

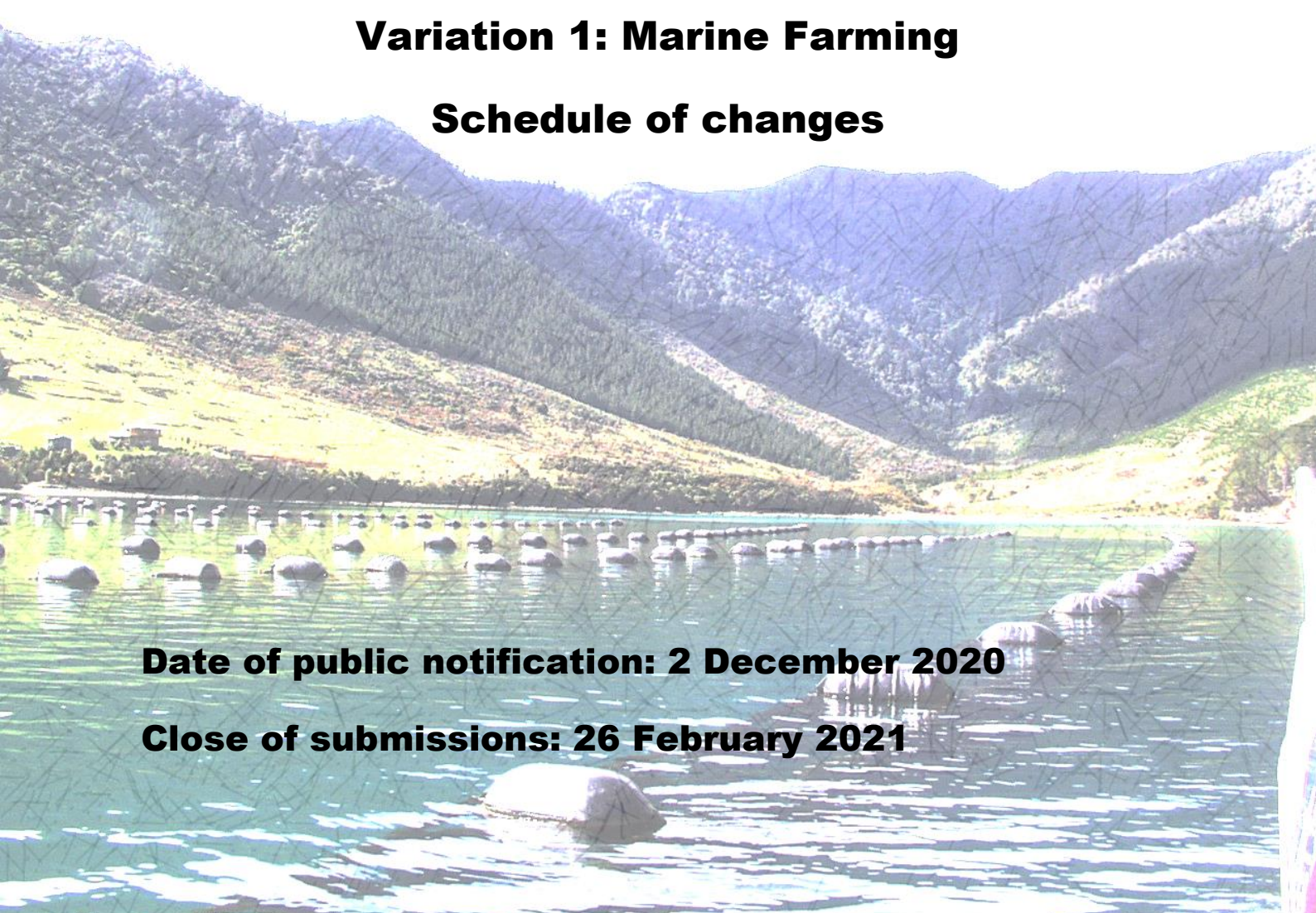


Variations to the Proposed Marlborough Environment Plan

Variation 1: Marine Farming Schedule of changes

Date of public notification: 2 December 2020

Close of submissions: 26 February 2021



Variation 1: Schedule of Changes

Where text is proposed to be added to the Plan, it has been shown as underlined. Where text is to be deleted from the Plan it has been shown with ~~a line through it~~. Where text is shown in the following schedule without any underlining or strikethrough, it is existing text from the Plan and has been included for context and to assist the reader in determining where the changes occur, and does not form part of the variation.

Insert the following definitions, in alphabetical order, into Volume 2, Chapter 25:

<u>AMA</u>	<u>means an aquaculture management area or an aquaculture settlement area (ASA) identified on the planning maps as an AMA or ASA.</u>
<u>ASA</u>	<u>means an aquaculture settlement area labelled as ASA on the planning maps and set aside for applications from iwi under the Māori Commercial Aquaculture Claims Settlement Act 2004.</u>
<u>Biogenic habitat</u>	<u>has the meaning set out in regulation 7 of the Resource Management National Environmental Standards for Marine Aquaculture Regulations 2020.</u>
<u>CMU</u>	<u>means a coastal management unit identified on the planning maps as a CMU.</u>
<u>Conventional longline structures</u>	<u>means the use of longline structure technology and layout, such as a single or double backbone line and spherical or capsule-shaped floats, and includes any future technological changes that do not substantially alter the concept of a longline layout.</u>
<u>Enclosed Water CMU</u>	<u>means any of the following CMUs: Te Whanganui/Port Underwood, Picton Harbour/Waikawa Bay, Onapua Bay, Tory Channel/Kura Te Au, Queen Charlotte Sound/Tōtaranui, Te Anamāhanga/Port Gore, Waitui Bay, Anakoha Bay, Guards Bay, Forsyth Bay, Beatrix Bay, Clova Bay, Kenepuru Sound, Inner Pelorus Sound/Te Hoiere, Nydia Bay, Mahakipawa Arm, Hikapu Reach, Okiwi Bay/Whangarae Bay, Squally Cove, Tennyson Inlet, Fitzroy Bay, Hallam Cove, Maud Island, Waitata Bay, Waitata Bay, Port Ligar, Waitata Reach, Admiralty Bay, Coastal Section - South of French Pass, Te Aumiti (French Pass), Croisilles Harbour, Catherine Cove, Crail Bay, Mahau Sound, Kaiuma Bay, East Bay.</u>
<u>Existing Marine Farm</u>	<u>means a marine farm existing at the time of notification of Variations 1 and 1A on 2 December 2020.</u>
<u>Important species</u>	<u>means, for the purposes of Policies 13.21.3 and 13.21.6 the species identified as important in Davidson R. J.; Duffy C.A.J.; Gaze P.; Baxter, A.; DuFresne S.; Courtney S.; Hamill P. 2011. <i>Ecologically significant marine sites in Marlborough, New Zealand</i>. Co-ordinated by Davidson Environmental Limited for Marlborough District Council and Department of Conservation.</u>

<u>Intertidal marine farming</u>	<u>means a marine farm structure where the species and the structures on which they are grown are not covered by water at all stages of the tidal cycle.</u>
<u>Near-shore CMU</u>	<u>means any of the following CMUs: South Marlborough, Coastal Section - Cook Strait, D'Urville Island.</u>
<u>Reef</u>	<u>has the meaning set out in regulation 8 of the Resource Management National Environmental Standards for Marine Aquaculture Regulations 2020</u>
<u>Offshore CMU</u>	<u>means the Coastal Section – Open Water CMU.</u>

Delete the definition of 'marine farm' and 'marine farming' and replace with the following definition:

<u>Marine Farm</u>	<u>means a single contiguous spatial area used for aquaculture activities (as defined in section 2 RMA) that has or requires a coastal permit for the occupation of the coastal marine area and which may also have or require coastal permits that authorise one or more of the following activities: the erection, placement, and use of any structures for aquaculture; and any associated disturbance of the foreshore and seabed, and ancillary deposition or discharges in the coastal marine area. Marine farming has the related meaning.</u>
<u>Marine farm</u>	<u>means any form of aquaculture characterised by the use of surface and/or sub-surface structures located in the coastal marine area.</u>
<u>Marine farming</u>	<u>means the activity of breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed for harvest (and includes spat catching and spat holding) and the subsequent harvest of fish, aquatic life or seaweed when carried out on a marine farm; but does not include:</u> <ul style="list-style-type: none"> <u>(a) Any such activity where fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or</u> <u>(b) Any such activity where the fish, aquatic life, or seaweed being farmed cannot be distinguished, or be kept separate, from naturally occurring fish, aquatic life, or seaweed.</u>

Amend Volume 1, Chapter 13 by inserting the following section:

Marine Farming

There are approximately 580 marine farms sites in Marlborough. The majority of these are located in the Marlborough Sounds, but there are two large approved sites in open coastal waters: to the southwest of d'Urville Island; and in Clifford Bay near Lake Grassmere/Kapara Te Hau on the east Marlborough coast.

Marine farming in Marlborough is well established having grown into a major industry since its beginnings in the Marlborough Sounds in the 1970s. From the earliest days of marine farming in New Zealand, the sheltered waters of the Marlborough Sounds became the focus for the development of the industry. Initially, marine farms were developed on a hobby/part-time basis by fishermen and farmers as an extension of their day to day activities. Today, Marlborough's marine farming industry is dominated by larger companies, with a focus on producing seafood for human consumption.

The benefits of the industry not only include employment for locals and the generation of business development for subsidiary industries, but importantly contribute to the economy of the wider community and to social and cultural wellbeing. It is therefore important for both the marine farming industry and the Marlborough community that the MEP recognises the benefits of the industry. There is reinforcement of the significance of the industry through Policy 8 of the NZCPS, which directs councils to "recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities ...".

There is continuing and growing demand for coastal space and resources for commercial activities such as marine farming. While recognising the benefits of marine farming in Marlborough, it is important to make sure that this activity occurs in appropriate locations and is well managed to ensure the sustainable management purpose of the RMA is achieved.

As marine farm licences and coastal permits have been approved over time, a very distinct pattern of marine farming activity has developed in the Marlborough Sounds. Most of the District's marine farms are located in a coastal ribbon of between 50 metres and 300 metres offshore. The development of this coastal ribbon was initially influenced as much by adjoining land tenure and limitations of mooring technology as by planning provisions.

The Council has taken the opportunity to reconsider the existing current spatial allocation of marine farms in the enclosed waters of the Marlborough Sounds. The proposed new spatial layout is aiming to strike a balance between maintaining the current amount of marine farming (measured by consented surface area) so that the benefits of that existing investment can continue to be received by the community, but to layout those marine farms in a more optimal manner. In most cases this means moving marine farms further seaward away from the inshore photic zone, and relocating some marine farms away from sensitive environmental features or to improve amenity or recreational values of the sounds.

The Resource Management National Environmental Standards for Marine Aquaculture Regulations 2020 (NESMA) come into force on 1 December 2020. The NESMA provides for existing marine farms to seek replacement consents through the regulations, rather than through the rules in the regional plan. Regulation 13 of the NESMA states that a regional plan may have more stringent rules for replacement consents for existing marine farms in an inappropriate area. The Council have identified the enclosed waters CMUs and the Near-shore CMU except in a mapped AMA, as inappropriate for marine farming. The Council have decided to be more stringent than the NESMA in areas identified as inappropriate for marine farming and have made marine farms in areas identified as inappropriate a prohibited activity. This means that existing marine farms located outside AMAs will not be able to apply for a replacement resource consent using the NESMA.

The NESMA provides for most replacement resource consents for existing marine farms to be a restricted discretionary activity. Regulation 23 of the NESMA states that a regional plan may have a more lenient rule for replacement resource consents. The Council has decided to be more lenient for replacement resource consents for existing marine farms inside AMAs and have provided for them as a controlled activity.

The NESMA provides for a change in species on an existing marine farm as a restricted discretionary activity. Regulation 43 of the NESMA states that a regional plan may have a more lenient rule for a change in species. The Council has chosen to provide for a change of species (to a species on the list in Appendix 11) on an existing marine farm using conventional longline structures, in an AMA as a controlled activity, provided the layout of the farm does not increase the backbone length or area occupied.

Issue 13N – There is uncertainty about the future of marine farming in Marlborough. For the industry, there is uncertainty about the process and outcome of any future resource consent application when existing resource consents for marine farms expire. For the community there is uncertainty about the future location and potential growth of marine farming, and whether or not existing marine farms in current locations are resulting in adverse effects on uses and values of the coastal environment.

Marlborough District Council recognises the industry was established by the community and is an important economic activity in Marlborough. Over 300 of the coastal permits are deemed permits that are due to expire in 2024. Security of occupancy encourages development and investment in the industry, so uncertainty about the future tenure for marine farms is bad for the development of the industry.

There also continues to be concern in the community about the individual and cumulative adverse effects of marine farming. Uncertainty about the management or growth of the industry creates tension in resource consenting processes.

[RPS, C]

Objective 13.21 – Provide for marine farming in appropriate locations while protecting and maintaining the values of Marlborough’s coastal environment.

As important as it is to manage potential adverse effects of marine farming, it is also important to identify appropriate areas for marine farming to be located. This must be done in a way that provides for the values of the coastal environment. The Council has done this through a comprehensive spatial allocation process for the enclosed waters of the Marlborough Sounds, and through policy which identifies and manages adverse effects on the values of the coastal environment.

The NZCPS recognises that one of the challenges in promoting sustainable management of the coastal environment, is that there is continuing and growing demand for coastal space and resources for commercial activities such as marine farming. While recognising the benefits of marine farming in Marlborough, it is important to make sure that this activity occurs in appropriate locations and is well managed to ensure the sustainable management purpose of the RMA is achieved.

[RPS]

Policy 13.21.1 – For the purpose of managing marine farming:

- (a) the coastal marine area is divided into coastal management units (CMU);**
- (b) areas where marine farms are appropriate are identified as AMAs in accordance with Policies 13.21.3 and 13.21.4;**
- (c) marine farms may be appropriate in the offshore CMU, and will be assessed under Policy 13.21.6;**
- (d) new and existing aquaculture activities are inappropriate in the following zones:**
 - (i) Coastal marine zone**
 - (ii) Port zone**
 - (iii) Marina zone**
 - (iv) Port landing area zone**

Except in an AMA overlay or the open water CMU:

- (e) where possible, existing Marine Farms are provided for at their existing size and within the same locations or as near as possible to the same locations within AMAs;**
- (f) where it is necessary to relocate an existing marine farm, or part of an existing Marine Farm from its existing location to manage adverse effects on the natural and human use values of the coastal marine area, the equivalent amount of space is provided in an AMA in another location.**
- (g) the allocation of space within an AMA (that is not an ASA) is managed using the authorisations process set out in Part 7A of the RMA, guided by Policy 13.21.7 and implemented by rules.**

The Marlborough Sounds have been divided into 45 Coastal Management Units (CMUs), which are geographical units based on catchments, key features, and values. Where appropriate within the CMUs (other than the offshore CMU) are Aquaculture Management Areas (AMA), which are areas identified as appropriate for marine farming. Not every CMU contains an AMA. These CMUs and AMAs are shown on the planning maps.

This policy sets out how the plan manages marine farms by providing for them within AMAs and prohibiting them outside AMAs in the enclosed water and Near-shore CMUs. It also acknowledges that marine farms may be appropriate in offshore CMU, however, that requires assessment and consideration of adverse effects on any of the natural and human use values of the coastal marine area.

Policy 13.21.1(d) and the planning maps define areas inappropriate for new and existing aquaculture activities and together are intended to meet the requirements for identification of inappropriate area for existing aquaculture activities set out in regulation 6 of the NESMA.

[RPS]

Policy 13.21.2 – Areas set aside for iwi aquaculture as aquaculture settlement areas in legislation are identified as Aquaculture Settlement Areas (ASAs) and resource consent to use that space for marine farming will only be granted to those holding an authorisation provided under s13 of the Māori Commercial Aquaculture Claims Settlement Act 2004.

Areas have been set aside for aquaculture for iwi under s13 of the Māori Commercial Aquaculture Claims Settlement Act 2004. In these areas only the relevant iwi may apply for a resource consent for a marine farm. The plan provides for these areas as ASAs and manages them through different rules to reflect the different legal requirements.

