

35.0 Coastal Marine Zones One, Two and Three

NOTE: Resource Management (Marine Pollution) Regulations 1998 introduced pursuant to sections 15A, 15B and 15C of the Resource Management Act 1991 control discharges and dumping from ships. The regulations limit the nature and extent of discharges and dumping, in that part of Coastal Marine Zones 1, 2 and 3 that is coastal marine area. The Council is responsible for administering and enforcing these regulations.

35.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Beach grooming and beach re-contouring;
- Burial of dead marine mammals;
- Clearance of stormwater outfalls;
- Discharges from ships;
- Erection and placement of public information signs;
- Erection or placement of temporary structures;
- Harvesting of marine farming produce from marine farms previously authorised by a current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996, including the taking and discharging of coastal water and discharge of biodegradable and organic waste matter;
- Any statutorily established scallop enhancement programme involving distribution of scallop spat to the seabed.
- Maintenance, repair, minor extensions, additions and alteration to structures;
- Disturbance of foreshore and seabed;
- Oil spill clean up in accordance with a national or regional oil spill contingency plan;
- Parks, reserves, marine reserves, taiapure, mahinga maataitai and maataitai reserves;
- Pest management carried out in accordance with a national or regional pest strategy;
- Placement and use (including occupation and maintenance) of swing moorings within Mooring Management Areas;
- Placement and use (including occupation and maintenance) of swing moorings for Waka in a defined Waka Mooring Management Area;
- Placement, operation and maintenance of equipment used for monitoring purposes;
- Recreational activity;
- Removal or demolition of structures;
- River and stream mouth cutting;

- Stormwater discharge;
- Taking and discharge of coastal water;
- Taking and use of coastal water by ships;
- Use of surface water by ships
- Vegetation clearance.

Conditions for Permitted Activities

35.1.1 General Conditions Applicable to Permitted Activities

35.1.1.1 Maximum Permitted Height

No structure or part of a structure fixed in, on, under or over any foreshore or seabed, either permanent or temporary, shall exceed a maximum height of 7.5 metres above the mean high water spring tide.

35.1.1.2 Public Safety

Adequate provision shall be made to ensure that any activity in the coastal marine area does not compromise public safety.

35.1.1.3 Lighting and Glare

Other than lighting required for navigational purposes all exterior lighting associated with activities in the coastal marine area will be directed away from adjacent activities, legal roads and navigational channels, so as to avoid the spill of light or glare that creates one or more of the following:

- a) Detriment to the amenity of residential or other users;
- b) A hazard to traffic safety on streets outside the coastal marine area; or
- c) A hazard to navigation in the coastal marine area.

35.1.1.4 Noise

35.1.1.4.1 Limits

All permitted activities shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits at the closest boundary of the Coastal Marine Zone.

- | | | |
|---|---|-------------------------------------|
| • | 0700 hours - 2200 hours Monday to Friday,
and 0700 hours - 1200 hours Saturday | 55 dBA L10 |
| • | On any day between 0700 hours and 2200 hours | No L_{max} limit |
| • | At all other times including any public holiday | 45 dBA L10, and
75 dBA L_{max} |

Noise shall be measured in accordance with NZS 6801: 1991. Corrected levels shall be determined in accordance with NZS 6801: 1991. Any construction activities will meet standards specified in NZS 6803P:1984.

35.1.1.4.2 Exception

Provided these rules shall not apply to the following:

- a) Noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
- 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; or
- c) Noise generated by ships under way.
- d) Noise ordinarily generated by commercial fishing activities including marine farm servicing and harvesting ships in Coastal Marine Zones One , Two and Three.

35.1.1.5 Hazards/Riparian Management

35.1.1.5.1 Except for internal alterations within an existing structure, building activity is not a Permitted Activity within the coverage of the Natural Hazards overlay identified on the Planning Maps.

35.1.1.5.2 All proposed buildings and structures shall be set back a minimum of at least 8 metres from the top of any waterbody or where there is a stopbank at least 8 metres from the landward toe of that stopbank.

35.1.1.6 Hazardous Substances

35.1.1.6.1 Conditions

- a) All areas or parts of sites where hazardous substances are stored, used, located on, or unloaded shall be sealed, banded and roofed over or covered;
- b) All bunds shall be sealed or constructed from impervious materials and shall be sufficient to contain the total volume of material stored or used on the site in the event of a spill;
- c) All sealed areas of sites should be drained to an appropriate stormwater or waste treatment system and there shall be no direct discharge of contaminated stormwater or waste to natural waters, land or air;
- d) The storage of hazardous substances in underground tanks shall comply with the "Code of Practice for Design, Installation and Operation of Underground Petroleum Storage Systems" (Department of Labour, OSH, 1992);
- e) All areas or parts of sites where vehicles, equipment or containers that have, or may have come into contact with hazardous substances are washed, shall be sealed and banded;
- f) No hazardous substances may be discharged into or onto water, land or air, except for agricultural chemicals used or applied in accordance with the Plan, any relevant regulations and with the Council's Bylaws; and
- g) Site management and spill contingency plans shall be prepared and implemented by all operators of hazardous facilities.

35.1.1.7 Protected Items

Refer to Rules on Heritage. (Refer to Chapter 26 General Rules).

35.1.2 Specific Conditions

35.1.2.1 Maintenance, Repair, Minor Extensions, Additions and Alterations to Structures

35.1.2.1.1 Any maintenance including repainting, repair, minor extension or alteration to any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over any foreshore or seabed, including any associated occupation of land of the Crown or any related part of the coastal marine area is a Permitted Activity provided that:

- a) The extension or alteration is contained within the form of the existing structures, or adds no more than 5% to the plan or cross-sectional area of the structure within any 24 month period;
- b) There will be no significant change to the external appearance of the structure; and
- c) The person undertaking the activity shall throughout the period when the structure or part of the structure occupies land of the Crown or related parts of the coastal marine area, pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulations under section 360(1)(c) of the Act.

35.1.2.2 Removal or Demolition of Structures

35.1.2.2.1 Any removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed is a Permitted Activity provided that:

- a) The activity results in disturbance of less than 20m³ of any foreshore or seabed.

35.1.2.2.2 All material removed or demolished from the structure is removed from the coastal marine zone.

35.1.2.3 Erection or Placement of Temporary Structures

Any erection or placement of any temporary structure or any part of a temporary structure that is fixed in, on, under, or over any foreshore or seabed, including any associated occupation of land of the Crown or any related part of the coastal marine area, is a Permitted Activity provided that:

- a) The activity for which the structure is to be used is allowed by the Plan or by a resource consent; and
- b) The structure will be in place for a period not exceeding 31 days.

35.1.2.4 Clearance of Stormwater Outfalls

Any activity involving disturbance or damage of foreshore or seabed carried out for the purpose of clearing the exit of any stormwater outfall is a Permitted Activity provided that:

- a) The depth of any disturbance is limited to the amount necessary to clear the outfall;
- b) The activity shall not restrict public access to an extent and for a period greater than necessary to complete the clearance;

- c) No contaminants shall be released from equipment being used for the clearance operation, and no refuelling may take place on any area of foreshore or seabed;
- d) The activity must not involve disturbance of significant flora or fauna;
- e) All material excavated shall be removed from the site; and
- f) All equipment and materials shall be removed from the site on completion of the clearance operation.

