

Appendix 2: Schedule of Amendments

Tasman Resource Management Plan

TRMP Hearing 72
22 August 2016

Marked Up TRMP Text

on

Plan Change 61
Wainui Bay Spat Catching

For Deliberative Meeting on 3 October 2016

KEY TO ANNOTATED CHANGES:

Text – operative

Text and ~~Text~~ – proposed PC60 amendments as notified

Text and ~~Text~~ – proposed PC60 amendments as per interim decisions

Text – rejection of proposed text amendments; retention of operative

CHAPTER 22: AQUACULTURE

22.0 INTRODUCTION

This chapter deals with aquaculture development in the coastal marine area of the District. Aquaculture development is expected to have significant social, cultural and economic benefits for the District. It is also the activity likely to cause the greatest degree of change in the coastal marine area of the District in the immediate future.

The demand for space, and the wide range of competing interests and values, has led to specific sites in the coastal marine area being identified for aquaculture purposes and labelled Aquaculture Management Areas (AMAs). These AMAs along with the related management provisions of the Plan and the prohibition of aquaculture activities over the remainder of the coastal marine area of the District, are seen as an efficient and effective means of promoting sustainable management of aquaculture and the environment in which it is undertaken.

The space required for aquaculture is subject to a range of competing demands and has particular recognised values. Thus the careful provision for and management of space for aquaculture activities is critical if the sustainable management of the coastal marine resource is to be achieved. Aquaculture has the potential to affect several of the matters of national importance identified in the Act: natural character, landscape, ecological values, public access and iwi values.

The coastal area of Golden Bay/Mohua and Tasman Bay/Te Tai o Aorere has significance to iwi. It is an area that sustained their tupuna. The values held by iwi about specific areas or sites may be diminished or destroyed by activities such as aquaculture. However, iwi also have interests as existing and potential future participants in aquaculture. It is for iwi to integrate their current and future aspirations for aquaculture with their wider values. While the location of the AMAs has been determined after having considered these wider iwi values, the Plan provisions recognise the potential for adverse effects on iwi values in respect of individual applications within AMAs. The Plan provisions which follow ensure that iwi commercial interests are not disadvantaged relative to other commercial interests.

Tangata whenua iwi have a responsibility, derived from their status as kaitiaki, to ensure the maintenance of the mauri (life force) of coastal waters within their rohe (tribal boundary), and have an expectation that their customary access to and use of traditional resources in the coastal marine area will be maintained.

Ngati Tama, Te Atiawa, and Ngati Rarua have been acknowledged and recognised as tangata whenua and kaitiaki in Mohua and Te Tai o Whakatu. As such, these iwi hold mana over the lands (whenua) and coastal waters (moana) within their rohe, exercised in accordance with tikanga. The AMAs have been named by the iwi as: Waikato (AMA 1), Puramakau (AMA 2), and Te Kumara (AMA 3). [More recently Wainui \(AMA 4\) has been created and this AMA is named for its location.](#)

Caution is needed in providing for, authorising, and managing the use of the public domain for aquaculture so that sustainable management of the resources of the coastal marine area is achieved. Provision for aquaculture must be accompanied by appropriate mechanisms to ensure that the overall coastal marine ecosystem retains its life-supporting capacity for its natural populations of organisms.

[Wainui Bay is recognised as a nationally important site for the collection of mussel spat, providing almost 50 percent of the spat used for mussel farming in the top of the south of New Zealand. The importance of this area to New Zealand aquaculture and the social and economic benefits arising from this site are recognised and provided for in the planning provisions.](#)

Given the competing values associated with the establishment and ongoing operation of aquaculture in the District's coastal marine areas, and the incomplete understanding of its potential effects on the ecology and natural character of Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua, a cautious and adaptive approach has been taken in managing aquaculture. Additionally, in some sites in Tasman Bay, consideration needs to be given to the layout of structures for navigational purposes.

This adaptive management approach has been adopted for the development of aquaculture, as effects of large-scale aquaculture, particularly on ecosystems, are not adequately known. This approach will ensure that more is learned about the environmental effects of aquaculture before the full extent of the AMAs is committed to

the activity. A limited scale of initial development is provided for within the AMAs, with expansion able to proceed if evaluation of monitoring from the initial stage of development indicates that the risk of adverse ecological effects is manageable.