[RPS]

Policy 13.21.3 – AMAs (other than ASAs) are established to provide for the area of existing marine farms within the Enclosed Water CMUs. AMAs within the Enclosed Waters CMUs are generally located:

- (a) In the coastal ribbon between 100 and 300 metres from mean low water (other than those AMAs that provide for intertidal marine farms) in order to protect natural, recreational and amenity values of the coastal marine area of the Marlborough Sounds;**
- (b) Away from reefs and other areas of significant marine biodiversity value in order to protect the biodiversity values of those habitats;**
- (c) Away from residences, publicly accessible boat launching facilities, jetties, publicly accessible beaches, moorings, anchorages of refuge and recognised navigational routes where this is necessary to maintain and enhance the recreational and amenity values of the Marlborough Sounds;**
- (d) Outside areas identified as having high, very high or outstanding levels of natural character in Appendix 2, and outside areas identified as outstanding natural features and outstanding natural landscapes in Appendix 1, (both shown on the maps in Volume 4), where this is necessary to protect the characteristics and values of those areas;**
- (e) Outside areas known to provide significant feeding or breeding habitat for New Zealand King Shag, elephant fish, dolphins and other important species;**
- (f) Outside ecologically significant marine sites identified in Appendix 27 and shown on the Volume 4 planning maps.**

This policy reflects the principles that the Council used when deciding where to locate or relocate existing marine farms and AMAs. The Council intends that the new spatial layout achieved through AMAs will result in the values of the Marlborough Sounds being better off

[RPS]

Policy 13.21.4 – Additional AMAs in the Enclosed Waters CMUs (AMAs that are not to provide for existing marine farms or the relocation of existing marine farms), and AMAs in Near-shore CMUs, and marine farms in the offshore CMU are not appropriate in:

- (a) Queen Charlotte Sound CMU to protect the particularly high recreational, scenic, and amenity values present in that area;**
- (b) The National Transportation Route, other than the side bays of Tory Channel/Kura Te Au;**
- (c) Areas identified as high, very high or outstanding natural character in Appendix 2, if the AMA and any resulting marine farm would have adverse effects on the values and characteristics of an area identified as having outstanding natural character or if it would have significant adverse effects on the values and characteristics of an area identified as having high or very high natural character;**
- (d) Areas identified as outstanding natural features or outstanding natural landscapes in Appendix 1, if the AMA and any resulting marine farming would have adverse effects on the values and characteristics of that area.**

If any new AMAs are provided in the future (through the processes set out in the explanation to Policy 13.21.5) there are certain areas identified in this policy that should be avoided, in order to protect a range of values with significance in the coastal environment and to avoid reverse sensitivity conflicts with activities. For example:

- The use of areas within the Marlborough Sounds for shipping provides a particularly important transport link between the North and South Islands. Tory Channel/Kura Te

Au and inner Queen Charlotte Sound/Tōtaranui comprise a transportation route of national significance for shipping activity. It is therefore inappropriate for marine farming to take place in the National Transportation Route.

- In the Queen Charlotte Sound/Tōtaranui, recreational and residential use and associated amenity values are significant.

[RPS]

Policy 13.21.5 – The appropriateness of additional AMAs in the Enclosed Waters CMUs and AMAs in the Near-shore CMUs will be assessed considering adverse effects on any of the natural and human use values of the coastal marine area and may be provided only where the criteria in Policy 13.21.3 are met and:

- (a) the monitoring and, if required, assessment required by Policy 13.22.1 demonstrates that the current area, type and intensity of marine farming in the CMU is appropriate and that additional marine farms can be provided for within the particular CMU, without more than minor adverse effects on the natural and human use values of the CMU or wider coastal environment;**
- (b) an assessment of the seafloor beneath a proposed AMA and its immediate environs has been completed which shows that there are:**
 - (i) no areas that meet the ecological significance criteria in Appendix 3 as having significant marine biodiversity value underneath or within 50 metres of the AMA that may be adversely affected by the installation or operation of a marine farm;**
 - (ii) no reefs, biogenic habitats, cobble habitats or algae beds within 50 metres of the AMA that may be significantly adversely affected by the operation of a marine farm;**
- (c) the location of an AMA and subsequent marine farm will not significantly narrow the navigable channel resulting in speed restrictions across the majority of a bay;**
- (d) public access for recreational opportunities near the proposed AMA will not be significantly affected by the AMA or subsequent marine farm activities; and**
- (e) amenity values including visual amenity will not be significantly adversely affected by lighting and noise arising from the operation of the subsequent marine farm;**
- (f) the AMA is located away from areas with significant Māori cultural values where that is necessary to protect the relationship of Māori with those places.**

To create a new additional AMA, a plan change or variation is required. This policy provides additional guidance on when a new AMA may be considered appropriate. This includes key considerations of the natural and human use values of the Marlborough Sounds and consideration of monitoring of cumulative adverse effects. Many of these values are identified in the Values Report prepared in 2018 as part of the development of these provisions.

When creating a new AMA through a plan change or variation, there are three different processes that could be undertaken:

- a Council-initiated plan change, where Council decides to undertake a plan change to establish an AMA in the coastal marine area
- a standard private plan change, where any person or organisation can request a change to the Plan to establish an AMA in the coastal marine area, or
- a change to a regional coastal plan made by the Governor-General, by Order in Council, under the regulations of s360 of the Act.

[C]

Policy 13.21.6 – The appropriateness of marine farms within the offshore CMU will be assessed considering adverse effects on any of the natural and human use values of the coastal marine area including those identified in the Values Report 2018 and may be provided for when they are located:

- (a) Away from recognised navigational routes (including small craft navigation) where this is necessary to facilitate safe navigation;**
- (b) Outside areas identified as outstanding natural features and Outstanding Natural Landscapes in Appendix 1, (both shown on the maps in Volume 4), if the marine farm would have adverse effects on the values and characteristics of that area;**
- (c) Outside areas known to provide significant feeding or breeding habitat for New Zealand King Shag, elephant fish, dolphins and other important species;**
- (d) Outside the marine mammal distribution overlay if the marine farm would have a more than minor effect on the migration of whales or habitat of dolphins in those areas;**
- (e) Outside areas of ecologically significant marine biodiversity shown on the Volume 4 planning maps;**
- (e) Outside areas identified as high, very high or outstanding natural character in Appendix 2, if the AMA and any resulting marine farm would have adverse effects on the values and characteristics of an area identified as having outstanding natural character or significant adverse effects on the values and characteristics of an area identified as having high or very high natural character that area;**
- (g) More than 50 metres from:**
 - (i) areas that meet the ecological significance criteria in Appendix 3 as having significant marine biodiversity value that may be adversely affected by the installation or operation of a marine farm;**
 - (ii) reefs, biogenic habitats, cobble habitats or algae beds that may be significantly adversely affected by the operation of a marine farm; and**
- (h) In an area where amenity values including visual amenity will not be significantly adversely affected by lighting and noise arising from the operation of the subsequent marine farm.**

As outlined in Policy 13.21.6, marine farms may be appropriate in the offshore CMU. In order to determine the appropriateness of marine farming in the offshore CMU, assessment of actual and potential adverse effects on any of the natural and human use values of the coastal marine area is necessary. Resource consent applications for a marine farm in the offshore CMU are a discretionary activity which provides Council with full discretion to consider all the potential benefits and adverse effects when assessing a resource consent application for a marine farm in the offshore CMU.

[RPS]

Policy 13.21.7 – Authorisation allocation methodology – AMAs

- (a) the Council will allocate space for marine farming within the enclosed Waters CMUs and the Near-shore CMUs (excluding the area within an ASA) by issuing authorisations for occupation of space only in AMAs.**
- (b) for space in AMAs created as part of the notified variation to the plan, other than FAMAs, authorisations for marine farming will be allocated using the methodology set out below. The Council will:**
 - (i) Allocate authorisations to consent holders of Existing Marine Farms for the equivalent space within an AMA to accommodate the same area and**

total backbone length or, in the case of intertidal oyster racks, the same area and length of racks, as that authorised in existing consents.

- (ii) Allocate authorisations to Existing Marine Farms that are currently in locations within or partially within or adjacent to an AMA for the same or adjacent space in that AMA;
- (iii) Allocate authorisations for space within an AMA to Existing Marine Farms that are not within or partially within or adjacent to an AMA, within the same CMU, where that is available after providing for (i) and (ii) above;
- (iv) Allocate authorisations for space within an AMA to Existing Marine Farms that are not within or partially within or adjacent to an AMA, in a different CMU, where there is no space available in the same CMU as the existing marine farm;
- (c) In the circumstances set out in (b) (ii) to (iv) above, authorisations will be issued with conditions requiring the expiry or surrender of the Existing Marine Farm consents before any new marine farm consents can be exercised.
- (d) the Council may allocate authorisations for marine farming in AMAs other than FAMAs, for new marine farms or the extension of Existing Marine Farms in AMAs only when:

 - (i) space previously used or allocated for an Existing Marine Farm becomes available because an authorisation for the space is not applied for, or granted or the authorisation expires before resource consent is applied for or the resource consent for an Existing Marine Farm lapses or expires and no new application for the existing space is made by the holders of Existing Marine Farm permits; or
 - (ii) monitoring in accordance with Policy 13.22.1 shows that the current scale of marine farming in the CMU is not having a significant effect on the natural and human use values of the CMU and that additional marine farming activities can be undertaken within without creating a significant adverse effects on the natural and human use values of the CMU.
- (e) In the circumstances set out in (d), the Council may allocate authorisations by :

 - (i) offering authorisations to holders of Existing Marine Farm permits for space adjacent to their Existing Marine Farm, or
 - (ii) public tender.
- (f) For space in AMAs created as part of a private plan change, the Council will allocate space for marine farming by authorisations to the applicant for the private plan change, if the plan change is approved. If that authorisation is not taken up or lapses, the Council will allocate space using a public tender method.

Policy 13.21.7 outlines how space will be allocated in the common marine and coastal area using a method referred to as 'modified grand parented' allocation. This policy sets out that authorisations will be offered first to existing marine farmers operating within AMAs, and the space allocated will reflect the existing use of space in the common marine and coastal area. Giving priority to existing marine farmers means they can apply for resource consent to continue to operate in the Sounds, without having to compete with new marine farmers for limited space.

By allocating space with a 'modified grand parented' method:

- Applications for new marine farms in AMAs can be avoided (because it is not possible for a marine farmer to apply for a resource consent without an authorisation), and
- Space in AMAs can be allocated in an orderly way, particularly where partial or full relocation of an existing farm is required.

Issue 13O – If not managed well marine farming has the potential to have adverse effects, including cumulative adverse effects, on other processes, values and uses of the coastal environment.

Marine farming activity raises a number of issues for managing the coastal environment, especially in the Marlborough Sounds where most of the applications have been made. These may include impacts from, or adverse effects on, the following:

- occupation and use of public coastal space by private interests;
- natural character and landscape values and on other industries that rely on these values;
- ecological effects including on the water column, on the benthic environment (including habitat modification), from behaviour modification of marine species and on wider ecological issues such as effects on fish, marine mammals, seabirds and the spread of invasive species or disease;
- the cultural values of Marlborough’s tangata whenua iwi;
- recreational use of the coastal marine area, including restrictions that may occur on public access within the coastal marine area;
- the safe and convenient navigation of Marlborough’s coastal marine area;
- coastal amenity values;
- reverse sensitivity including:
 - the establishment of marine farming where none has previously existed; or
 - where established or existing marine farming may be subject to activities such as new tourism or residential activity that may affect water quality;
- existing roading and infrastructure; and
- ongoing operation and management of a marine farm once established.

[RPS, C]

Objective 13.22 – Marine farms are operated sustainably, kept in good order, and individual and cumulative adverse effects are addressed.

Once marine farms have been established, it is important that they are operated sustainably and kept in good order so that adverse effects on other uses, users or values of the coastal environment are minimised. The achievement of this objective will be reliant on how well marine farmers operate on a daily basis.

[RPS]

Policy 13.22.1 – Monitoring and adaptive management for the cumulative benthic effects of marine farms using conventional longline structures in the enclosed waters of the Marlborough Sounds.

- (a) In order to understand and, if appropriate, to manage any unanticipated or cumulative adverse effects of marine farming using conventional longline structures on benthic habitat in the enclosed waters CMUs, the Council will:**
- (i) Identify appropriate control and farmed sentinel monitoring sites.**
 - (ii) At the identified monitoring sites, sample seabed sediments every five years.**
 - (iii) Measure total free sulfide in the seabed sediments as an indicator of ecological function, in a manner consistent with any best practice**

guidelines for benthic environmental quality in the Marlborough Sounds, or as approved by an independent scientific review panel.

- (iv) If measured total free sulfide levels are greater than 615 $\mu\text{M mL}^{-1}$ at any site, increase monitoring:
 - Frequency, from five yearly to annually,
 - Spatially, to include other sites within the CMU in order to ascertain if the raised sulfide levels are widespread or site specific,
 - Parameters, to monitor additional indicators, including those necessary in order to calculate the Enrichment Stage (ES).
- (v) If the calculated ES is 4 or greater, or if additional monitoring shows that a significant adverse ecosystem effect is occurring, identify whether marine farming using conventional longline structures is causing or materially contributing to a significant adverse ecosystem effect (using statistical analysis including comparison between farmed and control sites, and review by an independent expert panel);
- (vi) If the elevated ES or significant adverse ecosystem effect is being caused or materially contributed to by marine farming using conventional longline structures, manage the marine farm (if localised effect) or group of farms (if the effect is widespread) so that the ES is reduced to less than 4 or the significant adverse ecosystem effect ceases, and if possible is reversed;
- (b) In order to implement the adaptive management regime set out in (a) above, all resource consents for marine farms using conventional longline structures must include a review condition that requires adaptive management to be implemented if the ES trigger levels set out in (a) are reached.
- (c) The monitoring and adaptive management approach described in this policy is in addition to the monitoring and adaptive management approach set out in any resource consent, and in addition to the monitoring and management of benthic and water column effects set to manage Finfish farms.

There can be significant uncertainty in assessing the benthic (sea floor) effects of marine farms using conventional longline structures. For these reasons, indicators of a healthy marine ecosystem have been identified. These indicators form the basis for the monitoring and adaptive management methodology outlined in this policy, which allows Council to manage any unanticipated or cumulative adverse effects of marine farming.

The key indicator, which acts as a proxy for benthic enrichment, is total free sulfides. This provides a potential indicator for assessing the ability of the benthos at farm sites to process organic matter into energy through decomposition, and to recycle nutrients into the water column.

Total free sulfides will be measured at control and farmed sites. If certain thresholds are exceeded, this will trigger action in the form of further monitoring, which includes additional indicators needed to calculate Enrichment Stage (ES).

ES integrates sulfide levels with analysis of benthic community structure and organic matter levels to provide a picture of the biological and chemical responses to the rate and concentration of organic deposition onto the seafloor. An enrichment stage of 4 is considered the acceptable upper limit of enrichment beneath mussel farms.

This will provide the basis of our understanding of how marine farming affects ecosystem functioning.

Key indicators for understanding water column effects include chlorophyll-a, particulate carbon, and particulate nitrogen. Because there is currently minimal long term data on these indicators, it is not possible to include an adaptive management regime for water column effects at this time.

Council is undertaking monitoring with the intention of the data collected informing an adaptive management regime (similar to that used for benthic effects) in the future.

This policy is also intended to be considered as an adaptive management approach when considering applications made under the NESMA, and conditions should be included on any permits issued under that regulation as set out in clause (b) of this policy.

[C]

Policy 13.22.2

- (a) Consent holders for marine farms in the coastal marine area will be required to remove marine farm structures from the site:**
 - (i) on expiry or surrender of the coastal permit, unless continued operation is allowed by s124 or 165ZH of the RMA or a new coastal permit is granted to allow marine farming to continue using the same structures; or**
 - (ii) if marine farming activity ceases for a period of 5 years or greater (other than for operational reasons such as periodic fallowing of a site) on the site and structures are derelict, unused or obsolete, whether or not the coastal permit has expired or been surrendered.**
- (b) An exception may be made to the requirement to remove all structures in (a) for anchoring structures in the following circumstances:**
 - (i) the anchoring structure is a screw anchor, and the screw anchor is cut off at sea floor level and the part of the screw anchor previously protruding from the seafloor is removed; or**
 - (ii) the anchoring structure is a block anchor, and the block anchor cannot practicably be removed or reused and the remaining block anchor will not be an impediment to navigation or safe anchoring.**

Because a marine farm will be located in the public domain, it is important that if the marine farming activity is to cease, then the site is able to be restored to its previous state to enable it to be used for other activities or enjoyed for other values. This policy sets out this requirement, which will be imposed through conditions on any coastal permit granted.

[C]

Policy 13.22.3 – Adaptive Management for new marine farms.

- (a) New marine farms (those marine farms that are not existing marine farms or replacing an existing marine farm) will, where appropriate, be required to be developed, monitored and managed in a precautionary manner, using staged or adaptive management, where:**
 - (i) the potential adverse effects cannot be adequately predicted; or**
 - (ii) The potential adverse effects are significant; or**
 - (iii) the species farmed or technology or inputs used is new for the region, or for that location in particular; or**
 - (iv) the location, scale or type of marine farm warrants a precautionary approach; or**
 - (v) the marine farm is in a CMU that has not been extensively commercially marine farmed in the past.**
- (b) Staged or adaptive management will include:**
 - (i) A first stage of development may be authorised of up to 50% of the space or feed or medicinal or therapeutic compounds granted. Subsequent stages may be authorised for up to 75% and 100% of the total area or**

inputs subject to compliance with the monitoring, reporting, analysis and adverse effects criteria set out below.