35.1.2.5 Beach Grooming and Beach Re-Contouring

35.1.2.5.1 Any activity which is carried out for the purpose of:

- Removing marine debris, litter, or dead seaweed; or
- Re-contouring or reshaping sandy beaches undertaken by a public authority;

is a Permitted Activity on Shelly Beach, London Quay Beach, Waikawa Beach, provided that:

- a) The disturbance does not exceed:
 - 1 metre in depth;
 - 1,000 cubic metres in volume;
 - 4 hectares in area; or
 - 1,000 metres in lengthduring any 12 month period.
- b) The operation shall not restrict public access to an extent or for a period greater than necessary to complete the clearance.
- c) No contaminants shall be released from equipment being used for the activity, and no refuelling may take place on any area of foreshore or seabed.
- d) The activity must be carried out in a way which minimises the amount of sand removed from the foreshore.
- e) All equipment and materials shall be removed from the site on completion of the clearance operation.
- f) Material used for beach replenishment must be of the same grain size as the beach to be replenished and free from noxious or toxic organisms.
- g) There is no significant disturbance of significant flora or fauna.

35.1.2.6 River and Stream Mouth Cutting

Disturbance of foreshore and seabed, including any associated deposition of natural material and diversion of water, for the purpose of reinstatement or opening stream and river mouths is a Permitted Activity provided that:

- a) The depth of cut through the beach should be no greater than that necessary to divert the stream flow;
- b) The operation shall not restrict public access to an extent or for a period greater than necessary to complete the cutting operation;
- c) No contaminants shall be released from equipment being used for the cutting operation, and no refuelling may take place on any area of foreshore or seabed;

- d) Excavated material shall be placed on the immediately adjacent foreshore area, and no material shall be removed from the site;
- e) All equipment and materials shall be removed from the site on completion of the cutting operation; and
- f) There is no significant disturbance of significant flora or fauna.

35.1.2.7 Stormwater Discharges (Point Source and Non Point Source)

35.1.2.7.1 Point Source Stormwater

35.1.2.7.1.1 For a period extending five years from the date the Plan becomes operative, any existing point source stormwater discharge into water in the coastal marine area is a Permitted Activity provided that the discharge was lawfully occurring at the date the Plan become operative.

35.1.2.7.1.2 After this time the discharge of point source stormwater into the coastal marine area shall be a Controlled Activity.

35.1.2.7.2 Non Point Source Stormwater

The discharge of non point source stormwater to land or any natural water shall be a Permitted Activity provided that:

- a) The discharge shall not cause any significant erosion of land;
- b) The discharge shall not have any significant effect on water quality;
- c) The discharge shall not have any adverse effect on any fisheries, wildlife habitats or recreational values of any waterbody;
- d) The discharge does not contain stormwater from an area where hazardous substances are stored unless:
 - Hazardous substances cannot enter the stormwater; or
 - There is an interceptor system in place to collect hazardous contaminants or diverted contaminated stormwater to a trade waste system;
- e) The above provisions do not apply to the drainage of naturally occurring wetlands or lakes.

35.1.2.8 Taking and Discharge of Coastal Water

35.1.2.8.1 General

The taking of and discharge into coastal water for any purpose not provided for elsewhere in the Plan is a Permitted Activity, subject to the following conditions:

- a) There is no adverse effect to coastal water as a result of either the take or discharge;
- b) The quantity of water either taken or discharge shall not exceed 500 cubic metres per day.
- c) This Rule only applies to discharges not dealt with under the Resource Management (Marine Pollution) Regulations 1998. (RMA 207/98)

35.1.2.9 Vegetation Clearance

The removal of vegetation, including indigenous vegetation, for the purpose of maintaining access to an existing authorised structure is a Permitted Activity, subject to the following conditions:

- a) The total cleared area shall not at any time exceed 30 square metres and shall be immediately adjacent to the structure;
- b) All vegetation removed from the site shall be disposed of via an approved land-based disposal system;
- c) If any equipment is used, it shall be hand-held only;
- d) The removal shall not involve the discharge of chemical herbicides into the coastal marine area; and
- e) Any disturbance of the foreshore shall be able to be rectified by the operation of natural processes within 28 days.

35.1.2.10 Use of Surface Water by Ships

35.1.2.10.1 The use of surface water by ships in the National Transportation Route and Queen Charlotte Sound shall be a permitted activity, provided that ships which:

- a) Are high speed ships; or
- b) Exceed 500 gross registered tonnes;

shall not exceed a ship speed of 15 knots.

35.1.2.10.2 The use of surface water by the M.v. Aratere and the M.v. Arahura and the M.V. Kent shall be a permitted activity and shall be exempt from the condition specified in rule 35.1.2.10.1 above provided that:

- a) Their individual ship speed shall not exceed 20 knots; and
- b) The ship shall carry Data Recording Devices which shall be operated at all times whilst the ship is travelling in the National Transportation Route and which shall record:
 - (i) date and time (to the nearest second);
 - (ii) the ship's plan position based on either WSG84, NZGD 2000 or the NZTM projection datum;
 - (iii) the speed of the ship *over* the ground;
 - (iv) Ship Speed through the water; and
- c) Data shall be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds; and
- d) Plan position shall be accurate to within 30 metres and shall be recorded to a precision of 5 metres or better; and
- e) Ship's speed over the ground and Ship Speed through the water shall be accurate to within 0.5 knots and shall be recorded to a precision of 0.1 knots or better; and
- f) The data recorded by the Data Recording Devices shall 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; and
- g) The Data Recording Devices shall be of a type that ensures no data can be manually tampered with and all archived records shall be stored in a manner that prevents manual adjustment of data; and

- h) 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 data specified in (b) (i) to (iv) above shall be transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Route; and
- i) Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the ship operator shall immediately arrange for the equipment or systems to be serviced and shall advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs; and
- j) 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 shall be limited to 15 knots.

35.1.2.11 Disturbance of Foreshore and Seabed

Any foreshore and seabed disturbance associated with any Permitted Activity shall also be a Permitted Activity provided that:

- a) There shall be no release of contaminants from equipment being used for the activity;
- c) All equipment and materials shall be removed from the site on completion of the operation;
- e) The foreshore or seabed shall be reinstated in a manner which is, as far as practicable, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the area, within six months of the completion of the activity;
- f) Other than for the burial of dead marine mammals disturbance of the foreshore and seabed shall not exceed 20 cubic metres; and
- g) In the case of the burial of dead marine mammals and other marine fauna that have been stranded or washed upon the foreshore burial shall only be permitted on the foreshore where it is not practicable to remove the carcass and the minimum area required for burial is disturbed.
- h) Disturbance associated with maintenance and repair of the Cook Strait electricity cables shall not exceed 500m³.

35.1.2.11.1 Disturbance of Foreshore and Seabed Associated with the Use of Surface Water by Ships

Any foreshore or seabed disturbance associated with the use of surface water by ships shall be a Permitted Activity provided that disturbance associated with any ship subject to Rule 35.1.2.10.1 and 35.1.2.10.2 shall only be a Permitted Activity provided that the ship speed does not exceed the maximum speed specified in those rules.

35.1.2.12 Signs

The erection of a sign to provide public safety and information shall be a Permitted Activity subject to the following conditions:

- a) The area of the sign shall not exceed 1m²; and
- b) The sign shall not create an obstruction to navigation.

35.1.2.13 Swing Moorings within Mooring Management Areas

Placement, use (including occupation of the coastal marine area) and maintenance of swing moorings within a Mooring Management Area or Waka swing moorings within the Waka Mooring Management Area shall be a permitted activity subject to the following condition:

- a) A bylaw is in place and a current Mooring Licence under the bylaw provides for the placement and use of the specified swing mooring.

Note: If no relevant Bylaw is in place, rule 35.3.2 applies.

35.2 Controlled Activities

Application must be made for a resource consent for a Controlled Activity with respect to the following:

- **Drilling;**
- **Maintenance dredging for navigation management and berthage purposes;**
- **Marine farms previously authorised, as provided for in Rule 35.2.5 below;**
- **Stormwater discharge; and**
- **Taking of water up to 3000m³/day.**
- **Except as provided for in Rule 35.1.2.10.2, use of surface water within the National Transportation Route by high speed ships, or ships that exceed 500 gross registered tonnes, which are travelling at a ship speed exceeding 15 knots, including any associated disturbance of the foreshore and seabed.**
- **Use of surface water by high speed ships or ships that exceed 500 gross registered tonnes which are travelling at a ship speed exceeding 15 knots in the National Transportation Route for the purposes of undertaking measurements of Wave Energy, including any associated disturbance of the foreshore and seabed.**
- **Harvesting of marine farming produce from marine farms previously authorised by a current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996, including the taking and discharge of coastal water and discharge of biodegradable and organic waste matter.**

All Controlled Activities shall be subject to the general conditions applicable to Permitted Activities. An application for resource consent may be considered without notification or the need to obtain the written approval of affected persons unless otherwise specified.

