

Council Decision

Regional Coastal Plan for Northland

Proposed Plan Change 4

Policy and Regulatory Regime for
Aquaculture Management Areas

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

Ministry of Fisheries	<ul style="list-style-type: none">• Fisheries management• Aquaculture decision (undue adverse effect test) on proposed AMAs• Concluding any forfeiture action started
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4.6 Ministry of Fisheries

Amend Section 4.6 as follows:

The 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.

MFish 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, 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, the Council must request the Ministry of Fisheries to make an aquaculture decision. This involves the Ministry of Fisheries making a formal assessment on whether the proposed AMA will have an undue adverse effect on customary, recreational or commercial fishing.

The Ministry of Fisheries was 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; or
 - (b) AMAs established through the Resource Management Act 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.

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) Deemed AMAs; and
 - (b) AMAs established through the RMA Plan Change process

All AMAs within Northland's Coastal Marine Area are shown on the Coastal Plan Maps. Individual marine farm boundaries within 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.

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 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 2005¹. 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, aquaculture in Northland was estimated to have produced over \$20m in total sales and directly employed more than 400 people. 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.²

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 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.

¹ "Our Blue Horizon: The Government's Commitment to Aquaculture", Ministry of Economic Development, 2007

² "Assessment for the potential for aquaculture in Northland", NIWA, 2003, report for Enterprise Northland

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:

- (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 of cultural 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.

27.1.4 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).

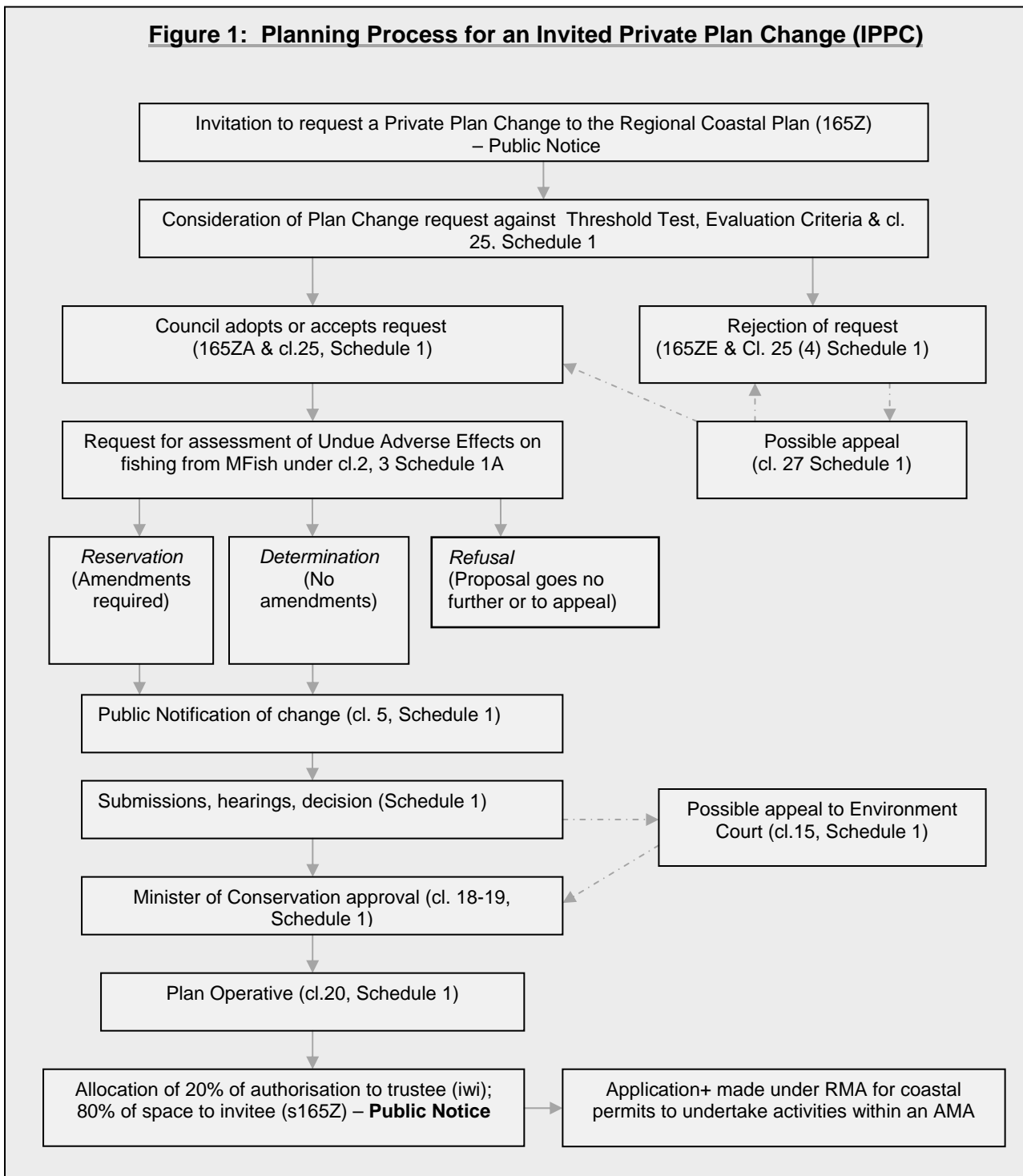
Under the Invited Private Plan Change process, the applicant is guaranteed 80% of the remaining space within the AMA once the plan change has become operative. However, if Council decides to undertake a plan change to establish an AMA, or an applicant applies for a standard private plan change, up to 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.