- (ii) The first stage of each resource consent may not be exercised until a survey establishing the pre-development environmental baseline is complete;
 - (iii) Each stage will require monitoring and reporting on environmental effects resulting from marine farming at that location for a minimum of two production cycles at the full intensity of development allowed for that stage. The monitoring data from each stage will be analysed by a suitably qualified expert and their reported made available to the Council.
- (c) If the reported and analysed data shows:
- (i) there are no significant adverse effects, or effects outside the thresholds set in consent conditions, including cumulative effects, and
 - (ii) the thresholds in Policy 13.22.1 are not exceeded, and
 - (iii) the resource consent conditions have all been complied with,
- then subsequent stages of the marine farm development may proceed.

In some cases, there may be significant uncertainty in assessing marine farm proposals. The greatest risks probably lie with new species of marine farming, the use of new technology, or large farms. In these cases marine farms may be required to be developed in a staged manner so the effects can be monitored, understood and appropriately managed before full development is able to occur.

This policy is intended to be considered as an adaptive management approach when considering applications made under the NESMA.

[C]

Policy 13.22.4 – New and existing aquaculture activities are inappropriate in the following zones:

- (d) Coastal marine zone;
- (e) Port zone;
- (f) Marina zone;
- (g) Port landing area zone;

except in an AMA overlay or the open water CMU. Marine farms in inappropriate areas are prohibited.

Guided by values identified for the sounds, the Council identified AMAs within each CMU that are appropriate for marine farming. In order to protect a range of values with significance in the coastal environment Rule 16.7.10 prohibits marine farming inside an Enclosed Waters CMU or a Near-shore CMU, and not within an AMA. The NESMA allows the Council to be more stringent than the regulations in areas identified as inappropriate areas for existing aquaculture.

Policy 13.21.1(e) and the planning maps define areas inappropriate for new and existing aquaculture activities and together are intended to meet the requirements for identification of inappropriate area for existing aquaculture activities set out in regulation 6 of the NESMA.

[C]

Policy 13.22.5 – Resource consents for marine farms using conventional longline structures will be subject to review conditions that allow the coastal permits to be reviewed in the following circumstances:

- (a) If monitoring and assessment undertaken in accordance with Policy 13.22.1 concludes that the ES for a marine farm or for any site in a CMU, is 4 or greater and, is or has been caused or contributed to by marine farms; or

- (b) Monitoring (including monitoring undertaken in accordance with Policy 13.22.1) shows significant adverse ecosystem effects are occurring; or**
- (c) New information becomes available about the effects of marine farming, which requires changes to the management of marine farms to manage those effects; or**
- (d) Every 5 years, unless a review under (a) – (c) has been undertaken in the past 4 years.**

There is currently limited data available to help us understand how marine farming may affect marine ecosystem health, which makes long term data collection on the state of marine ecosystems important. Marine farms must be able to adapt to any new information, in order to manage any identified effects. It is appropriate that consents for marine farms are reviewed regularly to ensure they are being managed in accordance with current best practice.

[C]

Policy 13.22.6 – Marine farm owners/occupiers shall monitor for and collect marine farming related debris and litter from their marine farming operation. Marine farm owners/occupiers will also be encouraged to monitor and collect marine farming related debris and litter from the adjoining shoreline and surrounding coastal marine area and dispose of it at an appropriate facility for the duration of any coastal permit issued for a marine farm.

Buoys, culture ropes, warp lines, mussel sacks and maintenance equipment can become dislodged from marine farm structures through continued or strong wave action, or lost during harvesting activities. Depending on the particular location of bays and the intensity of marine farming in the area, the level of litter will vary. The amount of this litter and other rubbish washing up on shores and accumulating on beaches has been a concern to communities within the Marlborough Sounds. Litter and marine farm debris also poses a threat to seabirds, marine mammals and other marine life.

Maintenance and management of marine farm structures is required through consent conditions to ensure that no non-biodegradable matter is deposited from the farm into the coastal marine area. However, in conjunction with consent conditions, the policy encourages marine farmers to monitor the shoreline in the vicinity of their farm for marine farm debris and other litter.

[C]

Policy 13.22.7 – The layout, positioning, design and operation of marine farms and associated structures must ensure:

- (a) for marine farms using conventional long line structures, the lines are generally positioned parallel to the shoreline, unless there is a reason related to the geography or bathymetry or hydrology of the location that this is not practicable;**
- (b) for marine farms using conventional long line structures, the lines are positioned with a 15-20 metre space between each line;**
- (c) that a gap of 50 metres between adjacent marine farms is provided to allow for public access to the foreshore (including for recreational access and access for other boating traffic);**
- (d) that the colour, reflectivity and finish of structures avoids, remedies or mitigates effects on visual amenity values, and that this is maintained throughout the term of the consent;**
- (e) adequate buoyage, anchoring and lighting systems are provided to protect the safety of commercial, recreational or residential navigation;**
- (f) the loss of structures, lines, ropes and buoys and other material from the marine farming activity is avoided, remedied or mitigated.**

(g) that noise and odour from the operation of the marine farm has no more than minor effects on coastal amenity values.

The policy sets out the matters relating to navigational safety and public access in and around the proposed site of the marine farm. This includes consideration of impacts on other structures as well as on other marine farms. This is because of the extensive use made of Marlborough's coastal waters for recreational and commercial activity, particularly within the Marlborough Sounds where there is also boating only access available to many properties.

It also sets out matters relating to visual and coastal amenity values. The development of marine farms in Marlborough has given rise to a variety of general amenity effects, particularly from noise and lighting and on occasion from odour. Noise created by marine farm harvesters and maintenance vessels, and the perceived loss of peacefulness to bays because of the commercial use, can affect the enjoyment of the coastal environment. This is particularly the case where marine farms are located close to residential areas or areas of high public use. Lighting of marine farms for navigational purposes is important but there have been some concerns in locations where a number of marine farms are in close proximity to dwellings. Maintaining and enhancing amenity values is a matter that the Council has to have particular regard to in terms of Section 7(c) of the RMA. In order to ensure that amenity values for the coastal environment are able to be at least maintained, marine farms need to be operated in such a way that any effects from lights or from odour are able to meet MEP standards or conditions of consent.

[C]

Policy 13.22.8 – Change in layout

- (a) Enable a change to the layout of structures for an existing marine farm using conventional long-line structures within an AMA, where there is no increase to the total area occupied by structures and no increase in the total length of lines.**
- (b) A change in layout which results in the same total length of lines, but an increase in the total area occupied by structures may be appropriate if:**
 - (i) Where the marine farm is adjacent to an area identified as an outstanding Natural Landscape in Appendix 1, the increase in the area of the marine farm will not have an adverse effect on the characteristics and values of the identified outstanding natural landscape.**
 - (ii) The CMU or the bay within the CMU in which the marine farm is located is of a size that will accommodate an increase in the area occupied by the marine farm without having significant adverse effects on the natural and human use values of the coastal environment; or**
 - (iii) The spreading of the same number of lines over a larger area will have a positive effect on the natural and human use values of the coastal environment**
- (c) A change in layout which results in an increase in the total length of lines (with or without an increase in the total area occupied by structures), may be appropriate if the monitoring and assessment carried out in accordance with Policy 13.22.1 shows that additional marine farming activities can be undertaken within an AMA without having significant adverse effects on the natural and human use values of the Coastal Environment.**

Where a marine farmer wishes to change the layout of structures for an established marine farm that uses conventional long line structures, it is considered the effects of this would have only minor adverse effects. Provided there is no increase in the number of long-lines to be used and the change in layout does not result in a sub-surface marine farm becoming a surface marine farm, the rules provide an enabling approach to such applications.

[C]

Policy 13.22.9 – Enable the change or addition of species able to be farmed in a marine farm, where the species to be added:

- (a) is not a finfish species; and**
- (b) is one of the species is listed in Appendix 11); and**

Change or addition of species able to be farmed in a marine farm, other than those identified above, may be considered appropriate if the species to be added is:

- (c) A bi-valve, mollusc, sponge or algae; and**
- (d) There is no discharge of feed or medicinal or therapeutic compounds associated with the species, unless discharge of feed or medicinal or therapeutic compounds are already authorised at the site;**

Change or addition of species able to be farmed in a marine farm is not appropriate if:

- (e) The species to be added is identified as a pest or an unwanted organism under the Biosecurity Act 1993, except where necessary Biosecurity Act approvals have been obtained; or**
- (f) The marine farm currently authorised solely for mussel spat catching purposes or for monitoring purposes. In these cases the species farmed must remain mussel spat or the purpose must remain as for monitoring purposes.**

Where a marine farmer wishes to change the species able to be farmed, it is considered that the effects of this would have minor adverse effects when the species is one that is already authorised to be farmed within Marlborough's coastal waters and is a bivalve species. Provided there is no discharge of contaminants to the coastal marine area or discharge of feed involved, the rules provide an enabling approach to such applications.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[C]

13.M.35 Regional rules - regulation

Regional rules apply to the occupation of space in the coastal marine area for marine farming, and the erection and use of structures associated with marine farming. No marine farming activities are able to be permitted activities. Marine farming that is not in an AMA or in the offshore CMU is a prohibited activity.

[C]

13.M.36 Regional rules – flexibility and adaptation

Regional rules will provide for the ability to change the species grown on marine farms so that marine farmers are able to diversify or change crop or stock types in response to changing circumstance including ocean acidification.

[C]

13.M.37 Monitoring programme

The Council intends to continue and enhance current monitoring of the effects of marine farming and respond to developments in science and technology. The monitoring framework will include the measurement of total free sulfides as factors set out in Policy 13.22.1 to monitor benthic effects. Chlorophyll-a, particulate carbon, and particulate nitrogen will be measured in order to understand water column effects and the cumulative adverse effects of marine farming.

The Council intends to develop a monitoring and adaptive management regime for water column effects, similar to that for benthic effects, once sufficient long term data is available to do so.

The Council intends to engage an independent review panel to assist the Council to identify appropriate monitoring sites and to review the results of monitoring.

The Council will regularly report, at least every 5 years, to the public on the results of the monitoring programme and any management changes that are required in response to that monitoring information.

[C]

13.M.38 Plan Review

The Council will review the results of monitoring regularly. If monitoring shows that the effects of marine farming in any area are inappropriate or unsustainable, and these effects cannot be appropriately managed by reviewing the relevant resource consents or other methods provided for in this plan, the Council will review this plan to change the way in which marine farming is managed. This may mean changing the management of marine farms or reducing or changing the layout of space allocated for marine farming and identified as aquaculture management areas.

[C]

13.M.39 Implementation Plan to guide allocation and issuing of authorisations

The Council will prepare an implementation guide that sets out the processes that will be used when offering authorisations, making decisions about the allocation of authorisations, and any conditions that authorisations will be subject to. The Council will prepare the implementation guide in consultation with iwi and industry and community stakeholders.

[C]

13.M.40 Best practice guidelines for monitoring and controlling effects

The Council will use the most up to date best practice guidelines that are available when considering appropriate levels of and monitoring of benthic and water column effects from marine farming. The Council will contribute to development of those guidelines where this is appropriate.

Add the following anticipated environmental results to the anticipated environmental results and monitoring effectiveness in Chapter 13:

Anticipated environmental result	Monitoring effectiveness
<u>13.AER.18</u> <u>Marine farms are operated sustainably.</u>	<u>Monitoring of resource consent conditions imposed to address the effects of activities on a particular location.</u> <u>Monitor complaints from the public about effects arising from the operation of marine farms.</u> <u>Compliance with conditions of resource consent.</u> <u>Monitoring of water quality and benthic health in sentinel locations within the enclosed waters of the Marlborough Sounds to assist understanding of cumulative adverse effects and the state of the coastal environment.</u>
<u>13.AER.19</u> <u>The natural and human use values of Marlborough's coastal environment are maintained and enhanced.</u>	<u>Survey of stakeholder and interested parties perspectives of values of significance in Marlborough's coastal environment.</u> <u>Monitoring of water quality and benthic health in sentinel locations within the enclosed waters of the Marlborough Sounds to assist understanding of cumulative adverse effects and the state of the coastal environment.</u>
<u>13.AER.20</u> <u>The measures of benthic and water column effect of marine farms in Marlborough stay within accepted guidelines.</u>	<u>Monitoring of water quality and benthic health in sentinel locations within the enclosed waters of the Marlborough Sounds to assist understanding of cumulative adverse effects and the state of the coastal environment.</u>

Insert the following controlled activity rules to Volume 2, 16.4:

16.4. Controlled Activities

[C]

16.4.3 Marine farming using conventional longline structures or intertidal structures in an AMA, other than an ASA, for which an authorisation is held to apply for a coastal permit to occupy space within the AMA, including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, but excluding the discharge of feed or medicinal or therapeutic compounds.

Standards and Terms

16.4.3.1 The consent applicant holds an authorisation to apply for a coastal permit to occupy space within the AMA, in the location applied for, issued by the Marlborough District Council pursuant to Part 7A of the RMA and Policy 13.21.7 and the application meets all the terms in that authorisation, including that the applicant agrees to a condition that any Existing Marine Farm permit the authorisation replaces will be surrendered no later than 6 months after the commencement of the permit if the application under the authorisation is granted.

16.4.3.2 The application is for the same, or shorter, total backbone length of lines or intertidal structures as an existing marine farm which the current application is replacing.

16.4.3.3 The application is to occupy the same, or smaller, area as the existing marine farm which it is replacing.

16.4.3.4 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved control:

16.4.3.5 Layout and design of the farm, including the number and length of backbone lines and droppers, and the arrangement of those lines including separation distances between lines.

16.4.3.6 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:

(a) continued reasonable public access (including recreational access) in the vicinity of the marine farm, including separation between farms to facilitate public access to and from shore,

(b) navigational safety, including the provision of navigation warning devices and signs.

16.4.3.7 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.

16.4.3.8 Conditions requiring the surrender of an existing coastal permit or other method to ensure the allocation of space authorised by the consent replaces existing permits and rights to occupy space in a common marine and coastal area of an equivalent area.

16.4.3.9 Integrity and security of the structures, including the anchoring systems.

16.4.3.10 Maintaining the marine farm in good order including monitoring and removal of rubbish.

- 16.4.3.11 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.
- 16.4.3.12 Supply of information and monitoring data to the Council.
- 16.4.3.13 The removal of derelict, unused or obsolete structures.
- 16.4.3.14 Review of the consent conditions, including review of the conditions to reduce or reconfigure the number, density or length of lines or droppers if monitoring information shows the trigger levels in Policy 13.22.1 are met.
- 16.4.3.15 The duration of the consent.

Resource consent applications under this rule will be considered without public notification and without limited notification.

[C]

16.4.4 Marine farming in an ASA using conventional longline structures for which there is an existing coastal permit to occupy space for marine farming in the same location ('replacement consent'), including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, but excluding the discharge of feed and medicinal or therapeutic compounds.

Standards and Terms

- 16.4.4.1 The consent application is for replacement consents for an existing marine farm in the same location.
- 16.4.4.2 The application is for the same or shorter total backbone length of lines as the existing marine farm which the current application is replacing.
- 16.4.4.3 The application is to occupy the same or smaller area as the existing marine farm.
- 16.4.4.4 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved control:

- 16.4.4.5 Layout and design of the farm, including the number and length of backbone lines and droppers, and the arrangement of those lines including separation distances between lines.
- 16.4.4.6 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:
 - (a) continued reasonable public access (including recreational access) in the vicinity of the marine farm, including separation between farms to facilitate public access to and from shore,
 - (b) navigational safety, including the provision of navigation warning devices and signs.
- 16.4.4.7 Appropriate and efficient use of space within the ASA.
- 16.4.4.8 Conditions requiring the surrender of an existing coastal permit or other method to ensure the allocation of space authorised by the consent replaces existing permits and rights to occupy space in a common marine and coastal area of an equivalent area.

- 16.4.4.9 Integrity and security of the structures, including the anchoring systems.
- 16.4.4.10 Maintaining the marine farm in good order including monitoring and removal of rubbish.
- 16.4.4.11 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.
- 16.4.4.12 Supply of information and monitoring data to the Council.
- 16.4.4.13 The removal of derelict, unused or obsolete structures.
- 16.4.4.14 Review of the consent conditions, including review of the conditions to reduce or reconfigure the number, density or length of lines or droppers if monitoring information shows the trigger levels in Policy 13.22.1 are met.
- 16.4.4.15 The duration of the consent.