In addition the following shall apply to specified activities.

35.2.1 Maintenance Dredging for Navigation Management and Berthage Purposes

Disturbance and damage of foreshore and/or seabed associated with dredging for navigation management and berthage purposes, including any associated discharge of water or contaminants, is a Controlled Activity provided that the activity conforms to the following standards and terms:

35.2.1.1 Standards

- a) The disturbance shall not exceed:
- 50,000 cubic metres in volume;
 - 4 hectares in area; or
 - 1000 metres in length

in any 12 month period.

- b) The activity shall be undertaken in a manner which minimises water turbidity.

35.2.1.2 Terms

- a) A coastal permit in respect of the activity may be granted for a period not exceeding five years; and
- b) The consent holder shall at all times throughout the period when dredging occurs, pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulation made under section 360(1)(c) of the Act.

35.2.1.3 Matters Over Which Control is Reserved

The matters over which the Council shall exercise its control are:

- a) The duration of the consent;
- b) The information and monitoring requirements;
- c) The administrative charges payable;
- d) The method of dredging;
- e) The depth of dredging;
- f) The frequency and timing of dredging;
- g) The volume of material removed; and
- h) Disposal of tailings.

35.2.2 Drilling

Disturbance and damage of foreshore and seabed associated with any drilling operation is a Controlled Activity provided that the activity conforms to the following standards and terms:

35.2.2.1 Standards

- a) The diameter of the drilled hole(s) shall not exceed 600mm; and
- b) The activity shall be undertaken in a manner which minimises water turbidity.

35.2.2.2 Terms

A coastal permit in respect of the activity may be granted for a period not exceeding five years.

35.2.2.3 Matters Over Which Control is Reserved

35.2.2.3.1 The matters over which the Council shall exercise its control are:

- a) The duration of the consent;
- b) The information and monitoring requirements;
- c) The administrative charges payable;
- d) The depth, method and location of drilling; and
- e) The amount and nature of any contaminants that may be released.

35.2.3 Point Source Stormwater Discharges

The discharge of point source stormwater into the coastal marine area or the discharge of point source stormwater into or onto land in coastal marine zone in circumstances which may result in that stormwater entering the coastal marine zone is a Controlled Activity provided that:

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35.2.3.1 Standards

- a) The discharge shall not inhibit the gathering of shellfish for human consumption.
- b) The natural temperature of the water shall not be changed by more than 3 degrees Celsius.
- c) The following shall not have any significant adverse effect on aquatic life:
 - Any pH change;
 - Any increase in the deposition of matter on the foreshore or seabed; or
 - Any discharge of a contaminant into the water.
- d) The concentration of dissolved oxygen in the discharge shall exceed 80% of the saturation concentration.
- e) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water.
- f) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.
- g) Median faecal coliform concentration of not less than five samples, taken within any consecutive 30 day period, shall not exceed a Most Probable Number (MPN) of 14 per 100ml (or Colony Forming Units per 100ml), and not more than ten percent of samples taken within any consecutive 30 day period shall exceed and MPN of 43 per 100ml (or 43 Colony Forming Units per 100ml) as a result of any discharge of a contaminant or water. Samples shall not be taken on the same or consecutive days.

35.2.3.2 Terms

A coastal permit in respect of the activity may be granted for a period up to but not exceeding 20 years.

35.2.3.3 Matters Over Which Control is Reserved

The matters over which the Council will exercise its control are:

- a) The duration of the consent;
- b) The information and monitoring requirements;
- c) The administrative charges payable;
- d) The volume, rate and nature of the discharge;
- e) The discharge point; and
- f) Entrapment and disposal of contaminants.

35.2.4 The Taking and Discharge of Coastal Water

The taking, use and discharge of coastal water from the coastal marine area, within 200 metres of MHWs, not exceeding 3000 cubic metres per day is a Controlled Activity provided the activity conforms to the following standards and terms.

35.2.4.1 Standards

The discharge shall not adversely affect the quality of the receiving coastal water, beyond a reasonable zone of mixing.

35.2.4.2 Terms

A coastal permit in respect of the activity may be granted for a period not exceeding 20 years.

35.2.4.3 Matters Over Which Control is Retained

The matters over which the Council will exercise its control are:

- a) The duration of consent;
- b) The information and monitoring requirements;
- c) The administrative charges payable; and
- d) The location of the intake and discharge points.

35.2.5 Marine Farms Within Specifically Identified Areas and Beyond 50 metres From MLWM and Listed in Appendix D

Marine farms authorised by a current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996; or authorised by a new Coastal Permit, the application for which constituted a renewal of a Coastal Permit, Marine Farm Lease or Licence specified above which was current at the date of the application being made for the new consent, are Controlled Activities provided that the activity conforms to the following standards, and provided further this rule shall not apply to the marine farms shown on Appendix D2.

NB: 'Current' means a Coastal Permit, Marine Farm Licence or Marine Farm Lease in force and operative in accordance with its terms as at the date of application.

35.2.5.1 Standards

- a) The structures and anchoring systems established on the marine farm shall be those authorised by the current Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996, except that in the case of marine farms listed in Appendix D, as controlled activities, this standard shall not apply to the replacement of surface structures with sub-surface structures.
- b) The marine farm shall occupy only that area and only for the purposes and for the species authorised by the current Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996.
- c) The species to be farmed on any marine farm shall be only those authorised by the current Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996.
- d) The lighting system utilised on the marine farm shall at all times comply with the conditions of the current Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996, or in the absence

of any such conditions the beaconage and buoyage standard required by 'The system of Buoyage and Beaconage for New Zealand, Ministry of Transport: Nov 1991', and 'Maritime Safety Authority Marine Farm Lighting Marking and Structures Criteria 2' and standards or substitutions in replace thereof.

35.2.5.2 Terms

All resource consents shall be subject to the following conditions:

- a) The period of occupancy of the coastal marine area authorised by the Coastal Permit shall not exceed 20 years;
- b) Where not already provided, the consent holder shall lodged with the Council a survey plan fixing the location of the marine farm prior to exercise of the consent;
 - In accordance with the provisions of sections 128 and 129 of the Resource Management Act (or any provision in substitution therefore)

- the Council may on any anniversary of the grant of consent to any marine farm, review the conditions of consent over which it has reserved control, to deal with any adverse effect on the environment which may arise from the exercise of the consent and which cannot be adequately avoided, remedied or mitigated by any term or condition incorporated within the consent. This condition is imposed pursuant to the provisions of section 128(1)(a)(iii) of the Act.

35.2.5.3 Matters Over Which Control is Reserved

Conditions may be imposed in respect of the following matters over which the Council has reserved control:

- a) The duration of the consent (subject to the maximum period specified in Rule 35.2.5.2 above);
 - b) Information and monitoring requirements;
 - c) The provision of warning devices and signs;
 - d) The layout and positioning of the marine farm structures to ensure public access (including recreational and forestry access) through the area and the preservation of navigational safety both within the marine farm and within the vicinity of the marine farm;
 - e) The extent and nature of disturbance to the foreshore and seabed;
 - f) Administrative charges payable;
 - g) The adverse effects of any marine farming related structures on navigation or on visual amenities;
 - h) The adverse ecological effects of the activity;
 - i) Adverse effects of marine farming activities and structures previously addressed by way of conditions in earlier Coastal Permits, Marine Farm Licences and Leases pertaining to any particular marine farm site;
- and in the case of marine farms listed in Appendix D as controlled activities:
- j) The adverse visual effects of support structures on the natural character of the coastal environment; and
 - k) The adverse effects from the use of surface structures to the extent that in whole or in part the use of such surface structures may be able to be reduced by other technology involving, where appropriate, subsurface farming techniques or buoy or surface support mechanisms utilising methods which mitigate adverse visual effects.