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

8. Coastal Permits

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.

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



27.1.5 THE IDENTIFICATION OF POSSIBLE AMA 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 Northland³.

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

³ 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. Aquaculture operators require security of tenure to justify the significant levels of investment required to establish marine farms.
8. The adverse effects of land and water based discharges may affect the viability of aquaculture activities.
9. Aquaculture activities may require shore-based facilities which have implications for adjacent land uses and raise cross-boundary issues.
10. Poorly maintained, abandoned and/or derelict marine farms may pose a hazard to navigation and adversely affect natural character and amenity values.
11. The specific biophysical requirements of some types of aquaculture activities may restrict the establishment of AMAs to parts of the coastal marine area where such requirements can be met.
12. Depleted kaimoana stocks have affected natural traditional Maori food sources.

27.3 Objectives

1. The development of sustainable aquaculture activities in Northland is enabled.

(Issues 1, 2, 4, 7, 8, 9 and 11)
2. Sustainably managed aquaculture provides socio-economic and cultural benefits for the Northland Region and its communities.

(Issues 1 and 2)
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 areas where there are no significant adverse effects on important natural, social, economic and cultural values and uses.

(Issues 3, 4 and 5)
5. A clear and open process for the establishment of AMAs is provided, to enable the full participation of the aquaculture industry, the community, Maori, relevant local authorities and other stakeholders.

(Issues 6, 9, 10 and 11)
6. 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)

7. 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)
8. Activities that might potentially create adverse effects on the use of an AMA are managed appropriately.

(Issues 3 and 8)
9. AMAs that require shore-based facilities are located in areas where adequate and appropriate facilities can be provided.

(Issue 9)
10. Marine farms are maintained in good order and repair.

(Issue 10)
11. Marae-based aquaculture is recognised as a significant opportunity for Maori to enhance provision of kaimoana for traditional non-commercial purposes.

(Issue 12)

27.4 Policies

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

1. Enabling aquaculture can provide benefits to local communities and the Northland region. When considering plan changes for AMAs and coastal permits for aquaculture, key benefits to be taken into account include:
 - Social, cultural and economic benefits, including local employment and enhancing Maori development, particularly in areas where alternative opportunities are limited.
 - Supplementing natural fish and shellfish stocks by providing an alternative source of fish and shellfish.
 - Providing a good indicator of the quality of coastal waters.

(Objective 2)

Explanation. *Aquaculture has the potential to provide benefits to local communities and the Northland Region. AMA and coastal permit applicants will need to demonstrate the extent of the benefits.*

2. The significant opportunity Marae-based aquaculture provides for Maori to enhance kaimoana stocks for their traditional non-commercial purposes should be recognised when considering plan changes for AMAs and coastal permits for Marae-based aquaculture.

(Objectives 4 and 11)

Explanation. *Marae-based aquaculture can provide significant benefits to the ability of Maori to provide kaimoana for traditional non-commercial*

purposes. These benefits should be taken into account when considering AMAs and coastal permits for Marae-based aquaculture.

