

16. Coastal Marine Zone

~~This chapter does not contain provisions controlling marine farming. Marine farming remains controlled by rules in the Marlborough Sounds Resource Management Plan and Wairau/Awaters Resource Management Plan.~~

Note:

Natural wetland has the meaning given by the National Policy Statement for Freshwater Management and includes, but is not limited to, Significant Wetlands.

16.1. Permitted Activities

Unless expressly limited elsewhere by a rule in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the applicable standards in 16.2 or 16.3:

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16.1.1. Use of surface coastal water by a ship in the National Transportation Area and Queen Charlotte Sound.

[C]

16.1.2. Use of surface coastal water by a ship not otherwise controlled by Rule 16.1.1.

[C]

16.1.3. Anchoring of a ship.

[C]

16.1.4. Swing mooring established within a Moorings Management Area or swing mooring for a waka within a Waka Mooring Management Area.

[C]

16.1.5. Coastal recreation.

[C]

16.1.6. Removal or demolition of a building or structure, or any part of a building or structure.

[C]

16.1.7. Cables or lines on existing lawfully established structures, where these are securely fixed and taut against the structure.

[C]

16.1.8. Marine navigational aid (including lighting) and any supporting structure.

[C]

16.1.9. Installation, operation, maintenance, repair and upgrade of National Grid Cook Strait submarine cables including the following:

- (a) disturbance of the foreshore or seabed and associated discharges;
- (b) the discharge of heat to coastal water; and
- (c) associated lighting, navigational aids and signs.

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16.1.10. Repair or maintenance of suspended cables or lines.

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ENV-2023-CHC-73

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By consent order dated 31 January 2023

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Port Marlborough New Zealand Limited
ENV-2020-CHC-49
Add new rules and standards as per additions to 14.3 to provide for manual scraping and wet sanding of anti-foul paint for purpose of removal, and any associated discharge to air. By memorandum dated 28 May 2021

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[C]

16.1.11. Replacement of a submarine or suspended cable or line.

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16.1.12. Removal of submarine or suspended cable or line.

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16.1.13. Temporary structure for scientific monitoring purposes or temporary equipment for scientific monitoring purposes.

[C]

16.1.14. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

[C]

16.1.15. Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.

[C]

16.1.16. Deposition of sand for beach replenishment or beach renourishment.

[C]

16.1.17. Non-mechanical removal of natural material from the foreshore or seabed.

[C]

16.1.18. Burial of a dead marine mammal or other dead marine fauna on the foreshore.

[C]

16.1.19. Marine oil spill clean-up activities and the associated release of oil dispersants.

[C]

16.1.20. Take and use of coastal water.

[C]

16.1.21. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

[C]

16.1.22. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

[C]

16.1.23. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance.

[C]

16.1.24. Occupation of coastal marine area associated with any permitted activity except Coastal Recreation.

[C]

16.1.25. In-water cleaning of bio-fouling of ships, moveable structures or navigational aids and associated discharge of contaminants and biological material.

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16.1.26 Repair and maintenance of existing lawfully established structures

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16.1.27 Discharge of dust.

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16.2. Standards that apply to all permitted activities**16.2.1. Disturbance of the foreshore or seabed.**

- 16.2.1.1. Disturbance of the seabed must not occur within a Category A Ecologically Significant Marine Site.
- 16.2.1.2. The disturbance must be undertaken in a manner which minimises water turbidity.
- 16.2.1.3. The disturbance must not adversely affect navigational safety.
- 16.2.1.4. There must be no contaminants released from equipment being used for the activity.
- 16.2.1.5. All equipment must be removed from the coastal marine area on completion of the operation.

16.2.2. Maintenance, repair or replacement of a building or structure.

- 16.2.2.1. In the case of replacement, the building or structure to be replaced must have been lawfully established.
- 16.2.2.2. There must be no increase in the height, size, or scale of the building or structure.
- 16.2.2.3. There must be no change in the location of the building or structure.
- 16.2.2.4. There must be no increase in the glazed area, or change to the location of existing glazing.
- 16.2.2.5. Any paint applied to the exterior cladding of a building or structure must have a light reflectance value of 45% or less.
- 16.2.2.6. A building or structure must not be sited within 20m of a Riparian Natural Character Management Area, excluding stock fences.

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16.2.3. Noise.

- 16.2.3.1. An activity must be conducted to ensure that noise when measured
 - (a) at the notional boundary of a camping ground or hut administered by Marlborough District Council or the Department of Conservation, located in the Open Space 1, 2, or 3 Zones, where the zone adjoins the Coastal Marine Zone; or
 - (b) at any point within the notional boundary of any habitable building on land zoned Coastal Living, Coastal Environment or Rural Environment;
 does not exceed the following noise limits:

7.00 am to 10.00 pm	50dB LAeq	
10.00 pm to 7.00 am	40dB LAeq	70dB LAFmax

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- 16.2.3.2. The following activities are excluded from having to comply with the noise limits:

- (a) noise generated by a navigational aid, safety signal, warning device, or emergency pressure relief valve;
- (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (c) noise generated by a ship under way.

16.2.3.3. Noise must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

16.2.3.4. Construction noise must not exceed the recommended limits in, and must be measured and assessed in accordance with, NZS 6803:1999 Acoustics – Construction Noise.

16.2.4. Odour.

16.2.4.1. There must be no objectionable or offensive odour to the extent that it causes an adverse effect at or beyond the legal boundary of the site.

Note:

For the purpose of this performance standard, an offensive or objectionable odour is that odour which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether an odour is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the odour.

16.2.5. Smoke.

16.2.5.1. The smoke must not be objectionable or offensive, as detected at or beyond the legal boundary of the area of land on which the permitted activity is occurring.

16.2.6. Dust.

16.2.6.1. There must be no objectionable or offensive discharge of dust to the extent that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

Note 1:

For the purpose of this performance standard, an offensive or objectionable discharge of dust is one which can be detected and is considered to be offensive or objectionable by a Council officer. In determining whether dust is offensive or objectionable, the "FIDOL" factors must be considered (the frequency; the intensity; the duration; the offensiveness (or character); and the location). For the purposes of this performance standard, the "site" comprises all that land owned or controlled by the entity undertaking the activity causing the dust.

