File Ref: R425-02-19-04

MARLBOROUGH DISTRICT COUNCIL

Variations to the Proposed Marlborough Environment Plan

Variation 1A: Finfish Farming

Schedule of changes

Date of public notification: 2 December 2020

Close of submissions: 26 February 2021

Variation 1A: 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.

Definitions

Amend the Variation 1 definition of AMA and insert into Volume 2, Chapter 25:

AMA	means an aquaculture management area or an aquaculture settlement area (ASA) or a Finfish AMA (FAMA) identified on the planning maps as an AMA or ASA or FAMA.

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

Finfish AMA	means a finfish aquaculture management area identified on the planning maps as FAMA.

Insert the following clauses into Volume 1, Policy 13.21.7 of Variation 1:

(g) Authorisations for finfish farms will only be allocated for space within FAMAs.

(h) For space in FAMAs created as part of the notified variation to the plan, authorisations for marine farming will be allocated using the following methodology:

(i) Allocate authorisations to Existing Marine Farms that are currently in locations within an FAMA, for the same space;

(ii) For Existing Marine Farms currently at Ruakaka Bay (Marine Farm no. 8274), Otanerau Bay (Marine Farm no. 8396) and Waihinau Bay (Marine Farm no. 8085) that are in locations not identified as a FAMA, allocate authorisations in the FAMAs in the Tory Channel/Kura Te Au CMU, Waitata Reach CMU and Maud Island CMU.

(iii) If space in an FAMA becomes available because an authorisation for the space is not granted to an existing finfish marine farmer or the authorisation expires before a resource consent is applied for or because a resource consent lapses or expires and no new application for resource consent is applied for by the holders, the Council may allocate authorisations for non-finfish marine farming in an FAMA by public tender.

Insert the following paragraph, after the last paragraph, into the explanation of Policy 13.21.7 of Variation 1:

Finfish farms can only locate in a FAMA. Space in the FAMAs will be allocated to existing finfish farms in the priority set out in the policy. This is consistent with the advice to the Minister of Fisheries on the relocation of salmon farms undertaken as part of the s360 regulation review of the Marlborough Sounds Resource Management Plan in 2018. This means there will be fewer finfish farms in the enclosed waters of the Marlborough Sounds in the future. Existing finfish farms that have not been allocated space in a FAMA may remain on their current sites until their existing consent expires. They may choose to apply to occupy space in the open water CMU in the future.

If for any reason a finfish farm does not take up the opportunity to occupy space in a FAMA, the Council will consider allocating space in that location to a non finfish farm.

Insert the following policies into Volume 1, Chapter 13:

[RPS]

Policy 13.22.10 – Managing adverse effects of finfish farms

(a) All resource consents for marine farms that are for finfish, and any other marine farm that includes the discharge of feed, will be subject to conditions to monitor and manage effects on the seabed and water column resulting from the activity. These will include:

(i) Identification of monitoring parameters to measure potential effects on the seabed and water column.

(ii) Identification of monitoring sites likely to be impacted by the activity at appropriate distances from the farm to measure different levels of effect or risk of effects, and at appropriate reference locations to measure cumulative and low probability effects.

(iii) Regular monitoring of the identified parameters at the identified sites and analysis and reporting of results of that monitoring.

(iv) Maximum adverse effect thresholds that are appropriate to manage effects on the natural and human use values of the coastal environment. For benthic effects a maximum enrichment stage of 5 is the maximum adverse effect at or near the farm structures, and a maximum enrichment stage of 3 is the maximum adverse effect at the outer limit of effects.

(v) Conditions that require the management of the marine farm to be changed when thresholds are met, in order to reduce adverse effects so that the measured effects are reduced to below threshold levels within a defined period of time.

(vi) Conditions that require reduction in the scale, nature or timing of the marine farm if that is necessary to reduce adverse effects below threshold levels.

(b) Other conditions in addition to those set out above may be imposed to manage other adverse effects of finfish and other feed added marine farming.

Marine farming for finfish and some other marine farm species, require the addition of feed to coastal water to enable the growth of the caged fish. The deposition of uneaten feed and faeces can have pronounced effects directly beneath and beyond cages, leading to over-enrichment of the seabed due to the high organic content of the deposited particles. Microbial decay of this waste material can substantially alter the chemistry and ecology of the seafloor.

The enrichment stage thresholds referred to in the policy are based on various stages of enrichment where 1.0 represents pristine unenriched conditions and 7.0 represents extremely enriched conditions, in which the benthic environment is no longer able to support macrofauna. An enrichment stage of 5.0 has been identified as the appropriate level beneath the cages as at this level the benthos is still considered biologically functional and is often associated with the greatest benthic biomass. An enrichment stage of 3.0 has been identified as the outer limit of effect distant from the farm structures where there is moderate enrichment of the benthos. In setting these limits it is important to acknowledge that although an enrichment stage of 1.0 represents the pristine end of the spectrum, in many situations the seabed can be naturally enriched, including in the Marlborough Sounds where much of the seabed has enrichment stages of up to 2.5. The distances for the zones of mixing and transition are to be specified in the coastal permit and there will be ongoing requirements for monitoring to determine achievement of the enrichment stages set out in the policy.

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

[C]

Policy 13.22.11 - In order to consistently manage adverse effects of all marine farms, the conditions of existing consents for marine farming will be reviewed at the earliest opportunity to include conditions that require the monitoring of adverse effects, and the imposition of maximum effect thresholds, as set out in Policy 13.22.1, and 13.22.10

Having set environmental quality standards to provide an environmental 'bottom line' against which effects can be assessed, it is appropriate that any marine farm for which feed is discharged to the coastal marine area, is monitored to determine whether these bottom lines are being met. Where current coastal permits do not have monitoring requirements that enable an assessment of effects against the enrichment stages established in policies to be made, then the conditions of that coastal permit will be reviewed (in accordance with Section 128 of the RMA) to impose conditions requiring such monitoring to be carried out and to set maximum effect thresholds.

Insert the following rules into Volume 2, Chapter 16:

16.5. Restricted Discretionary Activities

[C]

16.5.5. Marine farming in a finfish AMA, for which an authorisation is held to apply for a coastal permit to occupy space within the finfish 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 including the discharge of feed but excluding the discharge of medicinal or therapeutic compounds.

Standards and Terms

16.5.5.1 The consent applicant holds an authorisation to apply for a coastal permit to occupy space within the FAMA, in the location applied for 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.

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

Matters over which the Council has reserved discretion

16.5.5.3 Layout and design of the farm, including the arrangement of structures and the separation distances between structures.

16.5.5.4 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,

(c) any other lighting of structures including underwater lighting.

16.5.5.5 Appropriate and efficient use of the finfish AMA.

16.5.5.6 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 of an equivalent area.

16.5.5.7 Timing of and rates of stocking and discharge of feed.

16.5.5.8 Management of effects on water quality and the benthic environment.

16.5.5.9 Effects on reef or biogenic habitats.

16.5.5.10 Management practices to reasonably minimise adverse effects from discharges of odour.

16.5.5.11 Management practices to minimise marine mammal and seabird interactions with the marine farm, including entanglement.

16.5.5.12 Management practices to minimise shark interactions with the marine farm.

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

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

16.5.5.15 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.

16.5.5.16 Supply of information and monitoring data to the Council.

16.5.5.17 The removal of derelict, unused or obsolete structures.

16.5.5.18 Review of the consent conditions, including review of the conditions to reduce or reconfigure the scale, size, number of fish, feed levels or duration of use if monitoring information shows the trigger levels in Policy 13.22.1 or 13.22.10 are met.

16.5.5.19 The duration of the consent.

Amend Rule 16.8.2 of Variation 1 by adding the following:

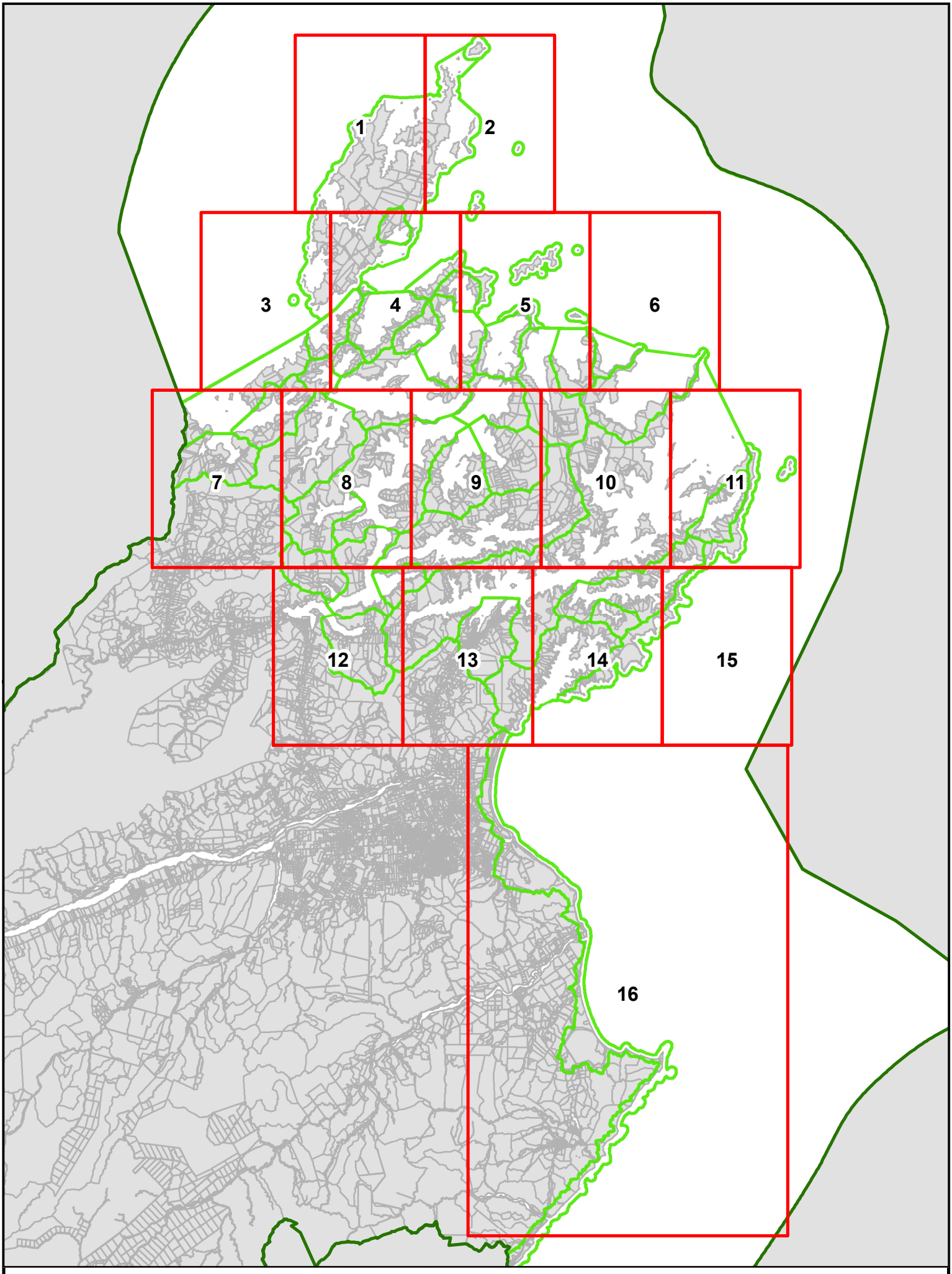
16.8.2. Rules to allocate space in the common marine and coastal area using authorisations

16.8.2.10 Authorisations for finfish marine farms will only be allocated space within a FAMA.

16.8.2.11 Authorisations for space in a FAMA not required for or not allocated for finfish marine farms, may be allocated to non-finfish marine farms in accordance with Policy 13.22.7.

Insert the following index and maps into Volume 4, Overlays (as shown in Variation 1):

Index for Coastal Marine Unit and Aquaculture Management Areas Overlay



Date: 19/11/2020

MARLBOROUGH DISTRICT COUNCIL

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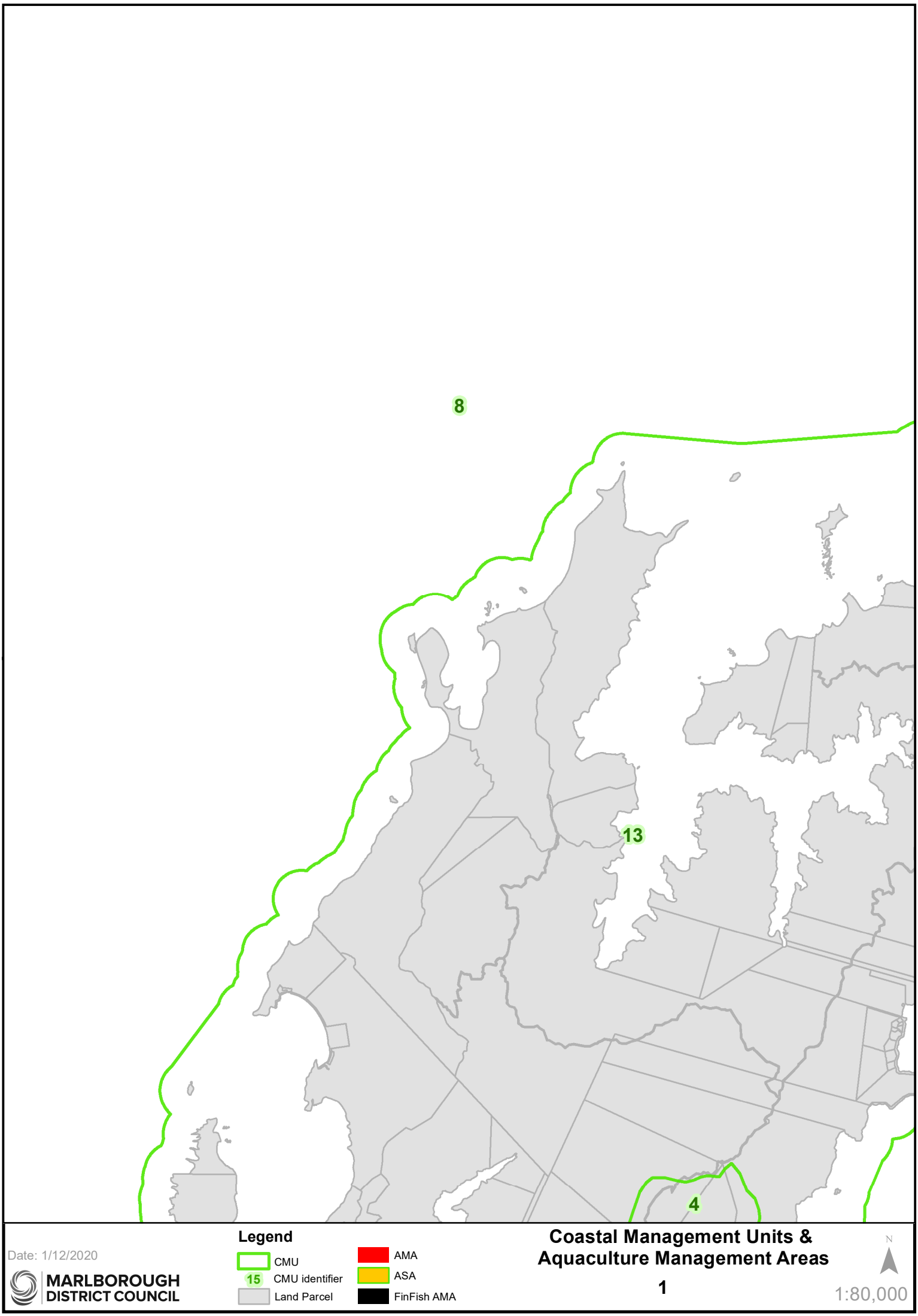
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13
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Aquaculture Management Areas
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MARLBOROUGH
DISTRICT COUNCIL
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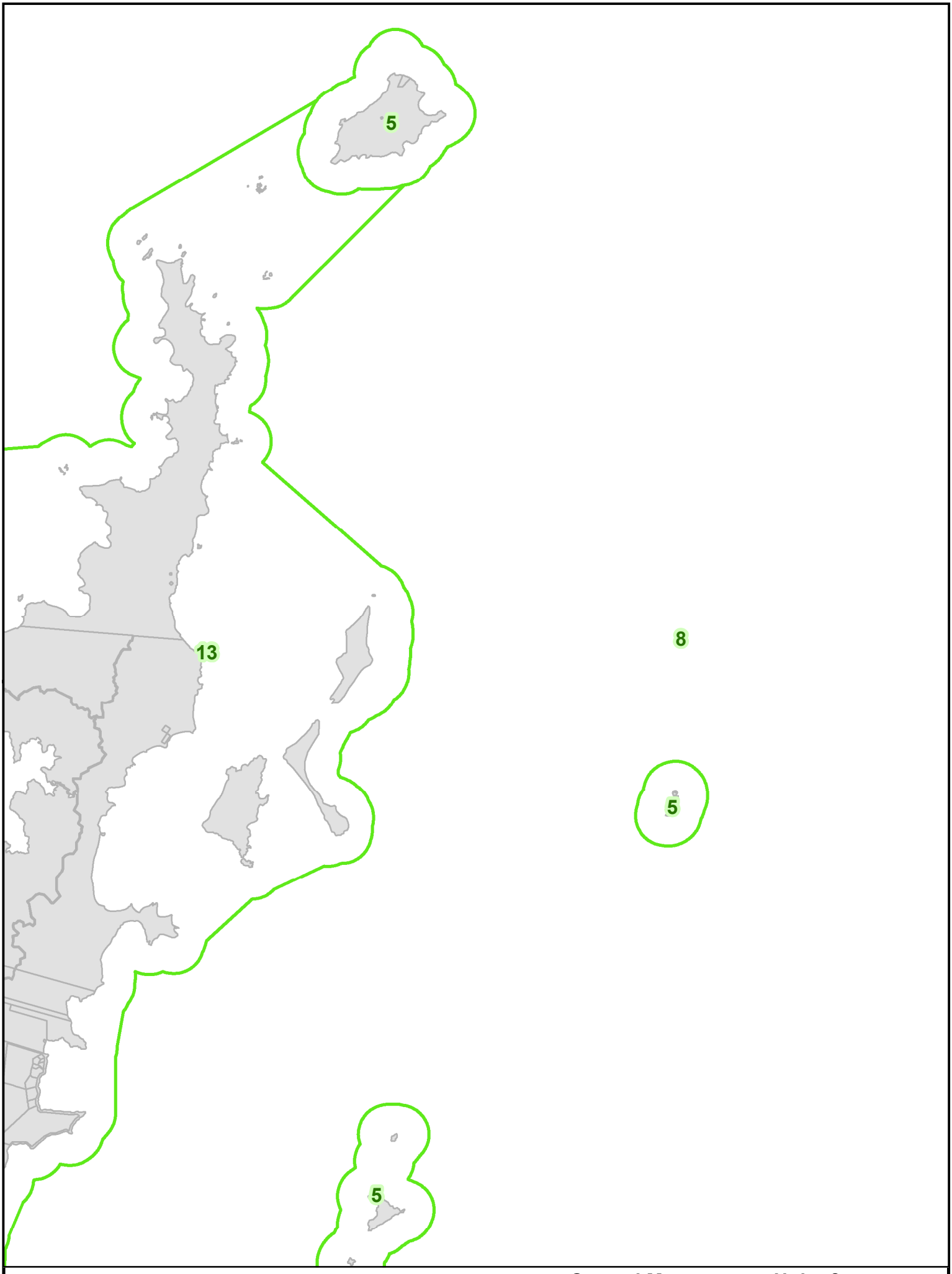

