

Experimental Aquaculture

Stocktake of Regional Coastal Plan Provisions (volume I)



Opus International Consultants Limited
Environmental Division
Majestic Centre, 100 Willis Street
PO Box 12-003
Wellington, New Zealand

Telephone: +64 4 471 7000
Facsimile: +64 4 499 3699

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Prepared by.....

Lisa Gooch, Natasha Van Hoppe, Rebecca Beals

Reviewed by.....

Rebecca Beals

Approved for Release by.....

Lisa Gooch

Manager, Environmental Management, Wellington

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VOL II : Plan Provisions

1 The Brief

Significant changes were introduced to the legal framework for aquaculture in 2004 via the Aquaculture Reform Act, amending five existing statutes and introducing two new ones¹. The new regime includes the following features:

- There is a single process for aquaculture planning and consents, carried out by regional and unitary councils in accordance with the Resource Management Act 1991 (RMA).
- New marine farms can only be applied for and considered in areas defined in regional coastal plans as Aquaculture Management Areas (AMAs).
- The majority of existing marine farm leases and licences have been deemed AMAs. A new AMA can be initiated by regional and unitary councils, or privately.
- Councils have more powers to allocate new space to the most efficient users. However when resource consents come up for review, the reform provides greater protection for existing consent holders.

The provisions of coastal plans therefore continue to be important in defining the range of aquaculture activities, including experimentation, research and innovation, envisaged within both deemed and new AMAs.

Opus International Ltd has been contracted to assess of all Regional Coastal/Coastal Environment Plans² in New Zealand for provisions which may be directly relevant to experimental or short term aquaculture research. The review includes objectives, policies and methods including non-regulatory methods.

The purpose of the review is to establish how flexible current provisions are in allowing for experimentation, research and innovation in aquaculture, and to highlight examples of good practice or notes of caution in respect of barriers to short term aquaculture research.

The assessments have been categorised by region. Each regional assessment has been sent to the relevant Regional Council coastal contact to confirm accuracy, and to amend as necessary. Additional Council comments have been included where received (eg. from Greater Wellington). Reviews were not received from Gisborne District, Horizons, Greater Wellington and Environment Southland.

2 Key Findings

2.1 First Generation Coastal Plans

Most of the Regional Coastal Plans around the country were written in the 1990s, and are now nearing or in the process of the 10 year review required by the Resource Management Act (the Act). Although aquaculture was well established in some parts of the country, most plans predate the aquaculture reform 2004. Therefore it is not surprising that plans addressing aquaculture are in the minority, and that there are even fewer plans that specifically consider Short Term Aquaculture Research (STAR). In these cases, STAR is regulated by the various activities involved, discussed further below. There are a few cases however, where coastal plans have explicitly addressed STAR activities.

Plans providing for STAR activities (at least at policy or definition level)	Plans containing flexible Aquaculture provisions	Plans with no STAR or Aquaculture provisions, yet some flexibility	Plans with little or no flexibility
Northland (operative, & PC4) Auckland Waikato Bay of Plenty Marlborough (Sounds and Wairau/Awatere) Nelson Tasman	Northland (PC4) Auckland Waikato Bay of Plenty Hawkes Bay Manawatu-Wanganui (One Plan) Tasman Marlborough (Sounds	Gisborne Taranaki Manawatu-Wanganui (operative) Wellington West Coast Otago Canterbury	Northland (<i>in respect of exotic organisms</i>) Waikato (<i>in respect of other than spat catching/oyster/mussel farming and shellfish research</i>)

¹ This paragraph is reproduced (and paraphrased in parts) from the Ministry for the Environment web page on aquaculture reform <http://www.mfe.govt.nz/issues/aquaculture/reform.html>

² Because the review is limited to Plans, aquaculture consent conditions have not been included in the review. Consents may be a useful topic for future investigation.

	and Wairau/Awatere) Nelson Southland		Tasman (<i>in respect of non-mussel farming</i>)
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2.2 Specific Provisions Allowing/Enabling Short Term Aquaculture Research (STAR)

Eight coastal plans specifically entertain the concept of STAR in one form or another (Northland (PC4), Auckland, Waikato, Bay of Plenty, Nelson, Tasman and Marlborough (Sounds and Wairau/Awatere)).

The most common recognition of STAR is in introductory, issue definition or explanatory sections (ie non-statutory material). The issue is referred to in the context of future aquaculture directions, and highlights current interest in trialling different species or aquaculture techniques. Two plans do not go further than this. The Marlborough Sounds Resource Management Plan flags the issue, but acknowledges that the Plan provisions are written to manage the effects of bi-valve structures. Environment Bay of Plenty Regional Coastal Environment Plan recognises in explanatory material that there is increased interest in (and some trialling of) farming new species, but addresses innovation within generic structure provisions.

The most common policy provision for STAR is in the consideration of applications for new species or techniques. Such policy consideration is characterised by a precautionary approach in consent assessment (eg. Auckland, Waikato, Hawkes Bay, Tasman), duration (eg. Northland PC4), staged development (eg. Northland PC4, Auckland, Waikato, Hawkes Bay), viability assessments (eg. Bay of Plenty), monitoring requirements (eg. Northland PC4, Tasman), and requirements for bonds to ensure structure removal (Bay of Plenty).

Several plans refer to STAR specifically in the relevant aquaculture definitions. The Tasman and Nelson Plan definitions of aquaculture refer to investigative and experimental aquaculture.

The Waikato RCP provides specifically for new structures for shellfish research purposes (as a Discretionary Activity), but staff advise that the rule is not workable since the aquaculture reforms due to the requirement for all aquaculture activities to be undertaken within an identified AMA.

2.3 Flexibility to allow for STAR without specific plan provisions.

Notwithstanding the lack of specific attention to STAR, all plan rules are flexible enough that they could contemplate at least some aspects of STAR proposals. These plans fall into two categories, those that provide for STAR indirectly through general provisions for aquaculture, and those that do not.

Ten plans (Northland, Auckland, Waikato, Bay of Plenty, Hawkes Bay, Manawatu-Wanganui, Tasman, Marlborough (Sounds and Wairau/Awatere plans) and Southland) contemplate aquaculture, some via targeted policy and regulation (eg. Manawatu-Wanganui), others through recognition of aquaculture in policies or definitions which are inclusive of investigative or experimental aquaculture (eg. Nelson), combined with a reliance on general consent requirements for a range of associated activities. Most of the plan provisions for aquaculture have some potential for application to STAR proposals, as long as the definitions for aquaculture are broad enough to include STAR (eg. Northland, Auckland, Bay of Plenty, Hawkes Bay, Manawatu-Wanganui, Marlborough (Sounds and Wairau/Awatere plans) and Southland).

Of the five plans that do not provide any targeted aquaculture provisions (Taranaki, Gisborne, Wellington, West Coast, Otago) STAR is still enabled to a moderate extent via the coastal provisions for various activities that may be associated with it, (eg. policy and rules for structures, deposition/discharges, disturbance, occupation, and plant/organism introduction). The major hurdle is that where STAR hasn't been specifically contemplated, it tends to fall into 'catch-all' discretionary or (less frequently) non-complying activity classifications. The tests for these activities are tough in the absence of specific policy support, but equally it would not be too onerous to insert some targeted policy, while keeping the existing rules. In many cases this would be sufficient to enable appropriate STAR activities.

2.4 No provision or flexibility for STAR activities

Very few plans have absolutely *no* provision or flexibility to allow STAR activities. More often, plans contain some enabling provisions (eg. many plans provide for temporary structures as permitted activities, see Wellington, Nelson

and other plans), some generic effects-based activities that are neutral to STAR (eg. most plans have discretionary 'catch all' rules for structures), and some provisions that would effectively act as barriers to STAR, most commonly via prohibitions on aquaculture in areas of high natural value (eg. Manawatu-Wanganui (One Plan) and others) or prohibitions in regard to introduced plants (eg. Bay of Plenty and others).

The Tasman Resource Management Plan prohibits the farming of species other than mussels, or spat catching other than scallops or mussels, and the Waikato Regional Coastal Plan prohibits all marine farming (and associated structures) other than spat catching, oyster/mussel farming and shellfish research. Although shellfish research is exempted from the prohibition, it cannot be exercised at present due to the current legislative constraints to aquaculture outside of AMAs.