Note 2:

This performance standard shall not apply if the discharge of dust is authorised by an air discharge permit.

16.2.7. Particulate from any process vent or stack.

16.2.7.1. The particulate must not contain hazardous substances such that it causes an adverse effect (including on human health) at or beyond the legal boundary of the site.

16.2.7.2. The concentration of particulate discharged from any air pollution control equipment and dust collection system must not exceed 250mg/m³ at any time, corrected to 0°C, 1 atmosphere pressure, dry gas basis.

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This standard does not apply to discharges to air which are subject to standards for specific permitted activities.

16.2.8 Use of external lighting.

16.2.8.1 All external lighting on jetties and boatsheds shall be fully shielded to prevent any light spillage above the horizontal plane of the light source.

16.2.8.2 All outdoor lighting and exterior lighting excluding lighting required for safe navigation under the Maritime Transport Act, must be directed away from roads so as to avoid any adverse effects on traffic safety.

16.2.9 Activities in the vicinity of the National Grid Cook Strait submarine cables.

16.2.9.1 Except for works associated with the National Grid Cook Strait submarine cables there shall be no disturbance, anchoring or occupation of the foreshore within the area identified in the Schedule 8 of Appendix 16.

Note:

The Submarine Cables and Pipelines Protection Act 1996, the associated Submarine Cables and Pipeline Protection Order 1992, and Submarine Cables and Pipelines Protection Amendment Order 1999 contain further restrictions on fishing and anchoring within the Cook Strait Cable Protection Zone.

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16.3. Standards that apply to specific permitted activities

16.3.1. Use of surface coastal water by a ship in the National Transportation Area and Queen Charlotte Sound.

16.3.1.1. A high speed ship must not exceed a ship speed of 15 knots, with the exception of the MV Aratere which must not exceed a ship speed of 19 knots.

16.3.1.2. A ship exceeding 500 gross registered tonnes must not exceed a ship speed of 15 knots.

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16.3.2. Anchoring of a ship.

16.3.2.1. Except for marine farm barges or structures the ship must not be anchored to the foreshore or seabed for more than 60 consecutive days or more than 90 days within any 12 month period, within the same embayment, inlet, or estuary.

16.3.2.2. The ship must not be anchored within a Category A Ecologically Significant Marine Site listed in Appendix 27.

16.3.3. Swing mooring established within a Moorings Management Area or a swing mooring for a waka within a Waka Mooring Management Area.

16.3.3.1. A bylaw is in place that has established a licensing system for the allocation and management of swing moorings within Moorings Management Areas or swing moorings for waka within a Waka Mooring Management Area.

16.3.3.2. Prior to the establishment and occupation of the mooring, a Moorings Management Area licence must be granted by the Moorings Manager.

16.3.4. Coastal recreation.

16.3.4.1. The activity must not involve occupation of the coastal marine area.

16.3.5. Removal or demolition of a building or structure, or any part of a building or structure.

- 16.3.5.1. The building or structure, or that part of the building or structure being removed or demolished, must be removed from the Coastal Marine Zone in its entirety, including all piles and subsurface structures.
- 16.3.5.2. Material removed or demolished from a building or structure must not be disposed of in the Coastal Marine Zone.
- 16.3.5.3. Foreshore or seabed material must not be removed from the coastal marine area.

16.3.6. Marine navigational aid (including lighting) and any supporting structure.

- 16.3.6.1. The erection or placement of a marine navigational aid (including lighting) must be carried out by, or on behalf of, Maritime New Zealand or be placed in accordance with authority issued by the Harbourmaster.
- 16.3.6.2. Prior to installation, the GPS mapping co-ordinates and a description of the marine navigational aid must be provided to the Harbour Master.

16.3.7. Installation, operation, maintenance, repair and upgrade of National Grid Cook Strait submarine cables including the following:

- (a) disturbance of the foreshore or seabed and associated discharges;
- (b) the discharge of heat to coastal water; and
- (c) associated lighting, navigational aids and signs.

- 16.3.7.1. Material must not be disturbed beyond 200m from MHWS.
- 16.3.7.2. The repair, maintenance or replacement works must not adversely affect navigational safety.
- 16.3.7.3. There must be no contaminants released from equipment being used for the activity.

16.3.8. Replacement of a submarine or suspended cable or line.

- 16.3.8.1. A cable or line must not be removed except where it traverses through a Category A or B Ecologically Significant Marine Site.
- 16.3.8.2. A cable or line that is being replaced must be removed from the Coastal Marine Zone.
- 16.3.8.3. If a replacement cable or line is within the Marlborough Sounds or Port Underwood area of the Coastal Marine Zone, that cable or line must be laid or suspended within a horizontal distance of no more than two times the depth of water from the cable or line which is being replaced.
- 16.3.8.4. A replacement cable or line in any location not provided for within Rule 16.3.8.3, must be laid or suspended within a horizontal distance of no more than three times the depth of water from the cable or line which is being replaced.
- 16.3.8.5. A replacement cable or line must be put in place within 1 month of the removal of the original cable or line.
- 16.3.8.6. A cable or line must be laid or suspended by, or on behalf of, a Network Utility Operator.
- 16.3.8.7. Prior to installation, the Network Utility Operator must provide location co-ordinates and details of a replacement cable or line to the Council.

16.3.9. Temporary structure for scientific monitoring purposes or temporary equipment for scientific monitoring purposes.

- 16.3.9.1. The structure or equipment must not be located within the Coastal Marine Zone longer than 12 months.
- 16.3.9.2. The structure or equipment must not exceed 2m in length, 2m in width and 2.5m in height above water level.
- 16.3.9.3. Prior to installation, the GPS mapping co-ordinates and a description of the structure or equipment must be provided to the Harbour Master.
- 16.3.9.4. The structure or equipment must not adversely affect navigational safety.
- 16.3.9.5. There must be no contaminants released as a result of the activity, or from equipment being used for the activity.
- 16.3.9.6. The structure or equipment must not be located within a Category A Ecologically Significant Marine Site.