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MARLBOROUGH DISTRICT COUNCIL

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Coastal Management Units & Aquaculture Management Areas

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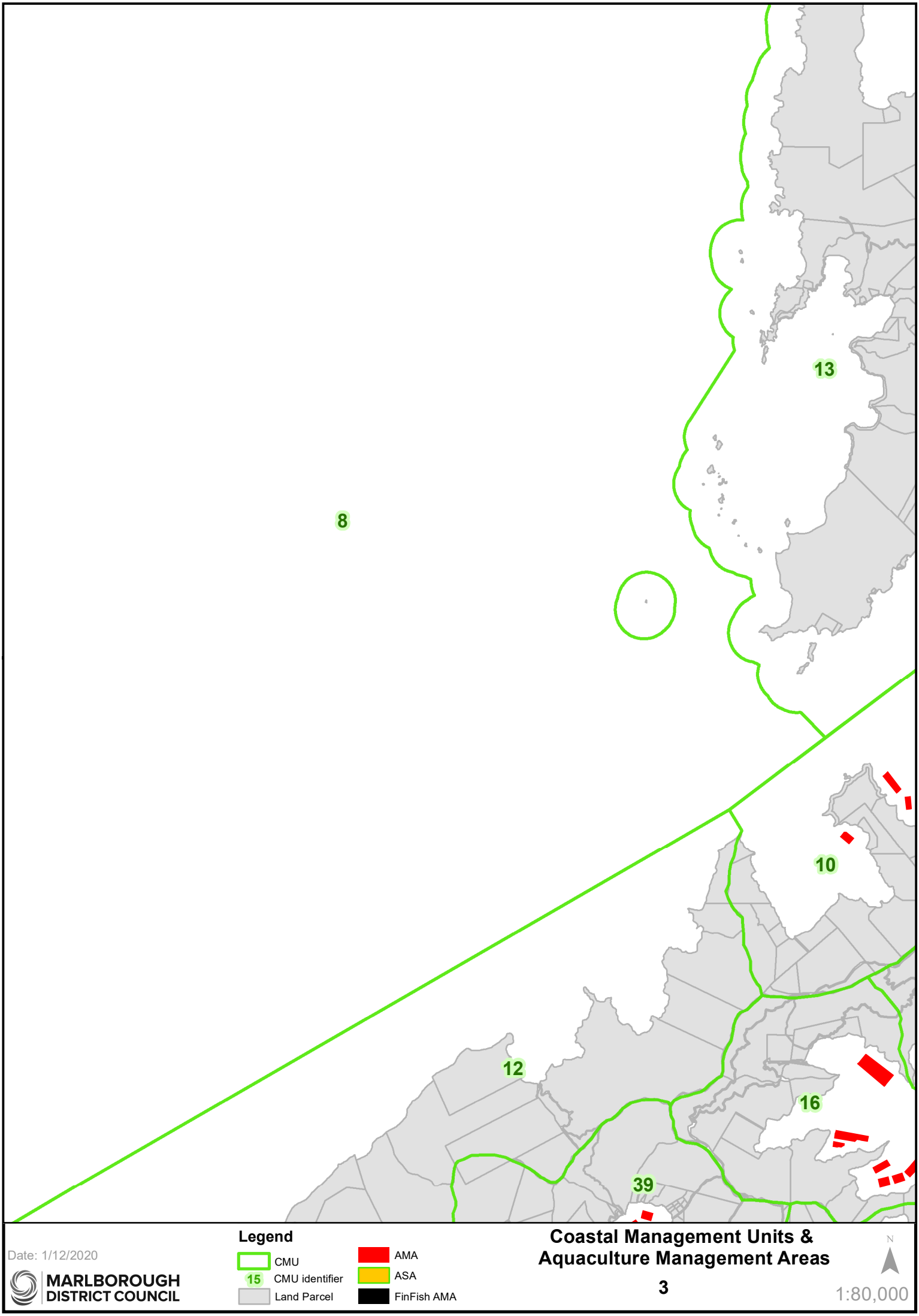

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Coastal Management Units & Aquaculture Management Areas

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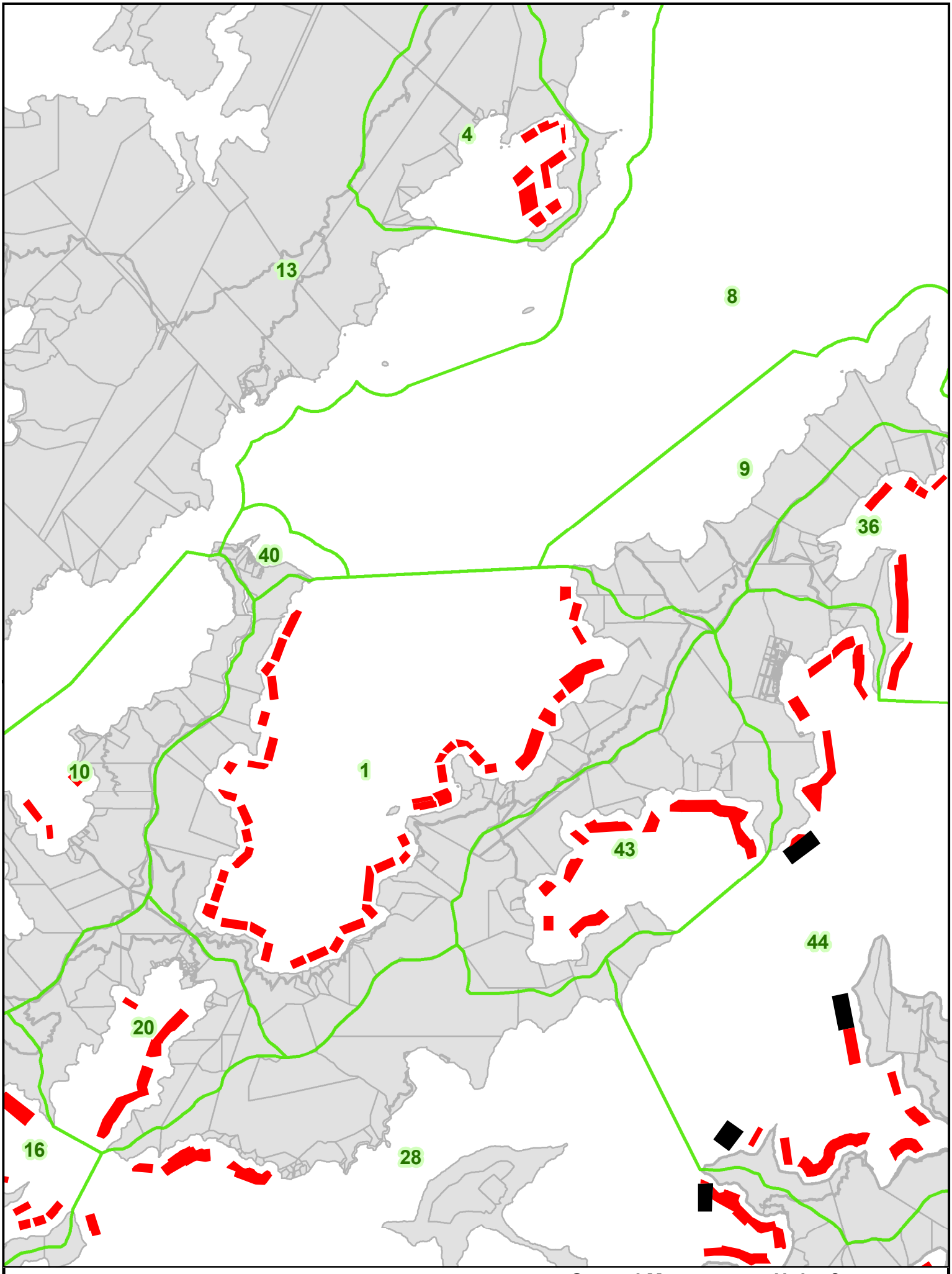

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Coastal Management Units & Aquaculture Management Areas