3. 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 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 any plan change request to establish an AMA, 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;
 - c) Any lawful existing uses of the area, including public access and customary uses, and the extent to which those uses may be modified or restricted;
 - 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); 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 requests. General information requirements for any plan change request are specified in Section 27.7.*

6. AMAs and any 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),
 - c) Consented sand dredging zones,
 - d) Defence exercise areas,
 - e) Access Lanes as referred to by the Navigation Safety Bylaw, and
 - f) 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 Customary Rights Order issued by the Maori Land Court or the High Court of New Zealand; 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 1971⁴.
 - (vii) Any Marine Park established by or through statutory or regulatory processes

(Objectives 1, 3, and 4)

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) do not preclude the establishment of an AMA but they may be sensitive to the establishment of AMAs. For example, the commercial and recreational fishing set net ban from Mangonui Bluff

⁴ 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.

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 change 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 will have an adverse effect. Put simply, de minimis means something that is too small to be concerned with.

7. AMAs and any aquaculture activities should have no more than minor adverse effects on;
 - a) Areas of seagrass or rocky reef habitat
 - 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 activities should avoid significant adverse effects on:
 - a) The integrity, functioning and resilience of coastal processes and ecosystems;
 - b) Significant migration routes, breeding, feeding or hauling out areas for marine mammals;
 - c) Significant anchorages (e.g., important sites providing shelter from adverse weather);
 - d) Public access to and along the coast;
 - e) Use or functioning of coastal reserves and conservation areas;
 - f) Sites and/or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or recognised customary activities;
 - g) Registered sites of historic heritage value.

(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.*

9. AMA's 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 listed in Appendix 11
 - 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).

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 affects on the values represented by these areas are no more than minor.

(Objectives 1, 4, and 11)

Explanation. *These areas contain identified significant values which are considered to be generally incompatible with AMAs, and have been through a robust statutory and/or public process. The above areas are shown in the maps titled "AMA Restriction Maps".*

Marine reserves and AMAs are generally incompatible.

MM1 areas are those identified for their significant environmental values. The locations within MM2 listed in Appendix 11, and MM4, 5 and 6 areas. were identified as being unsuitable for aquaculture 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 historic places, sites or areas within the coastal marine area of Northland. It is highly unlikely that an AMA would be compatible with the values represented by any historic place, site or area.

Marae-based aquaculture is small, and as such, with careful design and location, the adverse effects on the values of MM1 and the identified MM2 areas 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.

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

- a) excluding these areas from the invitation for invited private plan changes; and*
- b) not considering favourably any plan change applications received within these areas.*

10. AMAs 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 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 AMAs are located where such requirements can be met.*

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

(Objective 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.*

12. 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 AMA. The relevant regulations at the time of writing are the Animal Products (Bivalve Molluscs and Shellfish) Regulations 2006.*

13. 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.*

14. Any plan change request to establish an AMA or coastal permit application for aquaculture activities 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.*

16. 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.*

17. 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.

18. 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.*

19. The Council will require the repair or removal of structures within an AMA 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 is responsible for addressing the matter. Where the farm is authorised under the RMA, the Council will undertake action as appropriate.*

20. Where the specific details of the proposed aquaculture activity (including the species to be farmed and details of any proposed structures) have been subject to assessment and consideration within the publicly notified plan change process to establish the relevant AMA, and the application for the coastal permit is considered by the consent authority to be in accordance with the specified use of the AMA, it will be a controlled activity

(Objective 1)

Explanation. *Where an AMA has been established for specified aquaculture activities, the details of the proposed aquaculture activities*

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).

21. When considering coastal permit applications to undertake activities outside of an AMA, the Council will consider the potential of the activity to adversely affect the viability of aquaculture within any relevant AMA.

(Objective 8)

Explanation. *Where 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)

1. 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 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 Restriction Maps' to identify the areas listed in Policy 9 where AMAs are not appropriate.

Investigations and Monitoring

(For Policies 1, 4, 5, 6, 7, 8 and 9)

3. 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 9)

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

(For Policies 4 and 16)

5. 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 9)

6. The Council will consult and work with iwi to identify sites or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or customary activities.
7. 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)

8. 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.*

10. 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 and 19)

- 11.. 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, 8, and 9)

12. The Council may promote a plan change to remove any 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 11, 11, and 21)

13. 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.
14. 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, 14, and 16)

16. 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, 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.
17. 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.