The implications of provisions for exotic/introduced plants or organisms warrant closer examination. While it is typical to prohibit exotic pest plants, and for plans to specify the Restricted Coastal Activity (RCA) 'thresholds' relating to the introduction of exotic plants (in accordance with the NZCPS), other planning responses to this issue range from requiring discretionary consents for the introduction of indigenous plants (eg. Auckland); exotic plants (Hawkes Bay); exotic plants into areas where already established (eg. Waikato); through to making the introduction of exotic plants non-complying (eg. Gisborne); prohibiting the introduction of exotic plants into areas of high value (eg. Waikato); to the other end of the spectrum - prohibiting the introduction of exotic organisms into new areas (Northland) etc. As STAR proposals may involve the introduction of species, these prohibitions are relevant.

2.5 Best Examples of Flexibility

Efficient use of Space

Most plans state policy preferences for utilising existing areas of development over the establishment of new areas. As long as this is qualified by the ability for an applicant to demonstrate where new or separated space may be essential (eg. Gisborne), then these provisions are sufficiently flexible, however this 'out' is not available in all cases.

Uncertainty

The approach taken by Northland (PC4) in regard to proposals incorporating new technology or species is useful, being cautious yet flexible. The policy framework involves inclusive definitions, provides for staged development progression based on monitoring results, a 5 year limit to consents, and bonds. Hawkes Bay and Auckland similarly propose an adaptive management approach for previously untried species or techniques, whereby successive development stages are approved depending upon the results of environmental monitoring of previous development (however the expression of the Auckland policy in relation to % of development may prove a barrier, see 2.6 below and the Table entry for Auckland for further information).

Hawkes Bay foreshore and seabed disturbance provisions permit unforeseen activities that comply with permitted or controlled standards. This is an effects-based practice that would potentially enable activities such as STAR, in situations where the activities have not been specifically considered in plan provisions.

Tasman requires ecological baseline assessments of application sites, coupled with monitoring requirements and ecological management plans, in an attempt to proactively address the uncertain effects of new/untried proposals.

Comprehensive and multi-activity provisions

A 'one-stop shop' approach is taken in some plans. For example Northland PC4 regulates experimental aquaculture activities, and includes consideration of structures, occupation of space, disturbance, and deposition or discharge within the same rule. Tasman (and others) similarly provide for occupation, disturbance and discharges in association with specified structures, making it vastly easier for proponents to assess the regulatory framework.

Hawkes Bay aquaculture structure policies are good examples, providing comprehensive considerations that are appropriate to the potential impacts, and including good information requirements for applications.

The rules of both the Manawatu-Wanganui and West Coast plans address activities involving structures (such as 'any structure used in association with a marine farm'), rather than the structures per se. Because STAR activities could propose changes to conventional structures, this constitutes a more flexible and inclusive approach for STAR proposals, than rules which target specific structure types or dimensions (eg. conventional longline structures).

Facilitative Provisions

Manawatu-Wanganui provides for controlled activity status for aquaculture in many parts of the Coastal Marine Area (CMA). Hawkes Bay provides for non-notified, controlled status for structures and disturbance but requires service on affected parties. This approach reduces barriers to applications while protecting appropriate third party involvement.

In terms of structures, the Wellington plan policy makes distinctions between temporary and permanent occupation, and reversible and irreversible effects, and short/long term effects which should be favourable for STAR activities. The Otago plan contains provision for the adaptation of existing structures as a permitted activity as long as the overall dimensions and outline remain the same, disturbance is confined to the original footprint and is smoothed after completion to no more than .5m depression, and the structure blends in with the adjoining landscape. The Tasman plan permits small scale structures for scientific investigation, subject to standards protecting habitat, maintaining public access, ensuring navigational safety, limiting the structure to 20m² and 5m height, and not constituting a contaminant discharge.

Exotic/Introduced plants

Plans providing for Discretionary activity status for the introduction of exotic plants provide useful flexibility in terms of STAR activities, in that they allow for technological solutions (eg containment, reproductive controls) to be considered. Gisborne plan policy is a useful example in that it seeks to prohibit exotic plant introduction - except in well defined circumstances designed to minimise environmental risk). The West Coast policy approach considers the need for the introduction amongst other matters including potential adverse effects – this is reasonably flexible while retaining a precautionary approach.

The Wellington plan is typical of most other plans in that it provides for Discretionary and Non-complying activities, however there is a clear policy support for the type of activity envisaged in STAR (or aquaculture in general) which isn't apparent in many other plans. There is an objective that explicitly intends to allow the introduction of exotic/introduced plants where it has positive economic or community benefits and can be achieved in a controlled manner and without adverse effects on ecological or amenity values. The accompanying objectives reinforce the intention that all introductions must be controlled. The Policies support this objective by taking into account the benefits of introductions as well as the environmental precautions to be satisfied. The approach is useful in that it provides for a flexible decision-making framework, while still maintaining comprehensive environmental safeguards (however staff advise that this approach no longer sits easily with changes to biosecurity legislation and recent national experiences with exotic plants).

2.6 Potential Barriers to STAR Activities

The requirement for STAR to occur within AMAs is a given. This summary of relevant plan provisions does not address Aquaculture Management Area (AMA) provisions in detail. It is acknowledged that in many cases AMAs are not mapped in plans, or exist only as deemed AMAs (based on existing approved aquaculture activities) with varying capacity for further development. The aquaculture that can occur in these areas is determined by a combination of the plan provisions and the detail of the consent. New STAR entrants would therefore need to be able to secure space within existing AMAs, in accordance with existing consents.

Lack of Targeted Provisions

Provisions explicitly targeted to STAR (such as those in the Waikato plan) were uncommon. This means that STAR is prescribed by more general aquaculture provisions (as in the Manawatu-Wanganui One Plan), or even general provisions for structures, discharges, occupation etc (eg. the West Coast plan). This may present difficulties for STAR applicants to navigate plans in order to assess the provisions relevant to their activity, but does not present an inherent barrier to STAR. The real barrier is due to the consequent lack of supportive or otherwise targeted policy to guide decision-making.

Uncertainty

The Southland Plan maintains that changes in species, and changes or additions to structures require as much scrutiny as the original application. While this is probably a valid environmental position, it could act as a barrier to STAR proposals.

Restrictive provisions

While some plans specifically restrict or prevent certain types of aquaculture (see above, at 2.4), others restrict STAR activities through narrow definitions or rule standards and terms that effectively prevent STAR from taking advantage

of facilitative provisions. As an example the Tasman structure rule standards dictate the type of structure that may be used (eg. 25.1.5(j) which is a standard for controlled activity scallop/mussel spat catching that requires longline structures, with backbone lines submerged and maintained at a depth of not less than 5 metres below the surface of the water), limiting the flexibility to trial new techniques.

The Southland Plan policy acknowledges that STAR requires space, but the policy then qualifies that it is not to be at the expense of proven aquaculture activities.

Exotic/Introduced Organisms

The Auckland Plan goes further than some by requiring a Discretionary activity consent for the introduction of indigenous *but not locally sourced* species. The Northland plan goes further than all others in prohibiting the introduction of exotic *organisms* rather than just exotic plants.

Most plans contain very restrictive (if not prohibitive) provisions in relation to the introduction of exotic plant species, and refer to the RCA status of activities as appropriate. However it would be more flexible (as far as STAR is concerned), to have this activity as Non-Complying or Discretionary subject to standards and guiding policies.

Staged Development

The approach taken by Auckland to stage the development of new proposals may prove unworkable in respect of STAR proposals because it is proposed (policy 22.4.9) that initially only 50% each permit may be developed, with successive 25% being allowed subsequent to monitoring results. Although the objective is sound, the techniques may not be fit for purpose in respect of STAR activities, being short term and relatively small scale. If a research trial relies on X area to be able to be undertaken, then limiting it to half that area may mean that the research cannot proceed or vice versa, that an area twice the size of that actually needed is required to be applied for in order to carry out the research effectively within the provisions of the Plan.

Statutory Weight

Most of the specific and supportive text relating to STAR activities is in non-statutory parts of coastal plans, eg. issue descriptions, and introductory sections of the plan. For example, the Marlborough (Sounds) Plan acknowledges at Issue 9.2 that alternative species currently under research may have less visual impacts than the predominant aquaculture species. The Waikato Plan includes several relevant definitions, but as they are presented as advisory notes to rules they may not be able to be relied on in all circumstances, eg. a consent appeal.