Resource consent applications under this rule will be considered without public notification and without limited notification.

[C]

16.4.5 Marine farming using conventional longline structures or intertidal structures in an AMA for which an existing coastal permit for a marine farm has already been granted under Rule 16.4.3 and where a replacement consent is being sought or a new consent is required to allow for change of or addition of species or to change the layout of structures on the marine farm.

Standards and Terms

- 16.4.5.1 The consent applicant holds an existing coastal permit to occupy space within the AMA for marine farming, granted under Rule 16.4.3, in the location applied for.
- 16.4.5.2 The application is for the same or shorter total backbone length or intertidal structures as the existing marine farm which the current application is altering.
- 16.4.5.3 The application is to occupy the same or smaller area as the existing marine farm which it is altering.
- 16.4.5.4 For an application to change or add species, the species must be a bivalve or plant species set out in Appendix 11, except for marine farms currently authorised solely for mussel spat catching purposes or for monitoring purposes, where the species must remain mussel spat or the purpose must remain for monitoring purposes.
- 16.4.5.5 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved control

- 16.4.5.6 Layout and design of the farm, including the number and length of lines and droppers, and the arrangement of those lines including separation distances between lines.
- 16.4.5.7 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:
 - (a) continued reasonable public access (including recreational access) in the vicinity of the marine farm, including separation between farms to facilitate public access to and from shore.

(b) navigational safety, including the provision of navigation warning devices and signs.

16.4.5.8 Appropriate and efficient use of the space within AMA, including layout and arrangement of marine farms.

16.4.5.9 Conditions requiring the surrender of an existing coastal permit or other method to ensure the allocation of space authorised by the consent replaces existing permits and rights to occupy space in a common marine and coastal area of an equivalent area.

16.4.5.10 Integrity and security of the structures, including the anchoring systems.

16.4.5.11 Maintaining the marine farm in good order including monitoring and removal of rubbish.

16.4.5.12 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.

16.4.5.13 Supply of information and monitoring data to the Council.

16.4.5.14 The removal of derelict, unused or obsolete structures.

16.4.5.15 Review of the consent conditions, including review of the conditions to reduce or reconfigure the number, density or length of lines or droppers if monitoring information shows the trigger levels in Policy 13.22.1 for cumulative adverse effects in the CMU where the farm is located, are met.

16.4.5.16 The duration of the consent.

Resource consent applications under this rule will be considered without public notification and without limited notification.

Insert the following restricted discretionary rules to Volume 2, 16.5:

16.5. Restricted Discretionary Activities

[C]

16.5.2 Marine farming in an ASA for which no existing coastal permit is held using conventional longline structures, including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, but excluding the discharge of feed and medicinal or therapeutic compounds.

Standards and Terms

16.5.2.1 The consent applicant holds an authorisation to apply for a coastal permit to occupy space within the ASA, in the location applied for and the application meets all the terms in that authorisation.

16.5.2.2 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved discretion

16.5.2.3 Layout and design of the farm, including the number and length of lines and droppers, and the arrangement of those lines including separation distances between lines.

16.5.2.4 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:

(a) continued reasonable public access (including recreational access) in the vicinity of the marine farm, including separation between farms to facilitate public access to and from shore

(b) navigational safety, including the provision of navigation warning devices and signs

16.5.2.5 Appropriate and efficient use of space within the ASA.

16.5.2.6 Integrity and security of the structures, including the anchoring systems

16.5.2.7 Maintaining the marine farm in good order including monitoring and removal of rubbish

16.5.2.8 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.

16.5.2.9 Supply of information and monitoring data to the Council

16.5.2.10 The removal of derelict, unused or obsolete structures

16.5.2.11 Review of the consent conditions, including review of the conditions to reduce or reconfigure the number, density or length of lines or droppers if monitoring information shows the trigger levels in Policy 13.22.1 are met.

16.5.2.12 The duration of the consent.

[C]

16.5.3. Marine farming in an AMA using conventional longline structures, where a consent is being sought that does not meet Standard 16.4.3.2 of Rule 16.4.3 (it is a new farm and not replacing an existing farm) including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, but excluding the discharge of feed and medicinal or therapeutic compounds.

Standards and Terms

16.5.3.1 The consent applicant holds an authorisation to apply for a coastal permit to occupy space within the AMA, in the location applied for and the application meet all the terms in that authorisation.

16.5.3.2 The species to be farmed must be a bivalve or plant species set out in Appendix 11.

16.5.3.3 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved discretion

16.5.3.4 Layout and design of the farm, including the number and length of lines and droppers, and the arrangement of those lines including separation distances between lines.

16.5.3.5 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:

(a) continued reasonable public access (including recreational access) in the vicinity of the marine farm, including separation between farms to facilitate public access to and from shore

(b) navigational safety, including the provision of navigation warning devices and signs

16.5.3.6 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.

16.5.3.7 Integrity and security of the structures, including the anchoring systems

16.5.3.8 Maintaining the marine farm in good order including monitoring and removal of rubbish.

16.5.3.9 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.

16.5.3.10 Supply of information and monitoring data to the Council.

16.5.3.11 The removal of derelict, unused or obsolete structures.

16.5.3.12 Review of the consent conditions, including review of the conditions to reduce or reconfigure the number, density or length of lines or droppers if monitoring information shows the trigger levels in Policy 13.22.1 are met.

16.5.3.13 The duration of the consent.

[C]

16.5.4. Marine farming in an AMA using conventional longline structures, for which there is an existing coastal permit to occupy space for marine farming granted under Rule 16.4.3 where a consent is being sought to allow for a change of layout that does not meet Standard 16.4.5.3 of Rule 16.4.5 (it is occupying a larger area than the current farm), including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, but excluding the discharge of feed and medicinal or therapeutic compounds.

Standards and Terms

- 16.5.4.1 The consent applicant holds an existing coastal permit to occupy space within the AMA for marine farming, granted under Rule 16.4.3.
- 16.5.4.2 The application is for the same or shorter total backbone length as the existing marine farm which it is altering.
- 16.5.4.3 The species to be farmed must be a bivalve or plant species set out in Appendix 11.
- 16.5.4.4 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved discretion

- 16.5.4.5 Layout and design of the farm, including the number and length of lines and droppers, and the arrangement of those lines including separation distances between lines.
- 16.5.4.6 Conditions requiring the surrender of an existing coastal permit or other method to ensure the allocation of space authorised by the consent replaces existing permits and rights to occupy space in a common marine and coastal area.
- 16.5.4.7 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:
 - (a) continued reasonable public access (including recreational access) in the vicinity of the marine farm, including separation between farms to facilitate public access to and from shore;
 - (b) navigational safety, including the provision of navigation warning devices and signs.
- 16.5.4.8 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.
- 16.5.4.9 The effects of the change in layout or area occupied by the marine farm, including effects on the natural and human use values of the coastal environment, and on the characteristics and values of any adjacent area identified as an Outstanding Natural Landscape in Appendix 1.
- 16.5.4.10 Integrity and security of the structures, including the anchoring systems.
- 16.5.4.11 Maintaining the marine farm in good order including monitoring and removal of rubbish.
- 16.5.4.12 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.
- 16.5.4.13 Supply of information and monitoring data to the Council.

16.5.4.14 The removal of derelict, unused or obsolete structures.

16.5.4.15 Review of the consent conditions, including review of the conditions to reduce or reconfigure the number, density or length of lines or droppers if monitoring information shows the trigger levels in Policy 13.22.1 are met.

16.5.4.16 The duration of the consent.

Insert the following discretionary activity rules to Volume 2, 16.6:

16.6 Discretionary Activities

[C]

16.6.13 Marine farming in an Offshore CMU, including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water.

[C]

16.6.14 Marine farming within an AMA, for which

- a) **an authorisation is held to apply for a coastal permit to occupy space with the AMA, or**
- b) **there is an existing coastal permit to occupy space for marine farming in the same location, including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, that is not provided for as a Controlled, Restricted Discretionary Activity or Prohibited Activity.**

[C]

16.6.15 The discharge of feed or medicinal or therapeutic compounds associated with any type of marine farming or the discharge of feed associated with marine farming using conventional long line structures.

Insert the following prohibited activity rules to Volume 2, 16.7:

16.7 Prohibited Activities

[C]

16.7.9 Marine farming inside an Enclosed Waters CMU or a Near-shore CMU, and not within an AMA, including the associated occupation of space in the coastal marine area, the erection, placement, use of structures, disturbance of the seabed and ancillary discharges to water, and the discharge of feed or medicinal or therapeutic compounds, associated with a marine farm.

Insert the following rules into Volume 2, Chapter 16:

16.8. Occupation and allocation of coastal space with respect to marine farming

Applications for marine farms in the enclosed waters CMUs and Near-shore CMUs cannot be made without the consent applicant holding an authorisation to apply for a coastal permit. Applications are precluded by s165J RMA.

This section of the Plan provides specific methods for the allocation of authorisations to occupy coastal space.

Part 7A of the Act contains provisions about managing occupation of the common marine and coastal area, including general provisions about authorisations to apply for coastal permits to occupy space. Responsibilities of councils, the Minister of Conservation and the Minister of Aquaculture are also set out in this part of the Act.

The default allocation mechanism for the occupation of space in the common marine and coastal area is the 'first in first served' process that normally applies to resource consent applications. Section 165G of the Act states that 'A regional coastal plan or proposed regional coastal plan may provide for a rule in relation to a method of allocating space in the common marine and coastal area for the purposes of an activity, including a rule in relation to the public tender of authorisations or any other method of allocating authorisations'.

[C]

16.8.1 Rules about occupation of space in the common marine and coastal area

16.8.1.1 In order to address the effects of occupation of the common marine and coastal area in Marlborough, and to manage competition for the allocation of space:

(a) No application can be made for a coastal permit to occupy space for the purpose of marine farming in the Enclosed Waters CMUs or the Near-shore CMUs (excluding the area in ASAs) before x date. (to be specified in a public notice)

(b) The Council may process and hear together applications for coastal permits for the purpose of marine farming that are in the same AMA, or within the same CMU or that are in the Open Water CMU that are in near proximity to each other.

[C]

16.8.2. Rules to allocate space in the common marine and coastal area using authorisations

16.8.2.1 The Council will allocate space for marine farming within the Enclosed Waters CMUs and the Near-shore CMUs (excluding the area within ASAs) by allocating authorisations to occupy space.

16.8.2.2 Authorisations will only be allocated for space within areas identified as AMAs in the plan.

16.8.2.3 Where space in an AMA is occupied partially or entirely by an Existing Marine Farm, the authorisation will only allocate the space to the holder of the authorisation at the expiry or surrender of the existing consent.

16.8.2.4 Allocation will not be by public tender, except in the circumstances set out in Policy 13.21.7 (6)(b).

16.8.2.5 The Council will allocate authorisations using the methodology set out in Policy 13.21.7.

16.8.2.6 For new AMAs (those not identified in the variation to the plan as notified) created by way of submission on the proposed plan, the Council will allocate authorisations by public tender.

16.8.2.7 For new AMAs (those not identified in the variation to the plan as notified) and created by plan change requested under Part 2 of Schedule 1, the

Council will allocate authorisations to the person who requested the plan change.

16.8.2.8 Any authorisation issued under these provisions will be issued with terms requiring any application for coastal permits for marine farming made under the authorisation to include an undertaking by the applicant that any coastal permits for Existing Marine Farms held by the applicant are surrendered within 6 months of the commencement of permits for Marine Farming made under the authorisation.

16.8.2.9 Any authorisation issued under these provisions will be issued with terms that it may only be utilised if the Council gives notice to the holder within four months of the grant of the authorisation that it is satisfied that there has been sufficient acceptance of authorisations within the CMU containing the relevant AMA from for it to effectively implement the new allocation regime.

Insert the following appendix into Volume 3 as a new Appendix 11

Appendix 11

Species authorised to be farmed within the Marlborough region's coastal waters

Greenshell mussel (*Perna canaliculus*)

Blue mussel (*Mytilus galloprovincialis*)

Scallop (*Pecten novaezelandiae*)

Dredge oyster (*Ostrea chilensis*)

Pacific oyster (*Crassostrea gigas*)

Kina (*Evechinus chloroticus*)

Pāua (*Haliotis iris, Haliotis australis, Haliotis virginea*)

Cockle (*Austrovenus stutchburyi*)

Pipi (*Paphies australis*)

Kopakopa/ribbed mussels (*Aulacomya atra maoriana*)

Macrocystis pyrifera

Ecklonia radiata

Gracilaria spp

Pterocladia lucida

Lessonia variegata

Ulva lactuca

Asparagopsis armata

Consequential changes to provisions in the proposed Marlborough Environment Plan.

Amend explanation to Objective 4.1 to insert reference to marine farming:

Objective 4.1 – Sustainable use and development of Marlborough’s natural resources supports Marlborough’s social, economic and cultural wellbeing.

Primary industries rely on access to and the use of natural resources. Agriculture, horticulture, viticulture and forestry are all influenced by the availability of land and, to various extents, the characteristics and quality of the soil resource. Given Marlborough’s dry climate, reliable supplies of freshwater for irrigation provide land use options for rural resource users. Freshwater is also used for the processing of crops. Similarly, marine farming relies upon the availability of suitable coastal space and both marine farming and fishing rely on high coastal water quality. Our economic wellbeing therefore depends on the ability to continue to access and utilise natural resources in the Marlborough environment. However, the ability to use these resources does come with responsibilities. These responsibilities are reflected in policies elsewhere in the MEP.

Amend Chapter 13 Heading

Delete text under heading as shown:

~~This chapter does not contain provisions managing marine farming.~~

Amend Policy 13.2.3 to read:

[RPS, C]

Policy 13.2.3 To enable periodic reassessment of whether activities and developments are affecting the values of the coastal marine area, to encourage efficient use of a finite resource and in consideration of the dynamic nature of the coastal environment:

- (a) lapse periods for coastal permits will be no more than five years, except in the case of marine farming where the lapse period will be no more than three years; and**
- (b) the duration of coastal permits granted for activities in the coastal marine area for which limitations on durations are imposed under the Resource Management Act 1991 will generally be limited to a period not exceeding 20 years.**

Amend Policy 13.20.2 to provide for an alternative to the 'first in first served' mechanism for allocating space in the CMA:

[RPS, C]

Policy 13.20.2 – Except for when managing marine farming in the enclosed waters of the Marlborough Sounds, the 'first in, first served' method is the default mechanism to be used in the allocation of resources in the coastal marine area. A grandparenting allocation mechanism is used for existing marine farms in the enclosed waters of the Marlborough Sounds, and a 'first in, first served' method in the open coastal waters of the Marlborough District. Where other competing demand for coastal space becomes apparent, the Marlborough District Council may consider the option of introducing an alternative regime.

The default process for processing resource consent applications under the RMA is 'first in, first served.' The Council processes resource consent applications in the order they are received, provided they are accompanied by an adequate assessment of environmental effects. Using this approach the Council has to date effectively managed the demand for space in the coastal marine area. However, if competing demand for space becomes an issue, the Council may consider the introduction of other allocation methods. For the enclosed waters of the Marlborough Sounds, the marine farming provisions sets out a modified grandparenting allocation mechanism for existing marine farms in the enclosed waters of the Marlborough Sounds, where existing farms are allocated space as near as possible to their existing location. The Council will use an authorisations process to allocate that space to those existing marine farms. New marine farms are prohibited in the enclosed waters of the Marlborough Sounds. The Council will use a 'first in, first served' allocation method in the open coastal waters of the Marlborough District. There may also be certain circumstances under which a specific allocation mechanism is introduced to address a specific issue. If an alternative allocation method is introduced this would result in changes to the plan that would be subject to the plan change process under the RMA.