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16.3.10. Clearance of sand, shell, shingle or other natural material from a river mouth for flood mitigation.

- 16.3.10.1. The clearance must be carried out by, or on behalf of, the Marlborough District Council.
- 16.3.10.2. Disturbance must be limited to the amount necessary to clear the river mouth for flood mitigation purposes.
- 16.3.10.3. All equipment must be removed from the site on completion of the operation.
- 16.3.10.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.10.5. The clearance must not cause a safety hazard to other users of the river mouth.
- 16.3.10.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.10.7. Fish passage must not be impeded.
- 16.3.10.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

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16.3.11. Clearance of sand, shell, shingle or other natural material from a stormwater outfall pipeline, drain or culvert.

- 16.3.11.1. Disturbance must be undertaken by non-mechanical means, or be undertaken by, or on behalf of, the Marlborough District Council or Waka Kotahi NZ Transport Agency.
- 16.3.11.2. Disturbance must be limited to the amount necessary to clear the outfall pipeline, drain or culvert for flood protection purposes.
- 16.3.11.3. All equipment must be removed from the site on completion of the operation.
- 16.3.11.4. The best practicable option must be adopted to avoid significant sedimentation.
- 16.3.11.5. The clearance must not cause a safety hazard to other users of the waterbody.
- 16.3.11.6. There must be no contaminants released from equipment being used for the activity.
- 16.3.11.7. The clearance works must not result in fish passage being impeded.

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16.3.11.8. Refuelling of equipment must not take place on any area of foreshore or seabed.

16.3.12. Deposition of sand for beach replenishment or beach renourishment.

16.3.12.1 The activity is undertaken at Shelley Beach, Picton Foreshore or Waikawa Bay.

16.3.12.2. The deposition must be carried out by, or on behalf of, the Marlborough District Council.

16.3.12.3. Sand deposition must be limited to the amount necessary to replace what has been lost through natural processes.

16.3.12.4 Sand used for beach replenishment must be of the same grain size as the beach to be replenished.

16.3.13. Non-mechanical removal of natural material from the foreshore or seabed.

16.3.13.1. Natural material must not be removed from Shelley Beach, Picton Foreshore or Waikawa Bay.

16.3.13.2. No more than 0.5m³ of natural material, including but not limited to sand, shell or shingle but not including vegetation, must be removed by any individual within a calendar year.

16.3.14. Burial of a dead marine mammal or other dead marine fauna on the foreshore.

16.3.14.1. The marine carcass must have either resulted from a stranding or have been washed up on the foreshore through natural tidal processes.

16.3.14.2. It must not otherwise be practical to move the carcass to a more appropriate disposal location.

16.3.14.3. Iwi representatives must be notified as early as practicable after discovery and prior to the commencement of the burial.

16.3.14.4. Disturbance to the foreshore or seabed must be limited to the minimum amount of disturbance necessary for carcass burial.

16.3.15. Marine oil spill clean-up activities and the associated release of oil dispersants.

16.3.15.1. Oil spill dispersants must only be used by a person described in Section 467 of the Maritime Transport Act 1994.

16.3.16. Take and use of coastal water.

16.3.16.1. Except for the ordinary operation of a ship the take of coastal water must not be from within the following Ecologically Significant Marine Sites:

- (a) Whangarae Bay – No. 1.1;
- (b) Greville Harbour/Wharariki – No. 1.7;
- (c) Anakoha Bay Estuary – No. 2.25;
- (d) Tuna, Harvey and Duncan Bay Estuaries – No. 3.10;
- (e) Clova Bay – No. 3.14;
- (f) Kaiuma Estuary – No. 3.19;
- (g) Havelock-Mahakipawa Estuaries – No. 3.20;
- (h) Kenepuru Estuary – No. 3.21;
- (i) Okiwa Bay – No. 4.1;
- (j) Ngakuta Bay – No. 4.5;
- (k) Shakespeare Bay – No. 4.10;

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- (l) Whatamongo Bay – No. 4.12;
- (la) Hitaua Bay – No. 5.5;
- (m) Deep Bay – No. 5.7;
- (n) Wairau Lagoon – No. 8.2.

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16.3.17. Discharge of contaminants to air arising from the burning of materials for any of the following purposes:

- (a) training people to put out fires;
- (b) creating special smoke and fire effects for the purposes of producing films;
- (c) fireworks display or other temporary event involving the use of fireworks.

16.3.17.1. The Council must be notified at least 5 working days prior to the burning activity commencing.

16.3.17.2. Any discharges for purposes of training people to put out fires must take place under the control of Fire and Emergency New Zealand, the New Zealand Defence Force or any other nationally recognised agency authorised to undertake firefighting research or firefighting activities.

16.3.18. Discharge of contaminants to air from the burning of solid fuel in an enclosed pellet burner.

16.3.18.1. The burner must only burn fuels approved for use in the device.

16.3.19. Discharge of contaminants to air from the burning of solid fuel in a small scale solid fuel burning appliance.

16.3.19.1. The appliance must only burn fuels approved for use in the device.

16.3.19.2. The appliance must be operated so that all reasonable steps are taken to minimise the amount of smoke discharged.

16.3.20 In-water cleaning of bio-fouling of ships, moveable structures or navigational aids and associated discharge of contaminants and biological material.

16.3.20.1 The owner or operator of the ship, structure or navigational aid shall ascertain, and produce on request by the Council, details of the anti-foul coating used on the ship, structure or navigational aid, the planned service life as specified by the coating manufacturer, and the cleaning method recommended by the coating manufacturer.

16.3.20.2. The anti-foul coating on the ship, moveable structure or navigational aid shall not have exceeded its planned service life as specified by the manufacturer.

16.3.20.3. The cleaning method shall be undertaken in accordance with the coating manufacturer's recommendations.

16.3.20.4 The cleaning of microfouling and goose barnacles may occur without capture.

16.3.20.5 Any coverage of macrofouling cleaned (other than goose barnacles) shall be no more than light fouling, and all biological material greater than 50 microns in diameter dislodged during cleaning shall be captured and disposed of at an approved landfill.