35.2.6 **Except as provided for in Rule 35.1.2.10.2 , use of surface water within the National Transportation Route by high speed ships, or ships that exceed 500 gross registered tonnes, which are travelling at a ship speed exceeding 15 knots, including any associated disturbance of the foreshore and seabed.**

35.2.6.1 Standard

- a) The ship shall not propagate waves that exceed the Wash Rule in the National Transportation Route.

35.2.6.2 Terms

- a) The duration period of any consent shall not exceed 20 years.

- b) 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;
- c) The ship shall carry Data Recording Devices which shall be operated at all times whilst the ship is travelling in the National Transportation Route.
- d) Whilst operational, the Data Recording Device shall record:
 - (i) date and time (to the nearest second);
 - (ii) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;
 - (iii) the speed of the ship over the ground;
 - (iv) Ship Speed through the water; and
- e) Data shall be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.
- f) Plan position shall be accurate to within 30 metres and shall be recorded to a precision of 5 metres or better.
- g) Ship's speed over the ground and Ship Speed through the water shall be accurate to within 0.5 knots and shall be recorded to a precision of 0.1 knots or better.
- h) The data recorded by the Data Recording Devices shall 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.
- i) The Data Recording Devices shall be of a type that ensures no data can be manually tampered with and all archived records shall be stored in a manner that prevents manual adjustment of data.
- j) 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 shall ensure that the relevant data specified in (d) (i) to (iv) above is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Route.
- k) Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder shall immediately arrange for the equipment or systems to be serviced and shall advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- l) 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 shall be limited to 15 knots.

35.2.6.3 Matters Over Which Control is Reserved and For Which Conditions May Be Imposed

The Council reserves its control over and may impose conditions in respect of the following matters:

- a) The duration of the consent;
- b) The spatial limits of defined navigation corridors within which a ship shall be permitted to travel provided that these shall not interfere with the safe navigation of the Ship and shall be consistent with national and international regulations;
- c) Maximum values of Ship Speed over defined areas within the National Transportation Route;
- d) Approved methods), frequency and certification of calibration of the Data Recording Device(s) required by this Plan to measure Ship Speed;
- e) The Set Interval for data recorded in the Data Recording Devices;
- f) The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices;
- g) The purpose, timing and criteria for review of any of the conditions of consent;
- h) The administrative charges payable.

35.2.6.4 Applications for resource consent under Rule 35.2.6 will be publicly notified.

35.2.7 Use of surface water by high speed ships or ships that exceed 500 gross registered tonnes which are travelling at a ship speed exceeding 15 knots in the National Transportation Route for the purposes of undertaking measurements of Wave Energy, including any associated disturbance of the foreshore and seabed.

35.2.7.1 Terms

- a) 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;
- b) The ship shall carry Data Recording Devices which shall be operated at all times whilst the ship is travelling in the National Transportation Route.
- c) Whilst operational, the Data Recording Devices shall record:
 - (i) date and time (to the nearest second);
 - (ii) the ship's plan position based on either WSG84, NZGD2000 or the NZTM projection datum;
 - (iii) the speed of the ship over the ground;
 - (iv) Ship Speed through the water;
- d) Data shall be recorded in the Data Recording Devices at a Set Interval of not more than 60 seconds.

- e) Plan position shall be accurate to within 30 metres and shall be recorded to a precision of 5 metres or better.
- f) The Data Recording Devices recording of ship speed over the ground and Ship Speed through the water shall be accurate to within 0.5 knots and shall be recorded to a precision of 0.1 knots or better.
- g) The data recorded by the Data Recording Devices shall 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.
- h) The Data Recording Devices shall be of a type that ensures no data can be manually tampered with and all archived records shall be stored in a manner that prevents manual adjustment of data.
- i) 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 shall ensure that the relevant data specified in (d) (i) to (iv) above is transmitted instantaneously to that receiver for the duration of the ship's passage through the National Transportation Route.
- j) Where any fault or technical problems occur in the operation of the Data Recording Devices or any related equipment or systems, the consent holder shall immediately arrange for the equipment or systems to be serviced and shall advise the Council of the fault or problem and the intended programme and time frame to effect the service and any necessary repairs.
- k) 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 shall be limited to 15 knots.

35.2.7.2 **Matters Over Which Control is Reserved And For Which Conditions May Be Imposed**

The Council reserves its control over and may impose conditions in respect of the following matters:

- a) The duration of the consent;
- b) The spatial limits of defined navigation corridors within which a ship shall be permitted to travel provided that these shall not interfere with the safe navigation of the Ship and shall be consistent with national and international regulations;
- c) Maximum values of Ship Speed over defined areas within the National Transportation Route;
- d) Approved method(s), frequency and certification of calibration of the Data Recording Device(s) required by this Plan to measure Ship Speed;
- e) The Set interval for data recorded in the Data Recording Devices;
- f) The format, storage method, mode of transmission and frequency of transmission to the Council of the data recorded in the Data Recording Devices;

- g) The administrative charges payable;

35.2.7.3 Applications for resource consent under Rule 35.2.7 will be publicly notified.

35.2.8 Harvesting of Marine Farming Produce from Marine Farms Previously Authorised

35.2.8.1 The Council reserves its control over and may impose conditions in respect of the following matters:

- a) The duration of the consent, which should be consistent with the duration of the current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996 to which the consent application relates.

35.3 Limited Discretionary Activities

35.3.1 Structures and Lighting Systems for Marine Farms Previously Authorised

Application for consent for discretionary activities arising from non-compliance with the following Standards in Rule 35.2.5.1 for marine farms specified as Controlled Activities in Rule 35.2.5 will be considered by way of an application for a Discretionary Activity:

- a) Standard 1 - Where the number and length of long-lines and the anchoring systems established on the marine farm, are not those authorised by a Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996, provided that any alteration to the length of long lines does not result in subsurface long lines extending to within 3 metres of the surface of the sea at any time.
- b) Standard 4 - Where the lighting system utilised on the marine farm is not in accordance with the conditions of a Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996, or in the absence of any such conditions the beaconage and buoyage standard required by 'The system of Buoyage and Beaconage for New Zealand, Ministry of Transport: Nov 1991', and Maritime Safety Authority of New Zealand 'Marine Farm Lighting Marking and Structures Criteria 2' and standards or substitutions in place thereof.

35.3.1.1 Limits to the Council's Discretion

35.3.1.1.1 In each of the cases specified in Rule 35.3.1 the Council's discretion shall be limited to a consideration of the adverse effects expected to directly result from the proposed non-compliance; together with such matters listed in Rule 35.2.5.3 above as are relevant to the non-compliance.

35.3.1.1.2 Applications for non-compliance in accordance with Rule 35.3.1 may be considered without public notification and without the need to obtain written approval of affected persons in accordance with section 94(1)(b) of the Act.

35.3.1.2 Terms

All resource consents under Rule 35.3.1 shall be subject to the terms specified in Rule 35.2.5.2 above.

35.3.2 Where not provided for as a permitted activity under Rule 35.1.2.13, the placement and use (including occupation) of swing moorings within a Mooring Management Area or Waka swing moorings within the Waka Mooring Management Area is a Limited Discretionary Activity

35.3.2.1 Limits to the Council's Discretion

35.3.2.1.1 In the case described in 35.3.2, Council's discretion shall be limited to the following matters:

- a) Location within a Mooring Management Area or Waka Mooring Management Area; and
- b) The type and specification of mooring including the swing arc; and
- c) The availability of space within the Mooring Management Area or Waka Mooring Management Area; and
- d) The reservation of space for the relocation of moorings in Appendix J, Schedule 4.1; and
- e) The ability of the activity to comply with permitted activity noise standard, being Rule 35.1.1.4.1.