Definitions

The RMA now contains a comprehensive definition of aquaculture activities as a result of the 2004 reform. The definition does not explicitly include STAR activities, but does not preclude them either, unless it is argued that STAR is not "for harvest" purposes and is therefore not an aquaculture activity in terms of the RMA. STAR activities would also need to involve occupation, and to be able to be distinguished / kept separate from naturally occurring marine life in order to fall within the RMA definition.

The Northland (PC4) and Hawkes Bay plans reflect the RMA definition. Aquaculture / marine farming is not defined in the Northland (operative), Horizons One Plan, Wellington, Canterbury, West Coast or Otago plans, however the RMA definition would apply. The Horizons plan instead defines 'marine farming structure'.

The Nelson and Tasman plans specifically include investigative or experimental activities.

Aquaculture is defined variously in the remaining regional coastal plans. The Auckland, Marlborough (Sounds) and Southland plans are similar to the RMA definition, including that they refer to the purpose of harvest, but do not specify that the activities must necessarily involve occupation (instead the Sounds plan qualifies the activity as occurring within a marine farm, and then defines marine farm as aquaculture using surface and/or sub-surface structures).

3 Plan Summaries

3.1 Review of Provisions for Short-term Aquaculture Research (STAR)

The following table summarises the plan provisions deemed to be relevant either because they would be specific requirements of STAR activities (eg. Auckland policy 22.4.8 which provides for a precautionary approach to untried aquaculture species/methods), or because they are general requirements that STAR would be likely to trigger (eg. regulation of introduced species), or because they are generic requirements that would affect all aquaculture and so are only relevant to STAR in the same sense that they are relevant to any aquaculture activity (eg. Bay of Plenty policy 12.2.3 which prefers land-based aquaculture).

Page numbers are supplied which correspond to copies of the original provisions compiled as Volume II to this stocktake.

Note that where plans make specific provision for aquaculture, the remaining plan provisions have not been examined in detail. Where there are no targeted rules, a wider review of relevant plan provisions has been taken – focusing on structures, occupation of space, exotic organisms, discharges, sprat collection and data gathering/monitoring.

3.2 Northland – Comment

The operative RCP for Northland was written in advance of the aquaculture reforms, and has effectively been superceded by Proposed Plan Change 4, which is gaining in dominance as the Plan Change progresses³. Informal Council discussions recognise that there may be a lack of flexibility in the Proposed Plan Change to provide for STAR, and no solutions have been found that would improve the current proposal. Nevertheless, the Plan Change gives STAR specific consideration and provides for its management to the extent enabled by the current legislation.

The Plan Change builds on provisions that already contemplated aquaculture. It amends provisions in policies and methods to be more inclusive of aquaculture activities (ones which previously focused on shellfish), establishes marine management areas and a preference for new areas to be created via the IPPC process for establishing new AMAs, takes a policy approach favouring/prohibiting marine farming in different areas and seeking efficient utilisation of existing marine farming areas, takes a precautionary approach via staged development / 5 year consents / bond-type mechanisms / specific information requirements for STAR activities, and provides explanations as to what is considered to be experimental.

Highlights (good practice examples) The Plan Change probably represents the latest in planning approaches to STAR. The Plan Change broadens the definitions to refer to aquaculture activities, where previously it referred solely to shellfish. It also makes several other changes that specifically consider STAR activities (see the general approach summarised in the paragraphs immediately above), policies 27.4.24,.26-.29 and .31, and Rule 31.5.2(e) below), Policies specifically address new types of marine farming or the adoption of new technology, and propose to stage development (this concept is also used and described in detail, in the Auckland Plan). It would appear that there may be available space in Marine 3 - Marine Farming Management Area (assuming this is a term for an established AMA), and if so, then the framework for STAR is well established. It is considered that the Plan (including the Proposed Plan Change) goes as far as possible, to manage STAR activities within the constraints of the legislation. The Plan Change would be an effective model in most respects.

Highlights (Potential Barriers) Introduction / transference into new areas of exotic organisms is prohibited. This is potentially a barrier to STAR, compared with Discretionary or Non-complying activity status for this activity.

Region and Plan	Provision	Reference	Plan Page	Content Addressed	Comment
1. Northland	The marine farming 'zone' applies primarily to shellfish cultivation. Marine farming is not defined.				Generally relevant to STAR
Regional Coastal Plan for Northland Operative	... provision for Maori ... culture and traditions	Issues 11.2.10	81	desire to develop new marine farms and other aquaculture ventures,....	Generally relevant to STAR. Envisages aquaculture activities that are not marine farms

³ Council decisions on Plan Change #4 are due to be notified in March 2008. There has been an officer's report on Plan Change 4, however the report has not been included in this review.

Northland 1 July 2004	Marine Farming Management Area 'zone'	Policy Introduction 27.1	187	Coastal permit requirements for new conventional oyster / mussel-farms and other possible marine farming (eg. salmon, mullet and scallops).	Generally relevant to STAR. Acknowledges changes in technology as a likely expansion of marine farming pressure
	Marine Farming Management Area 'zone'	Policy 27.4.10		Requires consideration of land-based alternatives when reviewing proposals for marine farming of non-conventional species, including non-indigenous fish.	Specifically relevant to STAR.
	Note that Plan Change #4 replaces 31.5 provisions. Original rules are given below				
	Marine 3 (Marine Farming) Management Area	Rules 31.5.2(b) 31.5.2(f) structures	267	Structures other than spat catching, oyster racks, mussel longlines, are discretionary. (f) permits the placement, operation, and maintenance of equipment for environmental monitoring or data gathering purposes, subject to approvals from the Harbourmaster, prior notification to the Council; and limiting the term to one calendar year; and subject to the general performance standards of 31.5.10.	Specifically relevant to STAR (f) potentially specifically relevant to STAR. PC4 repeals this provision in respect of AMAs, but it applies to other marine management areas. Data gathering is not defined, so could theoretically include some STAR activities, although as long as STAR is considered to be aquaculture, it cannot occur outside of AMAs.
	Marine 3 (Marine Farming) Management Area	Discharge Rules 31.5.4(i)	270	Makes discharges not addressed elsewhere, discretionary	Generally relevant to STAR. Appears to include discharges from aquaculture operations
	Marine 3 (Marine Farming) Management Area	Taking/use of water Rules 31.5.5(d)	271	Permits taking, use, and discharge of coastal water for other than ...the purpose of washing and sorting farmed shellfish ...subject to standards	Generally relevant to STAR.
	Marine 3 (Marine Farming) Management Area	Moorings 31.5.5(a),(b), (d)	272	Permits various mooring types associated with marine farming	Generally relevant to STAR. Potentially allows for this activity in association with STAR purposes
	Marine 3 (Marine Farming)	Marine Farming Rules 31.5.8	273	Occupation of space is controlled, subject to standards	Generally relevant to STAR. Marine farming is not defined in the Plan, therefore potentially allows this activity

	Management Area				in association with STAR
	Marine 3 (Marine Farming) Management Area	Marine Farming Rules 31.5.9	273	Disturbance of foreshore / seabed is permitted, subject to standards and conditions	Generally relevant to STAR. Marine farming is not defined in the Plan, therefore potentially allows this activity in association with STAR
	Marine 3 (Marine Farming) Management Area	31.5.9(d)	273	Prohibits the introduction of exotic organisms into the CMA (excludes pacific oyster)	Specifically relevant to STAR. Would affect the introduction of species for STAR
	Other Marine zones	Rules 31.3.10 31.4.10 31.6.9 31.7.10 31.8.9	241 262 290 305 321	New marine farms / extensions to existing farms are either discretionary or prohibited outside of the Marine 3 Management area (narrowed to apply to new farms in 31.3.10 and 31.4.10, in PC4)	Generally relevant to STAR.
Northland		Definitions		"Aquaculture activities" is defined as in the RMA	Specifically relevant to STAR
Regional Coastal Plan for Northland Proposed Plan Change 4	Marine 3 (Aquaculture) Management Areas	Establishing AMAs, plan change requests for aquaculture activities Policies 27.4.1-20 Methods 27.5.1	17-23	Addresses the establishment of new AMAs and plan change requests for AMAs coastal permits for aquaculture	Generally relevant to STAR
		Coastal Permits Policy 27.4.21 - 23	17	21. New ...aquaculture activities to be located, designed and managed to avoid / mitigate / remedy of adverse effects. 22. addresses navigation safety priority over aquaculture structures 23. provides that activities within AMAs need to be compatible with primary aquaculture purposes	Generally relevant to STAR
		Coastal Permits Policy	24	Stages development where: a) The potential adverse effects cannot adequately be predicted;	Specifically relevant to STAR. Policy specifically addresses ... new types of marine farming or the adoption of