16.3.20.6 If any person undertaking or responsible for the cleaning suspects that harmful or unusual aquatic species (including species designated as unwanted organisms or pest species under the Biosecurity Act 1993) are present on the ship, structure or navigational aid, that person shall take the following steps:

- (a) any cleaning activities commenced shall cease immediately; and

- (b) the Marlborough District Council and the Ministry for Primary Industries shall be notified without unreasonable delay; and
- (c) the cleaning may not recommence until notified by the Council to do so, or in the event a designated unwanted organism or pest species is found, notified to do so by the Ministry for Primary Industries.

For further context and guidance on anti-fouling and in-water cleaning of vessels and structures refer to the Anti-fouling and In-water Cleaning Guidelines (June 2013).

16.3.21 Repair and maintenance of existing lawfully established structures.

16.3.21.1 There must be no increase in the height, size or scale of the structure.

16.4. Controlled Activities

Application must be made for a Controlled Activity for the following:

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16.4.1. Use of surface water by a high speed ship or a ship that exceeds 500 gross registered tonnes, which is travelling at a ship speed exceeding 15 knots in the National Transportation Area for the purposes of undertaking measurements of Wave Energy, including any associated disturbance of the foreshore or seabed.

Standards and terms:

- 16.4.1.1. A resource consent will apply only to the ship for which consent has been obtained and will be distinguished by the International Maritime Organisation number and name.
- 16.4.1.2. The ship must carry Data Recording Devices which must be operated at all times whilst the ship is travelling in the National Transportation Area.
- 16.4.1.3. Whilst operational, the Data Recording Devices must record:
 - (a) date and time (to the nearest second);
 - (b) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;
 - (c) the speed of the ship over the ground;
 - (d) Ship Speed through the water.
- 16.4.1.4. Data must be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- 16.4.1.5. Plan position must be accurate to within 30m and must be recorded to a precision of 5m or better.
- 16.4.1.6. The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water must be accurate to within 0.5 knots and must be recorded to a precision of 0.1 knots or better.
- 16.4.1.7. The data recorded by the Data Recording Devices must be retained and archived on board the ship in an electronic format readable by the Council for a period of no less than 6 months except where that data is available to the Council through an Automatic Identification System.
- 16.4.1.8. The Data Recording Devices must be of a type that ensures no data can be manually tampered with and all archived records must be stored in a manner that prevents manual adjustment of data.
- 16.4.1.9. Where the ship is fitted with equipment capable of transmitting the data recorded in the Data Recording Devices instantaneously to a compatible

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New rule

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New controlled activity 16.4.XX. Works for the deposition and/or removal of sand for beach replenishment and/or beach recontouring, to manage the visual appearance and recreational utility of a public beach which is intermittently the subject of erosion and/or aggradation of sand.
By memorandum dated 20 July 2021

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receiving device held by the Council, the consent holder must ensure that the relevant data specified in Standard 16.4.1.3(a) to 16.4.1.3(d) (inclusive) is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Area.

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- 16.4.1.10. Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder must immediately arrange for the equipment or systems to be serviced and must advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- 16.4.1.11. Where a fault or technical problem affecting the Data Recording Devices or any related equipment or systems results in the Data Recording Devices being inoperable for a period of more than two weeks, the maximum Ship Speed must be limited to 15 knots.

Matters over which the Council has reserved control:

- 16.4.1.12. The duration of the consent.
- 16.4.1.13. The spatial limits of defined navigation corridors within which a ship is permitted to travel provided that these do not interfere with the safe navigation of the Ship and are consistent with national and international regulations.
- 16.4.1.14. Maximum values of Ship Speed over defined areas within the National Transportation Area.
- 16.4.1.15. Approved method(s), frequency and certification of calibration of the Data Recording Device(s) required by the Plan to measure Ship Speed.
- 16.4.1.16. The Set Interval for data recorded in the Data Recording Devices.
- 16.4.1.17. The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices.
- 16.4.1.18. The administrative charges payable.

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- 16.4.2. Use of surface water within the National Transportation Area by a high speed ship, or a ship that exceeds 500 gross registered tonnes, which is travelling at a ship speed exceeding 15 knots, including any associated disturbance of the foreshore or seabed.**

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Standards and terms:

- 16.4.2.1. The ship must not propagate waves that exceed the Wash Rule identified in Appendix 12 in the National Transportation Area.
- 16.4.2.2. The duration period of any consent must not exceed 20 years.
- 16.4.2.3. A resource consent will apply only to the ship for which consent has been obtained and will be distinguished by the International Maritime Organisation number and name.
- 16.4.2.4. The ship must carry Data Recording Devices which must be operated at all times whilst the ship is travelling in the National Transportation Area.
- 16.4.2.5. Whilst operational, the Data Recording Device must record:
- (a) date and time (to the nearest second);
 - (b) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;
 - (c) the speed of the ship over the ground;

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(d) Ship Speed through the water.

- 16.4.2.6. Data must be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- 16.4.2.7. Plan position must be accurate to within 30m and shall be recorded to a precision of 5m or better.
- 16.4.2.8. The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water must be accurate to within 0.5 knots and must be recorded to a precision of 0.1 knots or better.
- 16.4.2.9. The data recorded by the Data Recording Devices must be retained and archived on board the ship in an electronic format readable by the Council for a period of no less than 6 months except where that data is available to the Council via an Automatic Identification System.
- 16.4.2.10. The Data Recording Devices must be of a type that ensures no data can be manually tampered with and all archived records must be stored in a manner that prevents manual adjustment of data.
- 16.4.2.11. Where the ship is fitted with equipment capable of transmitting the data recorded in the Data Recording Devices instantaneously to a compatible receiving device held by the Council, the consent holder must ensure that the relevant data specified in Standard 16.4.2.5(a) to 16.4.2.5(d) (inclusive) is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Area.
- 16.4.2.12. Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder must immediately arrange for the equipment or systems to be serviced and must advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- 16.4.2.13. Where a fault or technical problem affecting the Data Recording Devices or any related equipment or systems results in the Data Recording Devices being inoperable for a period of more than two weeks, the maximum Ship Speed must be limited to 15 knots.