35.3.2.1.2 Applications made in accordance with Rule 35.3.2 will be considered without public notification and may be considered without either the service of notice, or without the need to obtain written approval of affected persons in accordance with the Act.

35.4 Discretionary Activities

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

- Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area;
- Activities listed as Permitted or Controlled Activities, which do not comply with the Standards specified for those activities, other than marine farms specified as Limited Discretionary Activities in Rule 35.3.1, or swing moorings specified as Limited Discretionary Activities in Rule 35.3.2.
- Commercial activities:
- Discharge of human sewage;
- Discharges to air;
- Discharges to water;
- Occupation of the coastal marine area;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Disturbance of foreshore and/or seabed, including removal of sand, shingle, shell or other material;
- Marine farms in Coastal Marine Zone Two complying with the standards specified in Rule 35.4.2.9 other than marine farms specified as Controlled Activities in Rule 35.2.5, or Limited Discretionary Activities in Rule 35.3.1;

- Marine Farms in Coastal Marine Zone 1 which are listed in Appendix D2;
- Placement of swing moorings outside Waikawa Bay;
- Swing moorings in Waikawa Bay outside of the Mooring Management Areas and which were either consented to prior to this rule becoming operative or which are for providing access to immediately adjoining properties in Waikawa Bay;
- Reclamation;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures which impound or effectively contain the coastal marine area; and
- Use of surface water within the National Transportation Route
- Marine Farms and Marine Farming in Coastal Marine Zone Three complying with the standards specified in Rule 35.4.2.10.

35.4.1 General Assessment Criteria

In addition to any specific standards set out in Rule 35.4.2 the General Assessment Criteria set out in Rule 35.4.1 shall be applied to Discretionary Activities.

General Conditions applicable to Permitted Activities will also apply to Discretionary Activities as appropriate.

35.4.1.1 Matters for Assessment

- 35.4.1.1.1 Any relevant objectives, policies and rules of the Plan.
- 35.4.1.1.2 Any relevant objectives, policies and rules of the New Zealand Coastal Policy Statement.
- 35.4.1.1.3 Any relevant objectives, policies and rules of any policy statement or other plan prepared under the Resource Management Act.
- 35.4.1.1.4 The requirements of section 104 of the Act.

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- 35.4.1.1.5 The likely effects of the proposal on:
- 35.4.1.1.5.1 The locality and wider community and in particular:
- a) Whether the proposal will enhance or maintain the amenity values of the surrounding area;
 - b) Whether the proposal creates any demand for services or infrastructure at a cost to the wider community;
 - c) Whether the proposal contributes to the character of the surrounding area and helps maintain the cultural values of the community; or
 - d) Whether the proposal has any adverse effects on roading, traffic movement or road safety.
- 35.4.1.1.5.2 The amenities of the area and in particular that any proposal does not:
- a) Adversely affect the natural amenity of any tree, bush, or stand of trees which makes a significant contribution to the visual qualities of the surrounding area;
 - b) Visually intrude on any significant ridgeline or significant landscape; or
 - c) Detract from any view or vista which contribute to the aesthetic coherence of a locality.
- 35.4.1.1.5.3 Any significant environmental features and in particular that the proposal does not:
- a) Adversely affect any habitat of any indigenous species or any ecological value identified in Appendix B; or
 - b) Compromise the integrity of any terrestrial or marine ecosystem.
 - c) Diminish the natural character of the locality, having regard to the natural character areas identified in Appendix Two, Volume One.
- 35.4.1.1.5.4 Natural and physical resources so that any proposal:
- a) Complements any building or other feature constructed by people in the locality which contributes to the character of the locality;
 - b) Maintains the future use potential of any renewable resource;
 - c) Does not have an adverse affect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
 - d) Does not have an adverse effect on any historic site or identified archaeological site;
 - e) Does not reduce water quality beyond a reasonable zone of mixing; or
 - f) Does not increase any risk from natural hazards.
- 35.4.1.1.5.5 In terms of the discharge of contaminants and the use of hazardous substances that any proposal:
- a) Does not create risk to the community and includes any measures to prevent or mitigate against any impacts from hazards;
 - b) Does not involve the use of hazardous substances or hazardous installations such that there shall be any risk to the environment, locality or wider community; or
 - c) Does not generate noise, dust fumes, smoke or odours which are likely to be noxious, dangerous, offensive or objectionable to any occupier of an adjoining property.

35.4.2 Definition of Specifications and Information Requirements and Assessment Criteria

35.4.2.1 Reclamation

35.4.2.1.1 Any activity reclaiming foreshore and/or seabed is a Discretionary Activity.

35.4.2.1.2 Assessment Criteria

- a) The effect on marine ecology;
- b) The effect on the foreshore dynamics;
- c) The effect on recreational values;
- d) The effect on landscape values;
- e) The effect on utilities including subaqueous cable;
- f) An assessment of the stability and structural integrity of the proposed work in the event of earthquake and with respect to the action of waves and current; and
- g) An assessment of any actual or potential effects the activity may have on people and communities including navigational safety.

35.4.2.2 Structures Which Impound or Effectively Contain the Coastal Marine Area

35.4.2.2.1 Any activity involving the erection of a structure or structures which:

- Will impound or effectively contain less than 8 hectares of the coastal marine area; or
- Is a floating or open pile which can be demonstrated to not adversely impede water flows

is a Discretionary Activity.

35.4.2.2.3 Assessment Criteria

- a) The effect on marine ecology;
- b) The effect on the foreshore dynamics;
- c) The effect on recreational values;
- d) The effect on landscape values;
- e) The effect on utilities including subaqueous cable;
- f) An assessment of the stability and structural integrity of the proposal in the event of earthquake and with respect to the effects of waves and currents; and
- g) An assessment of any actual or potential effects the activity may have on people and communities including navigational safety.

35.4.2.3 Structures in the Coastal Marine Area More or Less Parallel to Mean High Water Springs

35.4.2.3.1 Any activity involving the erection of a structure or structures which is:

- Solid (or presents a significant barrier to water or sediment movement), and when established on the foreshore and/or seabed extends not more than 1000 metres in length more or less parallel to the line of mean high water springs; or
- Is a submarine or sub-aqueous cable; or
- Is a floating or open pile structure;

is a Discretionary Activity.

35.4.2.3.2 Assessment Criteria

- a) The effect on marine ecology;
- b) The effect on the foreshore dynamics;
- c) The effect on recreational values;
- d) The effect on landscape values;
- e) The effect on utilities including subaqueous cable;
- f) An assessment of the stability and structural integrity of the proposal in the event of earthquake and with respect to the effects of waves and currents; and
- g) An assessment of any actual or potential effects the activity may have on people and communities including navigational safety and public access to the coastal marine area.

35.4.2.4 Structures in the Coastal Marine Area Oblique or Perpendicular to Mean High Water Springs

35.4.2.4.1 Any activity involving the erection of a structure or structures which is:

- Solid (or presents a significant barrier to water or sediment movement), and is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area, and is in horizontal projection less than 1000 metres in length; or
- Is a submarine or sub-aqueous cable;

is a Discretionary Activity.

35.4.2.4.2 Assessment Criteria

- a) The effect on marine ecology;
- b) The effect on the foreshore dynamics;
- c) The effect on recreational values;
- d) The effect on landscape values;
- e) The effect on cultural values;
- f) The effect on utilities including subaqueous cable;
- g) An assessment of the stability and structural integrity of the proposal in the event of earthquake and with respect to the effects of waves and currents; and
- h) An assessment of any actual or potential effects the activity may have on people and communities including navigational safety and public access to the coastal marine area.