This approach allows the industry to develop, and at the same time ensures that more is learned about the environmental effects associated with aquaculture. It also provides mechanisms to limit and appropriately manage these effects.

In addition to the adaptive management approach, there are also mechanisms that exist in the Act to limit aquaculture development within the AMAs should effects of unforeseen significance occur. These mechanisms include:

- the Section 17 duty to avoid, remedy or mitigate adverse effects;
- the Section 123 provision to limit the duration of a consent;
- the Section 128 opportunity for Council to review conditions of consent;
- the powers under Sections 132 and 314 to cancel a consent;
- the Section 314 power of the Court to issue enforcement orders.

The Plan incorporates provisions for the ongoing sustainable management of aquaculture, while providing for consent applications to be made for a variety of species. The Plan recognises that the initial development and subsequent expansion of the industry is dependent upon a high level of ecological investigation, ongoing monitoring, and management of expansion. Ecological Advisory Groups will provide technical advice to assist the Council in managing any ecological effects that may arise for different types of aquaculture. Funding for the group(s) will be derived from monitoring charges imposed on relevant aquaculture consent holders.

22.1 PROTECTION OF VALUES

22.1.1 Issue

How to provide opportunity to achieve social and economic benefits from aquaculture, while maintaining, enhancing or protecting natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

22.1.2 Objective

Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting capacity of marine ecosystems and the natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

22.1.3 Policies

*Refer to Policy sets 21.1 – 21.7.
Refer to Rule section 25.1.*

AMAs

22.1.3.1 To enable the AMAs to be used as discrete locations where aquaculture may occur in a way that adequately manages adverse effects on the natural and physical resources of the coastal environment, and on its life-supporting capacity, natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi.

22.1.3.2 ~~To provide for the continuation of aquaculture activities at Wainui Bay, for the duration of the existing licences and permits at that location. To provide for a discrete AMA within Wainui~~

Bay for mussel spat catching and holding in recognition of the national importance of Wainui Bay for this activity.

[Unchanged text omitted (22.1.3.3 to 22.1.3.24)]

Spat Catching

- 22.1.3.25 To provide locations where spat catching and spat holding can be carried out either seasonally or permanently.
- 22.1.3.26 To maintain a distinct season free from any form of aquaculture structures or occupation, in specific spat catching subzones.
- 22.1.3.27 Where appropriate, to limit the space used for spat catching in any spat catching season, in order to mitigate adverse effects on the natural and physical resources of the coastal environment.

Miscellaneous

- 22.1.3.28 To avoid or mitigate significant adverse effects of mussel farming development in AMA 2 on natural character values in central Golden Bay/Mohua.
- 22.1.3.29 To ensure that navigation risks from aquaculture structures are adequately avoided or mitigated.
- 22.1.3.30 To ensure that aquaculture activities are managed to minimise:
- (a) the risk of incursion, predation and disease transmission;
 - (b) introduction of biosecurity risk organisms;
 - (c) genetic risk to wild stock.

22.1.20 Methods of Implementation

22.1.20.1 Regulatory

- (a) The zoning of areas, as Aquaculture Management Areas, and the prohibition of aquaculture elsewhere ~~except for the licences and permits at Wainui Bay that existed on 25 May 1996.~~
- (b) Recognition of Treaty Values in the coastal marine area through the zoning of AMAs and the setting aside of the Aquaculture Exclusion Area, and in decisions on consent applications.
- (c) Rules that require consent applications in specified subzones to be supported by comprehensive information on actual and potential effects of the proposed development, including effects on ecosystems and habitat in the vicinity of the application site, and proposals for the management of those effects.
- (d) Consent conditions requiring consent holders to monitor effects of aquaculture, including effects on ecosystems and habitat, to assist better understanding and management of the coastal environment.
- (e) Rules that allow applications for aquaculture involving filter feeding bivalves (including mussels) and other extractive species for whole specified subzones, but which limit initial development, with progression able to proceed if evaluation of monitoring from any stage indicates that the risk of adverse ecological effects is manageable.
- (f) Rules that allow applications for aquaculture involving additive species, but which limit the first stage of development, with progression beyond this if evaluation of monitoring from any stage indicates that the risk of adverse ecological effects is manageable.
- (g) Establishment of Ecological Advisory Group(s) (EAG) comprised of appropriately qualified marine ecologists to advise the Council on ecological effects of aquaculture

in specified subzones. The composition of an EAG will be in accordance with the protocol in Schedule 25H.