Matters over which the Council has reserved control:

- 16.4.2.14. The duration of the consent.
- 16.4.2.15. The spatial limits of defined navigation corridors within which a ship is permitted to travel provided that these do not interfere with the safe navigation of the ship and are consistent with national and international regulations.
- 16.4.2.16. Maximum values of Ship Speed over defined areas within the National Transportation Area.
- 16.4.2.17. Approved methods, frequency and certification of calibration of the Data Recording Device(s) required by the Plan to measure Ship Speed.
- 16.4.2.18. The Set Interval for data recorded in the Data Recording Devices.
- 16.4.2.19. The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices.
- 16.4.2.20. The purpose, timing and criteria for review of any of the conditions of consent.
- 16.4.2.21. The administrative charges payable.

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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.~~

16.4.3.1.2 The application is for the same, or shorter, total length of backbone length of lines or intertidal structures as an existing marine farm or farms 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.~~

16.4.3.2 The marine farm is not identified on Appendix 29, Schedules 1, 2 or 3.

16.4.3.3 Where part or all of a marine farm is required to move into an AMA from its existing consented area, the application must be made within 3 years of 12 May 2023.

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 the same or greater areal extent.

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 to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular monitoring and removal of rubbish.

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- 16.4.3.11 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, and colour, texture, composition and reflectivity and their compatibility with the surrounding coastal environment.
- 16.4.3.12 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.
- 16.4.3.13 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading of harmful aquatic organisms.
- 16.4.3.14² Supply of information and monitoring data to the Council.
- 16.4.3.15³ The removal of derelict, unused or obsolete structures.
- 16.4.3.16⁴ 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.~~
- 16.4.3.17⁵ The duration of the consent.

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

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16.4.3A Marine farming using conventional longline structures or intertidal structures in an AMA, other than an ASA, 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:

- 16.4.3A.1 The marine farm is identified on Schedule 1 of Appendix 29.
- 16.4.3A.2 The application is for the same, or shorter, total length of backbone or intertidal structures as a marine farm or farms which the current application is replacing.
- 16.4.3A.3 Where part or all of a marine farm is required to move into an AMA from its existing consented area, the application must be made within 3 years of 19 May 2023.

16.4.3A.4 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved control:

- 16.4.3A.5 Adverse effects on benthic habitat.
- 16.4.3A.6 Layout and design of the farm, including the number and length of backbone lines, and the arrangement of those lines including separation distances between lines.
- 16.4.3A.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.

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- 16.4.3A.8 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.
- 16.4.3A.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 the same or greater areal extent.
- 16.4.3A.10 Integrity and security of the structures, including the anchoring systems.
- 16.4.3A.11 Maintaining the marine farm in good order to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular monitoring and removal of rubbish.
- 16.4.3A.12 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting and colour, and their compatibility with the surrounding coastal environment.
- 16.4.3A.13 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.
- 16.4.3A.14 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading of harmful aquatic organisms.
- 16.4.3A.15 Supply of information and monitoring data to the Council.
- 16.4.3A.16 The removal of derelict, unused or obsolete structures.
- 16.4.3A.17 Review of the consent conditions.
- 16.4.3A.18 The duration of the consent.

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

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16.4.3B Marine farming using conventional longline structures or intertidal structures in an AMA created as replacement space for marine farms in inappropriate areas, 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:

- 16.4.3B.1 The marine farm is identified on Schedule 2 of Appendix 29.
- 16.4.3B.2 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 marine farm permit replaced by the application will be surrendered no later than 24 months after the commencement of the replacement permit.
- 16.4.3B.3 The application is for the same, or shorter, total length of backbone or intertidal structures as a marine farm or farms which the current application is replacing.
- 16.4.3B.4 The line length must not exceed that specified for the AMA in Schedule 2 of Appendix 29.
- 16.5.3B.5 The application must be made within 3 years of 19 May 2023.

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16.4.3B.6 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved control:

16.4.3B.7 Layout and design of the farm, including the number and length of backbone lines, and the arrangement of those lines including separation distances between lines.

16.4.3B.8 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.

16.4.3B.9 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.

16.4.3B.10 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 the same or greater areal extent.

16.4.3B.11 Integrity and security of the structures, including the anchoring systems.

16.4.3B.12 Maintaining the marine farm in good order to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular monitoring and removal of rubbish.

16.4.3B.13 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting and colour, and their compatibility with the surrounding coastal environment.

16.4.3B.14 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.

16.4.3B.15 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading of harmful aquatic organisms.

16.4.3B.16 Supply of information and monitoring data to the Council.

16.4.3B.17 The removal of derelict, unused or obsolete structures.

16.4.3B.18 Review of the consent conditions.

16.4.3B.19 The duration of the consent.

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

16.4.3C Marine farming using conventional longline structures or intertidal structures in an AMA created as replacement space for marine farms in inappropriate areas, 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:

16.4.3C.1 The marine farm is identified on Schedule 3 of Appendix 29.

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16.4.3C.2 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 marine farm permit replaced by the application will be surrendered no later than 24 months after the commencement of the replacement permit.

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16.4.3C.3 The application is for the same, or shorter, total length of backbone or intertidal structures as a marine farm or farms which the current application is replacing.

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16.4.3C.4 The line length must not exceed that specified for the AMA in Schedule 3 of Appendix 29.

16.4.3C.5 The application must be made within 3 years of 19 May 2023.

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16.4.3C.6 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

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Matters over which the Council has reserved control:

16.4.3C.7 Adverse effects on benthic habitat.

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16.4.3C.8 Layout and design of the farm, including the number and length of backbone lines, and the arrangement of those lines including separation distances between lines.

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16.4.3C.9 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:

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(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.

16.4.3C.10 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.

16.4.3C.11 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 the same or greater areal extent.

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16.4.3C.12 Integrity and security of the structures, including the anchoring systems.

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16.4.3C.13 Maintaining the marine farm in good order to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular monitoring and removal of rubbish.