18. 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.
19. 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 9)

20. 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.

27.6 Information Requirements for Private Plan Change Requests to Establish an AMA

All Private Plan Change Requests 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 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>27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMA</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>27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C)</p> <p><i>Where the applicant is intending to apply for a coastal permit for future aquaculture activities under Rule 31.5.2(c)⁵, 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 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 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"> 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; 	

⁵ 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**.

27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMA	27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C)
<ul style="list-style-type: none"> 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. 	
<p>(c) The species that are proposed to be predominantly farmed in the AMA and the proposed methods of farming;</p>	<p>(b) Details of species that will be farmed in the AMA and methods of farming, including;</p> <ul style="list-style-type: none"> (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.
<p>(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>	
<p>(e) Details of consultation undertaken with iwi, relevant local authorities and</p>	

27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMA	27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C)
<p>government agencies, the community, or other parties, including information that has been supplied and any responses to any issues raised by consulted parties.</p>	
<p>(f) A description of the likely adverse effects of the proposed Aquaculture Management Area, and associated aquaculture activities, including:</p> <ul style="list-style-type: none"> (i) The potential for cumulative adverse effects from multiple AMAs; (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; 	<p>(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.</p>
<p>(g) A description of the potential benefits of the proposed AMA and associated aquaculture activities, including:</p> <ul style="list-style-type: none"> (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 communities; 	<p>(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>

27.6.1 BASE INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMA	27.6.2 ADDITIONAL INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS IN ORDER TO MEET RULE 31.5.2(C)
<ul style="list-style-type: none"> (iii) Tangata whenua involvement in aquaculture; (iv) The range of parties involved in aquaculture in Northland. 	
<ul style="list-style-type: none"> (h) Infrastructure requirements to support the proposed aquaculture development, including: <ul style="list-style-type: none"> (i) Any existing or proposed land based facilities; (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. 	

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

27.7.1 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;

27.7.1 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.

- (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 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) Tangata whenua involvement in aquaculture;
 - (xiv) The range of parties involved in aquaculture in Northland.

27.7.1 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.

- (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.

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 31 – RULES

31.3 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	The establishment of any new marine farm.			Prohibited	

31.4 Marine 2 (Conservation) Management Area

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

31.4.10 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	The establishment of any new marine farm			Prohibited	

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

Note: In this section, the deletions and additions are the Committee’s recommendation. The original text is the proposed plan change

31.5 Marine 3 (Aquaculture) Management Areas

31.5.1 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 discharge 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 applicant holds an authorisation issued by the Northland Regional Council to apply for a coastal permit for aquaculture activities within the Aquaculture	i) Water column sustainability including cumulative effects; ii) Provision of public access iii) Hydrodynamic effects, including	Controlled	27.4.31

Rule	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 consent authority to be explicitly provided for within the AMA concerned. These activities include:</p> <ul style="list-style-type: none"> (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 discharge of material in the coastal marine area. 	<p>Management Area.</p> <p>The species to be farmed is explicitly provided for within the AMA, and the methods of farming, including details of proposed structures are in accordance with the methodologies approved for the AMA concerned.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p> <p>The term of the coastal permit shall be up to 25 years.</p>	<p>cumulative effects;</p> <ul style="list-style-type: none"> iv) Effect of specific farm location on benthic communities and habitat; v) Staging and timing of development; vi) Navigation and safety; vii) Structures and the use of technology to mitigate potential adverse environmental effects; viii) Monitoring parameters; ix) Duration of consent; x) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment. 		
d	<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 AMA concerned. These activities include:</p> <ul style="list-style-type: none"> (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 discharge of material in the coastal marine area. 	<p>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.</p> <p>The activity shall comply with all relevant standards listed in section 31.5.10.</p> <p>The term of the coastal permit shall be up to 25 years.</p>		Discretionary	