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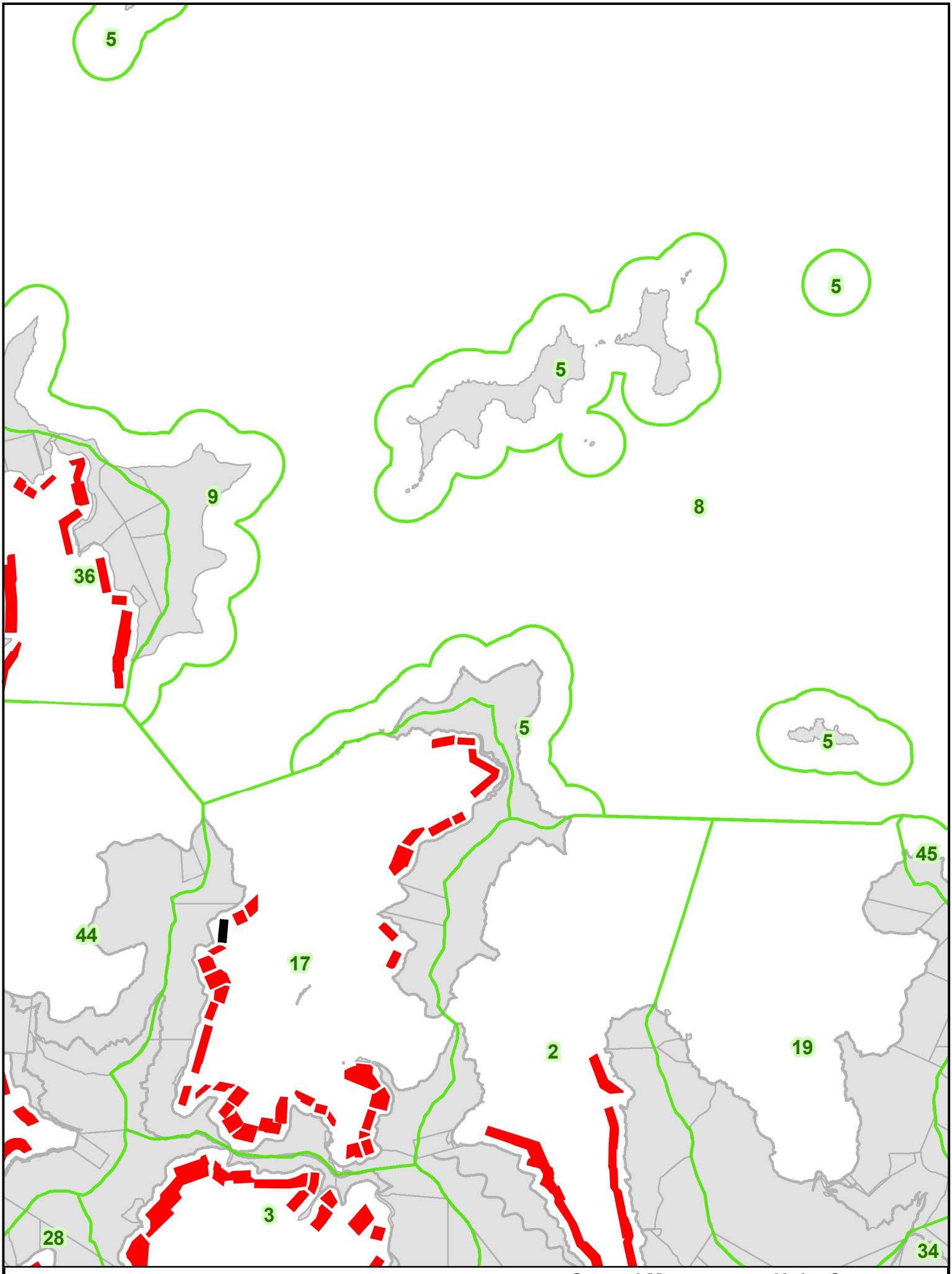

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MARLBOROUGH DISTRICT COUNCIL

Coastal Management Units & Aquaculture Management Areas

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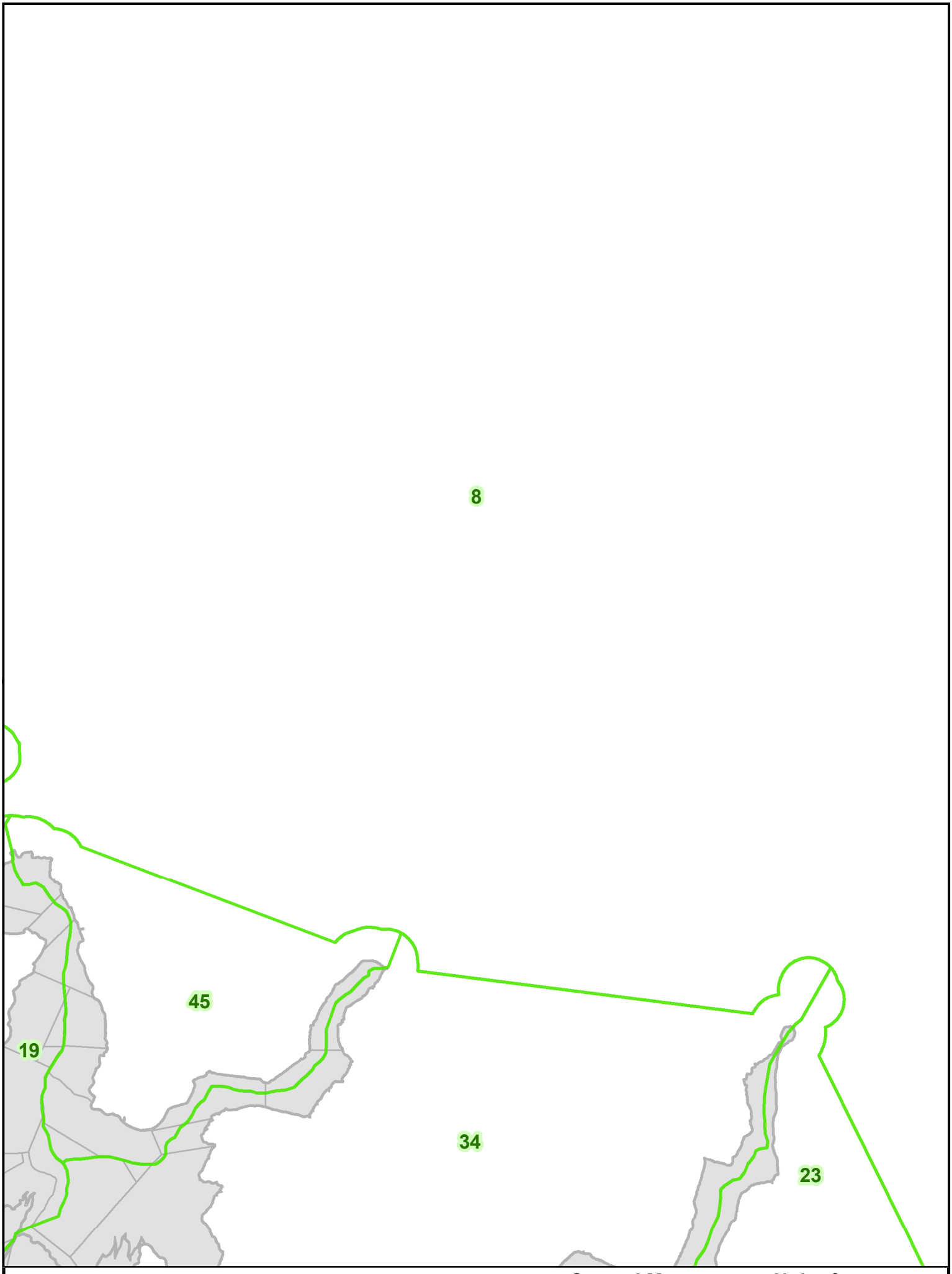

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Coastal Management Units & Aquaculture Management Areas

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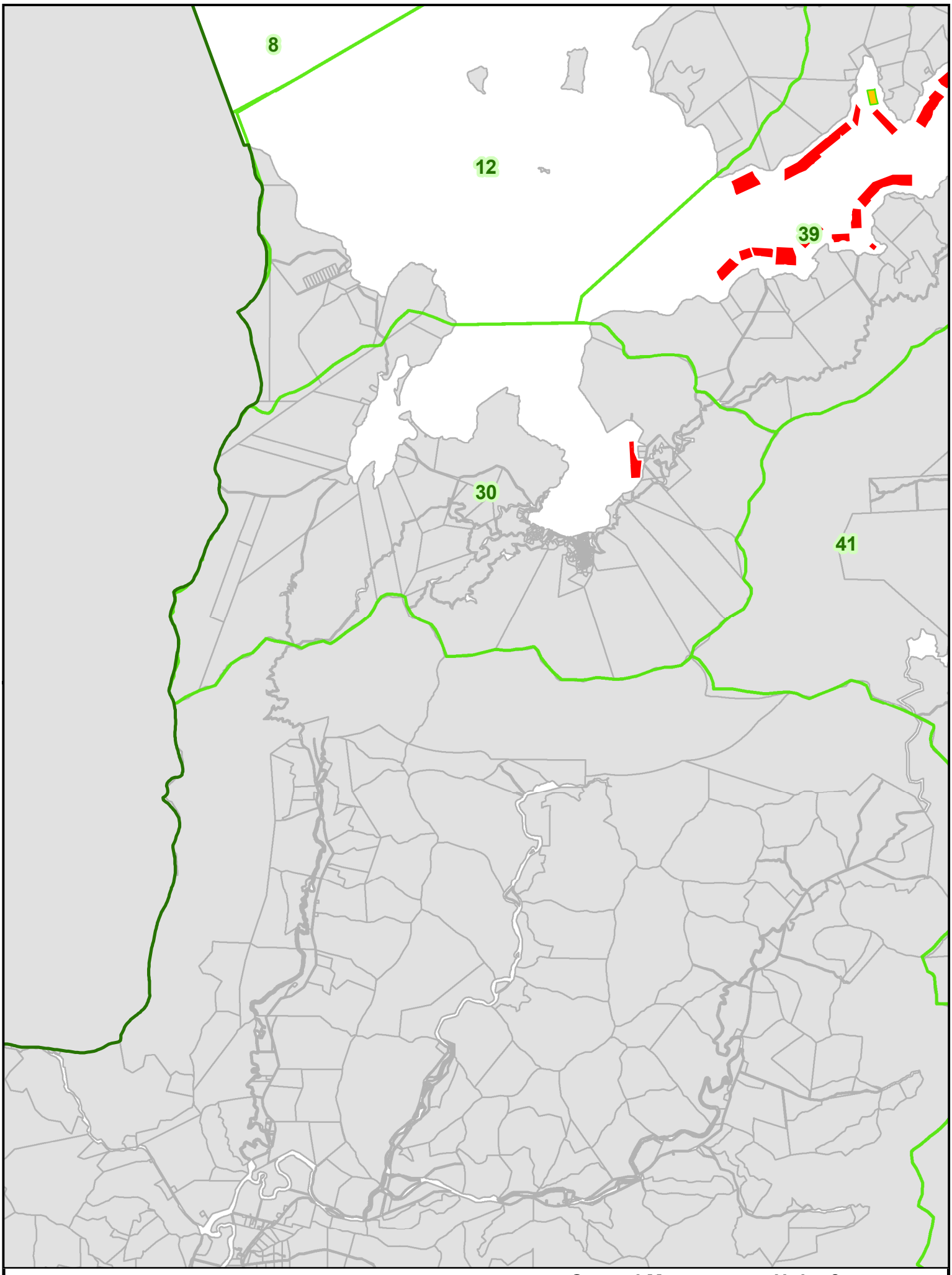