35.4.2.5 Disturbance of Foreshore and Seabed Including any Removal of Sand, Shell or Shingle

35.4.2.5.1 Any activity involving, in any 12 month period, disturbance of foreshore and seabed for specific purposes, including any removal of sand, shell or shingle or other material is a Discretionary Activity.

35.4.2.5.2 Assessment Criteria

- a) The effect on any flora and fauna as well as the marine ecology;

- b) An assessment of the geological nature of the foreshore or seabed to be damaged, destroyed, or disturbed, including particle size distribution for unconsolidated settlements;
- c) An assessment of any actual or potential effects the activity may have on people and communities; and
- d) The effect on utilities including subaqueous cables.

35.4.2.6 Discharge of Human Sewage

Any discharge of treated human sewage to the coastal marine area which has passed through soil or a wetland shall be a Discretionary Activity.

35.4.2.6.1 Standards

- a) The discharge shall not render shellfish unsuitable for human consumption;
- b) The natural temperature of the water shall not be changed by more than 3 degrees Celsius;
- c) The following shall not have any significant adverse effect on aquatic life:
 - Any pH change;
 - Any increase in the deposition of matter on the foreshore or seabed; and
 - Any discharge of a contaminant into the water.
- d) The concentration of dissolved oxygen in the discharge shall exceed 80% of the saturation concentration;
- e) There shall be no undesirable biological growths as a result of any discharge of a contaminant into the water;
- f) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants; and
- g) The visual clarity of the water shall not be so low as to be unsuitable for bathing.
- h) Median faecal coliform concentration of not less than five samples, taken within any consecutive 30 day period, shall not exceed a Most Probable Number (MPN) of 14 per 100ml (or Colony Forming Units per 100ml), and not more than ten percent of samples taken within any consecutive 30 day period shall exceed and MPN of 43 per 100ml (or 43 Colony Forming Units per 100ml) as a result of any discharge of a contaminant or water. Samples shall not be taken on the same or consecutive days.

35.4.2.6.2 Assessment Criteria

- a) The impact of the discharge having regard to the effect of currents, tides, waves and winds on horizontal transport and vertical mixing of the contaminant;
- b) The effect of the discharge having regard to -
 - Temperature;
 - BOD5;
 - Suspended solids;
 - pH; and
 - The chemical content of the discharge, including any heavy metals or other toxic substances.

- c) The effectiveness of any mitigation measures;
- d) An assessment of the benefits and costs of the method of disposal;
- e) Whether there are alternative methods of disposal; and
- f) An assessment of the risk to the environment in the event of equipment or other infrastructural failure.

35.4.2.7 Occupation of the Coastal Marine Area

- Any activity involving occupation of the coastal marine area is a Discretionary Activity.

35.4.2.7.1 Assessment Criteria

- The effect on other users of the coastal environment;
- The effect on cultural and landscape values; and
- Any effects on the ecology, fauna and flora of the surrounding environment.

35.4.2.8 Placement of Swing Moorings

35.4.2.8.1 Assessment Criteria

- a) The effect of permanent moorings on the ability of visiting ships to casually anchor in sheltered positions;
- b) The effect of permanent moorings on other Permitted and Discretionary Activities;
- c) The capacity of an area to absorb more moorings; and
- d) The effect on utilities including subaqueous cable.

35.4.2.8.2 Standards and Terms

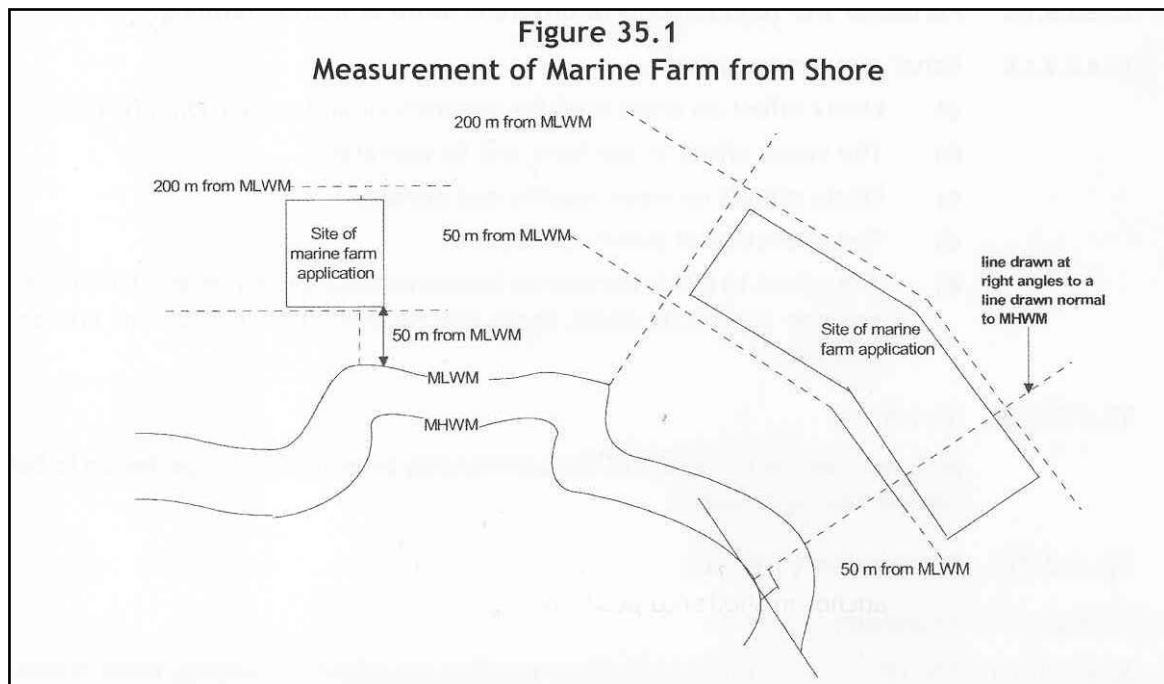
- a) The mooring buoy must be of sufficient size so that it remains afloat and is clearly visible at all times;
- b) The name of the owners and the registration number issued by the Council must be clearly marked on the buoy at all times;
- c) The permit holder shall be responsible at all times for the maintenance of the swing mooring;
- d) All mooring blocks shall be lowered to the seabed by a crane or winch;
- e) The mooring shall not be used by another ship of greater weight or length than the ship for which the mooring was approved;
- f) Confirmation of the location of the mooring to be supplied to the Council within 48 hours of its placement; and
- g) The permit holder will be required to remove the swing mooring at the expiry of the resource consent or sooner if the swing mooring is no longer required or if the consent is cancelled in accordance with section 126 of the Act.

35.4.2.9 Marine Farms in Coastal Marine Zone Two

Standards

- a) No part of any farm shall be located closer than 50 metres to mean low water mark.
- b) No part of any farm shall be located further than 200 metres from mean low water mark.

The distance from mean low water mark shall be measured on a line drawn at right angles to a line drawn normal to mean high water mark. See Figure 35.1.



35.4.2.9.1 Assessment Criteria

- 35.4.2.9.1.1 An assessment of the present nature of the site, both physical and biological including the nature of the sea floor and species found in the area.
- 35.4.2.9.1.2 The effect on the marine ecology of feed proposed to be added to the environment, including the type and amount of feed, and an assessment of its effect on the environment.
- 35.4.2.9.1.3 Consideration of navigational matters including:

Adequate clearance from:

 - a) The shoreline;
 - b) Adjacent marine farms;
 - c) Jetties, log loading sites and other points of access to the shore;
 - d) Headlands;
 - e) Navigational routes;
 - f) Anchorages and mooring areas;
 - g) Water ski lanes; and
 - h) Sub aqueous cables.
 - i) An accessway free of surface structures, navigable by small craft, may be required through farms occupying an extensive stretch of coastline (generally those exceeding 400 metres in length).