		27.4.24		b) New species are farmed or new technology utilised; or c) The scale or type of marine farm warrants a cautious approach.	new technology where limited precedent exists. Requires them to be developed progressively, before full scale farming is approved.
		Policy 27.4.26	24	Limits the duration of coastal permits for experimental aquaculture activities to a maximum of 5 years.	Specifically relevant to STAR.
<i>Northland</i>		Policies 27.4.27-29, 27.4.31	24	27. New aquaculture activities to attract bond-type mechanism for removal of abandoned structures 28. Addresses the repair of abandoned / derelict structures 29. Addresses review of unsuitable AMAs 31. Addresses potential for non-notification of permits within a purpose-specific AMA	Generally relevant to STAR
		Methods 27.5.1-19	25	Mapping exercises, investigations and monitoring, consultation, plan change process, enforcement, review of provisions, advocacy.	Generally relevant to STAR
		Info Requirements for PPCs to establish AMAs 27.6	28	Information requirements for Private Plan Change requests for AMAs	Generally relevant to STAR
		Information Requirements for coastal permits 27.7.3	32	Heading for specific information requirements for coastal permits for experimental aquaculture activities	Would be Specifically relevant to STAR but Incomplete. No requirements detailed.
	Marine 3 (Aquaculture) Management Areas (Note – replaces current section 31.5)	Rules 31.5.2 - 9		2. Addresses establishment of aquaculture activities, 3. Addresses structures 4. Reclamation & impoundment 5. Discharges 6. Taking and use of water 7. Dredging and spoil disposal, 8. Moorings 9. Other	Generally relevant to STAR, except that 31.5.2(e) is specifically relevant, suggesting that the remainder of 31.5.2 does not apply.
	Marine 3 (Aquaculture) Management Areas (Note –	Rules 31.5.2(e)	37	Addresses establishment of experimental aquaculture activities including structures, occupation of space, disturbance of the foreshore and seabed, and deposition or discharge in the CMA, as a Discretionary activity, subject to standards. Provides for a 5yr permit term	Specifically relevant to STAR - explains that Experimental aquaculture includes activities considered by the consent authority to be experimental due to: (i) the potential adverse effects cannot

	replaces current section 31.5)				adequately be predicted, (ii) new species are proposed to be farmed, or new technology utilised; (iii) the scale or type of marine farm warrants a cautious approach.
<i>Northland</i>	Assessment Criteria Marine Farms (other than structures)	32.2.8	48	Assessment criteria for considering discretionary consents etc. consider: 1. Whether the species is indigenous to, or has previously been cultivated in NZ or Northland, and the likelihood of it becoming established 'in the wild'. 2. Whether the location of the proposed farm is suited to the growing habit of the proposed species. 3. The availability of access to the proposed site. 4. Whether the applicant has an existing marine farm and the extent to which this is developed. 5. impoundment, structures, discharges or mooring requirements. 6. need for use of vehicles in foreshore areas. 7. storage of spat or farm materials outside the proposed marine farm. 8. The availability of associated land-based requirements. 9. The degree of exclusive occupation of space required and effects on existing uses.	Generally relevant to STAR

3.3 Auckland – Comment

The regional coastal plan chapter 22 addresses aquaculture. This chapter is not operative, as it is affected by several variations (2 and 4-6) that have not yet been heard, withdrawn or replaced. Variations 2-6 concern aquaculture and have been incorporated to the PRCP for Auckland. Variation 2 addresses aquaculture policy, while variations 4-6 concern specific aquaculture management Areas (Variation 3 having been withdrawn). However all of the variations are 'on hold' pending the preparation of a new policy framework for aquaculture. It is anticipated that the variations will be withdrawn and an alternative variation will be notified in 2008. The provisions summarised below are therefore likely to be amended substantially in the course of the policy review process.

In the meantime, the variations to the PRCP for Auckland improve on aquaculture already contemplated in the Plan. There is now a specific chapter addressing aquaculture. The previous definitions for marine farming and activities such as conventional oyster farming are broadened out to be less specific to species and methods. AMAs are defined. The policies address allocation of space, with existing applications addressed in order of receipt, but tendering all other coastal space. Limits are set on new operations at specified areas, effectively restricting new activities to the expansion of current operations or to situations where another operation has closed.

The Plan acknowledges interest in new species and technologies as important for future aquaculture. The Plan objectives target future aquaculture activities, and policies commit to a precautionary approach to determining species to be farmed. An adaptive management technique is espoused for aquaculture generally, involving a staged percentage of allowable development, in combination with monitoring of effects.

Highlights (good practice examples) Having provisions targeted to aquaculture (including structures, disposal of shell etc) is vastly easier for applicants to work through. The precautionary approach to new development is good practice at a conceptual level, although it may prove a barrier in respect of STAR applications (see below). Commits to liaison with MFish, aquaculture industry, research institutions and other regional councils as a means of staying informed and being better positioned to provide appropriately for new aquaculture techniques/species. The AMAs have been determined by Council, rather than being left to a Plan Change process, removing that aspect of uncertainty.

Highlights (Potential Barriers) In respect of the introduction of organisms, the Plan goes further than some by addressing the introduction of indigenous plants (not eco-sourced) as a discretionary activity, while the introduction of exotic plants is a non-complying RCA. The approach to development of new proposals may prove unworkable in respect of STAR proposals because it is proposed (policy 22.4.9) that initially only 50% of each permit may be developed, with a successive 25% being allowed subsequent to monitoring results. Although the objective is sound, the techniques may not be fit for purpose in respect of STAR activities, being short term and relatively small scale. As noted above, if a research trial relies on X area to be able to be undertaken, then limiting it to half that area will mean that the research cannot proceed. Also, while the definitions of conventional longline or inter-tidal aquaculture have been broadened out in terms of structures, allowing a controlled activity status, the rules re-introduce a constraint in that they refer only to bi-valve species, which would act to frustrate the broader definitions when applied to STAR activities, defaulting any STAR activity not relating to bi-valves back to a discretionary activity status.

Region and Plan	Provision	Reference	Plan Page	Content Addressed	Comment
Auckland Proposed Coastal Plan Includes Variations 1,2,4,5,6 Status: Var 2,4,5,6 Subs / xsubs received, but not yet heard. Pending development of a new framework. Plan Change 2 – coastal occupation charging, notified 5 Sept 07, subs close 3 Oct 2007	Definitions: Adaptive management - Aquaculture Activity(ies) Marine Farming, - Conventional Inter-tidal Aquaculture Activities - Conventional Long Line Aquaculture Activities - Conventional Oyster Farming - Conventional Mussel Farming		Def-1	Adaptive management is defined as staging the development of aquaculture within Aquaculture Management Areas to allow any actual or potential adverse cumulative effects to be determined by environmental monitoring. Further aquaculture development will be dependent on whether or not there are adverse environmental effects from the first stage of development. Definition of aquaculture activities: means marine farming or spat catching or both. New definition for marine farming: - breeding, hatching, cultivating, rearing, or on-growing - fish, aquatic life, or seaweed for harvest; - supporting / preparation operations Excluding: -activities done under s.301 Regs of the Fisheries Act 1996; or - if not in possession by a marine farming permit holder; or - if not able to be segregated from naturally occurring fish / aquatic life / seaweed. Amended definitions for conventional inter-tidal and longline aquaculture - activities are now defined by the use of long lines, racks and cages, rather than species and methods. Deleted definitions for conventional mussel farming and conventional oyster farming	Specifically relevant to STAR - New definitions have been broadened. Activities, species and operations could now include STAR. The adaptive management technique would be likely to be applied to STAR. Definition of marine farming is similar to that in the RMA but does not contain the corollary of 'occupation' as in the Act.
	Structures	Policy 12.4.7	p. 12/2	Allows that structures in Coastal Protection Area 1 may be considered appropriate if they are: a) for scientific and research purposes or for public education, and will enhance the understanding and long term protection of the Coastal Protection Area...	Potentially Specifically relevant to STAR