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Coastal Management Units & Aquaculture Management Areas

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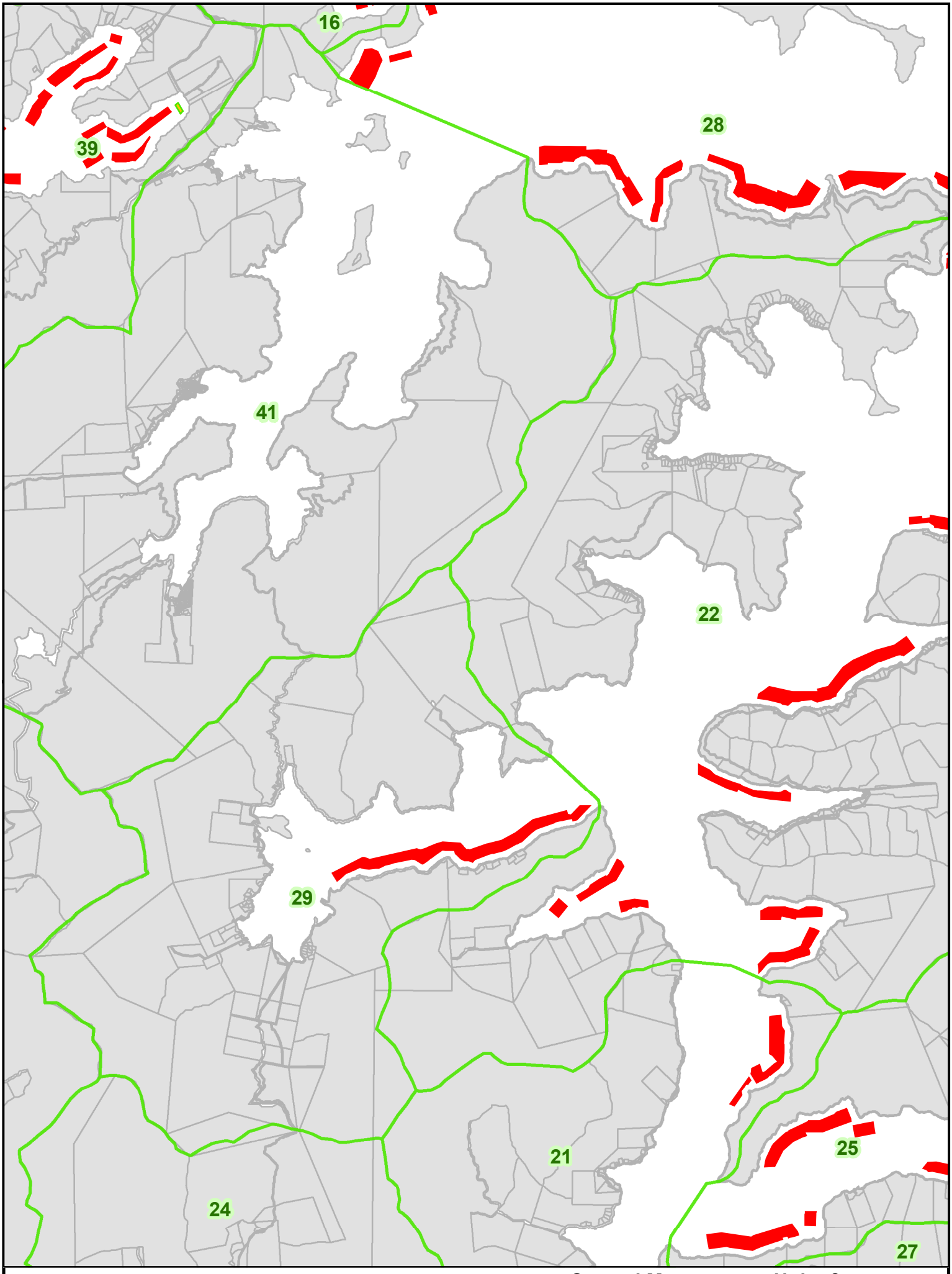

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MARLBOROUGH DISTRICT COUNCIL

Coastal Management Units & Aquaculture Management Areas

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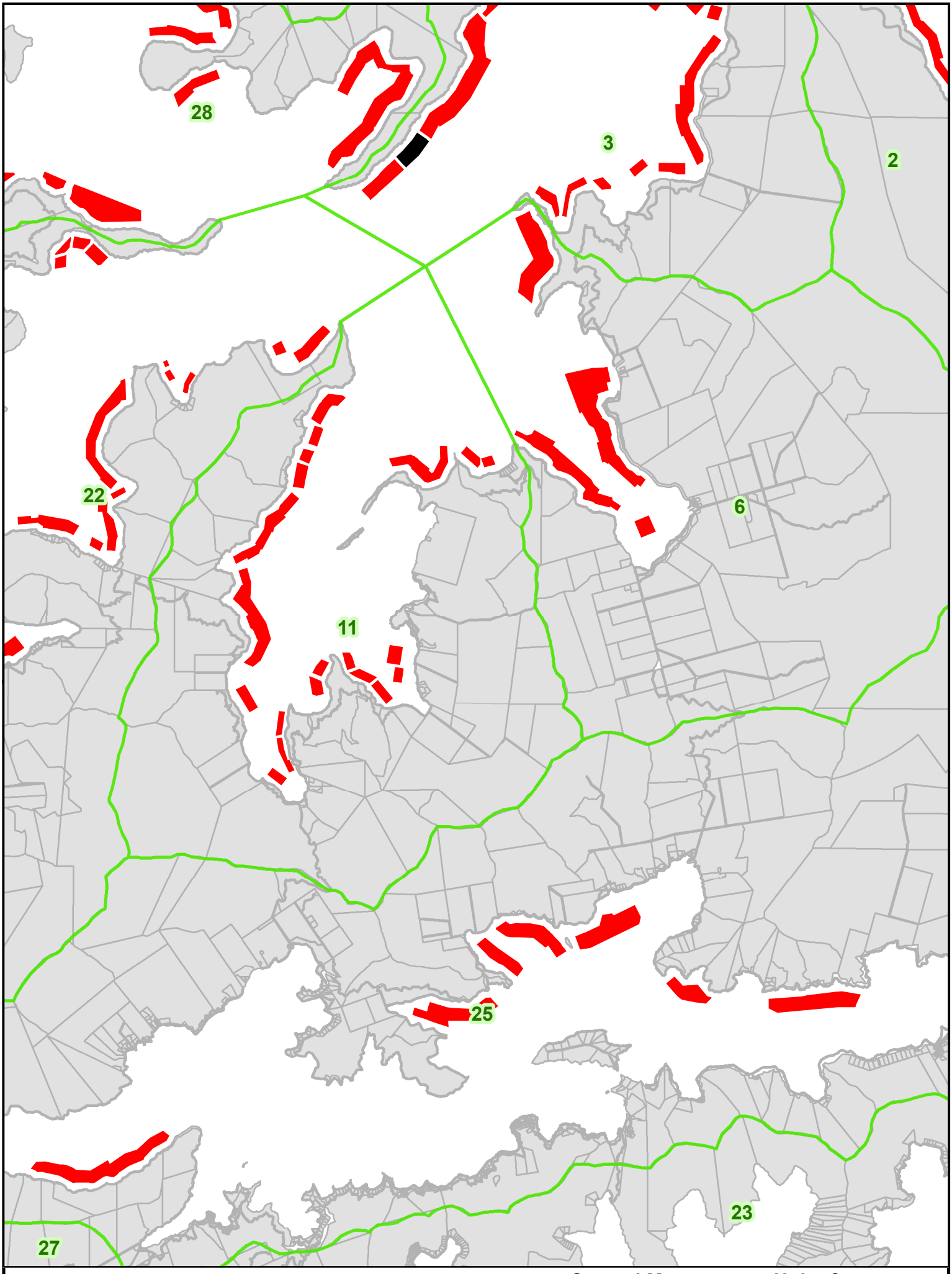

