the commercial and recreational*



<sup>5</sup> The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

*fishing set net ban from Mangonui Bluff extending southward beyond the Kaipara Harbour seeks to protect the critically endangered Maui Dolphin population. Accordingly, the management purpose of such sites should be taken into account when considering a plan changes request to establish an AMA and coastal permit applications for aquaculture activities.*

*The principle of de minimis applies when considering whether an AMA or aquaculture activity will have an adverse effect. Put simply, de minimis means something that is too small to be concerned with.*

- ~~7. AMAs and any aquaculture Aquaculture activities should have no more than minor adverse effects on:~~
- ~~a) Areas of seagrass or rocky reef habitat or significant areas of seagrass~~
  - ~~b) Inter-tidal areas that provide significant feeding and roosting areas for wading birds.~~
  - ~~c) Sites or areas of significant amenity value, including, but not limited to, those that demonstrate high use for recreation and/or tourism.~~
  - ~~d) Coastal areas where both the marine environment and the adjoining coastal land have high natural character.~~
  - ~~e) Outstanding landscapes.~~
  - ~~f) Species, habitats, communities, or ecological sequences that are rare or endangered.~~

~~(Objectives 1, 2, 3, and 4)~~

~~**Explanation.** *These existing uses and values are significant and should be conserved. Accordingly, plan change requests to establish AMAs and coastal permit applications for aquaculture activities that have a more than minor adverse effect on these existing values and uses should not be considered favourably by Council.*~~

8. AMAs and any aquaculture Aquaculture activities should avoid significant adverse effects on:
- a) The integrity, functioning and resilience of coastal processes and ecosystems;
  - b) Significant migration Migration routes, breeding, feeding or hauling out areas for marine mammals;
  - c) Significant anchorages (e.g., important sites providing shelter from adverse weather);
  - d)c) Public access to and along the coast;
  - e)d) Use or functioning of coastal reserves and conservation areas;
  - f)e) Sites and/or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or recognised customary activities;
  - g)f) Registered sites of historic heritage value;



g) High natural character areas; or

h) Taxa, indigenous ecosystems and vegetation types, habitats, and areas listed in NZCPS Policy 11(b)

(Objectives 1 3, 4, and 5)

**Explanation.** *Aquaculture activities may have significant adverse effects on other important uses and values within the coastal marine area. Many of these effects can be avoided, remedied or mitigated by appropriate site selection, design and farm management practices.*

~~409.~~ AMAs Aquaculture activities should be located in areas that have suitable access, and where they can be supported by adequate and appropriate land based infrastructure where required.

(Objective 4 and 9)

**Explanation.** *Aquaculture activities undertaken in the coastal marine area may require supporting infrastructure on land, such as access, processing, and waste disposal facilities. It is important that aquaculture activities ~~AMAs~~ are located where such requirements can be met.*

~~4110.~~ Any Plan Change request to establish an AMA, or coastal permit application for aquaculture Aquaculture activities, should provide for the integrated management of the associated activities, including any required land based facilities and operations.

(Objective 4 and 9)

**Explanation.** *Aquaculture activities may require associated land-based infrastructure and facilities, which may have strategic implications for district councils. To achieve integrated management, there needs to be a consistent and co-operative approach to aquaculture adopted by the applicant and relevant consent / local authorities.*

~~4211.~~ Aquaculture activities which are for ~~Plan change requests to establish and develop an AMA for~~ the purpose of harvesting shellfish for human consumption will not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing and/or harvesting of shellfish.

(Objectives 1 and 4)

**Explanation.** *To prevent the harvest of shellfish product for human consumption from contaminated areas, the regulated control scheme currently administered by the New Zealand Food Safety Authority provides for the classification of shellfish growing areas into six categories from 'approved' to 'prohibited'. Those areas actively classified as 'prohibited' by the NZ Food Safety Authority will not be considered suitable locations for the establishment of an ~~an~~ AMA aquaculture activities. The relevant regulations at the time of writing are the Animal Products (Bivalve Molluscs and Shellfish) Regulations 2006.*





4312. Aquaculture structures should be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

(Objective 4)

**Explanation.** *It is important that any structures within the coastal marine area are appropriately located, maintained, marked, and lit to ensure that a navigational hazard is not presented to other marine users. Structures that are poorly maintained also have an increased potential to become a navigational hazard. The Maritime New Zealand document "Guidelines for Aquaculture Management Areas and Marine Farms" identifies relevant navigational issues and describes the criteria that regional councils and marine farm applicants should be aware of during the process of the creation of AMAs, and the establishment and management of marine farms.*

~~1413. Any plan change request to establish an AMA or coastal permit application for aquaculture activities. Aquaculture activity proponents should demonstrate that any associated use of existing boatramps, jetties and wharves will not unduly compromise the public use of these facilities.~~

(Objectives 1, 4 and 9)

**Explanation.** *Aquaculture activities within an AMA may require the use of existing boat launching and servicing facilities, potentially displacing existing public access and use. The Council will ensure that private use associated with aquaculture activities is not at the expense of the public use of these facilities.*

~~15. The principal use of an AMA shall be for the identified aquaculture purposes. Other activities are provided for within AMAs only where they are compatible with aquaculture activities.~~

~~(Objective 8)~~

~~**Explanation.** *The RMA requires that provisions be established in plans to ensure that where AMAs are established, they are principally for aquaculture purposes. Other activities may not be undertaken in an AMA, except to the extent that the activity is compatible with the primary aquaculture activities. This is to assist in ensuring that where it is deemed appropriate, aquaculture can be successfully undertaken.*~~

4614. New aquaculture activities may be required to be developed and monitored in a staged manner, for example where:

- a) The potential adverse effects cannot adequately be predicted;
- b) New species are farmed or new technology utilised; or
- c) The scale or type of marine farm warrants a cautious approach.

(Objective 4)

**Explanation.** *In some cases, significant uncertainty will exist in assessing aquaculture activities. Risks are greatest for large marine farms, new types of marine farming or the adoption of new technology where limited*



*precedent exists. In these cases, farms may be required to develop in a progressive manner so that adverse effects can be monitored, understood and appropriately managed, before full scale farming is approved.*

4715. The duration of coastal permits for aquaculture activities will be limited to a maximum of 25 years. Where the adverse effects are not well known (e.g., new species and/or farming methods), a lesser coastal permit duration may be used as a way to manage the potential impact.

(Objectives 1, 4 and 7)

**Explanation.** *A maximum of 25 years is considered to be an efficient use of resources. Aquaculture is a 'private' use of public space that otherwise may be used for many different purposes. In the future, there may be other uses of the coastal environment that could provide considerable community benefits (more so than aquaculture) but be significantly fettered by the presence of aquaculture. At the same time, 25 years still allows adequate security of tenure for investment, development and profit.*

*There may be situations where the adverse effects of a proposed aquaculture activity will not be well known and not able to be adequately managed by consent conditions. One method to manage such effects is to impose a short duration of consent. The duration would be proportionate to the degree of knowledge of the adverse effects.*

4816. Coastal permit holders for aquaculture activities involving structures in the coastal marine area will be required to cover potential costs associated with the repair or removal of abandoned or derelict farms and reinstatement of the environment.

(Objectives 4 and 10)

**Explanation.** *Costs associated with the repair or removal of abandoned marine farms or reversal of adverse environmental effects may not be able to be recovered by the Council once a farm has been abandoned. Under Sections 108 and 108A of the RMA, the Council can require a mechanism for coastal permit holders to cover these costs prior to the installation of a farm.*

4917. The Council will require the repair or removal of structures within an AMA used or associated with aquaculture activities that have been abandoned or have fallen into a state of disrepair.