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16.4.3C.14 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting and colour, and their compatibility with the surrounding coastal environment.

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16.4.3C.15 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.

16.4.3C.16 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading of harmful aquatic organisms.

16.4.3C.17 Supply of information and monitoring data to the Council.

[16.4.3C.18 The removal of derelict, unused or obsolete structures.](#)

[16.4.3C.19 Review of the consent conditions.](#)

[16.4.3C.20 The duration of the consent.](#)

[Resource consent applications under this rule will be considered without public notification and without limited notification.](#)

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16.4.4 Marine farming in an ASA using conventional longline structures [or intertidal 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 [length of backbone lines or intertidal structures](#) as the ~~existing~~ marine farm [or farms](#) 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.~~

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

Matters over which the Council has reserved control:

16.4.4.45 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.

16.4.4.56 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.

16.4.4.67 Appropriate and efficient use of space within the ASA, [including layout and arrangement of marine farms.](#)

16.4.4.78 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 [the same or greater areal extent an equivalent area.](#)

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

16.4.4.940 Maintaining the marine farm in good order [to avoid the adverse effects of marine farming related debris and litter from their marine farming operation,](#) including [regular](#) monitoring and removal of rubbish.

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- 16.4.4.104 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, and colour, ~~texture, composition and reflectivity~~ and their compatibility with the surrounding coastal environment.
- 16.4.4.11 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.
- 16.4.4.12 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading of harmful aquatic organisms.
- 16.4.4.132 Supply of information and monitoring data to the Council.
- 16.4.4.143 The removal of derelict, unused or obsolete structures.
- 16.4.4.154 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.~~
- 16.4.4.165 The duration of the consent.

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

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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, 16.4.3A, 16.4.3B, 16.4.3C or 16.5.3 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, 16.4.3A, 16.4.3B, 16.4.3C or 16.5.3 in the location applied for.
- 16.4.5.2 The application is for the same, or shorter, total length of backbone length or intertidal structures as the ~~existing~~ marine farm or farms which the current application is altering.
- 16.4.5.3 The application is to occupy a total areal extent no greater than ~~the same or smaller area as~~ the ~~existing~~ marine farm which it is altering.
- 16.4.5.4 The application does not involve subsurface structures becoming surface structures.
- 16.4.5.54 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.
- 16.4.5.65 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved control:

- 16.4.5.76 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.
- 16.4.5.87 The layout, positioning (including density), lighting and marking of marine farm structures within the marine farm site, to ensure:

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- (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.

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

16.4.5.109 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 the same or greater areal extent ~~an equivalent area~~.

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

16.4.5.124 Maintaining the marine farm in good order to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular monitoring and removal of rubbish.

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

16.4.5.14 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.

16.4.5.15 Measures to control biosecurity risk, including measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading of harmful aquatic organisms.

16.4.5.163 Supply of information and monitoring data to the Council.

16.4.5.174 The removal of derelict, unused or obsolete structures.

16.4.5.185 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 GMU where the farm is located, are met.~~

16.4.5.1946 The duration of the consent.

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

Note:

A change of species for an existing marine farm to a species not listed in Appendix 11 may be provided for as a Restricted Discretionary Activity under the National Environmental Standards for Marine Aquaculture regulations.

16.5. Restricted Discretionary Activities

Application must be made for a Restricted Discretionary Activity for the following:

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16.5.1. A swing mooring within a Moorings Management Area or a waka swing mooring within a Waka Mooring Management Area where no bylaw is in place that has

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Commented [113]: Sanford Limited
ENV-2023-CHC-73
New rule

Commented [114]: Waka Kotahi NZ Transport Agency
ENV-2020-CHC-56
New restricted discretionary rule and standards in relation to noise sensitive activities (See appendix B of appeal)

established a licensing system for the allocation and management of swing moorings.

Matters over which the Council has restricted its discretion:

- 16.5.1.1. Location within a Moorings Management Area or Waka Mooring Management Area.
- 16.5.1.2. The type and specification of mooring including the swing arc.
- 16.5.1.3. The availability of space within the Moorings Management Area or Waka Mooring Management Area.
- 16.5.1.4. Where the Moorings Management Area is in Waikawa Bay, the reservation of space for the relocation of moorings in that part of the Marina Zone in Waikawa Bay that is identified in Appendix 10.

Commented [115]: Port Marlborough New Zealand Limited
ENV-2020-CHC-49
By consent order dated 23 December 2022

[C]

16.5.2 Marine farming in an ASA for which no coastal permit is held using conventional longline structures or intertidal 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, design and operation of the farm, including the number and length of lines, 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 to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular 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 and colour, and their compatibility with the surrounding coastal environment.
- 16.5.2.9 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.

Commented [116]: By consent order dated 20 May 2024

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ENV-2023-CHC-61

Commented [118]: Sanford Limited
ENV-2023-CHC-73

- 16.5.2.10 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading harmful aquatic organisms.
- 16.5.2.10a Except for ASA 1 and 2, measures to allow adaptive management to be applied to the establishment and operation of the marine farm.
- 16.5.2.10b The effects of farming species not listed on Appendix 11.
- 16.5.2.10c Management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury and mortality.
- 16.5.2.11** The matters included in Policy 13.21.3
- 16.5.2.12 Supply of information and monitoring data to the Council
- 16.5.2.13 The removal of derelict, unused or obsolete structures
- 16.5.2.14 Review of the consent conditions.
- 16.5.2.15 The duration of the consent.

Commented [119]: By consent order dated 20 may 2024

Commented [120]: Marine Farming Association and Aquaculture New Zealand ENV-2023-CHC-61

Commented [121]: Sanford Limited ENV-2023-CHC-73

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16.5.3. Marine farming in an AMA established after 19 May 2023 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 marine farm and not replacing an existing marine 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.