Insert the following index and maps into Volume 4, Overlays:

Index for Coastal Marine Unit and Aquaculture Management Areas Overlay

- CMU 1: Admiralty Bay
- CMU 2: Anakoha Bay
- CMU 3: Beatrix Bay
- CMU 4: Catherine Cove
- CMU 5: Chetwode Islands/Titi Island/Forsyth Island
- CMU 6: Clova Bay
- CMU 7: Coastal Section - Cook Strait
- CMU 8: Open Water CMU
- CMU 9: Coastal Section - Outer Pelorus/Te Hoiere
- CMU 10: Coastal Section - South of Te Aumiti/French Pass
- CMU 11: Crail Bay
- CMU 12: Croisilles Harbour
- CMU 13: d'Urville Island
- CMU 14: East Bay (Queen Charlotte Sound/Tōtaranui)
- CMU 16: Fitzroy Bay
- CMU 17: Forsyth Bay
- CMU 19: Guards Bay
- CMU 20: Hallam Cove
- CMU 21: Hikapu Reach
- CMU 22: Inner Pelorus Sound/Te Hoiere
- CMU 23: Queen Charlotte Sound/Tōtaranui
- CMU 24: Kaiuma Bay
- CMU 25: Kenepuru Sound
- CMU 26: Mahakipawa Arm
- CMU 27: Mahau Sound
- CMU 28: Maud Island

CMU 29: Nydia Bay

CMU 30: Okiwi Bay/Whangarae Bay

CMU 31: Onapua Bay

CMU 33: Picton Harbour/Waikawa Bay

CMU 34: Te Anamāhanga/Port Gore

CMU 36: Port Ligar

CMU 37: Te Whanganui/Port Underwood

CMU 38: South Marlborough

CMU 39: Squally Cove

CMU 40: Te Aumiti (French Pass)

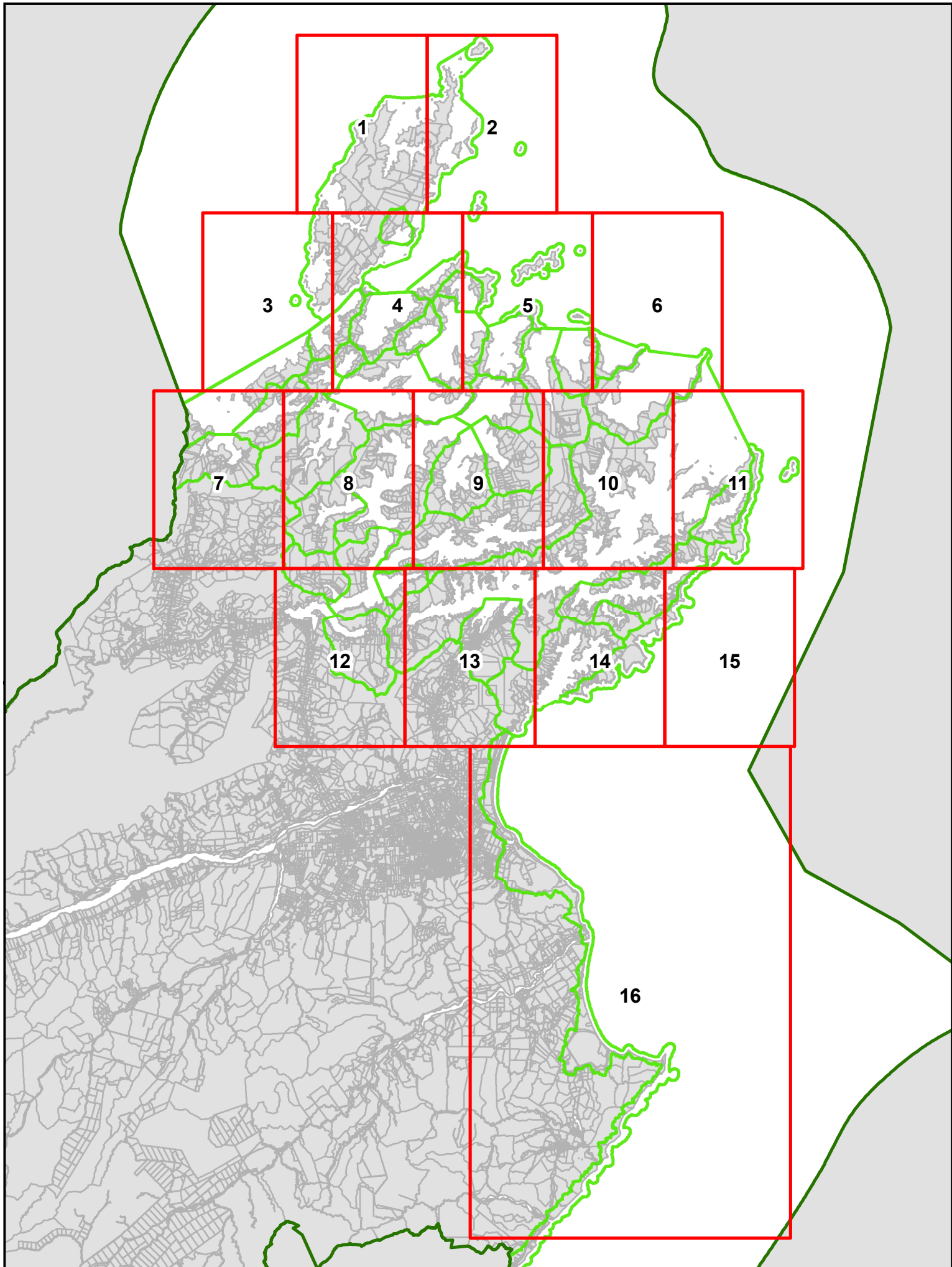
CMU 41: Tennyson Inlet

CMU 42: Tory Channel/Kura Te Au

CMU 43: Waitata Bay

CMU 44: Waitata Reach

CMU 45: Waitui Bay



Date: 19/11/2020



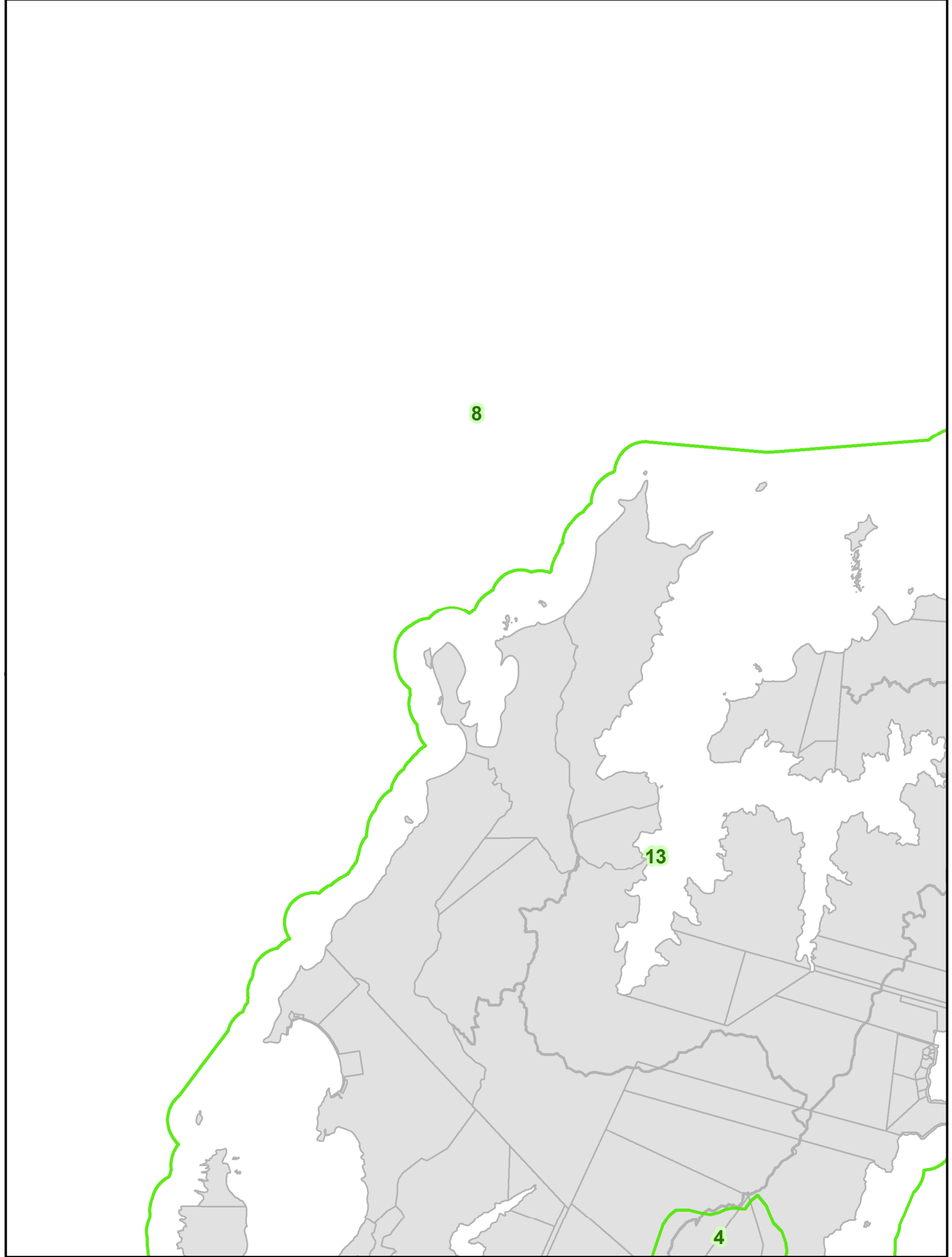
Legend

- Grid Index CMU / AMA
- Coastal Management Unit
- District Boundary
- Land Parcel

Coastal Management Units & Aquaculture Management Areas



1:550,000



Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

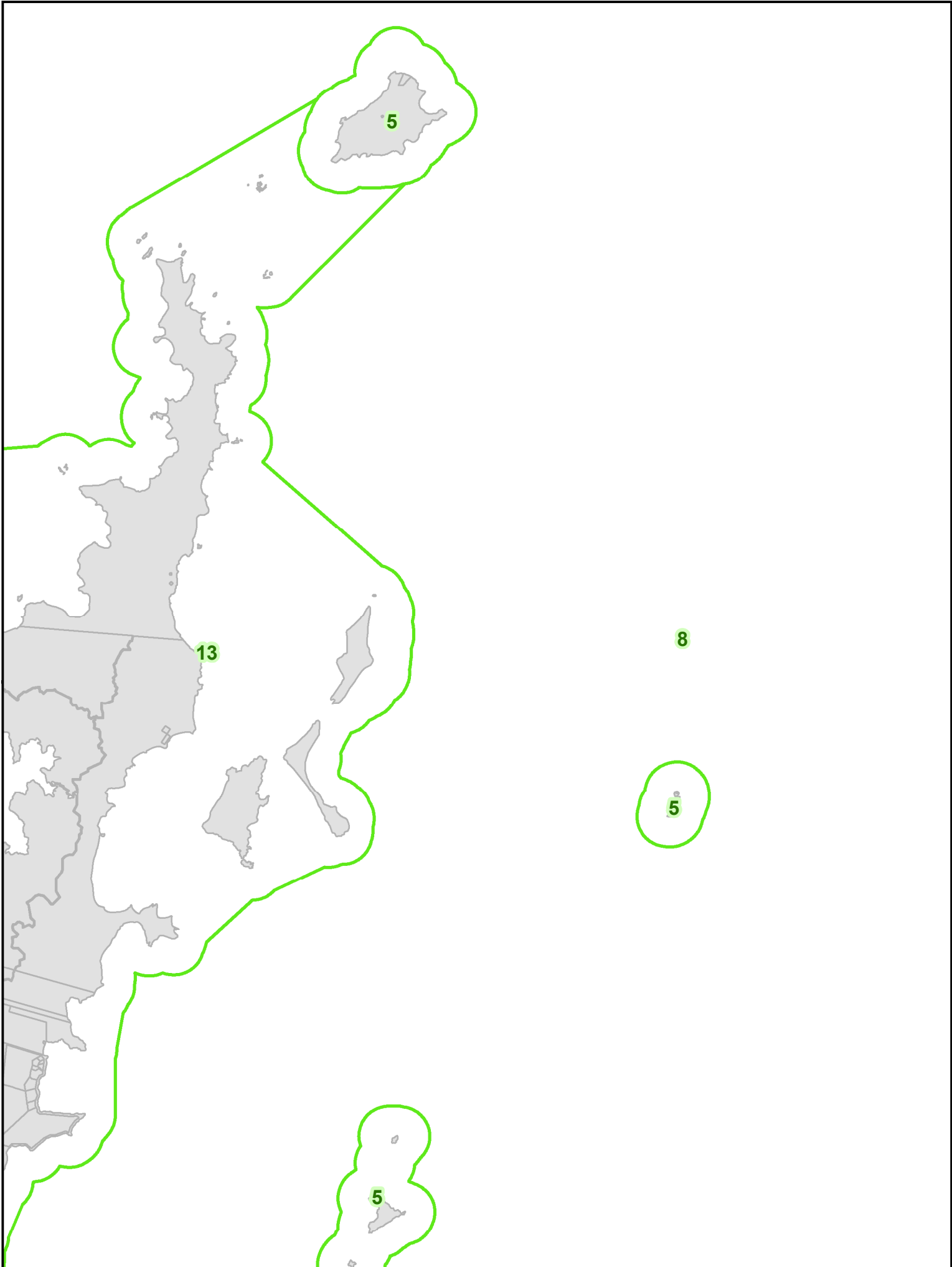
1



1:80,000

Date: 1/12/2020





Date: 1/12/2020



Legend

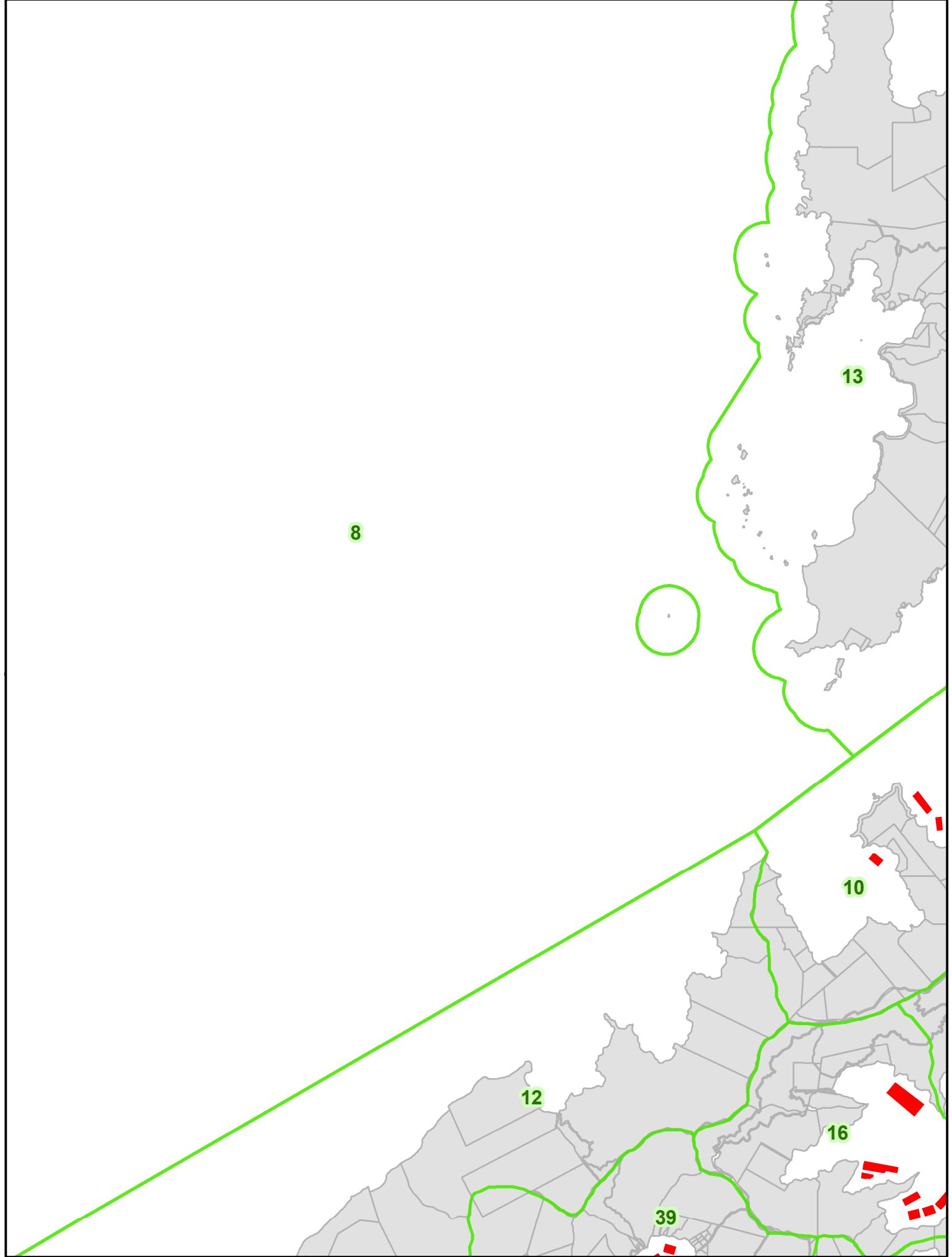
- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