(Objective 10)

**Explanation.** *The presence of derelict oyster farms has been a long-standing issue in Northland. Where the derelict farms are authorised under the Marine Farming Act, the Ministry of ~~Fisheries Agriculture and Forestry~~ Primary Industries is responsible for addressing the matter. Where the farm is authorised under the RMA Resource Management Act 1991, the Council will undertake action as appropriate.*

2018. Where the specific details of the proposed aquaculture activity (including the species to be farmed, whether staged development is appropriate, and details of any proposed structures) have been included in the regional coastal plan by way of a plan change subject to assessment and



~~consideration within the publicly notified plan change process to establish the relevant AMA aquaculture management area (Marine 3 (Aquaculture) Management Area or otherwise), and the application for the coastal permit is considered by the consent authority to be in accordance with the specified use of the AMA aquaculture management area, it will be a controlled activity (unless otherwise specified by any other rule or rules).~~

(Objective 1)

**Explanation.** *Where an AMA has a management area been established for specified aquaculture activities, the details of the proposed aquaculture activities will have been considered and assessed through the notified planning process. Therefore, there is little need to reconsider and reassess the same effects, other than clarifying the detail (i.e. the matters over which control is maintained).*

~~24.19. When considering coastal permit applications to undertake activities outside of an AMA, the Council will consider take into account the potential of the proposed activity to adversely affect the viability-availability of food (plankton) in the water of for existing aquaculture within any relevant AMA activities.~~

(Objective 8)

**Explanation.** *Where aquaculture activities AMAs are established, it is necessary to manage other proposed activities to the extent necessary to ensure that the viability of identified aquaculture activities is not adversely affected.*

## 27.5 Methods of Implementation

### Mapping Exercises

(For Policies 1, 4, 6, 7, 8, 9, 13, and 14)

- ~~4. The Council will develop 'Use and Value Maps' that identify uses and values in the coastal marine area of Northland through a mapping exercise, in consultation with the Northland community, industry and other interested parties.~~

**Explanation.** *The Use and Value maps are a snap shot in time. They can be used to provide initial guidance to assist in the process of identifying issues with proposed AMA's aquaculture activities but they should not be relied upon as the only source of information. The coast is a constantly changing environment and for that reason the maps cannot be continually updated to provide complete accuracy. Therefore, further independent assessment is strongly recommended.*

- ~~2. The Council will develop 'AMA Aquaculture Activity Restriction Maps' to identify the areas listed in Policy 9 where AMAs aquaculture activities are generally not appropriate.~~

### Investigations and Monitoring

~~for Policies 1, 4, 5, 6, 7, and 8 and 9)~~



31. The Council may undertake studies of the ecological carrying capacity of areas of high demand for aquaculture, to establish a scientifically based threshold for aquaculture development.

(For Policy 96)

42. The Council will develop a register of sites containing significant historic heritage values within the coastal marine area.

(For Policies 4 and ~~16~~14)

53. The Council will undertake state of the environment monitoring, where required, to enable a broad assessment of the effects of aquaculture on the Northland environment to be made.

### Consultation

(For Policies 3 and 96)

64. The Council will consult and work with ~~iwi~~Maori to identify sites or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or customary activities.

75. In addition to the requirements for Council to consult with tangata whenua during the preparation of public plan changes as prescribed in the RMA (Schedule 1, Clause 3), the Council will encourage aquaculture activity proponents to consult with tangata whenua and the local community as to how the proposed aquaculture activities will impact on them, and what the actual and potential adverse effects might be, as well as possible measures to avoid, remedy or mitigate these.

The proponent will then be encouraged to outline their proposed measures as a result of the consultation or, where no measures are proposed, outline the reasons why no measures are proposed.

~~The Council will encourage AMA proponents to consult with iwi, relevant local authorities and government agencies, the community and other relevant parties in regard to the preparation of proposed plan changes.~~

### Plan Change Process

(For Policy 1)

86. The Council will conduct an open and equitable process for invited private plan changes to establish AMAs. Where an AMA is developed either by Council initiated or standard private plan changes, the Council will conduct an open and equitable process for the allocation of the authorisation to occupy space within the AMA.

Explanation. The Council has determined that the preferred mechanism for establishing an AMA in Northland is through the invited private plan change. The Council will develop a process for inviting such plan changes and these requests will be processed in accordance with the provisions of the First Schedule to the Resource Management Act. In regards to the allocation of the authorisation to occupy space within the



AMA for Council initiated or standard private plan changes, the means by which the Council will allocate space within the AMA must be by public tender, or some other means which must be set out in the Regional Coastal Plan, and this allocation must also be undertaken in a transparent and fair manner.

9. The Council will establish a process using the mechanisms of the Local Government Act 2002 to provide for the public tendering (using weighted attributes) of authorisations within AMAs.

Explanation: The "right" to apply for the resource consent (called an "authorisation") has to be somehow allocated. Tendering is the default mechanism in Section 165E of the Resource Management Act 1991 for the allocation of authorisations. Weighted attributes is a form of tendering where a range of attributes are identified and certain weightings are applied to each attribute, depending on the relative importance of each attribute i.e. not just who is willing to pay the most. Note, successful invited private plan applicants are exempt from the need to go through the allocation process – they are automatically given the authorisation.

107. The Council will develop and adopt specific evaluation criteria to assist in the evaluation of standard and invited private plan change requests, required under Clause 25(4) of the First Schedule to the Resource Management Act.

#### Enforcement

(For Policies 18-1716 and 191817)

148. For marine farms authorised by coastal permits, the Council will undertake such enforcement action as is necessary to ensure compliance with conditions of their permits or to remove or rectify farms that have been abandoned or fallen into a state of disrepair.

(For Policies 6, 7, and 8, and 9)

129. The Council may promote a plan change to remove any Marine 3 (Aquaculture) Management Area/AMA, or a part thereof, in circumstances where the area is physically unsuitable for aquaculture, or aquaculture activities are causing significant adverse effects on the environment.

#### Review of Existing Provisions

(For Policies 110, 11, and 21919)

1310. The Council will consider reviewing existing Regional Coastal Plan provisions, and may undertake a plan change as necessary to ensure that activities proposed in other parts of the coastal marine area can be adequately controlled to avoid adverse effects on established marine farm activities.

13a11. The Council will discuss with Te Uri o Hau Settlement Trust (the Trust) options for providing for the Trust's aspirations of being able to undertake aquaculture activities to commercially farm oysters in Maori oyster reserves (as determined by the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulation 1986). A paper will be presented to Council



outlining the discussions, and recommending actions (if any), within 6 months of this method becoming operative.

4412. The Council will promote an integrated management approach between this plan and other regional plans and district plans that regulate activities within or affecting the coastal environment.

(For Policy 1)

~~15. The Council will initiate a review of the Marine 1 (Preservation) Management classification of Parengarenga Harbour by 2010.~~

~~**Explanation:** Parengarenga Harbour is designated as a Marine 1 (Preservation) Management Area. Policy 27.4.9 states that aquaculture is not appropriate within these areas. It is recognised that of all the places designated as Marine 1 (Preservation) Management Areas, the Parengarenga Harbour is one where aquaculture could provide significant opportunities for the local community in an area where there are few other opportunities.~~

### Advocacy

(For Policies 1, 3, 4, 5, 6 7, 8, 9, 10, 11, 12, 13, and 14, and 15)

~~13.~~ The Council will facilitate and promote the development of an aquaculture forum between key parties, including industry representatives, relevant local authorities, government agencies, community representatives, iwi, Maori, and Te Ohu Kai Moana Trustee Ltd, to ensure a strategic approach is taken to address any issues of concern relating to aquaculture, particularly in areas of intensive aquaculture activity.

~~14.~~ The Council will encourage the aquaculture industry to develop initiatives that seek to avoid, remedy or mitigate any adverse environmental effects of aquaculture activities, including the development of industry codes of practice.