				d) structures of benefit to the regional and national community and there are no reasonable or practicable alternatives to their location on land or elsewhere in the coastal marine area.	
	Structures	Rule 12.5.5	12/4	<p>Permits the erection / placement of temporary structures, and associated occupation, subject to:</p> <p>a location outside of Coastal Protection Areas 1 b limit of 14 days within any 6 month period; and subsequent removal upon completion of the use for which it was erected; c adverse effects from foreshore / seabed disturbance are able to be remedied by natural processes within 7 days d public access to/along/within CMA is not prevented e minimum area necessary f no hazard to navigation g written advice to ARC of details prior to its erection / placement; h reference to Chapter 16: Disturbance of Foreshore and Seabed; and Chapter 20: Discharge of Contaminants.</p>	Potentially Specifically relevant to STAR,
	Structures	Rule 12.5.16	p.12/6	Provides for structures for scientific research, ... in Coastal Protection Areas 1 and 2 which are not approved marine reserves or marine protected areas, as non-notified restricted discretionary activities. Discretions are restricted to a range of considerations including: a) adverse effects from foreshore/seabed disturbance, deposition of material; removal of indigenous vegetation; discharge of contaminants; design and appearance; duration; monitoring.	Potentially Specifically relevant to STAR
	Occupation	Rule 12.5.17	p.12/6 10/6	<p>Occupation associated with below - surface structures in areas other than prohibited anchorage areas is provided as a restricted discretionary activity. Discretion is restricted to matters of rule 10.5.7 a,d, e, f and g... that is:</p> <p>a spatial and temporal extent of occupation; d the effect on existing occupation in the same locality or the vicinity; e navigation and safety; f cumulative effects g duration of consent;</p>	Potentially Specifically relevant to STAR
	Dredging	Rules 15.5.9	p.15/6	Provides for maintenance dredging in areas of the coastal marine area not otherwise covered (excluding Coastal Protection Area 1), as a Discretionary activity.	Generally relevant to STAR - would include dredging for aquaculture structure development or maintenance
<i>Auckland</i>	Planting and	Issues	p.18/10	Acknowledges that exotic/ indigenous plants sourced from	Specifically relevant to STAR

<i>Auckland</i>	Introduction of Plants	18.2.2		outside the ecological district may be proposed for aquaculture, and may be appropriate where adverse effects are known and avoidable	
	Planting and Introduction of Plants	Policies 18.4.1 18.4.3 18.4.5	pp. 18/10- 11	.1 - Provides that introduction of plants shall be avoided where it will modify/damage/destroy values in specified areas, including heritage areas. .3 Provides that introduction of exotic plants is inappropriate unless actual / potential adverse effects are known and can be avoided or remedied. .5 Addresses the planting of indigenous plants which are not sourced from the same ecological district, requiring that it is not practicable to use eco-sourced plants, that adverse effects will be avoided, remedied or mitigated, that natural processes will not be changed, and that the natural character of the area will not be adversely affected.	Specifically relevant to STAR
	Planting and Introduction of Plants Chapter 18	Rules 18.5.1 18.5.2 18.5.3	Pp. 18/11- 12	.1 Provides for the introduction or planting of indigenous plants as Discretionary Activities, except if prohibited. .2 Provides for the introduction/planting of plants not otherwise specified, as Non-Complying Activities .3 Provides for introduction of exotic species as Restricted Coastal Activities	Specifically relevant to STAR in that indigenous plant introduction is discretionary, and most exotic plant introduction is non-complying and an RCA.
	Aquaculture Chapter 22	Introduction 22	22/2 22/4	Acknowledges that the aquaculture industry is continuing to evolve, developing using methods and species not previously used in aquaculture. Also that while mussel and oyster farming predominate in the Region, there is some oyster farming on intertidal racks at various locations and mussel farming on long lines at various locations. Acknowledges that there is interest in farming other species such as kingfish, seaweed, snapper and seahorses , and recognises that provision for the farming of new species and the introduction of innovative technologies is an important component of providing for future aquaculture in the Region.	Specifically relevant to STAR in that it contemplates unconventional aquaculture activities.
	Aquaculture	Objectives	22/5	Includes the objective of appropriately providing for the	Generally relevant to STAR in that the

	Chapter 22	22.3.1		development of aquaculture activities.	objective targets future as well as current aquaculture activities.
<i>Auckland</i>	Aquaculture Chapter 22	Objectives 22.3.5	22/5	The objective is to take a precautionary approach in determining species to be farmed, amongst other matters.	Specifically relevant to STAR
	Aquaculture Chapter 22	Policies 22.4.4-22.4.7	22/6-22/7	Policies address the mechanism for allocating space. Key points are: that applications on hold will be addressed in order of receipt, all other coastal space is to be allocated by tender. Existing operations have a single right of renewal outside of any tendering process. Limits are set on new operations at Waiheke Island, Wairoa Bay and Mahurangi Harbour, effectively restricting new activities to the expansion of current operations or to situations where another operation has closed, as specified for each area.	Generally relevant to STAR. New STAR activities will face a more difficult allocation hurdle than STAR undertaken by way of variation to a current operation / application (however the allocation hurdle would be the same for any new aquaculture operation whether conventional or experimental).
	Aquaculture Chapter 22	Policies 22.4.8	22/7	Provides for a precautionary approach to assessing / managing aquaculture that proposes species or cultivation techniques untried in the region.	Specifically relevant to STAR
	Aquaculture Chapter 22	Policies 22.4.9-22.4.15	22/7 ff.	22.4.9 Explains the use of an adaptive management technique to manage risk from effects. This is defined (elsewhere) as: involving staging aquaculture development to allow adverse effects to be determined by environmental monitoring. Further aquaculture development is dependent on the results of the first development stage. The policy converts this approach into staged % of allowable development within a permit area. The remaining aquaculture policies address various matters of general relevance to aquaculture activities including 10year duration of consent, values to be considered in consent assessment, general policy requirements for aquaculture proposals, use of vehicles, disposal of shell, land based infrastructure etc.	Generally relevant to STAR
	Aquaculture Chapter 22	Rules Controlled Activity (non-notified) 22.5.2 22.5.3	22/9	Alteration of existing structures necessary for conventional long line or inter-tidal aquaculture activities for bivalve culture , subject to: a) the aquaculture activity does not exceed the area for which it is authorised to occupy. Controls relate to: condition/maintenance of structures, adverse effects of disturbance, deposition, remedial /	Specific relevance to STAR, as the rule defines 'conventional...' in reference to the use of long lines, racks or cages, rather than any specific method or species. The definitions replace earlier definitions which specified species and structures. While the definition is broader than previously, it could again become out of date quickly depending

				mitigation methods, discharge of contaminants, associated land-based activity approvals, navigation and safety, duration, monitoring and review of the consent; and environmental monitoring.	on new technology, and the broad definition is frustrated by the rule which limits activities to bi-valve species.
<i>Auckland</i>	Aquaculture Chapter 22	Rules Restricted Discretionary 22.5.4 22.5.5 22.5.6 22.5.7 22.5.8	22/10 22/11 22/12	<p>4. Reapplication for expired coastal permit for the use of/ occupation of space by any aquaculture structure, and associated discharges, disturbance and deposition, subject to standards and terms... including no change to existing permit terms and conditions, location, extent and nature of the existing structure..</p> <p>5. The erection, placement, use of, and occupation of space by any structure necessary for conventional long line aquaculture for bivalve culture subject to standards and terms...</p> <p>6 & 7. The erection, placement, use of, and occupation of space by any structure necessary for conventional inter-tidal aquaculture activities for oysters subject to standards and terms...</p> <p>8. Restricted discretions...</p>	<p>Unlikely relevance to STAR , but see 'definitions' above</p> <p>Specifically relevant to STAR - the plan notes that taking / farming of spat will be addressed as for marine farming if it requires structures and occupation.</p>
	Aquaculture Chapter 22	Rules Discretionary 22.5.9-10	22/14	<p>9. Erection / placement of structures; use/occupation of space, and associated discharges, disturbance, deposition activities, for aquaculture in specified locations not provided for as restricted discretionary or prohibited activities.</p> <p>10. As above, but relates to activities not meeting the standards for restricted discretionary activities.</p>	Specifically relevant to STAR. STAR activities will usually be subject to one or the other of these two rules, and therefore a Discretionary activity.
	Aquaculture Chapter 22	Other Methods 22.6.1 22.6.6 22.6.7	22/14 22/15 22/16	<p>1. Provides for liaison with fishing industry / aquaculture organisations</p> <p>6. Provides for protection of tangata whenua interests via the promotion of aquaculture...</p> <p>7. Provides for liaison with MFish, aquaculture industry, research institutions and regional councils on studies and research ...</p> <p>Note – other methods are generally relevant to any</p>	<p>Generally relevant to STAR.</p> <p>1. Will allow STAR issues to be aired proactively, including monitoring for the effectiveness of the plan provisions.</p> <p>Good practice provided that the forum does not become a captive audience for a particular industry lobby.</p> <p>6. Will allow the promotion of aquaculture per se, and provides for a positive environment for new / creative aquaculture proposals</p>

				aquaculture activity, including STAR, but do not warrant specific mention here.	7. Appears to be targeted to research on the effects of aquaculture on the CMA, but potentially allows for STAR studies
<i>Auckland</i>	Aquaculture Chapter 22	Other Methods 22.6.13	22/16	13. Recognises potential for increase in demand for farming other aquatic species (eg. fish). Commits to liaison with MFish, aquaculture industry, research institutions and other regional councils to stay informed, including research on effects of species on the coastal environment, with a view to future provision at appropriate scale/location	Specifically relevant to STAR