2



1:80,000



Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

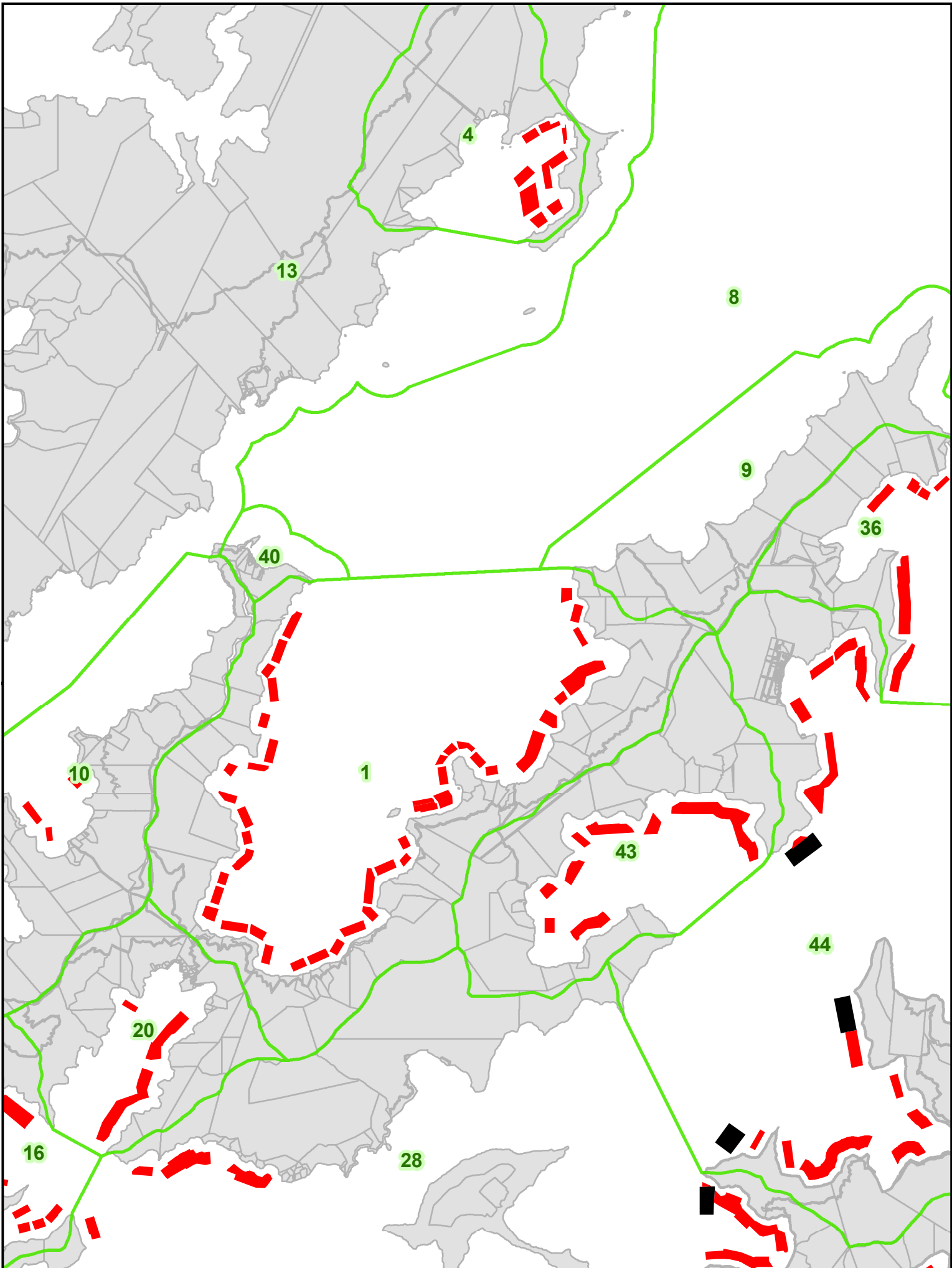
Coastal Management Units & Aquaculture Management Areas

3



1:80,000

Date: 1/12/2020



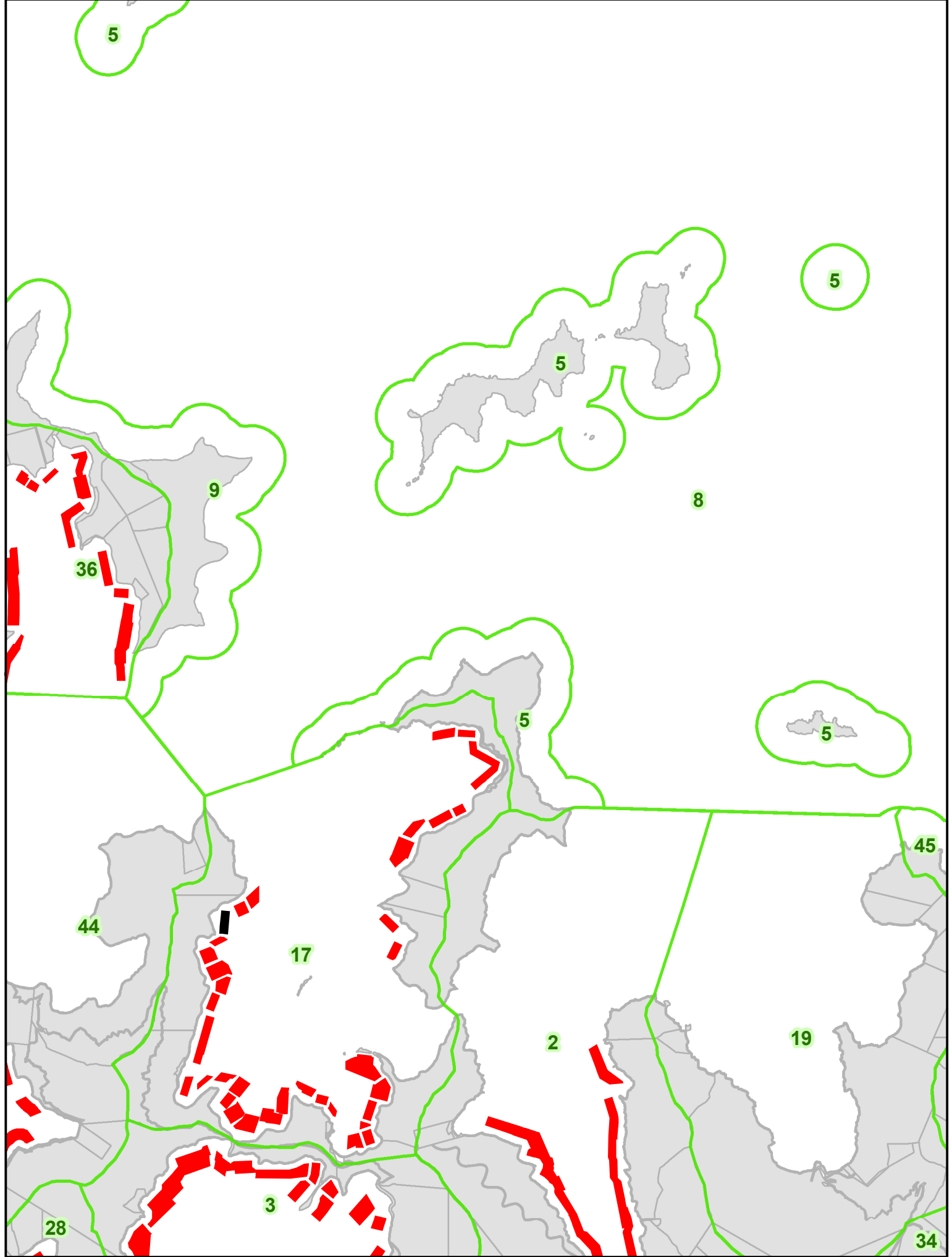
Date: 1/12/2020

Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas





Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

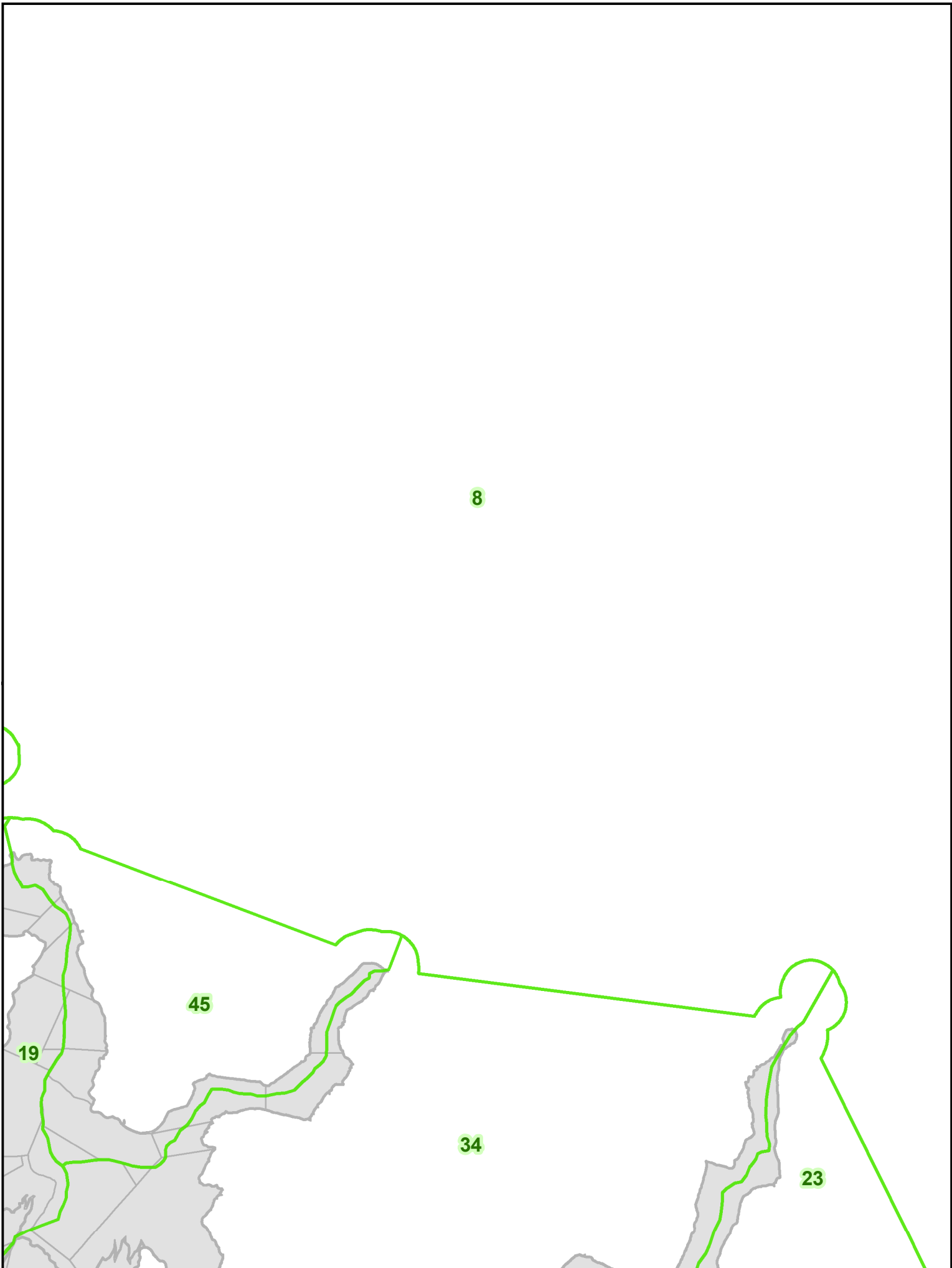
Coastal Management Units & Aquaculture Management Areas

5

Date: 1/12/2020



1:80,000



Date: 1/12/2020



Legend

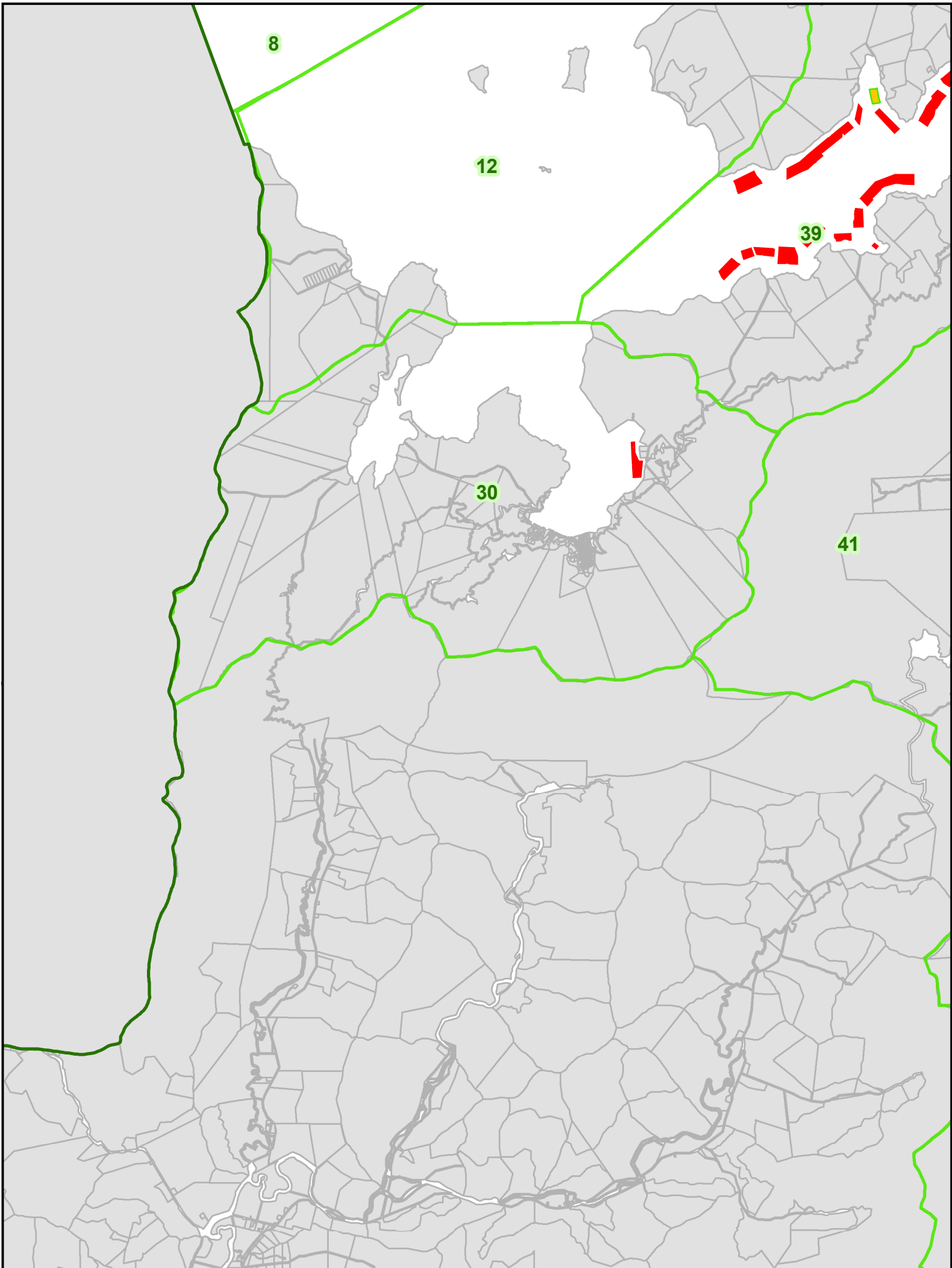
- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