~~15.~~ The Council will encourage the Department of Conservation to undertake further research on any adverse effects that aquaculture activities may have on marine mammals, including their navigation routes, breeding and feeding areas, and any means by which those adverse effects can be avoided, remedied or mitigated.

~~16.~~ Where part of the coastal marine area is identified as having a significant habitat value to marine mammals, in terms of migration, feeding, or breeding patterns, and research has identified that the habitat will be adversely affected by aquaculture activities, the Council will encourage the Department of Conservation to investigate mechanisms, including the establishment of a Marine Mammal Sanctuary, to provide protection to the identified marine mammal habitat.

### Other

(For Policy 96)

~~17.~~ The Council will require, as a condition of coastal permits for subtidal aquaculture, that all loss or damage to equipment or structures associated with the activity be reported to the Council.







**Information Requirements for Private Plan Change Requests to Establish a Marine 3 (Aquaculture) Management**

All ~~Private Plan Change Requests~~ plan changes to create Marine 3 (Aquaculture) Management Area must contain the information specified in ~~27.6.1~~ Private Plan Change applicants may also choose to provide full details of the proposed aquaculture activities to be carried out within the Marine 3 (Aquaculture) Management Area ~~proposed AMA~~ (as specified in 27.6.2), at the same time as the plan change request is submitted. Where this detailed information has been subject to assessment and consideration within the publicly notified plan change process and no changes are proposed at the coastal permit stage, the consent authority may consider the coastal permit application on a non-notified basis.

<p><b>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH <u>AN AMAA MARINE 3 (AQUACULTURE) MANAGEMENT AREA</u></b></p> <p><i>Without limiting the requirements of the First Schedule to the RMA, the information supplied with a request for a private plan change must include:</i></p>	<p><b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b></p> <p><i>Where the applicant is intending to apply for a coastal permit for future aquaculture activities under Rule 31.5.2(c)<sup>6</sup>, the following additional information must be supplied within the private plan change request:</i></p>
<p>(a) Plans showing the size and location of the proposed <u>Marine 3 (Aquaculture) Management Area</u>AMA, and details of boundary point co-ordinates, to be supplied in Geodetic Datum 2000, New Zealand Transverse Mercator Projection.</p>	<p>(a) Plans showing the location of the proposed boundary points of all aquaculture activities within the proposed <u>Marine 3 (Aquaculture) Management Area</u>AMA, including co-ordinates, to be supplied in Geodetic Datum 2000, New Zealand Transverse Mercator Projection.</p>
<p>(b) A description of the coastal environment in which the application is located, including:</p> <ul style="list-style-type: none"> <li>i) The location of the site in respect of natural and other features of the coastal environment;</li> <li>ii) The landscape context and surroundings, including any significant or outstanding landscapes or natural features, and natural character;</li> <li>iii) Hydrodynamic conditions including water depth, current velocities, wind, wave and tide conditions;</li> <li>iv) Water column conditions including temperature, salinity, water quality, inputs</li> </ul>	

<sup>6</sup> Rule 31.5.2(c) – The establishment of aquaculture activities, where the activity (including the proposed species, structures and methodology for the proposed aquaculture activities) are considered by the consent authority to be explicitly provided for within the AMA concerned.





**PLEASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMAA MARINE 3 (AQUACULTURE) MANAGEMENT AREA**

**27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)**

- from rivers and discharges to land, nutrient replenishment;
- v) The benthic habitat (including substrate characteristics) and epifaunal and infaunal communities within the application area, including any species of particular ecological value or vulnerable species;
- vi) Other uses of the coastal marine area, including major navigational routes and safe anchorages, any recreational and commercial uses (including fisheries and any existing aquaculture activities), values and utilities.
- vii) Any cultural or historic heritage values, including traditional or customary fishing values.

(c) The species that are proposed to be predominantly farmed in the Marine 3 (Aquaculture) Management AreaAMA and the proposed methods of farming;

(b) Details of species that will be farmed in the Marine 3 (Aquaculture) Management AreaAMA and methods of farming, including;

- (i) Species to be farmed, stocking density and stock source;
- (ii) Details and layout of all proposed structures and equipment, navigation markers (surface and subsurface), and details of any proposed lighting and anchoring requirements;
- (iii) A description and plans showing any staging of the development;
- (iv) Details of any disturbance of the foreshore and seabed, and deposition or discharge in the coastal marine area (including feed) required to undertake the aquaculture activity;
- (v) A maintenance plan for all structures, including navigational lighting and associated equipment.
- (vi) Details of any monitoring to be undertaken;
- (vii) Details of any use of technology or management practices (including adaptive management), to avoid, remedy or mitigate any actual or potential adverse effects.

(d) Identification of a potential "representative aquaculture space" within the proposed AMA which would be apportioned to iwi (20% of the new space). This should be undertaken in consultation with local iwi and Te Ohu Kai Moana Trust



<p><b>BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMAA MARINE 3 (AQUACULTURE) MANAGEMENT AREA</b></p>	<p><b>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)</b></p>
<p><u>Details of consultation undertaken with iwi/tangata whenua, relevant local authorities and government agencies, the local community, or and any other relevant parties, including information that has been supplied and any responses to any issues raised by consulted parties. The details to be provided shall include:</u></p> <ul style="list-style-type: none"><li><u>(i) Details of the information that has been supplied to the consulted parties.</u></li><li><u>(ii) Details of the consultation undertaken. This shall include details of the consultation undertaken with tangata whenua and the local community, and any other methods used to gather this information, such as a cultural impact assessment or similar assessment from tangata whenua</u></li><li><u>(iii) Details of any identified adverse impacts or actual or potential adverse effects of the proposed Marine 3 (Aquaculture) Management Area (and resulting aquaculture activities) raised through the consultation, including impacts or effects on tangata whenua and the local community.</u></li></ul> <p><u>Where actual or potential adverse effects on tangata whenua and / or the local community are identified in particular, the details provided shall also include:</u></p> <ul style="list-style-type: none"><li><u>(a) Details of consultation undertaken with tangata whenua and / or the local community about measures to avoid, remedy or mitigate those effects.</u></li><li><u>(b) Details of the measures proposed by the applicant to avoid, remedy or mitigate those effects.</u></li><li><u>(c) Where no measures are proposed to avoid, remedy or mitigate the identified actual or potential adverse effects, the reasons why no measures are proposed.</u></li></ul>	

<sup>7</sup> The local community includes, without limitation, property owners and occupiers within the visual catchment of the AMA (for example, where the aquaculture activity would feature within the immediate unassisted view from their property).



**ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMAA (AQUACULTURE) MANAGEMENT AREA**

**27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) OR (CA)**

(f) A description of the likely adverse effects of the proposed Marine 3 (Aquaculture) Management Area and associated aquaculture activities, including:

- (i) The potential for cumulative adverse effects from multiple Marine 3 (Aquaculture) Management Areas;
- (ii) Effects on water quality, including nutrient enrichment, and the effects of any discharges to the coastal marine area;
- (iii) Sustainability of the proposed farm and effects on existing farms;
- (iv) Changes to habitats within and inshore of the application area;
- (v) Effects on epifaunal and infaunal species and communities;
- (vi) Effects on other fauna, including birds and marine mammals;
- (vii) Visual amenity and landscape effects;
- (viii) Effects on natural character;
- (ix) Effects on other amenity values, including noise effects;
- (x) Effects on other uses of the coastal marine area including navigational safety and anchorage, public access to and along the coast, recreational and commercial uses and utilities;
- (xi) Effects on cultural values.
- (xii) Effects on historic heritage sites, including waahi tapu and other sites of significance to Maori;

(c) A comprehensive Assessment of Effects on the Environment of the proposed activity, meeting the requirements of Schedule 4 to the Resource Management Act 1991.