31.5.3 STRUCTURES

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 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>The activity shall comply with all relevant standards listed in section 31.5.10.</p>		Permitted	
b	The erection, placement, use of and occupation of space by a structure for a purpose other than aquaculture activities.	The activity shall comply with all relevant standards listed in section 31.5.10.		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>The activity shall comply with all relevant standards listed in section 31.5.10.</p>		Permitted	
d	The demolition and removal of derelict, unauthorised, or unwanted structures , including permanent swing moorings, which is not	The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete	<p>i) Duration of the permit;</p> <p>ii) Methods use to carry out the activity;</p>	Controlled	

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	otherwise a permitted activity under Rule 31.5.3(b).	the operation. The activity shall comply with all relevant standards listed in section 31.5.10.	iii) Methods of disposal of the removed material; iv) Timing of the activity in relation to 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	

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	(i) The discharge is free from any contaminant; and		Permitted	

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	area on the condition that:	(ii) Does not result in permanent physical damage to the foreshore or seabed. 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 which causes or is likely to cause the discharge of contaminants into coastal waters or onto the foreshore or			Prohibited	

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
	seabed.				
k	The deposition of litter and solid domestic or industrial contaminants onto the foreshore, or seabed or into coastal waters.			Prohibited	
l	The discharge of contaminants to water that is not provided for by any other rules in this section.			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 Aquaculture Management Area; or (ii) The accumulation of shell and other debris on the foreshore or seabed within or adjoining the Aquaculture Management Area. The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
b	The taking, use, and discharge of coastal water , and the discharge of contaminants to water from aquaculture activities that are not provided for by Rule 31.5.6(a).	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	

Rule	Activity	Standards and Terms	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
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	

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	

31.5.8 MOORINGS INCLUDING MARINAS

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 anchorage of vessels required for aquaculture operations.	(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 (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. The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
b	The anchorage of vessels which is not otherwise a permitted activity under Rule 31.5.8(a).	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"> • Duration of the permit; • Location of the mooring; • Design and construction of the mooring; • Information and monitoring requirements; • Administrative charges payable. 	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	

31.5.9 OTHER

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 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. The activity shall comply with all relevant standards listed in section 31.5.10.		Permitted	
b	Disturbance of the foreshore as a result of the use of vehicles for purposes associated with aquaculture.	The activity shall comply with all relevant standards listed in section 31.5.10.		Discretionary	
c	Any disturbance of the foreshore or seabed which is not provided for in Rules 31.5.9 (a) and (b).	The activity shall comply with all relevant standards listed in section 31.5.10.		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.	The activity shall comply with all relevant standards listed in section 31.5.10.	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; 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.
- (e) 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 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

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–

- (i) 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
- (ii) 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
 - (iii) a deemed coastal permit under the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 that authorises occupation of the space; or
 - (iv) an application for a coastal permit to occupy space in a coastal marine area for aquaculture activities;

- (v) a lease or licence under the Marine Farming Act 1971 until the lease or licence becomes a deemed coastal permit under section 10 of the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004; or
- (vi) 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
- (vii) 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 is to improve traditional customary kaimoana provision for Marae.
- (b) Farmed kaimoana (farmed fish¹) is not for sale²
- (c) The only recipient of the farmed kaimoana (farmed fish¹) is a Marae Committee of a Maori Reservation gazetted for the purposes of a Marae, in accordance with Te Ture Whenua Maori Act 1992.
- (d) The area of occupation is less than one hectare per Marae.
- (e) Written approval has been obtained from the adjacent³ landowners who, in the Council's opinion, may be directly adversely affected

¹ Refer s2 of the Fisheries Act 1996 for definition of "farmed fish".

² Refer to the Maori Commercial Aquaculture Claims Settlement Act 2004 for the definition of "sale".

³ 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

APPENDIX 11

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.
- (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) Mangonui Harbour
- (vii) Taupo Bay
- (viii) Pekapeka Bay, Whangaroa Harbour
- (ix) Tauranga Bay
- (x) Te Ngairi 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 harbour from a line between North Head to Omahu Islets including Oakura Bay
- (xviii) Helena Bay
- (xix) Teal Bay
- (xx) Matapouri Bay
- (xxi) Matapouri estuary
- (xxii) Tutukaka Harbour
- (xxiii) Pataua estuary
- (xxiv) Taiharuru bay
- (xxv) Taiharuru estuary
- (xxv) Whangarei Harbour