3.4 Waikato – Comment

Waikato is considering a Plan Change targeting aquaculture, (see entry below).

The Plan maps AMAs arising from existing marine farms, and flags a new AMA for Wilsons Bay that is not fully allocated. Occupation is included in the terms of the associated structure rules, apart from exclusive occupation (which is addressed by separate rules)

Highlights (good practice examples) Marine Farming Zones are identified in the plan, and allow for future allocation of space, in addition to existing deemed AMAs arising from existing marine farms.

The rules provide for spat catching, oyster/mussel farming and shellfish research. All other forms of farming are prohibited. Although the shellfish research rule was intended to allow experimental aquaculture outside of the marine farming zone, the aquaculture law reforms have frustrated the provision. It could only be used if a farmer freed up (part of) an existing area in order undertake STAR.

The structure rule that attempts to provide for shellfish research (16.5.2) is good practice in as much as it attempts to distinguish STAR from other activities as being of less environmental concern.

The definition of marine farming is not specific. It pre-dates the 2004 RMA definition, and has the advantage of **not** referring to activities being necessarily 'for the purpose of harvesting'. It would therefore be clearly inclusive of STAR activities.

Highlights (Potential Barriers). The rules limit aquaculture to spat catching, oyster/mussel farming and shellfish research. All other forms of farming are prohibited. Because shellfish research outside of AMAs is not legal, the overall regulatory approach is therefore more restrictive than intended. Even if research was allowed to occur as proposed, the ability to follow through with a commercial application using new species is not an option given the prohibition provisions. Many of the relevant 'definitions' are provided as advisory notes rather than statutory definitions. Their statutory weight is undermined by this.

EW Regional Coastal Plan

Potential 'Aquaculture Plan Change for New Species',

Status: pre-notification

Note: Environment Waikato is considering a Plan Change to allow other types of aquaculture, including experimental aquaculture and fish farming, in the existing marine farms. The information available to date indicates a focus on caged fish farming as the likely next form of aquaculture promoted.

The website information explains that EW considers experimental aquaculture to be the trial of a new species and/or new structures that are not currently grown on a commercial scale in the region, to determine if the farming of that species is feasible and environmentally sustainable, and that the key differences between trial and commercial scale operations involve size, intensity and duration. Trials will be smaller and of short duration, approximately three to five crop cycles (about five to eight years depending on the species).

The information highlights that future growth of the aquaculture sector will largely come from better use of existing aquaculture space, development of new technologies and processes, the development of new species and the development of new value-added products and branding, and points the reader to the Government's National Position Statement on Aquaculture.

The website explains that the after discussions and information gathering an appropriate management framework will be developed and notified as a plan change. Consultation is underway, and expected to continue until the end of the year. The earliest notification is anticipated to be February or March 2008.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment	
3 Environment Waikato Regional Coastal Plan Operative 27 Oct 05 Includes Marine Farming Variation, Operative in Part Jan '07 (one locality-specific appeal),	Marine Farming: means the activities of breeding, hatching, collection, cultivation, rearing, on-growing or harvesting of fin fish, shellfish, aquatic life or marine vegetation (and includes spat catching and spat holding), and includes the placement or erection of structures or other equipment, the disturbance of matter on the foreshore and/or seabed, and the use and occupation of the foreshore, seabed or water in the CMA (it should be noted that the breeding, hatching, collection, cultivation, rearing, on-growing or harvesting of fish, shellfish are controlled by the Ministry of Fisheries)					
	Exotic Plant Control	Policy 3.2.4	3/9	The policy seeks to avoid the introduction of exotic plant species into the CMA	Generally relevant to STAR	
	Marine Farming	Introduction	6/1	The introduction to Chapter 6 acknowledges that changes in technology have meant that (eg.) new species can be farmed on long-line structures.	Specifically relevant to STAR.	
	Marine Farming	Policy 6.1.1 Marine Farm Structures 6.1.4 Efficient Use and Development of Coastal Space	6/4 6/6	1. Provides for a precautionary approach to new marine farming development, via new structures - allowing them provided they avoid adverse environmental effects where practicable 4. Promotes 'infilling' of [an identified] marine farming zone before contemplating further development elsewhere.	Generally relevant to STAR.	
	Scheme of Plan	Non-complying activities 16.1.2	16/2	2. Provides a non-complying default for activities not otherwise provided for, or which do not meet the standards and terms for specified rules.	Specifically relevant to STAR	
	Plant introductions	Rules 16.2.4 16.2.5 16.2.6 16.2.7 16.2.8	16/8- 16/9	4. Permits the introduction of indigenous plant species where already naturally present 5. and 6. Introduction of exotic plants where already present is discretionary, but otherwise is discretionary and an RCA 7 and 8. Introduction of exotic plants into [identified natural area], and plant pests is prohibited,	Specifically relevant to STAR	
	NOTE: The rules in the Plan provide for spat catching, oyster farming, mussel farming and shellfish research. All other forms of farming are prohibited.					
	Implementati	Rules	16/35	Provides that erection/use/occupation of fish aggregation	Generally relevant to STAR, but	

	on Methods Marine Farming Chapter 16.5	Discretionary 16.5.1		devices, buoys and lines for spat collection outside of [the marine farming zone] is discretionary, subject to standards and terms	superseded by reforms as spat collection cannot occur outside AMAs
	Implementation Methods Marine Farming Chapter 16.5	Rules Discretionary 16.5.2	16/36	Provides for structures for shellfish research purposes [excluding specified areas]. Excludes commercial scale developments, farming and harvesting or other production-related purposes, subject to standards and terms. Standards and terms relate to: Notification, identification, size limited to 1ha , location, restraints, no artificial foods / antibiotics, navigation, protection of existing benthic reefs, removal, bonds , ecological investigation of receiving area,	Specifically relevant to STAR. Provides for STAR structures and constrains the scope of the STAR activity. Attempts to distinguish STAR from other maintenance/ repair / replacement / removal structure rules 16.4.20-23 Good Practice except that: 1) the exclusions spelled out in the footnote and advisory note would not have the teeth that a definition would supply. There is no definition for Shellfish Research Purposes, and 2) the provision is limited to shellfish species. Structures for non-shellfish species (eg sponges, finfish) are apparently prohibited via rule 16.5.6 3) the aquaculture provision is only for the structure, whereas other structure rules in the Plan provide for associated deposition, discharge etc
<i>Waikato</i>	Implementation Methods Marine Farming Chapter 16.5	Rules Discretionary 16.5.3 Current Marine Farm Structures	16/38	Current [identified in maps] Marine Farm Structures are discretionary and subject to listed standards and terms (targets pre-RMA Marine Farms)	Unlikely relevance to STAR, as the structures must be the same type and form, but as the definition of marine farming does not exclude STAR marine farming activities, potentially STAR activities (using different species but structures that comply with the permit/lease/licence) could be affected by the rule. Relies on the more specific rule.
	Implementation Methods Marine	Rules Controlled 16.5.4	16/40	Provides for Conventional Longline Marine Farming structures, discharges, disturbance and deposition , within Marine Farm Zone as controlled activity, subject to listed standards and terms, and controls	Generally relevant to STAR. 'Conventional long-line Marine Farm' is explained by way of an advisory note, rather than a definition. The note does