(g) A description of the potential benefits of the proposed Marine 3 (Aquaculture) Management Area and associated aquaculture activities, including:

- (i) Economic benefits to the national economy and the Northland region and its communities;
- (ii) Environmental, social and cultural benefits to the Northland region and its

(d) A comprehensive Assessment of Effects on the Environment of the proposed activity, meeting the requirements of Schedule 4 to the Resource Management Act 1991.



<p><del>PLEASE</del> INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH <u>AN AMAA MARINE 3 (AQUACULTURE) MANAGEMENT AREA</u></p>	<p>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C) <u>OR (CA)</u></p>
<p>communities;</p> <p>(iii) <u>The extent to which tangata whenua involvement in aquaculture is provided for;</u></p> <p>(iv) The range of parties involved in aquaculture in Northland.</p>	
<p>(h) Infrastructure requirements to support the proposed aquaculture development, including:</p> <p>(i) Any existing or proposed land based facilities;</p> <p>(ii) The identification of existing wharves, jetties and boat ramps, and the number of vessels and peak vessel movements that are likely to require the use of these facilities.</p>	



## Information Requirements for Coastal Permit Applications to Undertake Aquaculture Activities within an AMA

### INFORMATION REQUIREMENTS FOR ALL COASTAL PERMIT APPLICATIONS

~~Without~~ limiting the requirements of Schedule 4 to the RMA, an application for a coastal permit to undertake aquaculture activities ~~within an AMA~~ must include the following information. Where this information has already been provided as part of the Plan Change application (Section 27.6), a copy must be provided within the coastal permit application.

- (a) A description of the proposed activity, including plans showing the location of the proposed boundary points of all aquaculture activities ~~within the AMA~~, including co-ordinates, to be supplied in Geodetic Datum 2000, New Zealand Transverse Mercator Projection.
- (b) A description of the coastal environment in which the application is located, including:
  - (i) The location of the site in respect of natural and other features of the coastal environment;
  - (ii) The landscape context and surroundings, including any significant or outstanding landscapes or natural features and natural character;
  - (iii) Hydrodynamic conditions including water depth, current velocities, wind, wave and tide conditions;
  - (iv) Water column conditions including temperature, salinity, water quality, inputs from rivers and discharges to land, nutrient replenishment;
  - (v) The benthic habitat (including substrate characteristics) and epifaunal and infaunal communities within the application area, including any species of particular ecological value or vulnerable species;
  - (vi) Other uses of the coastal marine area, including major navigational routes and safe anchorages, any recreational and commercial uses (including fisheries), values and utilities;
  - (vii) Any cultural or historic heritage values, including traditional or customary fishing values.
- (c) Details of species that will be farmed ~~in the AMA~~ and methods of farming, including:
  - (i) Details and layout of all proposed structures and equipment, navigation markers (surface and subsurface), and details of any proposed lighting and anchoring requirements;
  - (ii) A description and plans showing any staging of the development;
  - (iii) Details of any disturbance of the foreshore and seabed, and deposition or discharge in the coastal marine area (including feed) required to undertake the aquaculture activity;
  - (iv) A maintenance plan for all structures, including navigational lighting and associated equipment;
  - (v) Details of any monitoring to be undertaken;
  - (vi) Details of any use of technology or management practices to avoid, remedy or mitigate any actual or potential adverse effects.
  - (vii) A 'clean-up plan' in the event that the farm is required to be removed – including, but not limited to, details on how the farm will be removed and the site



## INFORMATION REQUIREMENTS FOR ALL COASTAL PERMIT APPLICATIONS

When submitting the requirements of Schedule 4 to the RMA, an application for a coastal permit to undertake aquaculture activities ~~within an AMA~~ must include the following information. Where this information has already been provided as part of the Plan Change application (Section 27.6), a copy must be provided within the coastal permit application.

cleaned up, how and where removed material will be disposed, together with details showing how the clean-up plan is to be financially and logistically achieved.

- (d) A comprehensive Assessment of Effects on the Environment of the proposed aquaculture activities, meeting the requirements of Schedule 4 to the Resource Management Act 1991, including:
- (i) Effects on water quality, including nutrient enrichment, and the effects of any discharges to the coastal marine area;
  - (ii) Sustainability of the proposed farm and effects on existing farms;
  - (iii) Changes to habitats within and around the application area;
  - (iv) Effects on epifaunal and infaunal species and communities;
  - (v) Effects on other fauna, including birds and marine mammals;
  - (vi) Visual amenity and landscape effects;
  - (vii) Effects on natural character;
  - (viii) Effects on other amenity values, including noise effects;
  - (ix) Effects on other uses and values of the coastal marine area including navigational safety and anchorage, public access to and along the coast, recreational and commercial uses and utilities;
  - (x) Effects on historic heritage sites, including waahi tapu and other sites of significance to Maori;
  - (xi) Economic benefits to the national economy and the Northland region and its communities;
  - (xii) Environmental, social and cultural benefits to the Northland region and its communities;
  - (xiii) The extent to which provision has been made for Maori Tangata whenua involvement in aquaculture;
  - (xiv) The range of parties involved in aquaculture in Northland.



### 27.7.1 ADDITIONAL INFORMATION REQUIREMENTS FOR ALL COASTAL PERMIT APPLICATIONS

When submitting the requirements of Schedule 4 to the RMA, an application for a coastal permit to undertake aquaculture activities within an AMA must include the following information. Where this information has already been provided as part of the Plan Change application (Section 27.6), a copy must be provided within the coastal permit application.

- (e) Infrastructure requirements to support the proposed aquaculture development, including:
  - (i) Any existing or proposed land based facilities;
  - (iii) The identification of existing wharves, jetties and boat ramps, and the number of vessels (including peak vessel movements) that are likely to require the use of these facilities.
- (f) Details of the consultation undertaken, if any, with tangata whenua, relevant local authorities and government agencies, the local community and any other relevant parties.

### 27.7.2 ADDITIONAL INFORMATION REQUIREMENTS FOR A NEW COASTAL PERMIT APPLICATION TO UNDERTAKE THE SAME AQUACULTURE ACTIVITY THAT HAS BEEN PREVIOUSLY CONSENTED FOR

*Where an existing coastal permit to undertake aquaculture activities has expired, or is due to expire, and a new coastal permit is required, the applicant will be required to demonstrate:*

- (a) Compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant; and
- (b) The use of current industry good practice for any current aquaculture activities, including compliance with relevant Codes of Practice; and
- (c) Any change in site characteristics or adverse environmental effects which may have resulted from the existing or previous activities.



**SECTION 1 – RULES**

**Marine 1 (Protection) Management Area**

Amend Rule 31.3.10 as follows:

**31.3.10 Aquaculture Activities**

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	<p>The <b>establishment of any new marine farm. Aquaculture activities</b> in the <b>Outer Kaipara Harbour Marine 1 (Protection) Management Area</b>. These activities include:</p> <p>(i) <u>The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</u></p> <p>(ii) <u>Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</u></p>	<p>(a) <u>The seabed within the entire footprint of the aquaculture activity is greater than 0.5m below Chart Datum<sup>8</sup>.</u></p> <p>(b) <u>The proposed area of occupation is north of a line from 1795913mE 5975589mN to 1707171mE 5976685mN to 1708783mE 5976638mN). (All coordinates in NZTM2000).</u></p>		<p>Prohibited</p> <p>Non-complying</p>	<p><u>27.4.96</u></p>
b	<p>An application for a new coastal permit to <b>continue the same aquaculture activities</b>. These activities include:</p> <p>(i) <u>The erection, placement, use of and occupation of space by any</u></p>	<p>(a) <u>The application is made within 1 year of the coastal permit for the aquaculture activity expiring or lapsing.</u></p> <p>(b) <u>The area of occupation is within</u></p>		<p>Discretionary</p>	<p><u>27.4.1</u></p>

<sup>8</sup> Chart datum is used for navigation and for hydrographic charts. It typically refers to a level below which tides do not fall (often defined by the lowest astronomical tide). Standard port tide gauges are usually set to read zero at chart datum.