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MARLBOROUGH DISTRICT COUNCIL

Coastal Management Units & Aquaculture Management Areas

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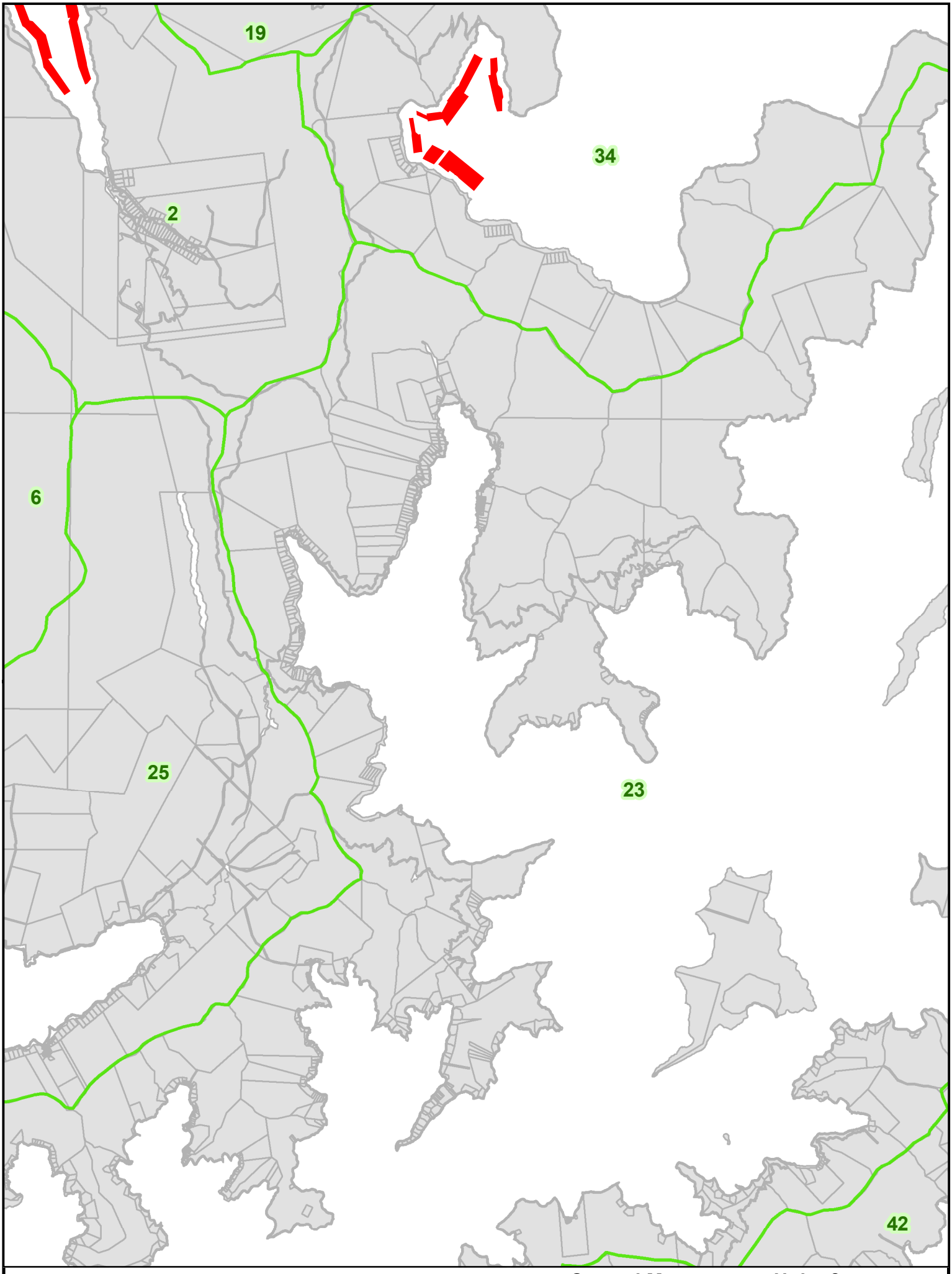

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Date: 1/12/2020

MARLBOROUGH DISTRICT COUNCIL

Coastal Management Units & Aquaculture Management Areas

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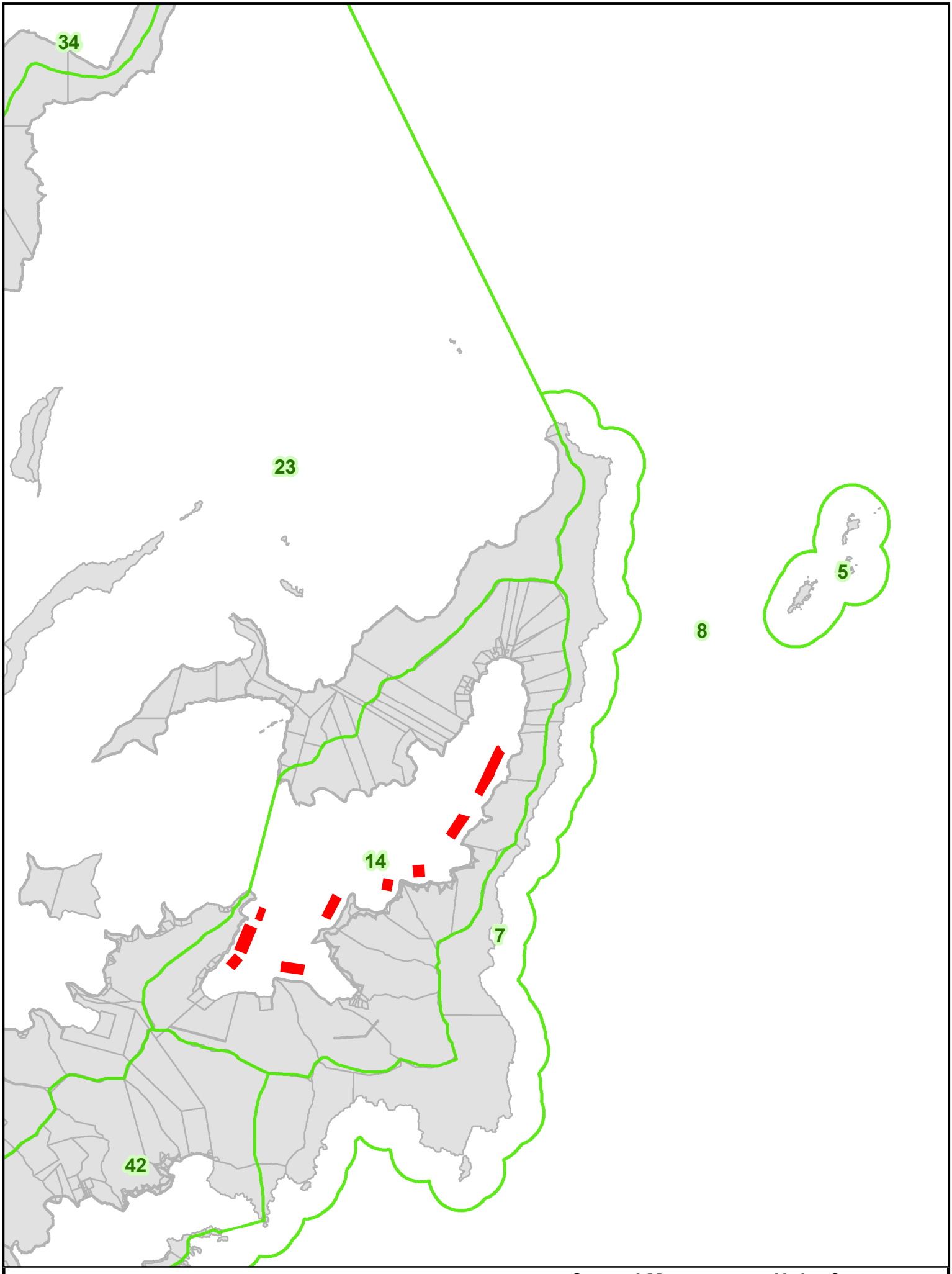

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MARLBOROUGH DISTRICT COUNCIL

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Coastal Management Units & Aquaculture Management Areas