- 35.4.2.9.1.4 Consideration of aesthetic and cultural matters including:
- a) Proximity to residences, land zoned for residential use, and land subdivided for residential use.

Proximity to, and likely effect on areas of:

- b) Scenic value;
 - c) Ecological value;
 - d) Recreational value; and
 - e) Historic or traditional importance.
- 35.4.2.9.1.5 Particular site requirements of different forms of marine farming.
- 35.4.2.9.1.6 Other matters including:
- a) Likely effect on areas used for commercial and recreational fishing;
 - b) The visual effect of the farm and its operation;
 - c) Likely effects on water quality and ecology;
 - d) The alienation of public space; and
 - e) The extent to which the marine farm requires ancillary on-shore facilities, and the extent to which these are included in a concurrent consent process.

35.4.2.9.2 Terms

A coastal permit in respect of the activity may be granted for a period up to but not exceeding 20 years.

35.4.2.10 Marine Farms and Marine Farming in Coastal Marine Zone Three

Marine farms and marine farming in Coastal Marine Zone Three are Discretionary Activities provided they conform to the following standards and terms (notwithstanding other provisions of this Plan relating to Limited Discretionary, Discretionary or Non-Complying Activities).

In terms of this Rule, marine farms and marine farming shall include:

- a) All structures, activities in the coastal marine area, occupation of the common marine and coastal area, disturbance of or damage to the foreshore or seabed, and other ancillary activities and structures, associated with marine farms and marine farming;
- b) All discharges to water or air associated with marine farms and marine farming, but excluding the discharge of human sewage;
- c) The taking and use of coastal water associated with marine farms and marine farming.

35.4.2.10.1 Standards

- a) Marine farming shall be limited to the farming of King Salmon (*Onchorynchus tshawytscha*).
- b) All salmon shall be from roe sourced in New Zealand.
- c) All salmon farm cages (other than temporary cages for transferring salmon to or from the Site) shall be located within the Cage Area Boundary for the Site shown on the plans in Appendix D3.

- d) The maximum area of salmon farm cages within any Site (other than temporary cages for transferring salmon to or from the Site) shall be 1.5 hectares.
- e) Within any Site, there shall be no more than 1 feed / accommodation barge, which shall have a maximum footprint of 280m².
- f) The maximum height of any structure, or part of a structure, shall be 7.5m above water level.
- g) The maximum initial annual discharge¹ of fish feed within each Site shall be:

Site 1	Waitata	3000 tonnes;
Site 2	Richmond	1500 tonnes; and
Site 3	Ngamahau	1500 tonnes.
- h) The maximum increase in the annual tonnage of fish feed discharged¹ (from one year to the next) within each Site shall be:

Site 1	Waitata	1000 tonnes;
Site 2	Richmond	500 tonnes; and
Site 3	Ngamahau	500 tonnes.
- i) The maximum annual discharge¹ of fish feed within each Site shall be:

Site 1	Waitata	6000 tonnes;
Site 2	Richmond	4000 tonnes; and
Site 3	Ngamahau	4000 tonnes.

¹ The annual feed discharge may exceed the relevant maximum feed discharges by up to 15%; provided that over any continuous 3 year period, the average annual feed discharge does not exceed the relevant maximum feed discharges.

- j) Other than lighting required for navigational purposes, all exterior lighting associated with marine farming activities shall be directed away from adjacent activities, legal roads and navigational channels.
- k) All marine farming shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits when measured no closer than 250 metres from any marine farm surface structure:

0700 hours - 2200 hours Monday to Friday and 0700 hours - 1200 hours Saturday	55 dBA L10
On any day between 0700 hours and 2200 hours	No L _{max} limit
At all other times including any public holiday	45 dBA L10, and 75 dBA L _{max}

All marine farming shall be conducted so as to ensure that noise arising from such activities does not exceed the following noise limits when measured at the Notional Boundary of dwellings existing at 11 September 2014:

0700 hours - 2200 hours Monday to Friday and 0700 hours - 1200 hours Saturday	50 dBA L10
On any day between 0700 hours and 2200 hours	No L _{max} limit
At all other times including any public holiday	40 dBA L10, and 75 dBA L _{max}

Noise shall be measured in accordance with NZS 6801:2008. Adjusted levels shall be determined in accordance with NZS 6802:2008. Any construction activities will meet standards specified in NZS 6803:1999.

Provided this Standard shall not apply to the following:

- i) Noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
- ii) 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;
- iii) Noise generated by ships under way;
- iv) Noise ordinarily generated by commercial fishing activities; and
- v) Noise ordinarily generated by the arrival and departure of vessels servicing a marine farm.

35.4.2.10.2 Assessment Criteria

- a) Consideration of the social, cultural, economic and environmental benefits from the development and operation of the marine farm and marine farming;
- b) Assessment of effects on values in the coastal environment that are of significance to Tangata Whenua;
- c) Consideration of the layout and positioning of the marine farm structures to ensure continued reasonable public access (including recreational access) in the vicinity of the marine farm;
- d) Consideration of the specific location, extent and nature of disturbance to the foreshore and seabed from the anchoring systems, and the management of the effects of that disturbance;
- e) Consideration of the structural safety and security of the proposed structures and anchoring systems;
- f) Assessment of any adverse effects from the proposed structures, nets, vessels, anchoring systems and lighting systems on the following:
 - navigational safety, including the layout and positioning of the marine farm structures and the provision of navigation warning devices and signs;
 - natural character, landscape and visual amenity values, including the colour, reflectivity and external finish of buildings and structures, and the size, design and location of the buildings;
 - marine mammals, pelagic fish and seabirds.
- g) Assessment of any adverse effects from the discharges to coastal water, including:
 - The effects from seabed deposition and changes to water quality;
 - Ecological effects, including cumulative effects, relating to the proximity of ecologically important marine habitats;
 - Environmental standards against which the ecological, water quality and bed deposition effects of the discharges are monitored and evaluated;

- Provision for staged increases in the scale of feed discharges and for monitoring of the effects of each stage against environmental standards;
 - Adaptive management approaches to the management of effects from seabed deposition and changes to water quality;
- h) Assessment of biosecurity and disease risks;
- i) Assessment of any adverse effects from the use of submerged artificial lighting within the marine farm;
- j) Consideration of best management practices in relation to:
- Shark, marine mammal and seabird interactions with the marine farm and surrounding area;
 - waste materials and debris from the marine farm;
 - the storage and use of fuels and oils on the marine farm;
- k) Consideration of the management of the emission of noise from the marine farm in order to ensure that the noise limits are achieved;
- l) Consideration of the management of any adverse effects from discharges to air from diesel- and petrol-powered generators and equipment;
- m) Consideration of the management of any adverse effects of odour discharges from marine farming.
- n) Consideration of the management of any adverse effects from the taking, use and discharge of coastal water necessary for undertaking the marine farming activity.

35.4.2.11 Discharges to Water

35.4.2.11.1 Assessment Criteria

35.4.2.11.1.1 The effect of the discharge having regard to the effect of currents, tides, waves, and winds on horizontal transport and vertical mixing of the contaminant.

35.4.2.11.1.2 The effect of the discharge having regard to:

- a) Temperature;
- b) BOD₅;
- c) Suspended solids;
- d) pH;
- e) The chemical content of the discharge, including any heavy metals or other toxic substances;
- f) Dissolved solids; and
- g) Marine farms.