- (h) Requirements for financial contributions, Section 36 charges, coastal occupation charges, and any other charges to assist in managing effects of aquaculture.

[Unchanged text omitted (22.1.20.2 to 22.1.20.3)]

22.1.30 Principal Reasons and Explanation

Aquaculture has the potential to bring economic benefits to the District and the nation. It also has potential to adversely affect existing attributes of, and activities carried out in, the coastal environment of the District. Some of those attributes have predominantly non-monetary value, yet in combination they also contribute to economic benefits such as through tourism.

The Plan provisions enable opportunity for aquaculture and indicate where it is appropriate and where it is not, in accordance with the Act. The provisions incorporate a cautious approach to aquaculture that takes the form of:

- (a) ~~zoning-identifying~~ discrete AMAs for aquaculture and prohibiting it elsewhere;
- (b) requiring baseline assessment of application sites coupled with requirements to monitor the effects of aquaculture activities;
- (c) seasonal use of spat catching sites.
- (d) providing for development of aquaculture (other than spat catching in specified subzones) in stages according to the results of monitoring.

The combination of ~~zoning-identifying~~ areas for aquaculture and prohibiting it elsewhere addresses the potential impact of aquaculture on natural character, landscape, ecological, public access, recreational, and amenity values, and those values important to tangata whenua iwi. It also has benefits of certainty both for parties wishing to participate in aquaculture, and for parties seeking a level of surety from effects of aquaculture.

The requirements for baseline information and subsequent monitoring of effects of aquaculture need to be supplemented by state-of-the-environment monitoring by Council, to gain a more comprehensive understanding of the coastal environment and the impact that aquaculture activities have on it. This process of increasing the knowledge base will be important for further policy development and decision-making, as well as ensuring the longer term sustainability of the natural resources in Tasman Bay/Te Tai o Aorere and Golden Bay/Mohua and the appropriate management of important coastal values in this area. Information needs to be made readily available so that people in the community can participate effectively in the sustainable management of the coastal environment.

Uncertainty about possible adverse effects warrants limited areas initially being made available for aquaculture involving extractive or additive species until effects are better understood. The same uncertainty warrants consents being subject to conditions requiring monitoring of effects. A sharing of knowledge from different agencies and operators will be needed for further policy development relating to aquaculture, particularly in relation to cumulative effects and the long-term sustainability of the marine environment.

Aquaculture Involving Filter Feeding Bivalves and/or Other Extractive Species

Controlled activity status enables an initial stage of mussel or filter feeding bivalve farming to begin with minimal administrative processes, and restricted discretionary status is applied to larger scale proposals. Aquaculture involving other extractive species is subject to a discretionary resource consent process irrespective of the size of the proposal, in recognition of the limited information that is available on the farming of species other than filter feeding bivalves in the District. Ecological monitoring conditions are imposed to improve the information base for decisions about subsequent stages of mussel, filter feeding bivalve and other extractive species farming. Provision is made for review of consent conditions, providing opportunity to curb the activity or allow its expansion, depending on the results of monitoring.

Mussel Spat catching and holding in Wainui Bay is provided for as a controlled activity and a restricted discretionary activity where any application does not meet the controlled activity conditions. The site is nationally important for the collection of mussel spat. However, in recognition of the unique and special character of the Bay, specific conditions have been included in the conditions of the controlled activity rule. All other aquaculture is prohibited in Wainui Bay.

Seasonal use of spat catching sites allows spat catching to occur in locations where permanent farming operations would have unacceptable effects on natural character and amenity values, navigation or public access opportunities. A distinct season without spat catching structures in place is necessary to achieve that intent.

Encouraging and involving the industry, the community, environmental groups and iwi in developing the Council's monitoring programme should help ensure its success. In addition, industry initiatives for promoting and implementing alternative methods of managing effects are encouraged. These methods include ecological management plans and codes of practice, which will assist in the sharing of knowledge and provide for a greater understanding of the issues by all the parties that have a stake in the coastal marine area.