Regional Coastal Plan - Plan Change 4 (Policy and Regulatory regime for AMA Aquaculture Activities)

	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	<p><u>structure necessary for carrying out aquaculture activities;</u></p> <p>(ii) <u>Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</u></p>	<p><u>the area authorised by the coastal permit</u></p>			
c	<p><b><u>Marae based aquaculture activities.</u></b>  <u>These activities include:</u></p> <p>(i) <u>The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</u></p> <p>(ii) <u>Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</u></p>	<p>It is in accordance with the definition of <u>"Marae based aquaculture"</u> in the <u>Definitions section of this plan.</u></p>		<p><u>Non-complying</u></p>	<p><u>27.4.2</u></p> <p><u>27.4.96</u></p>
d	<p><b><u>The relocation of authorised aquaculture activities in Parengarenga Harbour.</u></b></p>	<p>(a) <u>The proposed space occupied by the aquaculture activity is no greater than the current space occupied by the aquaculture activity.</u></p> <p>(b) <u>The proposed area of occupation is north of a line from Ngatehe Point (1596766mE 6180206mN) to Paratoetoe Point (1594178mE 6181677mN) to Te Hapua</u></p>		<p><u>Non-complying</u></p>	<p><u>27.4.96</u></p>



Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	(1592993mE 6181055mN). (All coordinates in NZTM2000).			
e	<p><u>Aquaculture activities in Maori oyster reserves<sup>9</sup> in the Outer Kaipara Harbour Marine 1 (Protection) Management Area. These activities include:</u></p> <p>(i) <u>The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</u></p> <p>(ii) <u>Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area</u></p>	<p><u>The aquaculture activity is consistent with Section 5.10 of the Deed of Settlement to Settle Te Uri o Hau Historical Claims, December 2000</u></p>	Discretionary	27.4.96
f	<p><u>Aquaculture activities not provided by rules 31.3.10(a), 31.3.10(b), 31.3.10(c), 31.3.10(d), and 31.3.10(e).</u></p>		Prohibited	27.4.96

### 31.4 Marine 2 (Conservation) Management Area

Amend Rule 31.4.10(a) and Delete Rule 31.4.10 (b) as follows:

<sup>9</sup> Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986, Section 9.



Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
<p><del>The establishment of any new marine farm. Aquaculture activities located outside the Marine 2 (Conservation) Management Areas identified in Appendix 12. These activities include:</del></p> <p>(i) <del>The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</del></p> <p>- <del>Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area</del></p> <p><del>(ii)</del></p>			<p>Prohibited <u>Discretionary</u></p>	<p>27.4.1</p>
<p>b <u>Marae based aquaculture activities in the Marine 2 (Conservation) Management Areas identified in Appendix 12. These activities include:</u></p> <p>(i) <u>The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</u></p> <p>(ii) <u>Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area.</u></p>	<p><u>In accordance with the definition of "Marae based aquaculture" in the Definitions section of this plan.</u></p>		<p><u>Non-complying</u></p>	<p><u>27.4.2</u> <u>27.4.96</u></p>
<p>c <u>The relocation of authorised aquaculture activities in the Waikare Inlet.</u></p>	<p>(a) <u>The proposed space occupied by the aquaculture activity is no greater than the current space occupied by the aquaculture activity.</u></p> <p>(b) <u>The current area of occupation and the proposed area of occupation is east of a line from 1703263mE 6092240mN to 1703003mE 6091467mN. (All coordinates in NZTM2000).</u></p>		<p><u>Discretionary</u></p>	<p><u>27.4.96</u></p>



Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for AMAs Aquaculture Activities)

Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
<p>An application for a new coastal permit to continue the same aquaculture activities in the Marine 2 (Conservation) Management Areas identified in Appendix 12. These activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the coastal marine area</p>	<p>(a) The application is made within 1 year of the coastal permit for the aquaculture activity expiring or lapsing.</p> <p>(b) The area of occupation is within the same area authorised by the coastal permit</p>		Discretionary	27.4.1
<p>e Aquaculture activities in the Marine 2 (Conservation) Management Areas identified in Appendix 12 which are not otherwise a non-complying activity under rule 31.4.10(b) or a discretionary activity under rules 31.4.10(c) and (d).</p>			Prohibited	27.4.96



Section 31.5 within the Regional Coastal Plan for Northland and replace with the following:

**Marine 3 (Aquaculture) Management Areas**

**MARINE MANAGEMENT AREA STATEMENT**

Marine 3 (Aquaculture) Management Areas are to be managed principally for aquaculture activities, including commercial shellfish cultivation, harvesting or spat-catching activity. ~~Aquaculture activities may only take place within an established or deemed Aquaculture Management Area (AMA).~~

**31.5.2 ESTABLISHMENT OF AQUACULTURE ACTIVITIES**

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	An application for a new coastal permit to continue the same aquaculture activities. These activities include: (i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities; (ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges in the of material from the aquaculture activities to the coastal marine area.	(a) Compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant; and (b) The use of current industry good practice for any current aquaculture activities. (s165ZJ of the RMA).  The activity shall comply with all relevant standards listed in section 31.5.10.  The term of the coastal permit shall be up to 25 years.	(i) The effects on water column sustainability including cumulative effects; (ii) Hydrodynamic effects, including cumulative effects; (iii) Effect of existing farm on benthic communities and habitat; (iv) Navigation and safety; (v) Monitoring parameters; (vi) Duration of consent; (vii) The need to upgrade, replace or remove any derelict or disused structures; (viii) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.	Controlled	27.4.30
b	An application for a new coastal permit to continue the same aquaculture activities not provided for by Rule 31.5.2 (a).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
c	The establishment of aquaculture activities, where the activities (including the proposed species, structures and methodology for the proposed aquaculture activities) are considered by the consent authority to be explicitly provided for within the Marine 3 (Aquaculture)	<del>The applicant holds an authorisation issued by the Northland Regional Council to apply for a coastal permit for aquaculture activities within the Aquaculture Management Area.</del>  The species to be farmed is explicitly	i) Water column sustainability including cumulative effects; ii) Provision of public access iii) Hydrodynamic effects, including cumulative effects; iv) Effect of specific farm location on	Controlled	27.4.31



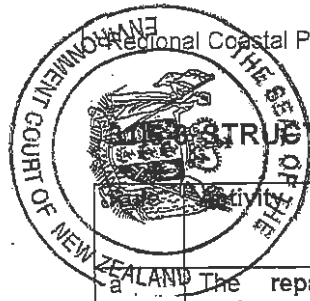
Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for ~~AMAs~~ Aquaculture Activities)