35.4.2.11.1.3 The effectiveness of any mitigation measures.

35.4.2.11.1.4 The effect on the foreshore of any structure associated with the discharge.

35.4.2.11.1.5 When appropriate, the effect on the marine ecosystem of artificial feed from marine farms.

35.4.2.12 Discharge to Air

35.4.2.12.1 Assessment Criteria

35.4.2.12.1.1 The effect of the discharge on the visual clarity of the coastal environment.

- 35.4.2.12.1.2 The effect on the coastal environment having regard to:
- a) Particle size and amount and chemical composition of discharge;
 - b) Process (method) of emission;
 - c) Toxicity of discharge including possible biological, chemical and physical changes to the marine environment by dissolving contaminants;
 - d) Details of structure and enclosure and other methods taken to avoid possible adverse effects;
 - e) Methods of disposing waste material, including any dust particles or waste products from the operation or process; and
 - f) The expected hours of operation during which contaminants (including dust) may be discharged to the air.

35.4.2.13 Structures in the Coastal Marine Area used in the Petroleum and Chemical Industry

35.4.2.13.1 Any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or contaminants in quantities less than 100,000 litres is a Discretionary Activity.

35.4.2.13.2 Criteria for Assessment

- a) The location of any special natural features, or ecological area;
- b) The possibility of exposure to natural hazards;
- c) The density of surrounding development;
- d) The availability of and access to suitable transport routes;
- e) The risks associated with transportation to or from the site;
- f) Compliance with any relevant codes of practice or guidelines;
- g) Specific requirements may be imposed to ensure that any undue risk posed by the facility is avoided or mitigated. Particular regard will be given to site layout, site management, waste disposal, quality of discharges and emergency procedures and monitoring systems;
- h) Provision for site management (operational) plans and emergency plans;
- i) Proposals for monitoring the storage, use and transportation of hazardous substances;
- j) Consideration of practicable alternative operating methods or sites; and
- k) Council may require the provision of a bond sufficient to cover the anticipated costs of removing structures and reinstating the site.

35.4.2.14 Use of surface water within the National Transportation Route

35.4.2.14.1 Except as provided for in Rule 35.1.2.10.2, use of surface water within the National Transportation Route by high speed ships, or ships that exceed 500 gross registered tonnes, which propagate waves that exceed the Wash Rule and are travelling at a ship speed greater than 15 knots, including any associated disturbance of the foreshore and seabed, is a Discretionary Activity.

35.4.2.14.2 Applications for resource consent under Rule 35.4.2.13 will be publicly notified.

35.4.2.14.3 Assessment Criteria

- a) The effects of waves propagated from the ship that exceed the Wash Rule on:
 - (i) coastal and marine ecology;
 - (ii) physical coastal processes;
 - (iii) the relationship that Maori, and in particular Te Atiawa, and their culture and traditions have with coastal resources including effects on:
 - Kaimoana
 - Waahi tapu
 - (iv) people and communities including on:
 - Navigational safety
 - Property Recreation
 - Public access
 - Amenity values
 - Other users of the marine environment
- b) The need for and appropriateness of measures for monitoring the effects of the waves expected to be generated by the ship.

35.4.3 Resource Consent Conditions

Any resource consent may include conditions relating to any one or more of the following:

- a) All those matters contained in section 108 of the Act;
- b) The bulk and location of buildings;
- c) The protection or enhancement of amenity values;
- d) The protection or enhancement of the quality and quantity of natural waters or water systems;
- e) The protection of any significant environmental feature;
- f) The protection of any iwi, heritage or archaeological sites or features;
- g) The design and appearance of any buildings;
- h) Financial contributions in accordance with the requirements of the Plan;
- i) Bonds or covenants to secure the performance of consent conditions;
- j) Landscape design and appearance, and site layout;
- k) The protection of future roading options and the management of traffic impacts;

- l) Where applicable the permit holder shall pay to the Council, on behalf of the Crown, any sum of money required to be paid by regulations made under section 360(1)(c) of the Act; and
- m) Written notice to the Hydrographer of the Royal New Zealand Navy of the structure or work at the time the structure of work is completed.

35.5 Non-Complying Activities

- Any activity other than a Prohibited Activity which is neither a Permitted, Controlled, or Discretionary Activity shall be deemed to be a Non-Complying Activity;
- Deliberate introduction of exotic or introduced plants into the coastal marine area;
- Depositing material on the foreshore or seabed;
- Discharges to the coastal marine area;
- Marine farms within Coastal Marine Zone Two other than marine farms specified as Controlled Activities in Rule 35.2.5 or Limited Discretionary Activities in Rule 35.3.1 or Discretionary Activities pursuant to Rule 35.4:
 - a) inside a line drawn 50 metres from mean low water mark at right angles to a line normal to the nearest part of mean high water mark; or
 - b) beyond a line drawn 200 metres from mean low water, at right angles to a line normal to the nearest part of mean high water mark (refer Figure 35.1: Measurement of Marine Farm from Shore).
- Marinas within Waikawa Bay which are located outside the Marina Zone.
- Residential Activity;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Structures which impound or effectively contain the coastal marine area; and
- Subdivision.
- Marine farms within Coastal Marine Zone 3 other than marine farming provided for under Rule 35.4.2.10.1.

35.5.1 Structures

35.5.1.1 Structures Which Impound or Effectively Contain the Coastal Marine Area

Any activity involving the erection of a structure or structures which will impound or effectively contain 8 hectares or more of the coastal marine area is a Non Complying Activity.

35.5.1.2 Structures More or Less Parallel to Mean High Water Springs

Any activity involving the erection of a structure or structures:

- Which are solid (or present a significant barrier to water or sediment movement); and
- When established on the foreshore or seabed would extend 1000 metres or more in length more or less parallel to the line of mean high water springs (including separate structures which incrementally total 1000 metres or more continuous).

is a Non Complying Activity.

35.5.1.3 Structures Oblique or Perpendicular to Mean High Water Springs

Any activity involving the erection of a structure or structures:

- which are solid (or present a significant barrier to water or sediment movement).
- which are sited obliquely or perpendicular to the line of mean high water springs in the coastal marine area, and
- which in horizontal projection are 1000 metres or more in length.

is a Non-Complying Activity.

35.5.1.4 Structures Used in the Petroleum and Chemical Industry

Any activity in the coastal marine area involving the erection of structures for the storage or containment of any petroleum products, or chemicals in quantities greater than 100,000 litres (including any pipeline that contains this quantity between automatic shut-off valves) is a Non-Complying Activity if located below MHWS.

35.5.2 Deliberate Introduction of Exotic or Introduced Plants into the Coastal Marine Area

Any activity involving the deliberate introduction or planting of any exotic or introduced plant in, on, or under any foreshore or seabed in an area where that plant is not already present is a Non-Complying Activity.

35.5.3 Discharges of Human Sewage to the Coastal Marine Area

35.5.3.1 Any discharge of untreated human sewage to the coastal marine area, is a Non-Complying Activity.

35.5.3.2 Any discharge to the coastal marine area in respect of which the applicant may desire to rely on section 107(2)(a) is Non-Complying Activity.

35.5.4 Depositing Material on the Foreshore and/or Seabed

35.5.4.1 Any activity involving the depositing of any material on the foreshore and/or seabed at a site in the coastal marine area in any 12 month period, that is not otherwise regulated by any other rule within this Zone, is a Non-Complying Activity.

35.6 Prohibited Activities - being activities for which no resource consent shall be granted

- Dumping of hazardous waste substances onto land and from onshore into the coastal marine area;

- The dumping of waste and litter from onshore (including shell, offal or any other matter) into the coastal marine area;
- Marine farms in Coastal Marine Zone One other than marine farms specified as Controlled Activities in Rule 35.2.5 or Limited Discretionary Activities in Rule 35.3, or Discretionary Activities not complying with the standards specified for marine farms as Controlled Activities.
- Rafting of logs as a means of transportation.
- The combustion of:
 - materials associated with the recovery of metals from insulated electrical cables; or
 - materials and metals used in motor vehicles; or
 - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes.
- Use of surface water within that part of Queen Charlotte Sound not on the National Transportation Route by High speed ships, or ships that exceed 500 gross registered tonnes, which are travelling at ship speeds greater than 15 knots.