	Farming Chapter 16.5				<p>not exclude STAR.</p> <p>The note allows for future technology changes. However, the statutory weight of the note is doubtful.</p> <p>This rule is a lot less restrictive than the rule for STAR, in both classification and controls.</p> <p>It could be argued that the non-structure components of this rule could apply to STAR activities.</p>
<i>Waikato</i>	Implementation Methods Marine Farming Chapter 16.5	Rules Discretionary 16.5.5	16/43	Provides for new 'conventional inter-tidal oyster farm [rack] structures' as discretionary activities, subject to listed standards and terms	Generally relevant to STAR. , 'Conventional inter-tidal oyster farm structure' is explained in the principal reason for the rule as 'usually [consisting] of wooden racks with posts and rails, and ... located on the inter-tidal foreshore or seabed'. The explanation does not preclude STAR activities. The statutory weight of the explanation in is doubtful, in the absence of a Definition.
	Implementation Methods Marine Farming Chapter 16.5	Rules Prohibited 16.5.6	16/45	Provides that all other marine farm structures are prohibited	Specifically relevant to STAR, in that it prohibits structures for non-shellfish species, (unless it can be argued that the STAR activities are addressed via the conventional longline / oyster rack rules). Potentially a significant barrier to STAR.
	Implementation Methods Marine Farming Chapter 16.5	Rules 16.8.1 16.8.2	16/60	Provides for extensive exclusive occupation (excluding public from 10ha+ of CMA/316m of foreshore, or occupying 50ha+ of CMA, or as discretionary and an RCA, or as a prohibited activity in specified circumstances.	Unlikely relevance to STAR given the scale involved
	Other Methods Nat	Other methods 17.2.19	17/7	Provides for raising public awareness in relation to potential threats of exotic species, introduction methods and prevention / eradication methods	Generally relevant to STAR. Manifests a policy approach to exotic species introduction to the CMA

	Character / Habitat / Coastal Processes 17.2				
<i>Waikato</i>	Other Methods Marine Farming 17.5	Other methods 17.5.1 17.5.2 17.5.3 17.5.4 17.5.5 17.5.6 17.5.7 17.5.8 17.5.9	17/14	<ol style="list-style-type: none"> 1. Consultation with marine farming industry / advocacy in support for good environmental management practices, include. lighting, navigational marking, and monitoring. 2. Coastal tendering regime to be used to allocate undeveloped space. 3. Staged development of marine farms within [identified marine farming zone], and environmental monitoring requirements of marine farmers to identify trigger points that could result in restriction of further development. 4. Information gathering on marine farming, including baseline data, on environmental effects, and the dissemination of research from other agencies. 5. Seeks integrated management between agencies. 6. Provides for the facilitation and promotion of a Marine Farming Forum 7. Tangata Whenua to be appointed as hearing commissioners. 8. Marine farm lighting management - roles and responsibilities for navigational hazard management. 9. provision for inshore passage at [identified area], via revocation of licences etc... 	Generally relevant to STAR.

3.5 Bay of Plenty - Comment

Environment Bay of Plenty maps existing marine farms and approved applications (in explanatory material on the EBOP website). There are no mapped AMAs, but there are two deemed AMAs arising from existing aquaculture activities in Ohiwa Harbour.

While several organisations (research, educational, iwi) have expressed interest in STAR, the only useful AMA space for research in the Bay of Plenty region is not yet procedurally complete, and is controlled by one commercial organisation, with consequent commercial / intellectual property issues etc to be resolved before STAR could occur. It is felt that there is considerable support amongst the community and particularly iwi, for STAR / non-commercial aquaculture (eg for marae supply), but that the current legislation does not lend itself to small scale aquaculture/research ventures.

The Council is researching opportunities for AMAs in the region via the Aquaculture Management Area Project. Discussions are underway with the aquaculture industry, iwi and other stakeholders about possible AMA locations through to late 2007. Council decisions about how and where it plans to create AMAs are some time away. A plan change addressing occupation is on hold, pending changes to the NZCPS. One Plan Change under consideration is to provide for a permitted activity for some types of data gathering.

The plan pre-dates the aquaculture reforms, so does not easily relate to the current framework. The plan has been constructed around (generally discretionary) constituent activities (Structures, occupation, discharges etc) and overarching guidance is given for these. Approximately 98% of the Region is Coastal Management Zone with overlying policy zones (eg Landscapes, ASCV's, cultural sites, sites of district significance). We have reviewed our identified Landscape features, the ecological sites and historic heritage. Any consent application would also be considered on the basis of the values identified in these documents. The identified areas and the accompanying policy would guide consent applications, along with information on the Use and Value maps, and Part II RMA. There are several short term research consents already in existence, that allow all manner of scientific equipment to be deployed anywhere in the coast. (If they were "aquaculture" they would also require additional MFish permits).

Highlights (good practice examples). The definition of aquaculture is broad, but has been superceded by the reforms. It could be argued that STAR activities are a preliminary 'use...for the production of commercially harvestable quantities...'). Good explanatory material envisages that future aquaculture may be different from current species/techniques. Acknowledges that some research/trialling of new species/techniques is underway in the region, provides for discretionary activity status for structures to ensure appropriate innovations. Provides that applications are to be accompanied by independent assessment of the physical viability of the operation at the intended location, and establishes a bond mechanism to ensure the removal of structures.

The introduction of exotic plants is addressed in respect of trial purposes, with method 16.2.5 recommendations to the Minister are made to permit experimental introduction of exotic plants potentially including recommended conditions seeking containment measures, bonds and monitoring. The recommendations may need to be refined, but generally speaking, this is a more STAR-responsive approach to exotic plant introduction than that taken in many plans. Supported by a prohibition of exotic plant species into the Coastal Habitat Protection Zone, suggesting that careful thought has been given to these provisions.

The plan, Use and Values maps, reviews of significant sites (2006 and 2007), Part II of the RMA and s.104 RMA, and supply of applications to Dept of Conservation under s.90 RMA would afford considerable protection of significant values from Short Term Aquaculture Research.

Highlights (Potential Barriers) The plan doesn't go into detail about the method of allocating AMA space, occupation charging etc. These will be the subject of future plan changes, however these will be driven by (as yet undemonstrated) commercial aquaculture demand. While STAR is mentioned, there are no targeted provisions except for the exotic plants rule mentioned above, making it more difficult for potential STAR applicants to determine consent requirements. (this could be

remedied by a targeted information supplement however).
 Policy 13.2.3(g) discourages the proliferation of structures, supported by rules requiring discretionary consents, and states preferences for structures to be located in/adjacent to existing infrastructure. The policy is only a minor barrier due to the ability to acknowledge incompatibility. A more significant potential barrier is the rule prohibiting structures in permanent water (or navigation channels) in harbours, which would prevent any aquaculture in those areas.
 Structure rules do not specifically address aquaculture.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
4 Environment Bay of Plenty Regional Coastal Environment Plan 1 July 2003					
	Definitions	Glossary	337	Aquaculture: is defined as the complete or partial use of land based or nearshore facilities for the production of commercially harvestable quantities of a species or the intentional enhancement of natural stocks, excluding the direct harvesting of natural stocks.	Generally relevant to STAR, in that it does not preclude STAR activities from aquaculture provisions. The law reforms have effectively superceded this.
		Chapter 3 (not appended due to size)		contains zone purpose statements. Natural character policies refer back to these. Activities outside the purpose of the zone are likely to fail.	generally relevant to STAR
		Chapters 4-8 (not appended due to size)	-	contain the most relevant policy to STAR covering each of the S6 RMA matters, This is where proposals are likely to stand or fall.	generally relevant to STAR
	Discharges	Policy 9.2.3(a)-(h)	p.50	(a) seeks to integrate CMA water quality/land use/freshwater management. (b) seeks to protect aquatic life/habitats/feeding grounds/ecosystems/amenity values from significant adverse effects of discharges, and (c) specifies that discharges must not result in water quality that is unsuitable for contact recreation, and shellfish gathering throughout harbours and estuaries and on the open coast out to a	