	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
<p><u>Activity</u>  <u>Management Area</u>AMA concerned and the activities are not otherwise specified by any other rule or rules in the Plan. These activities include:</p> <ul style="list-style-type: none"> <li>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</li> <li>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges of material in the coastal marine area.</li> </ul>	<p>provided for within the <u>Marine 3 (Aquaculture) Management Area</u>AMA, and the <u>methods</u> of farming, including details of proposed structures are in accordance with the methodologies approved for the <u>Marine 3 (Aquaculture) Management Area</u> concerned.</p> <p><u>Where the Marine 3 (Aquaculture) Management Area is for the purposes of Marae-based Aquaculture, the activities shall comply with the definition of Marae-based Aquaculture.</u></p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p> <p>The term of the coastal permit shall be up to 25 years.</p>	<p>benthic communities and habitat;  <del>v) Staging and timing of development;</del>  <del>vi) Navigation and safety;</del>  <del>vii) Structures and the use of technology to mitigate potential adverse environmental effects;</del>  <del>viii) Monitoring parameters;</del>  <del>ix) Duration of consent;</del>  <del>x) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.</del>  <del>xi) Biosecurity management</del></p>		
<p>ca <u>The establishment of aquaculture activities, where the activities (including the proposed species, structures and methodology for the proposed aquaculture activities) are explicitly provided for within the Marine 3 (Aquaculture) Management Area concerned and the activity includes:</u></p> <ul style="list-style-type: none"> <li>(i) <u>staged development, or</u></li> <li>(ii) <u>the use of added nutrients or medicants.</u></li> </ul>	<p><u>The species to be farmed is explicitly provided for within the Marine 3 (Aquaculture) Management Area, and the methods of farming, including details of proposed structures are in accordance with the methodologies approved for the Marine 3 (Aquaculture) Management Area concerned.</u></p> <p><u>Where the Marine 3 (Aquaculture) Management Area is for the purposes of Marae-based Aquaculture, the activities shall comply with the definition of Marae-based Aquaculture.</u></p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p> <p>The term of the coastal permit shall be up to 25 years.</p>	<ul style="list-style-type: none"> <li>i. <u>Water column sustainability including cumulative effects;</u></li> <li>ii. <u>Provision of public access</u></li> <li>iii. <u>Hydrodynamic effects, including cumulative effects;</u></li> <li>iv. <u>Effect of specific farm location on benthic communities and habitat;</u></li> <li>v. <u>Staging and timing of development;</u></li> <li>vi. <u>Navigation and safety;</u></li> <li>vii. <u>Structures and the use of technology to mitigate potential adverse environmental effects;</u></li> <li>viii. <u>Monitoring parameters;</u></li> <li>ix. <u>Duration of consent;</u></li> <li>x. <u>Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment</u></li> <li>xi. <u>Biosecurity management</u></li> </ul>	<p>Restricted discretionary</p>	



Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for Aquaculture Activities)

Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
<p>The establishment of aquaculture activities, where the activities, species to be farmed and proposed methodology, are considered by the consent authority as being not explicitly provided for within the <u>Marine 3 (Aquaculture) Management Area</u> concerned. These activities include:</p> <ul style="list-style-type: none"> <li>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</li> <li>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharges of material in the coastal marine area.</li> </ul>	<p><del>The applicant holds an authorisation issued by the Northland Regional Council to apply for a coastal permit for aquaculture activities within the Aquaculture Management Area.</del></p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p> <p>The term of the coastal permit shall be up to 25 years.</p>		Discretionary	



**STRUCTURES**

		Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	The repair, alteration, maintenance and replacement of existing structures for authorised aquaculture activities, including associated buoys, lights and other navigation aids required for authorised aquaculture activities on the condition that:	<p>(i) The materials and structural design used are of a stability, strength and durability for the purpose and otherwise comply with relevant conditions of any existing lease, licence, or coastal permit; and</p> <p>(ii) All materials which are replaced or otherwise not required are removed from the coastal marine area; and</p> <p>(iii) All buoys, lights and other navigation aids have the approval of the Maritime New Zealand or the Harbourmaster.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p>		Permitted	
b	The erection, placement, use of and occupation of space by any structure for a purpose other than aquaculture activities.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
c	The demolition and removal of derelict, unauthorised, or unwanted structures, including permanent swing moorings, on the condition that:	<p>The activity does not:</p> <p>(i) Require the use of explosives or heavy machinery, compressors, pneumatic drills, or other similar equipment; or</p> <p>(ii) Prevent, or unduly interfere with, other lawful activities in the coastal marine area; or</p> <p>(iii) Result in any discharge or deposition of contaminants onto the foreshore or into adjacent coastal waters.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p>		Permitted	
d	The demolition and removal of derelict, unauthorised, or unwanted structures, including permanent swing moorings, which is not otherwise a permitted activity under Rule 31.5.3(b).	The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete the operation.	<p>i) Duration of the permit;</p> <p>ii) Methods use to carry out the activity;</p> <p>iii) Methods of disposal of the removed material;</p> <p>iv) Timing of the activity in relation to</p>	Controlled	





Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for AMAs Aquaculture Activities)

Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	The activity shall comply with all relevant standards listed in section 31.5.10.	tides, seasons, or other activities; v) Methods of restoration of foreshore or seabed where this is necessary; vi) Information and monitoring requirements; vii) Administrative charges payable.		
e	The placement, operation, and maintenance of equipment for environmental monitoring or data gathering purposes, provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	(i) The Northland Regional Council is notified of the activity prior to the placement; and (ii) The term of placement shall be no longer than one calendar year from the date of placement.  The activity shall comply with all relevant standards listed in section 31.5.10.	Permitted	
f	The placement of signage by any statutory authority directly relating to information and safety matters concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 1991, or the Health Act 1956	The activity shall comply with all relevant standards listed in section 31.5.10.	Permitted	

**31.5.4 RECLAMATION AND IMPOUNDMENT**

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	Any new reclamation or impoundment.			Prohibited/Non-complying	

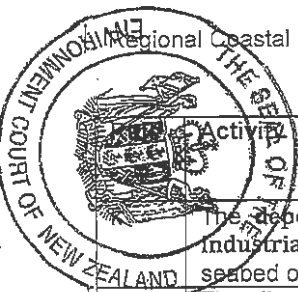
**31.5.5 DISCHARGE**

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	The discharge of water onto the foreshore, seabed or into the waters of the coastal marine area on the condition that:	(i) The discharge is free from any contaminant; and (ii) Does not result in permanent physical damage to the foreshore or seabed.		Permitted	



Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for AMAs Aquaculture Activities)

	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
		The activity shall comply with all relevant standards listed in section 31.5.10.			
b	The discharge of contaminants to water associated with the provision of feed and nutrient resources to marine farms.	The activity shall comply with all relevant standards listed in section 31.5.10.	(i) Effects on water quality (ii) Monitoring parameters	Restricted Discretionary	
c	The discharge of coastal water and the discharge of contaminants to water from aquaculture activities that are not provided for by Rules 31.5.5(a) and (b).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
d	The discharge of seawater for fire fighting purposes or from the propulsion of boats and other vessels.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
e	The discharge of contaminants into the air from the operation of fuel burning equipment for cooking purposes using charcoal or LPG, with a capacity less than 40 kW.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
f	The discharge of contaminants into the air from the operation of fuel burning equipment with a capacity less than 40 kW using diesel oil, petrol or LPG for the purposes of generating electricity.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
g	The discharge into the air of contaminants associated with moving or stationary engine exhaust systems. This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted under the Resource Management (Marine Pollution) Regulations 1998.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
h	The discharge of any contaminants to air that is not associated with Rules 31.5.5(e) to (g) or Rule 31.5.5(m).	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	
i	Any discharge of human effluent, sewage and solid waste from boats and other vessels onto the foreshore or seabed or into coastal waters.			Prohibited	
j	Any boat maintenance activity excluding existing authorised boat maintenance facilities which causes or is likely to cause the discharge of contaminants into coastal waters or onto the foreshore or seabed.			Prohibited	



Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	The deposition of litter and solid domestic or industrial contaminants onto the foreshore, or seabed or into coastal waters.		Prohibited	
	<del>The discharge of contaminants to water that is not provided for by any other rules in this section (31.5.5) or section 31.5.2.</del>		Prohibited	
m	The discharge of contaminants into the air from the open burning of the following waste materials: (i) Rubber, including tyres (ii) Plastics (iii) Plastic agrichemical containers (iv) Hazardous substances or containers of hazardous substances (v) Coated metal cables (vi) Marine vessels (except in emergency situations) (vii) Timber treated with CCA or organic substances.		Prohibited	