Aquaculture Involving Additive Species

[Unchanged text omitted]

22.1.40 Performance Monitoring Indicators

[Unchanged text omitted]

22.1.50 ENVIRONMENTAL RESULTS ANTICIPATED

[Unchanged text omitted]

CHAPTER 2: MEANINGS OF WORDS

2.1 INTRODUCTION

2.2 DEFINED WORDS

...

Mussel spat - means any stage of the lifecycle of Green-lipped mussel (*Perna canaliculus*) less than 40 millimetres in length.

Mussel spat catching - means spat catching that is limited to the obtaining or retention of mussel spat and the harvesting thereof from aquaculture structures.

Mussel spat holding - means the retention of Green-lipped mussel (*Perna canaliculus*) spat between 40 to 60 millimetres in length, on spat catching structures.

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CHAPTER 25: COASTAL MARINE AREA RULES

25.1 STRUCTURES AND OCCUPATION

Refer to Policy sets 20.1, 21.1 – 21.7, 22.1, 23.1, 24.1.

25.1.1 Scope of Section

This section deals with occupation and associated structures for a range of purposes, within the coastal marine area. Disturbance relating to aquaculture structures is addressed in Section 25.1. Disturbance relating to other activities in the coastal marine area are dealt with in Section 25.2. Information required with coastal permit applications for occupation or structures is detailed in Chapter 26.

[Unchanged text omitted]

25.1.2 Structures Relating to Craft

25.1.3 Occupation and Disturbance by Structures for Spat Catching in:

- ▶ Subzone (a): AMA 1 Waikato
- ▶ Subzones (a) – (k): AMA 2 Puramakau
- ▶ Subzones (a) – (h): AMA 3 Te Kumara
AMA 4 Wainui

25.1.3.1 Controlled Activities (Spat Catching)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for:

- (a) scallop spat catching or mussel spat catching in:
 - (i) subzone (a) AMA 1 Waikato,
 - (ii) subzones (a) – (k) AMA 2 Puramakau, and
 - (iii) subzones (a) – (h) of AMA 3 Te Kumara

and:

- (b) mussel spat catching in AMA 4 Wainui;

is a controlled activity, if it complies with the following conditions:

AMA 1 Waikato Subzone (a)

- (a) The activity has been undertaken pursuant to a marine farm licence or coastal permit existing at 1 January 2004, for which a new permit is sought. Conditions (b) to (j) below shall not apply.

For Scallop Spat Catching

- (b) The activity occurs entirely within a subzone for scallop spat catching, and in any season the activity occurs in only one of subzones (a) – (d) in AMA 2 Puramakau and AMA 3 Te Kumara respectively. For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones, with only one subzone in each bay to be used in any season.
- (c) Prior to the commencement of each season, the Environment and Planning Manager is to be advised in writing of the sites to be used.
- (d) Notwithstanding (b), scallop spat caught as a by-catch in mussel spat-catching subzones, and mussel spat caught as a by-catch in scallop spat-catching subzones, may be harvested.

For Mussel Spat Catching

- (e) Subject to condition (f) the activity occurs entirely within subzones (e) – (k) of AMA 2 Puramakau and (e) – (h) of AMA 3 Te Kumara
- (f) In any season the activity occurs in only:
- (i) one of subzones (e) – (g) in AMA 2 Puramakau;
 - (ii) one of subzones (h) – (j) in AMA 2 Puramakau;
 - (iii) subzone (k) in AMA 2 Puramakau;
 - (iv) one of subzones (e) – (g) in AMA 3 Te Kumara;
 - (v) one-third of subzone (h) in AMA 3 Te Kumara.

(For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones (e) – (k) in AMA 2 Puramakau and (e) – (h) in AMA 3 Te Kumara.)

- (g) Notwithstanding (e), mussel spat caught as a by-catch in scallop spat-catching subzones, and scallop spat caught as a by-catch in mussel spat-catching subzones, may be harvested.