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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.~~
- 16.5.3.12 The species to be farmed must be a bivalve or plant species set out in Appendix 11.
- 16.5.3.23 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

Matters over which the Council has reserved discretion:

- 16.5.3.34 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.
- 16.5.3.45 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
- 16.5.3.56 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.
- 16.5.3.67 Integrity and security of the structures, including the anchoring systems

- 16.5.3.7~~8~~ Maintaining the marine farm in good order ~~to avoid the adverse effects of marine farming related debris and litter from their marine farming operation,~~ including regular monitoring and removal of rubbish.
- 16.5.3.8~~9~~ Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting, ~~and~~ colour, ~~texture, composition and reflectivity~~ and their compatibility with the surrounding coastal environment.
- 16.5.3.9 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.
- 16.5.3.10 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading harmful aquatic organisms.
- 16.5.3.11~~10~~ ~~The matters included in Policy 13.21.3.~~
- 16.5.3.12~~1~~ Supply of information and monitoring data to the Council.
- 16.5.3.13~~1~~ The removal of derelict, unused or obsolete structures.
- 16.5.3.14~~2~~ 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.~~
- 16.5.3.15~~3~~ The duration of the consent.

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ENV-2023-CHC-61

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ENV-2023-CHC-73

~~16.5.4.~~

~~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.

[C]

16.5.4 Marine farming using conventional longline structures in an AMA created as replacement space for MF8002, 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 marine farm is identified on Schedule 4 of Appendix 29.
- 16.5.4.2 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 marine farm permit replaced by the application will be surrendered no later than 24 months after the commencement of the replacement permit.
- 16.5.4.3 The application is for the same, or shorter, total length of backbone or intertidal structures as a marine farm or farms which the current application is replacing.
- 16.5.4.4 The line length must not exceed that specified for the AMA in Schedule 4 of Appendix 29.
- 16.5.4.5 The application must be made within 3 years of 19 May 2023.
- 16.5.4.6 The activity does not include the discharge of feed or medicinal or therapeutic compounds.

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ENV-2023-CHC-72

Commented [132]: Jonathan Tester & Ciaran Hughes
ENV-2023-CHC-51

Matters over which the Council has reserved discretion:

- 16.5.24.7 Adverse effects on benthic habitat.
- 16.5.24.8 Layout and design of the farm, including the number and length of backbone lines, and the arrangement of those lines including separation distances between lines.
- 16.5.24.9 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.
- 16.5.24.10 Appropriate and efficient use of space within the AMA, including layout and arrangement of marine farms.
- 16.5.24.11 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 the same or greater areal extent.
- 16.5.24.12 Integrity and security of the structures, including the anchoring systems
- 16.5.24.13 Maintaining the marine farm in good order to avoid the adverse effects of marine farming related debris and litter from their marine farming operation, including regular monitoring and removal of rubbish.
- 16.5.24.14 Measures to control the visual appearance of surface structures in relation to location, density, materials, lighting and colour, and their compatibility with the surrounding coastal environment.
- 16.5.24.15 Measures to control noise effects from the operation, maintenance and harvest of the marine farm, including operating hours.
- 16.5.24.16 Measures to control the movement of stock, structures or equipment relocated from another region to manage the risk of spreading harmful aquatic organisms.
- 16.5.24.17 Supply of information and monitoring data to the Council
- 16.5.24.18 The removal of derelict, unused or obsolete structures
- 16.5.24.19 Review of the consent conditions.
- 16.5.24.20 The duration of the consent.

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Commented [137]: C. Elkington, T Elkington, S McCarthy, Talley's, Kapua, Aroma Ltd and Aroma Aquaculture Limited
ENV-2023-CHC-56

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ENV-2023-CHC-61

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ENV-2023-CHC-61
New rule

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ENV-2023-CHC-73
New rule

Commented [142]: David Hogg and PB Partnership
ENV-2023-CHC-64
New rule

16.6. Discretionary Activities

Application must be made for a Discretionary Activity for the following:

[C]

16.6.1. Any activity provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity that does not meet the applicable standards.

[C]

16.6.2. Mooring.

[C]

16.6.3. Jetty.

[C]

16.6.4. Boatshed.

[C]

16.6.5. Slipway.

[C]

16.6.6 Any dredging, bottom trawling, or deposition of dredged material within the buffer for any Category A or Category B Ecologically Significant Marine Site specified in Appendix 27.

[C]

16.6.7. Occupation of the coastal marine area, except by a marine farm, not associated with any Permitted Activity in the Coastal Marine Zone.

[C]

16.6.8. Restoration or creation of shellfish reefs.

[C]

16.6.9. Livestock entering into the coastal marine area.

[C]

16.6.10. Any use of the coastal marine area not provided for as a Permitted Activity, Controlled Activity or Restricted Discretionary Activity, or limited as a Prohibited Activity.

[C]

16.6.11. Any take, use, damming or diversion of coastal water not provided for as a Permitted Activity or limited as a Prohibited Activity.

[C]

16.6.12. Any discharge of contaminants to air not provided for as a Permitted Activity, or limited as a Prohibited Activity.

[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.

Note:

Rule 16.6.13 does not apply to replacement consents for existing marine farms in the Offshore CMU that are managed under the National Environmental Standards for Marine Aquaculture.

[C]

16.6.14 – Marine farming within an AMA, for which

~~(a) a) an authorisation is held to apply for a coastal permit to occupy space with the AMA, or~~

~~(b) 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.~~

Commented [143]: Environmental Defence Society
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Commented [144]: Friends of Nelson Haven & Tasman Inc
ENV-2020-CHC-33

Commented [145]: HARO Partnership
ENV-2020-CHC-40
Aroma (NZ) Limited and Aroma Aquaculture Limited
ENV-2020-CHC-45
The New Zealand King Salmon Co. Limited
ENV-2020-CHC-51
Clearwater Mussels Limited and Talley's Group Limited
ENV-2020-CHC-55
KPF Investments & United Fisheries (previously AJ King Family Trust and SA King Family Trust)
ENV-2020-CHC-73
Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74
Just Mussels Ltd, Tawhitiui Greenshell Ltd and Waimana Marine Ltd
ENV-2020-CHC-77
By consent order dated 15 February 2023

Commented [146]: RESOLVED:
Clearwater Mussels Limited and Talley's Group Limited
ENV-2020-CHC-55
By consent order dated 15 February 2023