### 31.5.6 TAKING AND USE OF WATER

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	The taking, use, and discharge of coastal water, and the discharge of biodegradable and organic matter, for the purpose of harvesting, washing and sorting farmed shellfish on the condition that the activity does not result in:	(i) A change in water colour or clarity outside the <u>Marine 3 (Aquaculture) Management Area</u> Aquaculture Management Area; or (ii) The accumulation of shell and other debris on the foreshore or seabed within or adjoining the <u>Marine 3 (Aquaculture) Management Area</u> Aquaculture Management Area.  <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
b	The taking, use, and discharge of coastal water, and the discharge of contaminants to water from aquaculture activities that are not	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	



Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for AMAs Aquaculture Activities)

Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
provided for by Rule 31.5.6(a).				
c The taking and use of sea water for fire fighting purposes and for the normal operational needs of vessels.	The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
d The taking and use of sea water for other than fire fighting purposes or for the normal operational needs of vessels or for the purpose of washing and sorting farmed shellfish, on the condition that the activity does not:	(i) Change natural water and sediment movement patterns; or (ii) Change natural water quality; or (iii) Compromise the safe and efficient operation of a marine farm or the security of the farm.  The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
e The taking, use, or diversion of coastal water (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion does not, or is not likely to:	(i) Have an adverse effect on the environment.  The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
f The taking, use, diversion or discharge of coastal water that is not provided for by any other rules in this section.			Prohibited <u>Non-complying</u>	

**31.5.7 DREDGING AND DREDGING SPOIL DISPOSAL**

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	Any dredging.	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
b	Any dredging spoil disposal.	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	



**MOORINGS INCLUDING MARINAS**

		Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	The anchorage of vessels required for aquaculture operations.	<p>(i) The anchored craft is in a position which does not interfere with the safe navigation of other vessels or other authorised uses of the coastal marine area; and</p> <p>(ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident or emergency.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p>		Permitted	
aa	The anchorage of vessels which is not otherwise a permitted activity under Rule 31.5.8(a).	The anchored craft (including its anchor) is more than 75m away from a marine farm structure.		Permitted	
b	The anchorage of vessels which is not otherwise a permitted activity under Rule 31.5.8(a) or (aa).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
c	The placement, occupation of space for, and the use of, new permanent swing moorings required for aquaculture operations.	The activity shall comply with all relevant standards listed in section 31.5.10.	<ul style="list-style-type: none"> <li>• Duration of the permit;</li> <li>• Location of the mooring;</li> <li>• Design and construction of the mooring;</li> <li>• Information and monitoring requirements;</li> <li>• Administrative charges payable.</li> </ul>	Restricted Discretionary	
d	The placement, occupation of space for, and the use of, new permanent swing moorings not required for aquaculture operations.	The activity shall comply with all relevant standards listed in section 31.5.10.		Non-complying	
e	Any marina development.			Prohibited	



Regional Coastal Plan - Plan Change 4 (Policy and Regulatory Regime for AMA Aquaculture Activities)

	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	The disturbance of the foreshore or seabed associated with the removal of shell and other debris derived from aquaculture operations and that does not involve the use of vehicles on the foreshore on the condition that:	(i) The contour of the foreshore or seabed is not altered; and (ii) There is no change in water colour clarity outside the AMA as a result of the activity; and (iii) All material removed shall be disposed of in an authorised location.  <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
b	Disturbance of the foreshore as a result of the use of vehicles for purposes associated with aquaculture.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
c	Any disturbance of the foreshore or seabed which is not provided for in Rules 31.5.9 (a) and (b).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
d	Any port development.			Prohibited	
e	The removal or pruning of mangrove trees where the growth or proliferation of these has led to: (i) The obstruction of existing lawful public access to and within the coastal marine area; or (ii) Interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the coastal marine area; or (iii) The blockage of existing man-made drainage channels to the extent that adjacent land is flooded.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>	a) Duration of the permit; b) Coastal area covered by the permit; c) Area of mangroves to be affected; d) Methods used to carry out the activity; e) Methods of disposal of the removed material; f) Timing of the activity in relation to tides, seasons, or other activities; g) Information and monitoring requirements; h) Administrative charges payable.	Controlled	

### 31.5.10

#### GENERAL PERFORMANCE STANDARDS

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 3 (Aquaculture) Management Area:

- (a) Noise generated as a result of an activity within the coastal marine area shall comply with the following standards:
  - (i) The activity shall not cause excessive noise as defined in section 326 of the Resource Management Act 1991; and
  - (ii) Any construction, maintenance or operational activity near coastal subdivisions or other urban areas shall comply with the noise standards of the district council which is responsible for the use of the adjoining land.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
  - (i) A hazard to navigation and safety; or
  - (ii) A hazard to traffic safety on wharves, ramps, and adjacent roads; or
  - (iii) A significant nuisance to other users of the surrounding coastal marine area or adjacent land.
  - (iv) an inconsistency with the Maritime New Zealand document "Guidelines for Aquaculture Management Areas and Marine Farms" produced in December 2005 (and any subsequent relevant amendments).
- (c) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
  - (i) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
  - (ii) Any conspicuous change in the colour or visual clarity of the receiving waters;
  - (iii) Any emission of objectionable odour;
  - (iv) Accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point;
  - (v) Any significant adverse effects on aquatic life or public health.
- (d) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity other than dredging shall be restored as soon as practicable after the completion of the construction or maintenance activity.

Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural



drainage channels or unduly restrict the flow of flood waters within such channels.

- (f) Discharges of contaminants into air shall not:
- (i) Result in the discharge of black smoke apart from coal, oil or diesel burning equipment for a period of up to 15 minutes from start up from cold, or for soot blowing;
  - (ii) Result in any offensive or objectionable odour, or any noxious or dangerous level of gases;
  - (iii) Result in a discharge to air of offensive or objectionable dust;
  - (iv) Result in concentrations of air pollutants that exceed as a minimum the National Ambient Quality Guidelines, May 2002.





## SECTION 32 – ASSESSMENT CRITERIA

### 32.2.8 Marine Farms (other than structures)

Amend section 32.2.8 as follows:

1. Whether the species intended to be farmed is indigenous to, or has previously been cultivated in, New Zealand or Northland's coastal marine area and, if not, the likelihood of it becoming established 'in the wild'.
2. Whether the location of the proposed farm in relation to tidal height, wave exposure, and water quality is suited to the growing habit of the species to be farmed.
3. The availability of access to the proposed site.
4. Whether the applicant has an existing marine farm and the extent to which this is developed and/or utilised.
5. Whether the marine farm will require impoundment, structures, discharges or moorings.
6. Whether the construction, maintenance or operation of the proposed marine farm will require the use of vehicles in foreshore areas.
7. Whether spat or farm materials will be stored within the proposed marine farm or outside the coastal marine area.
8. The availability of associated land-based requirements necessary to operate the farm.
9. The degree of exclusive occupation of space required in relation to the available space within the locality and effects on existing uses of the coastal space.