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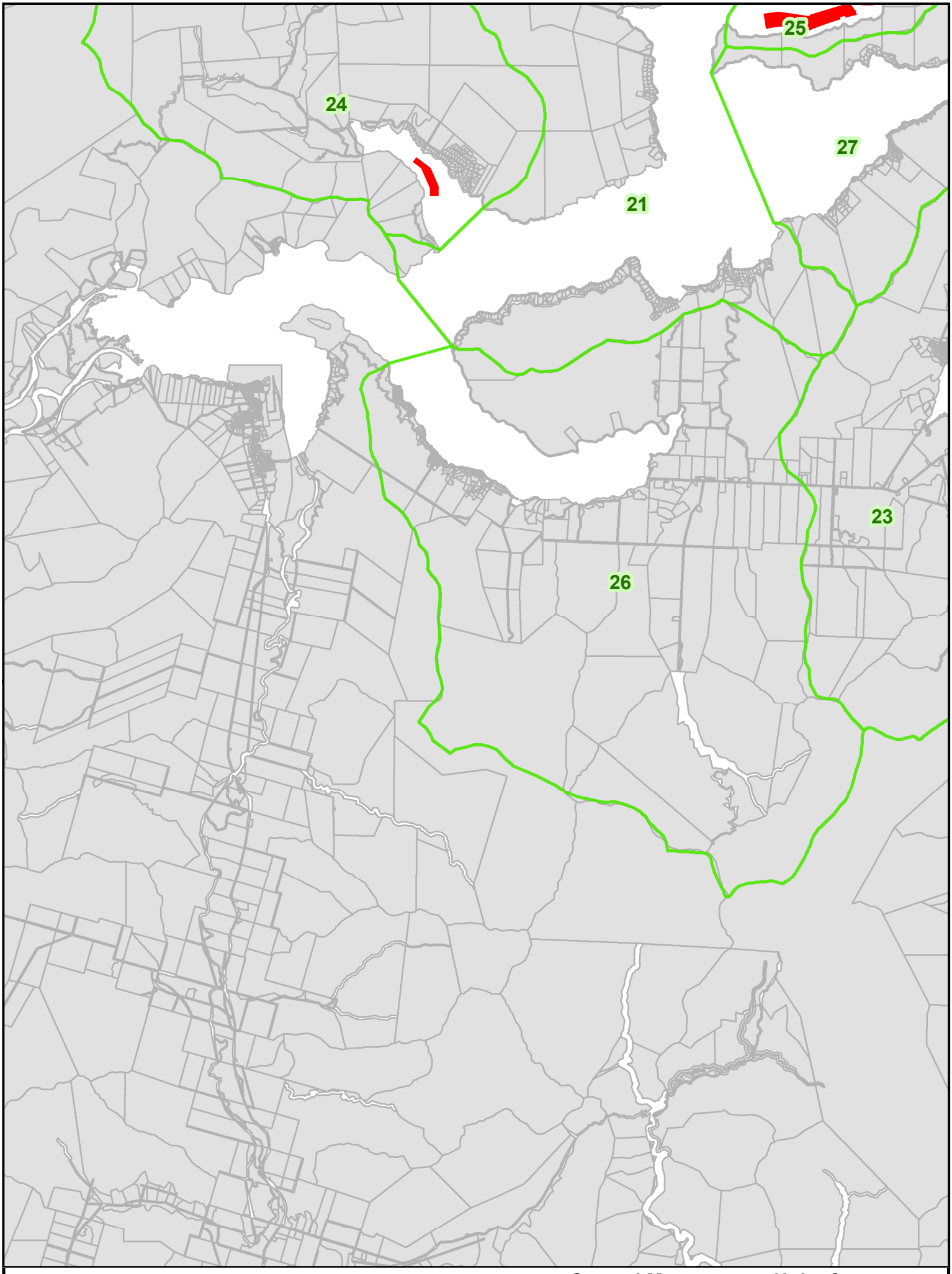

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Coastal Management Units & Aquaculture Management Areas

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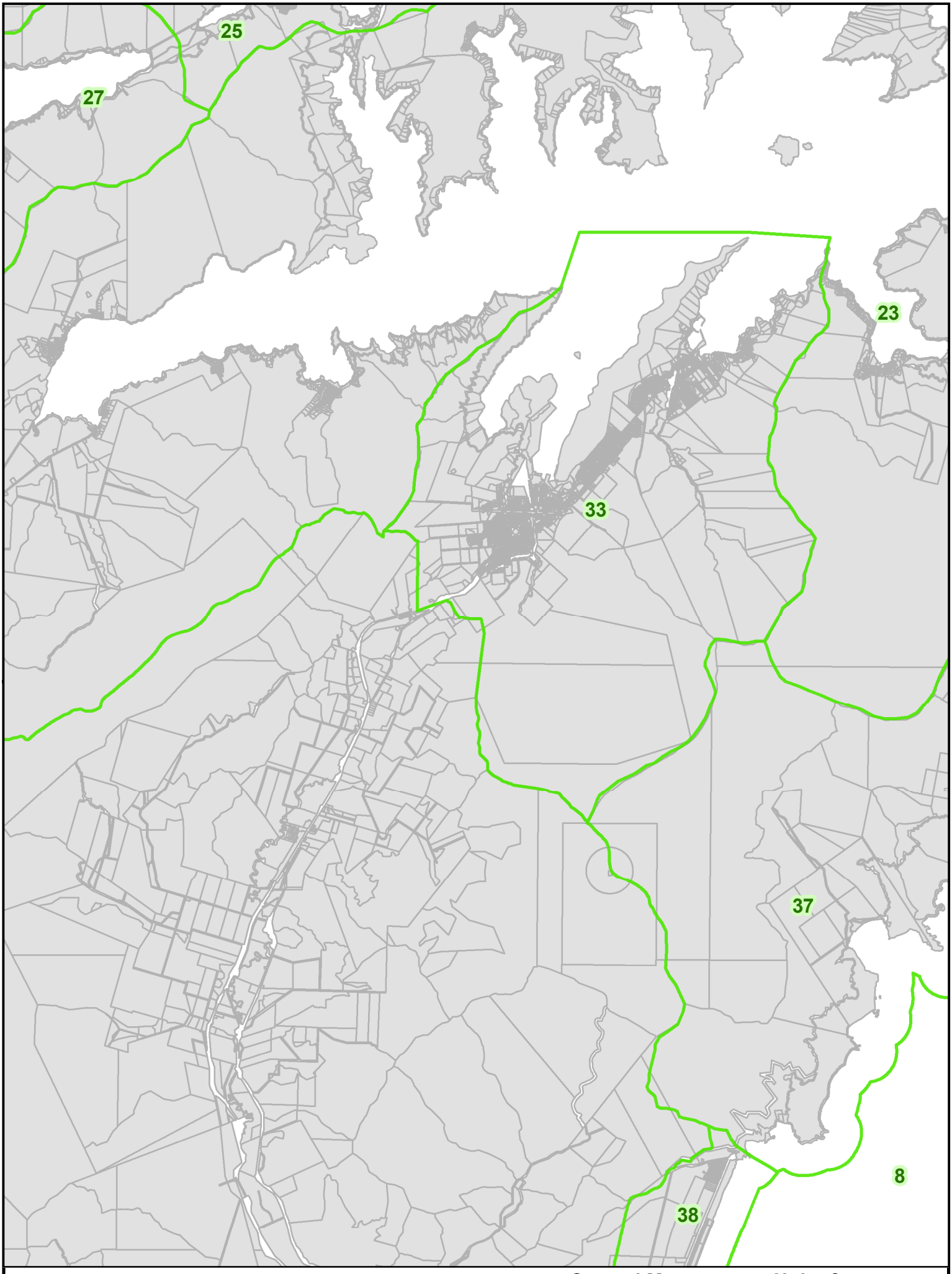

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MARLBOROUGH DISTRICT COUNCIL

Coastal Management Units & Aquaculture Management Areas

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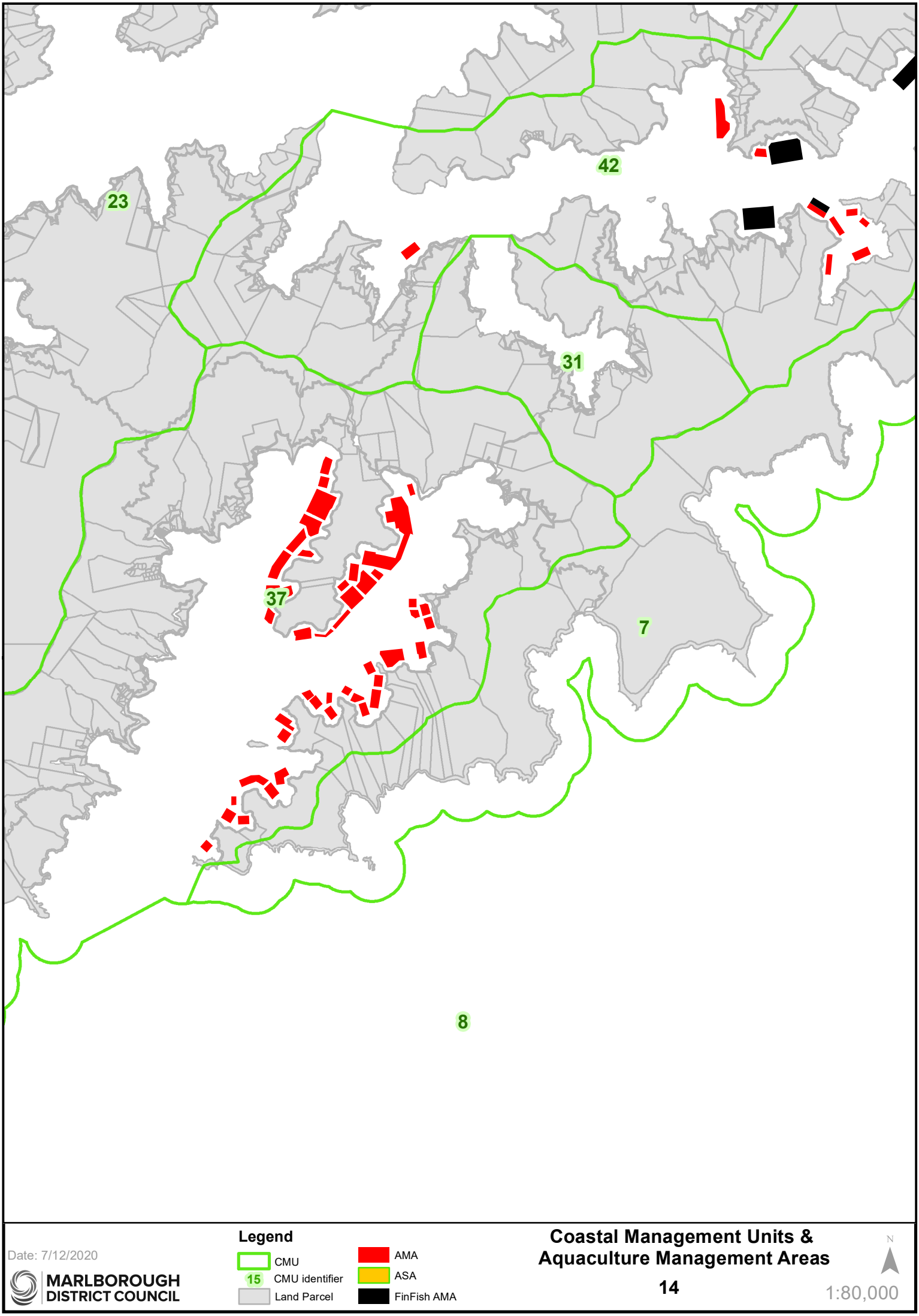