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16.6.145 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.~~

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ENV-2023-CHC-73

16.7. Prohibited Activities

The following are Prohibited Activities for which no application can be made:

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New rule

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[R]

16.7.1. Discharge of contaminants to air arising from the burning in any small scale solid fuel burning appliance of any of the following materials:

- (a) wood having a moisture content of more than 25% dry weight;
- (b) wood which is painted, stained, oiled or coated;
- (c) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;
- (d) pellets containing greater than 10mg/kg (dry) of copper and 0.02w-% (dry) of chlorine;
- (e) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (f) metals and materials containing metals including but not limited to cables;
- (g) materials containing asbestos;
- (h) material containing tar or bitumen;
- (i) all rubber, including but not limited to, rubber tyres;
- (j) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (k) waste oil (excluding re-refined oil);
- (l) peat;
- (m) sludge from industrial processes;
- (n) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[R]

16.7.2. Discharge of contaminants to air arising from the deliberate burning in the open of any of the materials in the following list, except where material is present in minor quantities and cannot be separated from the principal material being burnt, or where the discharge arises from the burning of material for training people to put out fires as provided for as a Permitted Activity or authorised by a resource consent;

- (a) wood which is painted, stained, oiled or coated;
- (b) wood treated with preservatives or impregnated with chemicals, including but not limited to, wood treated with Copper-Chrome-Arsenic, except that woodfuel burnt in a fuel burning device (external combustion) may contain incidental amounts of anti-sapstain chemicals;

- (c) pellets containing greater than 10mg/kg (dry) of copper and 0.02 w-% (dry) of chlorine;
- (d) composite wood boards containing formaldehyde or similar adhesives, including but not limited to chip board, fibreboard, particle board and laminated boards;
- (e) metals and materials containing metals including but not limited to cables;
- (f) materials containing asbestos;
- (g) material containing tar or bitumen;
- (h) all rubber, including but not limited to, rubber tyres;
- (i) synthetic material, including, but not limited to motor vehicle parts, foams, fibreglass, batteries, chemicals, paint and other surface-coating materials, or any type of plastics;
- (j) waste oil (excluding re-refined oil);
- (k) peat;
- (l) sludge from industrial processes;
- (m) animal waste (except animal waste generated on production land), medical waste, pacemakers, biomechanical devices or chemical waste.

[C]

16.7.3. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 750m of MHWS or into the coastal marine area identified as a Restricted Area for Discharges from Ships.

[C]

16.7.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

[C]

16.7.5. Discharge of treated or untreated human sewage from land based activities into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

[C]

16.7.6. Dredging, bottom trawling, anchoring of ships, deposition of dredged material and reclamation within any Category A Ecologically Significant Marine Site listed within Appendix 27.

[C]

16.7.7. Dredging, bottom trawling, deposition of dredged material and reclamation within any Category B Ecologically Significant Marine Site listed within Appendix 27.

[C]

16.7.8. Removal of anti-foul paint from a ship.

[C]

16.7.9. [deleted]

[C]

16.7.9A 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.

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Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46
By consent order dated 2 November 2023

Commented [157]: Friends of Nelson Haven & Tasman Inc
ENV-2020-CHC-33

Commented [158]: RESOLVED:
Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74
Clearwater Mussels Limited and Talley's Group Limited
ENV-2020-CHC-55
By consent order dated 14 March 2024

Commented [159]: RESOLVED:
HARO Partnership
ENV-2020-CHC-40
Aroma (NZ) Limited and Aroma Aquaculture Limited
ENV-2020-CHC-45
The New Zealand King Salmon Co. Limited
ENV-2020-CHC-51
Clearwater Mussels Limited and Talley's Group Limited
ENV-2020-CHC-55
KPF Investments & United Fisheries (previously AJ King Family Trust and SA King Family Trust)
ENV-2020-CHC-73
Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74
Just Mussels Ltd, Tawhitinui Greenshell Ltd and Waimana Marine Ltd
ENV-2020-CHC-77
By consent order dated 15 February 2023

Commented [160]: Amended to reflect decision of the MEP Hearing Panel
MEP Update 7 – 04/11/20

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ENV-2023-CHC-61

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Commented [163]: Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2023-CHC-67
By consent order dated 20 May 24

[C]

16.7.10 Operation, navigation, mooring or anchoring of any ship within 100m of any King Shag breeding site identified in Appendix 27, except where one of the following applies:

- (a) activities authorised under the Wildlife Act 1953;
- (b) land owners accessing their land where the land is located within or immediately adjacent to the 10mm buffer
- (c) law enforcement activities undertaken by regulatory agencies, including Police and Ministry for Primary industries; or
- (d) the exercise of functions by or on behalf of regulatory agencies under the Wildlife Act 1953, Marine Mammals Protection Act 1978, Marine Reserves Act 1971, Maritime Transport Act 1994 or Biosecurity Act 1993.

Commented [164]: By consent order 30 January 2023

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

Applications for marine farms in AMAs identified in Schedule 2 or 3 of Appendix 29 ~~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~~ AMAs identified in Schedule 2 or 3 of Appendix 29 (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.~~

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Commented [167]: Kenepuru and Central Sounds Residents Association Inc.
ENV-2023-CHC-48

Commented [168]: Kenepuru and Central Sounds Residents Association Inc.
ENV-2023-CHC-48
New rule

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ENV-2023-CHC-61

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[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 that part of the AMA identified for relocation of marine farms identified in Schedule 2 or 3 of Appendix 29 (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.~~

~~16.8.2.23 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.~~

~~16.8.2.34 Allocation will not be by public tender, except in the circumstances set out in Policy 13.21.7 (6)(b).~~

~~16.8.2.45 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.~~

~~16.8.2.58 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.~~

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ENV-2023-CHC-61

Commented [174]: Sanford Limited
ENV-2023-CHC-73

Commented [175]: Marine Farming Association and Aquaculture New Zealand
ENV-2023-CHC-61

Commented [176]: Sanford Limited
ENV-2023-CHC-73

Commented [177]: Robert & Simon Pooley
ENV-2023-CHC-69

Appeals Version