6



1:80,000



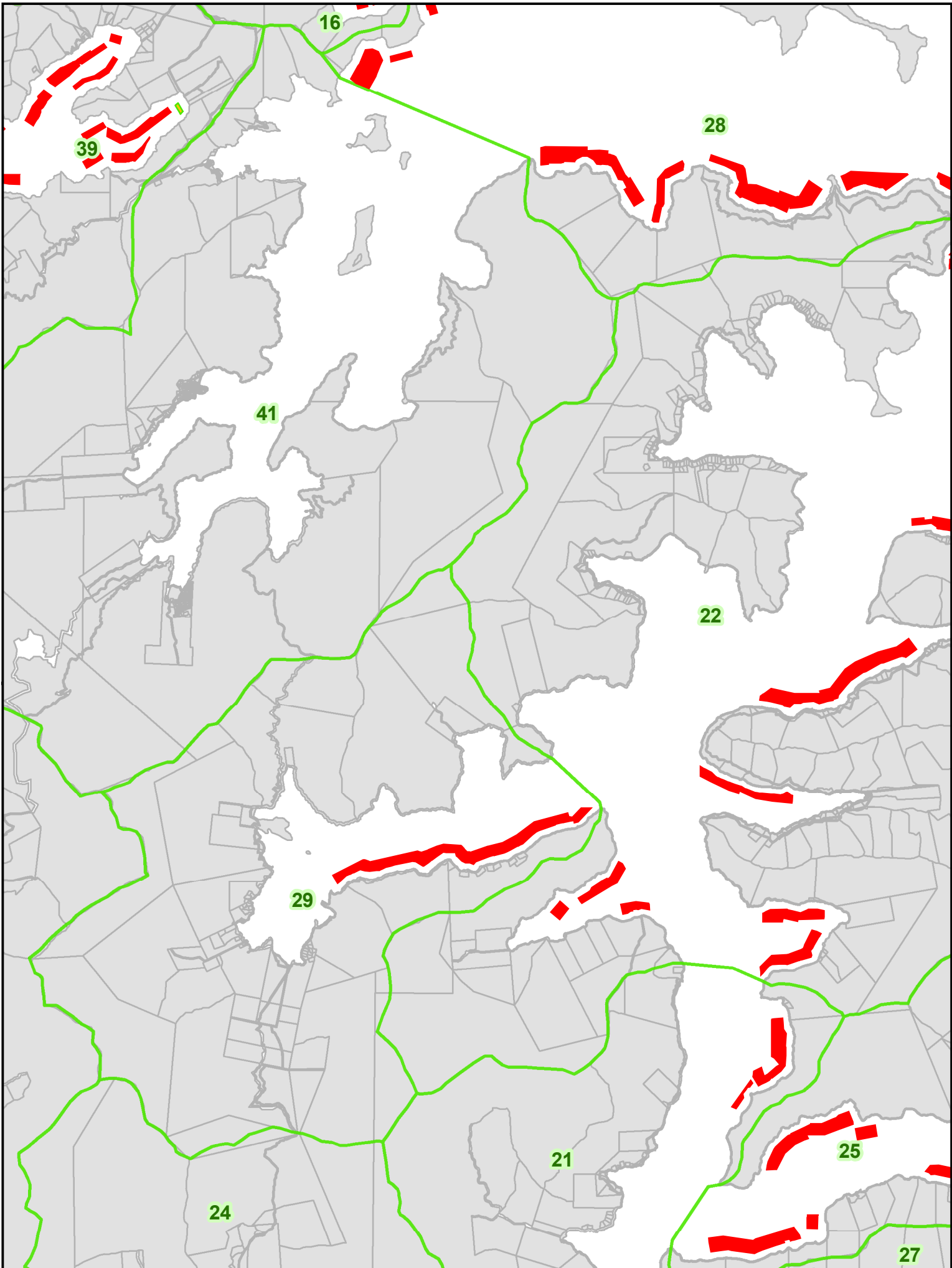
Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

Date: 1/12/2020





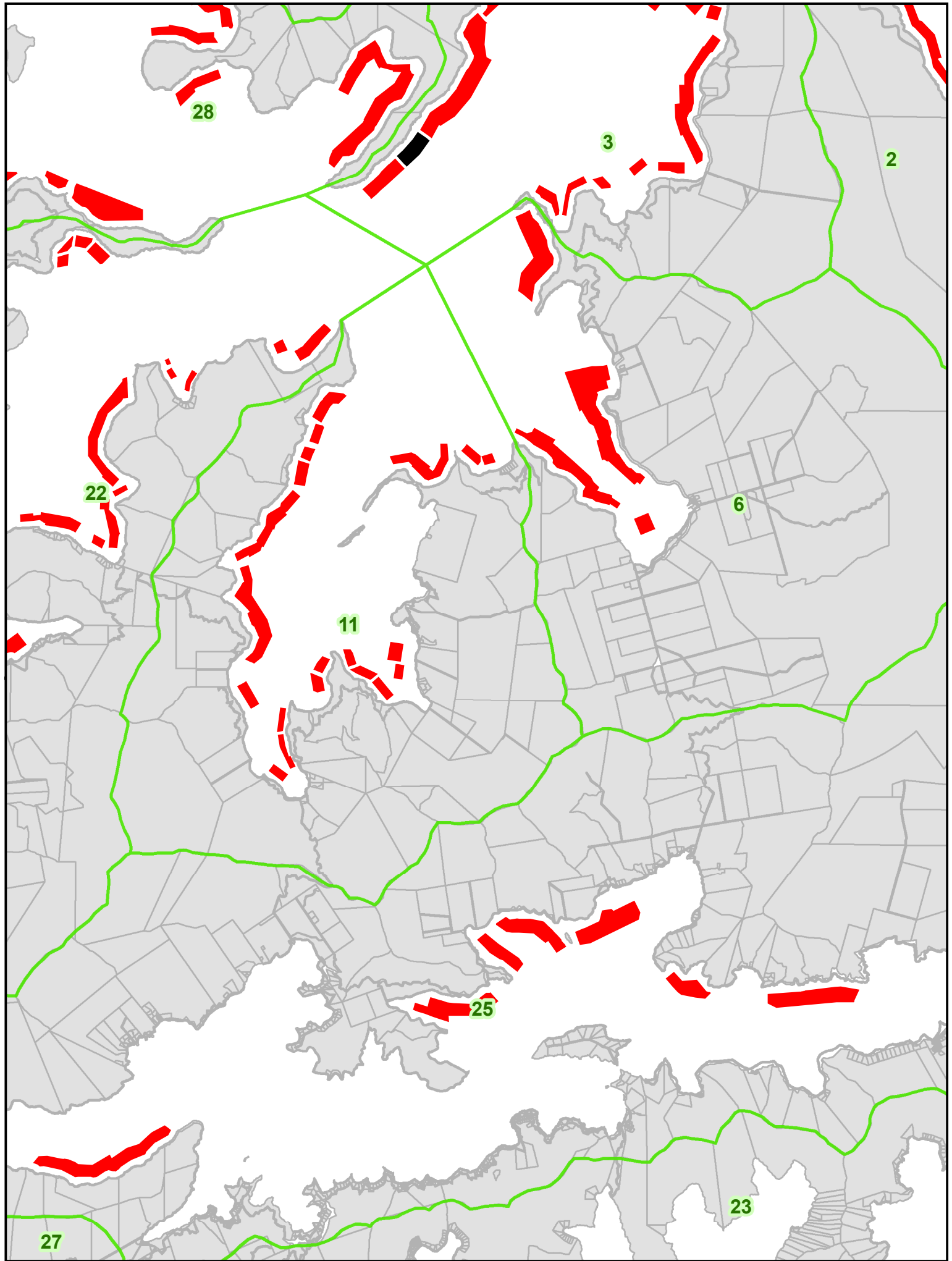
Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

Date: 1/12/2020





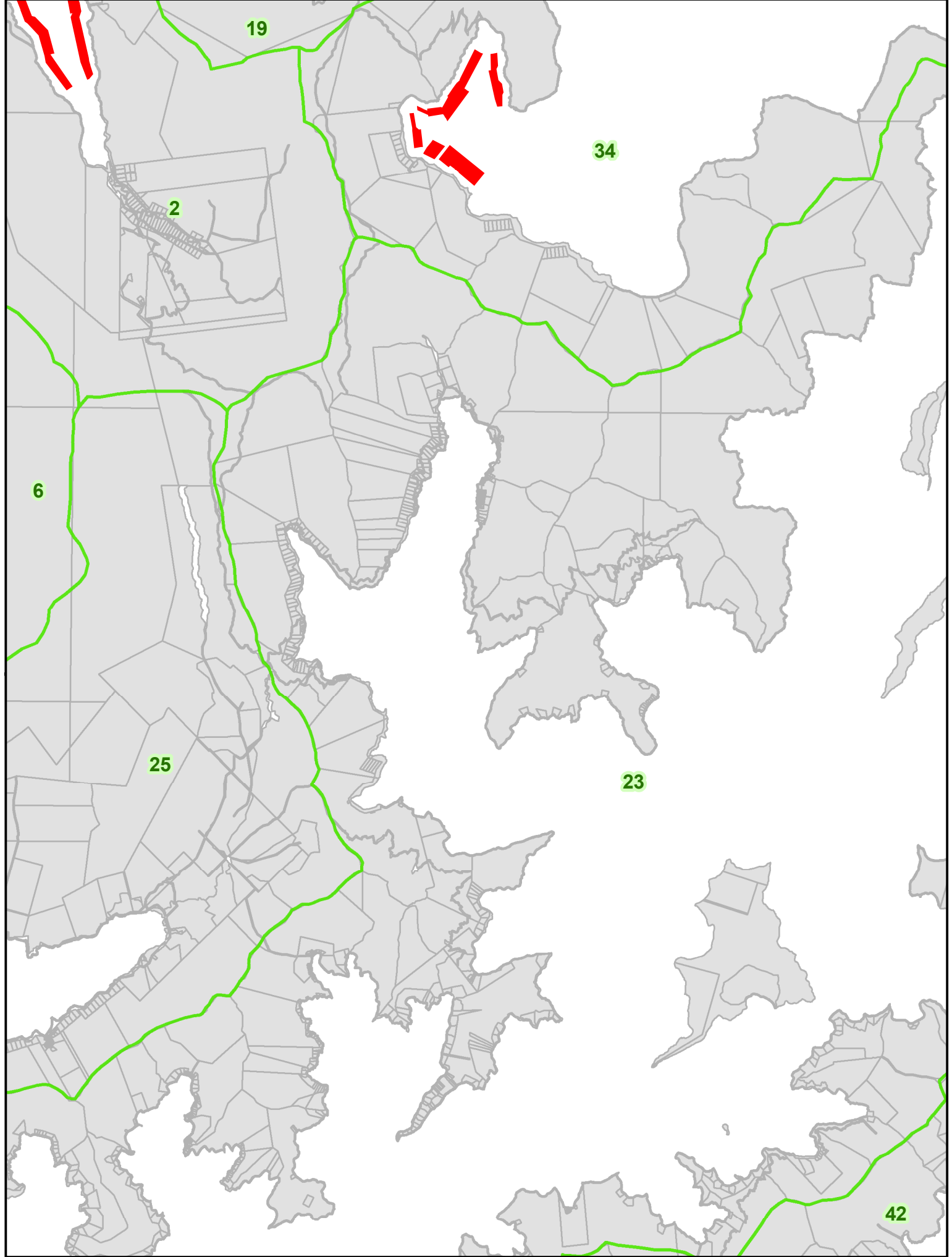
Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