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Coastal Management Units & Aquaculture Management Areas

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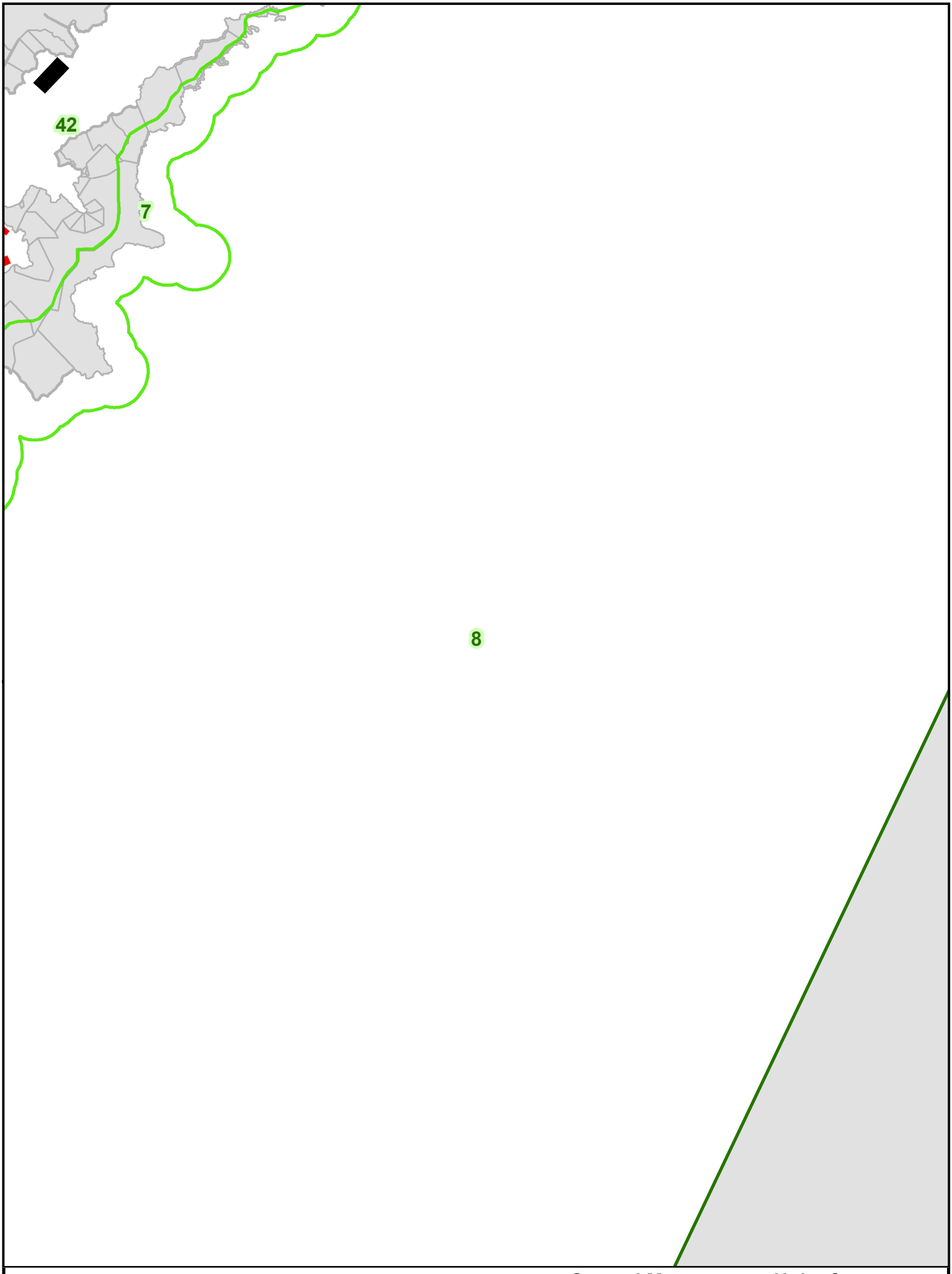

Date: 1/12/2020

MARLBOROUGH DISTRICT COUNCIL

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Coastal Management Units & Aquaculture Management Areas

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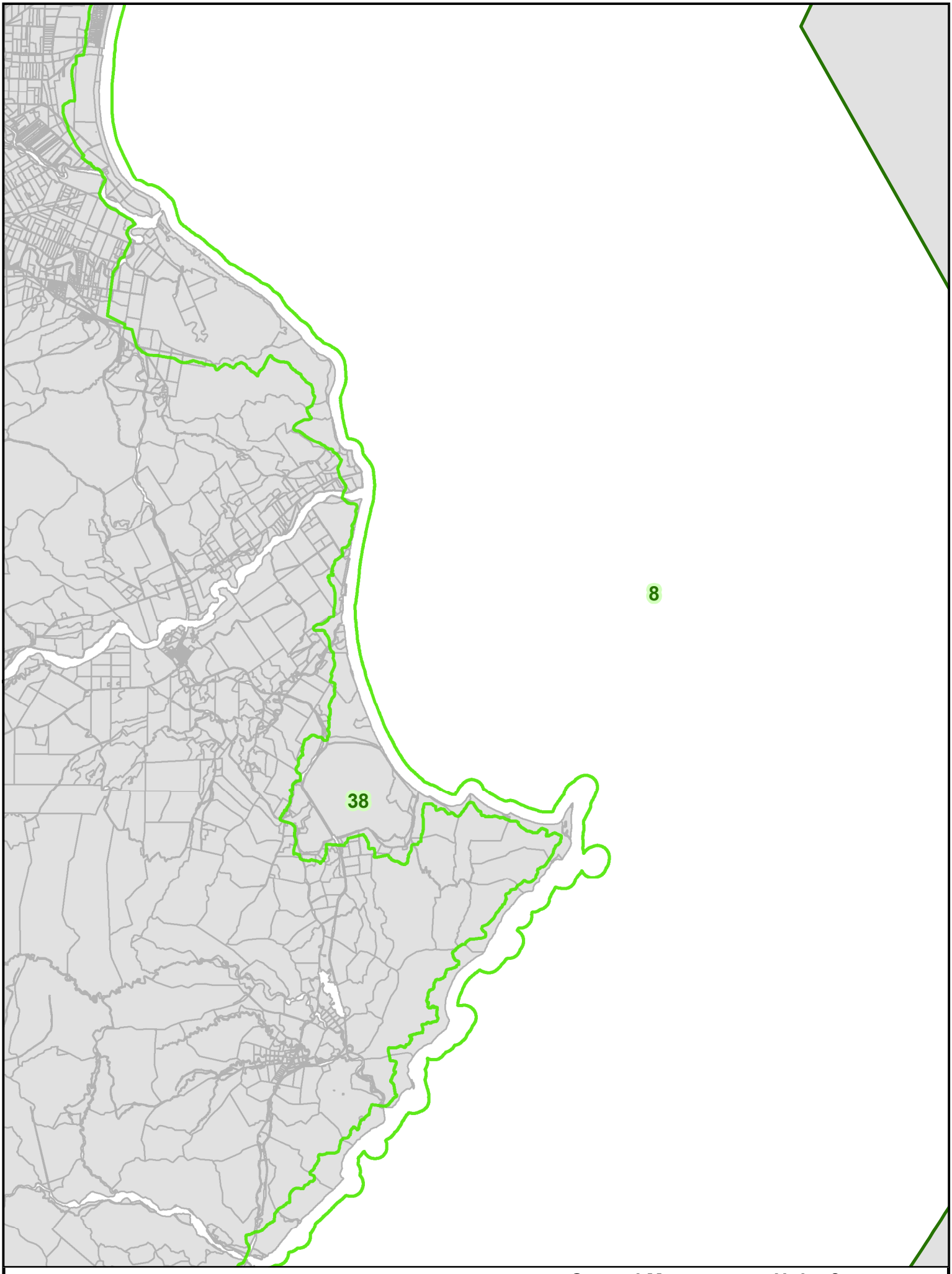

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MARLBOROUGH DISTRICT COUNCIL

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Coastal Management Units & Aquaculture Management Areas

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