(ga) In AMA 4 Wainui:

- (i) All refuse from the spat catching activity is collected and either reused or disposed of on land at a facility that is authorised to accept such material;
- (ii) All operational activities on site occur between the hours of 6:00 am to 8:00 pm each day Monday to Friday inclusive and 7.00 am to 8.00 pm all other times including public holidays (the “operating hours”). Work is only to occur outside the operating hours in exceptional circumstances. In any year, there are to be no more than 5 occasions when work occurs outside of these operating hours. Each instance when the operating hours need to be exceeded, together with the exceptional reasons for exceeding the limits, is to be reported in advance to the Council’s Co-ordinator Compliance Monitoring.
- (iii) All activities related to the site meet the following noise standards as measured and assessed in accordance with the provisions of NZS 6801:2008, *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008 *Acoustics – Environmental Noise* at any point on land above MHWS.
- | | Day | Night |
|----------------------------------|---------------|---------------|
| <u>L_{Aeq} (15 mins)</u> | <u>50 dBA</u> | <u>40 dBA</u> |
| <u>L_{max}</u> | <u>70dBA:</u> | |
- (iv) No broadcast radio station or digital or analogue recorded noise (including CDs, cassette tapes, MP3s or other digital formats) from activities on the vessels occurs while working on site;
- (v) Lights from vessels working at the site do not shine onto land where those lights may cause a nuisance.
- (vii) Scallop spat caught as a ‘by catch’ in mussel spat-catching subzones may be harvested.

Notification

Applications for resource consent for an activity under rule 25.1.3.1(ga) will be decided with public notification.

For All Spat Catching

- (h) For all spat catching except at AMA 4 Wainui the following apply:
- (hi) The activity allowed by condition (b) or condition (e) occurs only in the period between 1 November and 30 April in the following year.
 - (ii) The activity uses longline structures, with backbone lines submerged and maintained at a depth of not less than 5 metres below the surface of the water.

- (jiii) The presence of longlines is marked by surface floats connected to the submerged backbone lines, but above the backbone lines there is no connection between floats.

(i) For mussel spat catching at AMA 4 Wainui, the activity uses surface or subsurface longlines or structures, incorporating surface buoys.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

- (1) Ecological effects, including monitoring.
- (2) Type, scale, location, density and integrity of structures.
- (3) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.

(3A) Management of biosecurity risk organisms declared by a Chief Technical Officer as unwanted organisms or contained with a Regional Pest Management Plan, within AMA 4-Wainui Bay.

- (4) Management of biosecurity risk organisms, such as Undaria and the prevention of arrival and the movement of unwanted organisms.

(4A) In addition to the other matters of control, for AMA 4 Wainui, the management of refuse from the activity, the hours of operation, noise from activities on the vessels while working on site, the management of light spill and intensity from vessels and the organisation of, and attendance at, community liaison meetings.

(4B) Prevention of arrival and transfer of marine pest species including, but not limited to, those declared as unwanted organisms or as pest species contained within a Regional Pest Management Plan, within AMA 4 – Wainui Bay.

- (5) Duration of the permit.
- (6) Financial contributions, bonds, administrative charges.
- (7) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.
- (v) Where the spat catching is to occur in a subzone not used for spat catching in the last five years, no spat-catching structures are placed in the water until information to implement Schedule 25E has been provided to the Council.

- (vi) Where the spat catching is to occur in a subzone used for spat catching within the last five years, no spat catching structures are to be placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat-catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.

25.1.3.1A Controlled Activities (Mussel Spat Holding)

The occupation and disturbance of any site in AMA 4 Wainui by structures, and the use of those structures, for mussel spat holding is a controlled activity, if it complies with the following conditions:

- (a) All refuse from the spat holding activity is collected and either reused or disposed of on land at a facility that is authorised to accept such waste material.
- (b) All operational activities on the site occur between the hours of 6:00 am to 8:00 pm each day (the “operating hours”). Work is only to occur outside the operating hours in exceptional circumstances. In any year there are to be no more than five occasions when work occurs outside of these operating hours. Each instance when the operating hours need to be exceeded, together with the exceptional reasons for exceeding the limits, is to be reported in advance to the Council’s Co-ordinator Compliance Monitoring.
- (c) All activities related to the site meet the following noise standards as measured and assessed in accordance with the provisions of NZS 6801:2008, *Acoustics - Measurement of Environmental Sound* and NZS 6802:2008, *Acoustics - Environmental Noise* at any point on land above MHWS.
- | | Day | Night |
|----------------------------------|---------------|---------------|
| <u>L_{Aeq} (15 mins)</u> | <u>50 dBA</u> | <u>40 dBA</u> |
| <u>L_{max}</u> | <u>70dBA</u> | |
- (d) No broadcast radio station or digital or analogue recorded noise (including CDs, cassette tapes, MP3s or other digital formats) from activities on the vessels occurs while working on site.
- (e) Lights from vessels working at the site do not shine onto land where those lights may cause a nuisance.
- (f) The activity uses surface or subsurface longlines or structures, incorporating surface buoys.

Notification

Applications for resource consent for an activity under rule will be decided with public notification.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

- (1) Ecological effects, including monitoring.
- (2) Type, scale, location, density and integrity of structures.
- (3) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.
- (3A) Management of biosecurity risk organisms declared by a Chief Technical Officer as unwanted organisms or contained with a Regional Pest Management Plan, within AMA 4-Wainui Bay.
- (4) Management of biosecurity risk organisms, such as Undaria.
- (4B) Prevention of arrival and transfer of marine pest species including, but not limited to, those declared as unwanted organisms or as pest species contained within a Regional Pest Management Plan, within AMA 4 – Wainui Bay.

- (5) The management of refuse from the activity, the hours of operation, noise from activities on the vessels while working on site, the management of light spill and intensity from vessels and the organisation of, and attendance at, community liaison meetings.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (i) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.
- (iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

25.1.3.2 Restricted Discretionary Activities (Spat Catching)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, in:

- (a) subzone (a) AMA 1 Waikato,
- (b) subzones (a) – (k) AMA 2 Puramakau, ~~and~~
- (c) subzones (a) – (h) of AMA 3 Te Kumara

for mussel spat catching and scallop spat catching; and in

- (d) AMA 4 Wainui for mussel spat catching and holding;

that ~~and the activity~~ does not comply with rule 25.1.3.1A or condition (ga), (h)(ii), (h)(iii) or (i) ~~(i) or (j)~~ of rule 25.1.3.1 is a restricted discretionary activity, if it complies with the following conditions:

- (a) For all spat catching locations except AMA 4 Wainui the following apply:
 - (i) The activity occurs only in the period between 1 November and 30 April in any 12-month period.
 - ~~(bi)~~ The activity uses longline structures, including surface backbone lines and floats.
 - ~~(iie)~~ Scallop spat caught as a by-catch in mussel spat-catching subzones, and mussel spat caught as a by-catch in scallop spat-catching subzones, may be harvested.
- (b) For mussel spat catching and holding in AMA 4 Wainui, the activity uses surface or subsurface longlines or structures, incorporating surface buoys.

Notification

Applications for resource consent for an activity in AMA Wainui will be decided with public notification.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters over which the Council has restricted its discretion:

- (1) Type, scale, location, density and integrity of structures.
- (2) Treaty values.
- (3) Ecological effects, including monitoring.
- (4) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.

(4A) Management of biosecurity risk organisms declared by a Chief Technical Officer as unwanted organisms or contained with a Regional Pest Management Plan, within AMA 4-Wainui Bay.

- (5) Management of biosecurity risk organisms, such as Undaria **and the prevention of arrival and the movement of unwanted organisms.**

(5A) In addition to the other matters of control, for AMA 4 Wainui, the management of refuse from the activity, the hours of operation, noise from activities on the vessels while working on site, the management of light spill and intensity from vessels and the organisation of, and attendance at, community liaison meetings.

(5B) Prevention of arrival and transfer of marine pest species including, but not limited to, those declared as unwanted organisms or as pest species contained within a Regional Pest Management Plan, within AMA 4 – Wainui Bay.