Date: 1/12/2020





Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

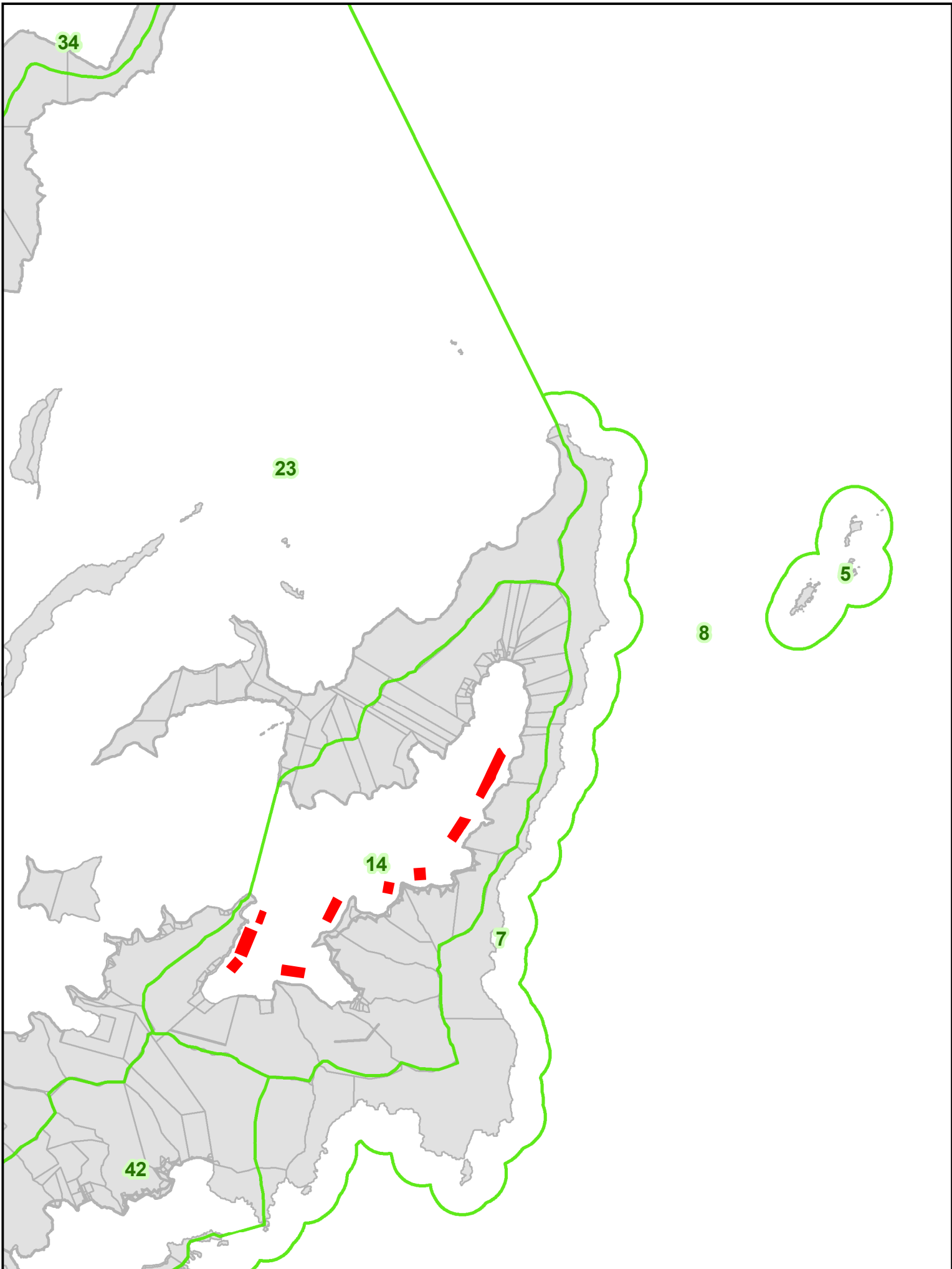
10



1:80,000

Date: 1/12/2020





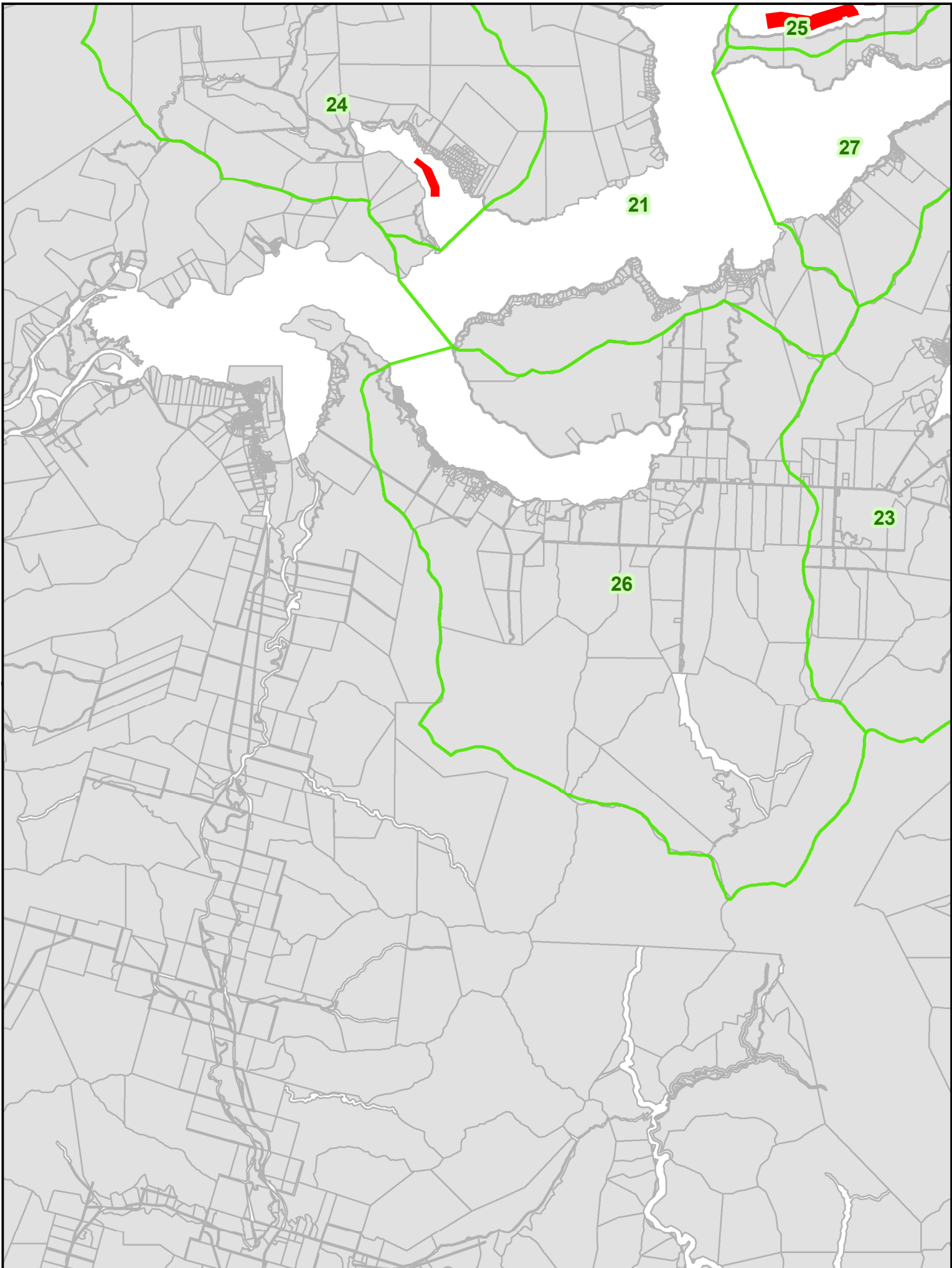
Date: 1/12/2020



Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas



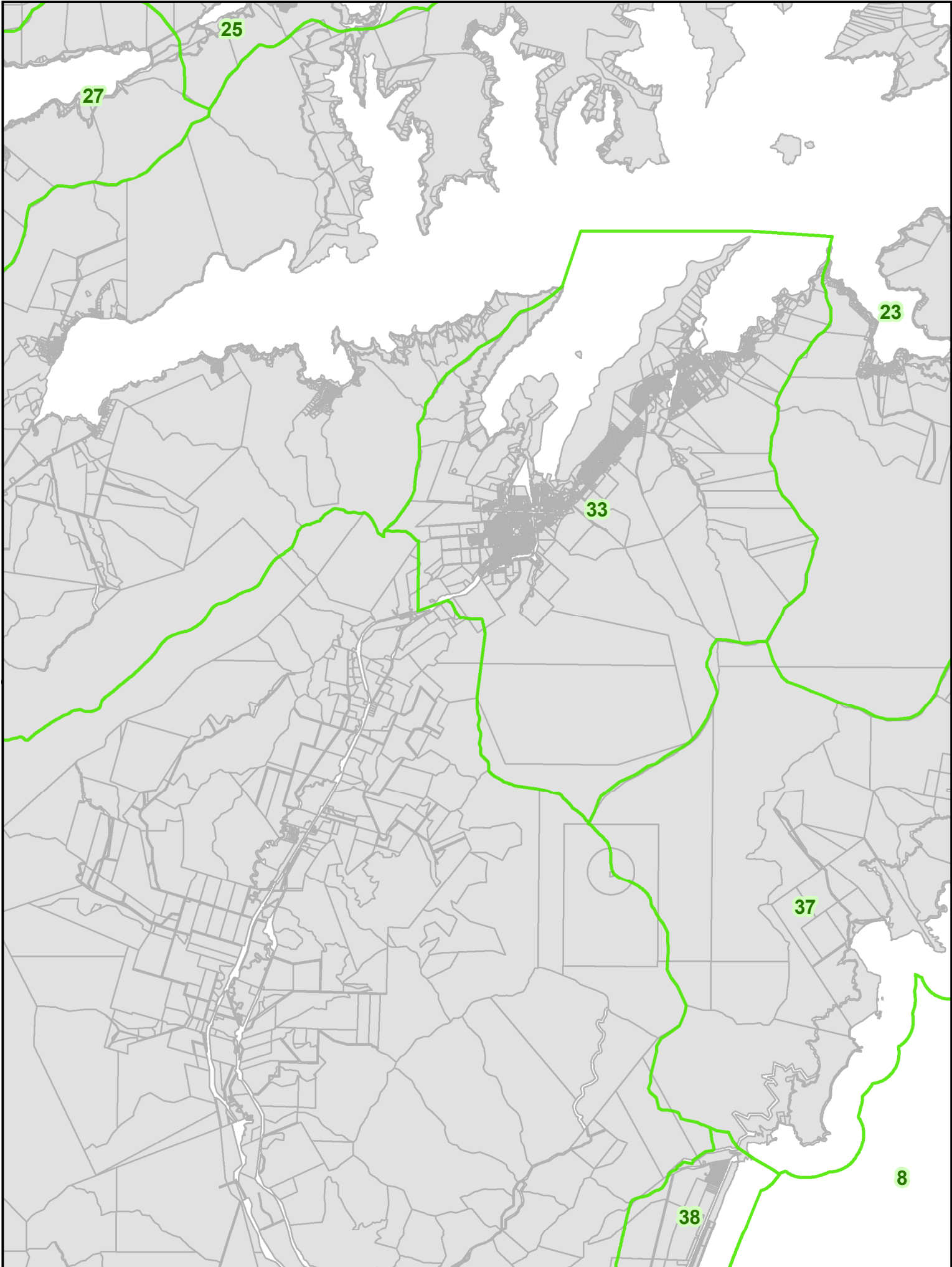
Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

Date: 1/12/2020





Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

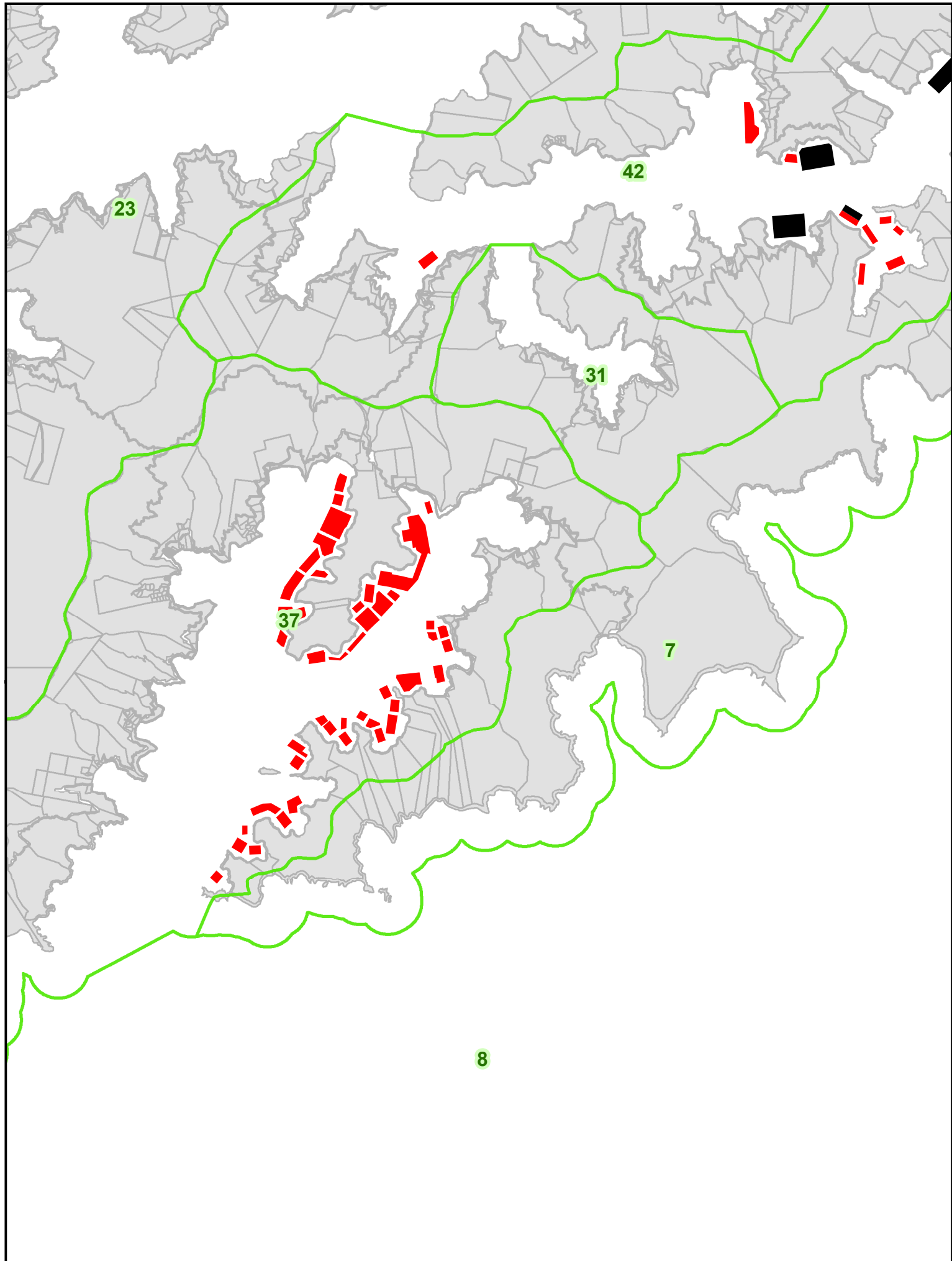
13



1:80,000

Date: 1/12/2020





Date: 7/12/2020



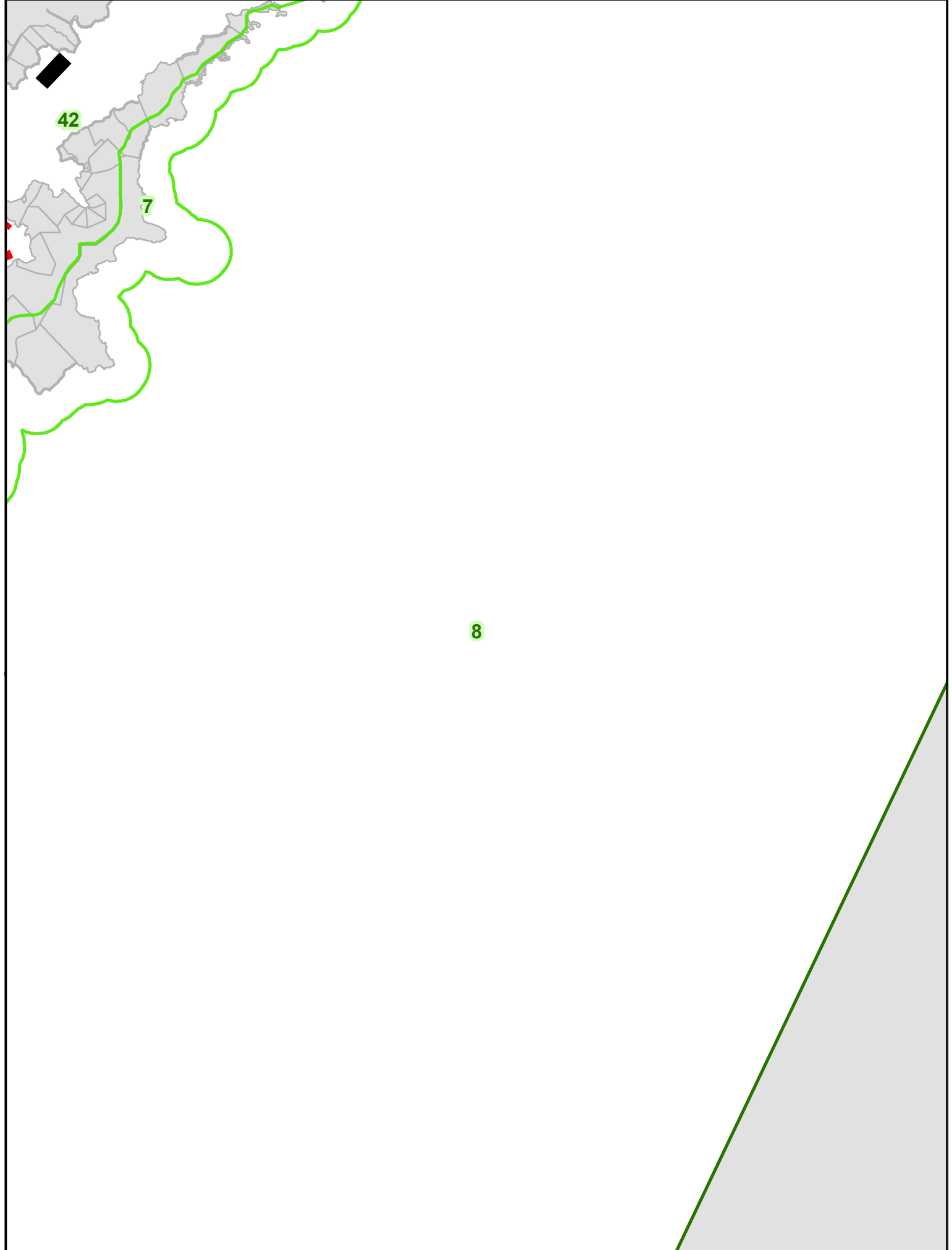
Legend

- CMU
- CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

14

N
 1:80,000



Date: 1/12/2020



Legend

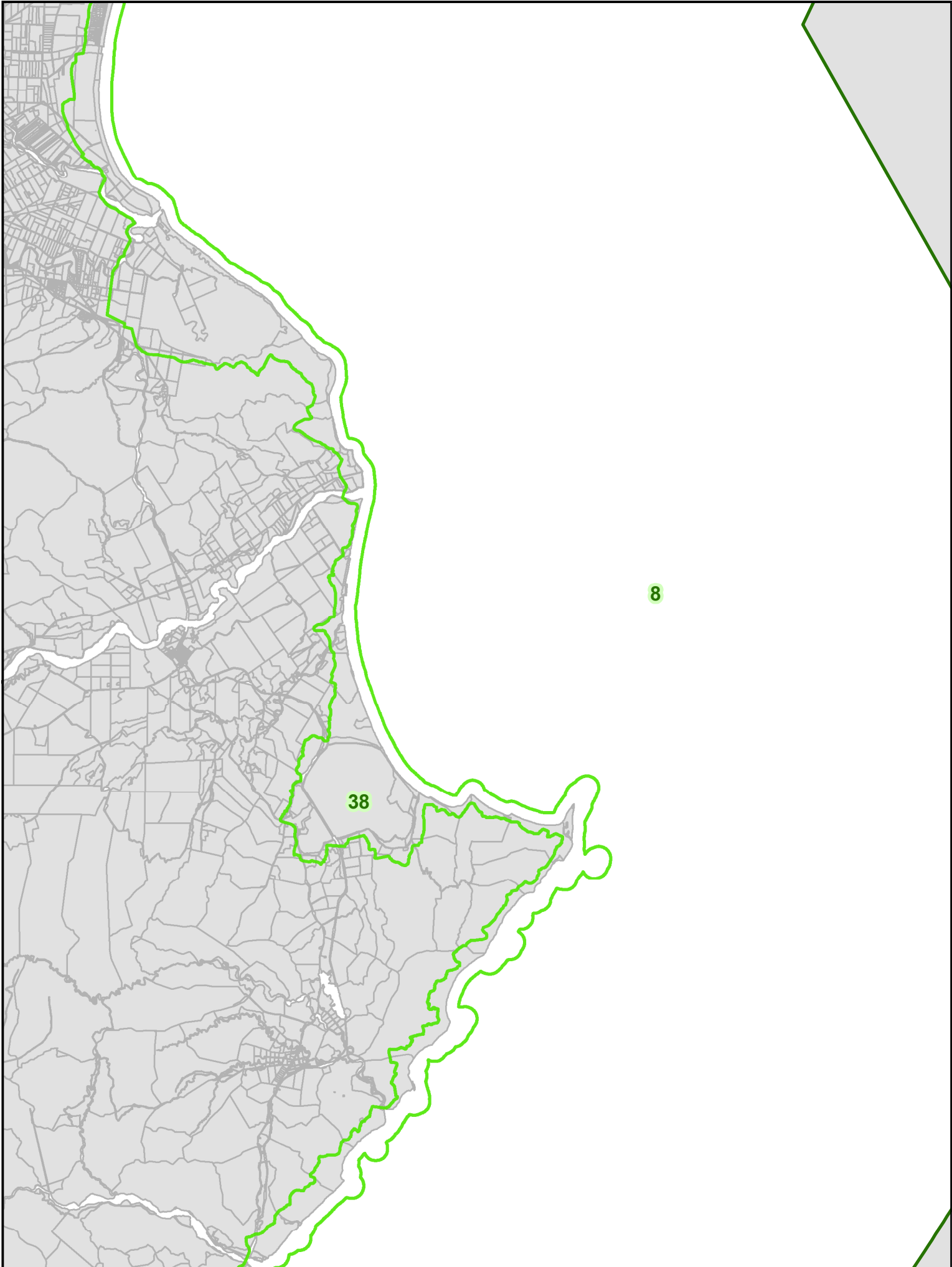
- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

15



1:80,000



Date: 1/12/2020



Legend

- CMU
- 15 CMU identifier
- Land Parcel
- AMA
- ASA
- FinFish AMA

Coastal Management Units & Aquaculture Management Areas

16

N
 1:200,000