## DEFINITIONS

### Add the following to the Definitions section:

#### Aquaculture activities –

(a) means any activity described in section 12 of the Resource Management Act 1991 done for the purpose of the breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or ongrowing involves the occupation of a coastal marine area; and

(b) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but

(c) does not include an activity specified in paragraph (a) if the fish, aquatic life, or seaweed—

(i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or

(ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed; and

(d) does not include an activity specified in paragraph (a) or (b) if the activity is carried out solely for the purpose of monitoring the environment

~~— means the breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or ongrowing involves the occupation of a coastal marine area; and~~

~~— includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but~~

~~— does not include an activity specified in paragraph (a) if the fish, aquatic life, or seaweed—~~

~~— are not in the exclusive and continuous possession or control of the person undertaking the activity; or~~

~~— cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed~~

#### Aquaculture Management Area –

~~means a coastal marine area described as an aquaculture management area and included in a regional coastal plan or proposed regional coastal plan in accordance with section 165C of the RMA; and includes—~~

~~— an interim aquaculture management area that becomes an aquaculture management area under section 44 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; and~~

~~— part of an aquaculture management area~~



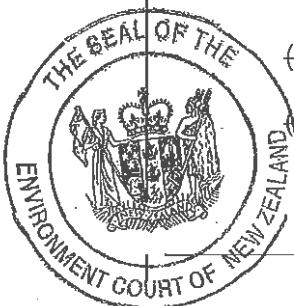
~~Authorisation — means the right to apply for a coastal permit to occupy space in a coastal marine area~~

~~Available space — in relation to an aquaculture management area,—~~

- ~~(a) means space vested in the Crown or a regional council that is not the subject of—~~
- ~~(i) a coastal permit to occupy space in a coastal marine area for aquaculture activities; or~~
  - ~~(ii) an authorisation; or~~
  - ~~(i) a deemed coastal permit under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 that authorises occupation of the space; or~~
  - ~~(ii) an application for a coastal permit to occupy space in a coastal marine area for aquaculture activities;~~
  - ~~(iii) a lease or licence under the Marine Farming Act 1971 until the lease or licence becomes a deemed coastal permit under section 40 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; or~~
  - ~~(iv) a coastal permit, or an application for a coastal permit, to occupy space in an aquaculture management area for activities that are not aquaculture activities; and~~
- ~~— does not include an actual space (as defined in section 53(12) of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004)~~

Marae-based Aquaculture – means aquaculture with the following attributes:

- ~~(a) The sole purpose of the aquaculture activities is to improve traditional customary kaimoana provision for Marae.~~
- ~~(b) Farmed kaimoana (farmed fish<sup>1</sup>) The farmed kaimoana is not for sale<sup>2</sup> sale<sup>1</sup>~~
- ~~(c) The organisations entitled to hold coastal permits for Marae-based aquaculture are only recipient of the farmed kaimoana (farmed fish<sup>1</sup>) is~~
  - ~~(a) a Marae Committee of a Maori Reservation gazetted for the purposes of a Marae, in accordance with Te Ture Whenua Maori Act 1992.~~
  - ~~(b) a Marae Committee of a marae recognised by, and formally affiliated to, a mandated iwi organisation (as recognised in the Maori Fisheries Act 2004)~~
- ~~(e)(d) The area of occupation is less no more than one hectare per Marae.~~
- ~~(d)(e) The area of occupation is within the area traditionally harvested by the Marae.~~



(e) ~~Written approval has been obtained from the adjacent<sup>3</sup> landowners who, in the Council's opinion, may be directly adversely affected~~

<sup>1</sup> ~~sale includes—~~

- ~~a. every method of disposition for valuable consideration, including barter; and~~
- ~~b. the disposition to an agent for sale on consignment; and~~
- ~~c. offering or attempting to sell, or receiving or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or exposed for sale; and~~
- ~~d. disposal by way of gambling (as that term is defined in section 4(1) of the Gambling Act 2003); and~~
- ~~e. the use by a person of fish, aquatic life, or seaweed as bait in that person's commercial fishing operations; and~~
- ~~f. any other use by a person of fish, aquatic life, or seaweed as part of that person's commercial activities~~

*(Sourced from the Maori Commercial Aquaculture Claims Settlement Act 2004 definition of "sale").*

<sup>4</sup> ~~Refer s2 of the Fisheries Act 1996 for definition of "farmed fish".~~

<sup>2</sup> ~~Refer to the Maori Commercial Aquaculture Claims Settlement Act 2004 for the definition of "sale".~~

<sup>3</sup> ~~Includes land adjoining and nearby.~~

~~Trustee — has the same meaning as in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004: means Te Ohu Kai Moana Trustee Limited, a company established in accordance with Section 33 of the Maori Fisheries Act 2004~~

~~Recognised anchorage - means an anchorage which is referred to in cruising guides, pilot books and similar publications as being suitable shelter for small/larger craft in adverse weather.~~

~~Recognised navigational routes — is a safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to & from ports, and may also include pleasure craft routes which are normally used to navigate between popular destinations.~~



## **APPENDIX 412: AQUACULTURE PROHIBITED AREAS MAPS**

These maps show the areas where aquaculture activities are generally prohibited (note there are exceptions – refer to rules). The areas are:

- a) Areas of the coastal marine area where a Marine Reserve has been established or publicly notified under the Marine Reserves Act 1971;
- b) Marine 1 (Protection) Management Areas
- c) Locations within Marine 2 (Conservation) Management Areas where new aquaculture activities would have actual or potential conflicts with;
  - i) Areas of significant urban development; or
  - ii) Significant tourism and/or recreation areas; or
  - iii) Outstanding natural character and/or outstanding natural landscapes; or
  - iv) Significant vessel routes (commercial and recreational), significant anchorages of refuge, and/or port or harbour approaches; or
  - v) Existing aquaculture (either because there is no/limited space or the area is at its production or ecological carrying capacity)
- d) Marine 4 (Mooring) Management Areas
- e) Marine 5 (Port Facilities) Management Areas
- f) Marine 6 (Wharves) Management Areas
- g) Places, sites and areas identified in Rarangi Taonga: the Register of Historic Places, Historic Areas, Waahi Tapu and Waahi Tapu Areas (Historic Places Trust, Historic Places Act 1993).

The maps differentiate between MM2 aquaculture prohibited areas and all other aquaculture prohibited areas because there are different rules that apply.

<Attach maps>



Locations within the Marine 2 Management Area which are:

- (a) ~~already fully developed by marine farming; or~~
- (b) ~~unsuitable for marine farming because of potential conflicts with adjacent areas of urban development and recreational activities; or~~
- (c) ~~unsuitable for marine farming because of potential conflict with high existing natural character and amenity values.~~

The relevant MM2 areas are listed:

- (i) ~~Hokianga Harbour, from the harbour entrance up harbour to a line between Koutu Point and Taumatakanae Point.~~ North Head to Omaha Islets including Oakura Bay
- (ii) ~~Great Exhibition Bay within the area enclosed at the northern end by a straight line between Henderson Point to the northernmost point of Terakautuhaka Island and at the southern end by a straight line between the southernmost point of Terakautuhaka Island and Perforated Point, including Kowhai Beach and Henderson Bay~~
- (iii) ~~Matai Bay, Cape Karikari~~
- (iv) ~~Doubtless Bay between Patia Point (Whatuwhiwhi) and Hihi Beach including Tokerau Beach, Taipa Bay, Cable Bay, Otengi Bay and Coopers Beach~~
- (v) ~~Taipa estuary~~
- (vi) ~~Mangenui Harbour~~
- (vii) ~~Taupe Bay~~
- (viii) ~~Pekapeka Bay, Whangaroa Harbour~~
- (ix) ~~Tauranga Bay~~
- (x) ~~Te Ngaire Bay~~
- (xi) ~~Tapuaetahi Bay~~
- (xii) ~~Bay of Islands coastline from Cape Brett to Tapeka Point~~
- (xiii) ~~Kerikeri inlet~~
- (xiv) ~~Pomare Bay (inclusive of Orongo Bay).~~
- (xv) ~~Waikare and Waikino inlets in the Bay of Islands.~~
- (xvi) ~~Bland Bay~~
- (xvii) ~~Whangaruru Harbour up to the mouth of the Whangaruru Harbour from a line between~~
- (xviii) ~~Helena Bay~~
- (xix) ~~Teal Bay~~
- (xx) ~~Matapouri Bay~~
- (xxi) ~~Matapouri estuary~~
- (xxii) ~~Tutukaka Harbour~~
- (xxiii) ~~Pataua estuary~~
- (xxiv) ~~Taiharuru bay~~
- (xxv) ~~Taiharuru estuary~~
- (xxvi) ~~Whangarei Harbour~~