- (6) Duration of the permit.
- (7) Financial contributions, bonds, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

[Unchanged text omitted]

25.1.3.3 Prohibited Activities (Spat Catching)

- (a) (i) Scallop and mussel spat catching in:
 - subzones (a) – (k) of AMA 2 Puramakau, and
 - subzones (a) – (h) of AMA 3 Te Kumara;

and

(ii) Mussel spat catching and holding in AMA 4 Wainui;

that does not comply with conditions 25.1.3.1(a) – (h)~~(i) of rule 25.1.3.1, rule 25.1.3.1A (a) – (e), or with rule 25.1.3.2 (a) or (b)~~ is a prohibited activity for which no resource consent application will be received or granted. For the avoidance of doubt, this does not preclude an applicant from applying for consent to catch spat across all spat-catching subzones in an AMA in successive years, subject to compliance with rule 25.1.3.1(b) and (f) in any spat-catching season.

- (b) The catching of spat of species other than:

(i) scallops or mussels in

- subzones (a) – (k) of AMA 2 Puramakau, and
- subzones (a) – (h) of AMA 3 Te Kumara; and

(ii) mussel spat in AMA 4 Wainui;

is a prohibited activity for which no resource consent application will be received or granted.

- (c) Aquaculture other than:
- ~~(i) the catching of scallop or mussel spat in~~
 - ~~• subzones (a) – (k) of AMA 2 Puramakau, and~~
 - ~~• subzones (a) – (h) of AMA 3 Te Kumara~~
 - and
 - ~~(ii) the catching and holding of mussel spat in AMA 4 Wainui;~~
- is a prohibited activity for which no resource consent application will be received or granted.

25.1.4 Occupation and Disturbance by Structures for Aquaculture in:

- ▶ Subzones (a) – (d): AMA 1 Waikato
- ▶ Subzones (l) – (q): AMA 2 Puramakau
- ▶ Subzones (i) – (l): AMA 3 Te Kumara

Note: Catching of spat falls within the definition of ‘aquaculture’ and is therefore provided for under rules 25.1.4.1 – 25.1.4.5 below within subzones (a) – (d) AMA 1 Waikato, subzones (l) – (q) AMA 2 Puramakau and subzones (i) – (l) Te Kumara.

Note: The activities provided for by rules 25.1.4.1 – 25.1.4.5 may also require consent for discharge under rule 36.2.3.1 or 36.2.3.2, but note that effects of shell and live organism drop-off, faeces and pseudofaeces are addressed under the rules for occupation of the coastal marine area for the purposes of aquaculture and therefore do not need separate discharge permits.

[Unchanged text omitted (25.1.4.1 to 25.1.4.3)]

~~25.1.4.4 Discretionary Activities (Mussel Farming at Wainui Bay)~~

~~The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for mussel farming is a discretionary activity, if it complies with the following conditions:~~

- ~~(a) The activity is at Wainui Bay on the site of a coastal permit or marine farm licence that existed on 25 May 1996; and~~
- ~~(b) The activity uses longline structures, incorporating surface buoys.~~

~~**A resource consent is required.** Consent may be refused or conditions imposed. In considering applications and determining conditions, Council will have regard to the following matters as well as other provisions of the Plan and the Act.~~

- ~~(1) Degree of exclusive occupation, if sought.~~
- ~~(2) Treaty values.~~
- ~~(3) Type, scale, location, density and integrity of structures.~~
- ~~(4) Ecological matters, including monitoring.~~
- ~~(5) Natural character.~~
- ~~(6) Navigation, including the form of compliance with Maritime New Zealand guidelines for the marking and lighting of aquaculture structures.~~
- ~~(7) Management of biosecurity risk organisms, such as Undaria.~~
- ~~(8) Duration of the permit.~~

~~(9) Financial contributions, bonds, administrative charges.~~

~~(10) Timing and purpose of reviews of any or all conditions.~~

~~In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:~~

~~(i) The activity does not discharge contaminants to the sea, and in particular tributyl tin anti-fouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.~~

~~(ii) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.~~

~~(iii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.~~

~~(iv) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.~~

~~(v) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.~~

[Unchanged text omitted (25.1.4.5 and 25.1.4.6)]

25.1.4.7 Prohibited Activities (Aquaculture Exclusion Area)

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture in the Aquaculture Exclusion Area ~~(except for the sites of the marine farm licences and coastal permits that existed at Wainui Bay on 25 May 1996)~~ is a prohibited activity for which no resource consent application will be received or granted.