				<p>distance of 400 metres from MHWS. Both policies apply scheduled water quality classifications and standards unless others are demonstrably more consistent with sustainable management.</p> <p>(e) seeks to avoid activities with potential for the accumulation of persistent toxic contaminants in sensitive receiving environments.</p> <p>(f) considers several factors when considering what constitutes reasonable mixing:</p> <p>(h) commits to monitoring/reporting on water quality.</p> <p>(d),(g),(i)-(m) not relevant (the policies address stormwater quality via urban land use management, sewage discharge, discharges/contaminants from vessels, discharge/oil spill response capability, ballast, EBOP actions regarding unsafe recreation/shellfish areas)</p>	
<i>Bay of Plenty</i>	Discharges Coastal Marine Area (all zones)	Rules 9.2.4 (b) 9.2.4 (d) 9.2.4 (i)	p.51-53	<p>(a),(c),(e),(f),(g), (h) not relevant (discharge of stormwater, sewage, hull cleaning, port zone, port reclamation,)</p> <p>(b) Rule 2 provides that discharges not expressly provided for or prohibited are Discretionary activities in all zones, subject to standards</p> <p>(d) Rule 4 permits discharge of seawater from live-fish holding tanks with provisos relating to; concentration of suspended solids (not to exceed 10 gm-3); and concentration of ammonia (not to exceed 5 gm-3).</p> <p>Restricted Coastal Activities - All Zones 9.2.4(i) If an application for a discharge to the coastal marine area:</p> <ul style="list-style-type: none"> • does not comply with the criteria as specified in clause 1.10(a) of the First Schedule to this plan, or • complies with the criteria as specified in clause 1.10(b) of the First Schedule to this plan – Restricted Coastal Activities, then that activity is a discretionary restricted coastal activity 	<p>Generally relevant to STAR, this rule is a 'catch-all' default.</p> <p>Specifically relevant to STAR</p>
	Occupation	Issue 12.2.1	70	The Issue and Objective are only broadly relevant.	(a) is generally relevant to STAR, where access along the adjacent

		Objective 12.2.2 Policies 12.2.3 (a)-(b)		<p>Policy 12.2.3(a) establishes primacy of public access to and along the CMA except where criteria are met: or areas have been identified. The criteria establish 'worthy' purposes for limiting the access, including to ensure security consistent with the purpose of a resource consent.</p> <p>The identification of areas is to be by EBOP consultation and research on areas / circumstances where access through the CMA may need to be restricted</p> <p>Policy 12.2.3(b) establishes a preference for land based aquaculture for occupation / public access reasons.</p>	<p>coast is proposed to be restricted. However the policy does not appear to address occupation / public access restrictions in the CMA itself, which would be more relevant to aquaculture operations. This matter would be considered in a consent process on the basis of the caselaw set out in the Hume cases from Auckland.</p> <p>(b) is generally relevant to STAR.</p>
<i>Bay of Plenty</i>		Rules 12.2.4(a)-(d)	70-71	<p>(a) provides that the occupation of land/related parts of the CMA, which is Crown/EBOP land, is a discretionary Activity, subject to (b) and (c).</p> <p>(b) not relevant (c) permits moorings within mapped areas.</p> <p>(d) provides that RCAs for exclusive occupation are also Discretionary activities</p>	<p>(a) Specifically relevant to STAR (c) Potentially Specifically relevant to STAR, depending on the location of the mapped areas in relation to STAR proposals. These are small discrete areas within the harbours. Very unlikely to be demand for these areas. Harbour Master authorises moorings under bylaws within these zones.</p> <p>(d) Unlikely relevance to STAR, due to scale thresholds (are from NZCPS)</p>
	Noise	Issue 20.2.1 Objective 20.2.2 Policies 20.2.3(a)-(b)	120	<p>The Issue and Objective are only broadly relevant. Policy (a) not relevant</p> <p>Policy (b) protects natural character/amenity values of Tauranga and Ohiwa Harbour coastal environments from noise effects, and states that apart from the Port of Tauranga, s.16 RMA will be used to manage noise.</p>	<p>(b) Potentially Specifically relevant to STAR, depending on the effects of each proposal, but noise issues are unlikely.</p>
		Rules	120-122	<p>Coastal Marine Area (All Zones) (a) permits noise within Tauranga/Ohiwa harbours subject to standards. Exempts certain [irrelevant] noise generators, and exempts navigational aids, some emergency work, any activity within the Port Zone. Otherwise is a discretionary activity. Noise</p>	<p>Generally relevant to STAR, but STAR unlikely to trigger consent requirements due to noise</p>

				measurement methods are specified. s.16 RMA also applies	
<i>Bay of Plenty</i>	Structures	Explanation Ch. 13.1	75	<p>The Plan contains a substantial explanation of aquaculture in relation to structure issues. Includes all-encompassing terminology, that is Specifically relevant to STAR, but carries no statutory weight.</p> <p>Explains that oyster farming on intertidal flats is practised at Ohiwa Harbour, but acknowledges interest in other types of aquaculture; including mullet, paua and crayfish farming (paua and crayfish are being trialled).</p> <p>Is generally relevant to STAR, in that it holds that sheltered intertidal area aquaculture (eg. oyster farms, mullet ponds, gracilaria harvesting) are likely to have greater ecological impact than deep water proposals (such as mussel rafts and scallop cages), but deep water proposals are likely to have greater social impacts due to permanent structures impacting on navigation and recreation, especially in tidal channels of harbours and estuaries. Therefore heralds a policy of prohibition of structures with adverse impact on navigation and recreational activities within tidal channels (see structures). There is no blanket prohibition for aquaculture structures however. Heralds policy of assessing aquaculture proposals on the basis of environmental effects, and overall activity policies (eg structures, occupation).</p> <p>Acknowledges research/trialling of new species/techniques, and flags that discretionary activity status for structures ensures flexibility to accommodate appropriate innovations. This is specifically relevant to STAR, but has no statutory weight.</p> <p>Warns that given past trials of inter-tidal aquaculture, all applications are to be accompanied by independent assessment of the physical viability of the operation at the intended location, and that bonds will be used to ensure the removal of structures in failed marine farms.</p> <p>However this acknowledgement at explanation level, is not supported by any policy or rules targeted to STAR or even aquaculture in general.</p>	
	Structures 13.2	Issue 13.2.1 Objective 13.2.2 Policies 13.2.3 (a)-(r)	77-78	<p>Policies 13.2.3(a)-(d), (f), (j) and (l)-(m) make statements about preferences in relation to specific protection or development zones, including ports, and establishes primacy of rights in respect of navigation and mooring areas, adjoining occupiers, and airport height restrictions.</p> <p>Policies 13.2.3(e) and (h) generally allow activities within the Coastal Management Zone (ie.the 'balance' zone)</p>	<p>Issue and objective are only generally relevant to STAR</p> <p>Policies (a)-(e), (f),(h)-(j), (l)-(m) and (o) are only generally relevant to STAR. But (h) highlights the approach that the effects of activities will be managed via</p>

			<p>based on appropriate effects, and seek to avoid adverse effects of activities associated with structures.</p> <p>Policy 13.2.3(g) discourages proliferation of structures in the coastal marine area, and promotes the efficient use of existing structures etc. The policy prefers new services/ structures to be located in/adjacent to existing infrastructure where not incompatible and where the environmental effects are not worse than the alternative.</p> <p>Policy 13.2.3(i) states that the effects of structures on coastal hydrological and geomorphic processes will be specifically taken into account.</p> <p>Policy 13.2.3(o) concentrates mooring areas to leave some natural state areas, and to provide for efficient management.</p> <p><i>Other policies are not considered relevant to STAR</i></p>	<p>structures. This is a pragmatic approach, but is not necessarily fit for purpose in respect of STAR or other activities.</p> <p>(g) would be specifically relevant to STAR</p>
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<p><i>Bay of Plenty</i></p>	<p>Structures</p>	<p>Rules 13.2.4(a)-(s)</p>	<p>79-83</p>	<p>(a) is not relevant (navigation aids) (b) Within permanently navigable harbour water (defined), structures for vessel moorings or berths are discretionary, and other structures are prohibited. Applies to all zones except Coastal Habitat Preservation Zone</p> <p>(c)-(e) provides for the erection/construction/placement of swing mooring structures (excluding wharfs), within mapped mooring areas, as permitted activities. Outside these areas (excluding the Port Zone), they are discretionary. Removal of mooring structures is permitted. Applies to all zones except Coastal Habitat Preservation Zone</p> <p>All Structures (f) permits maintenance/alteration of all structures subject to performance standards. Standards include; limits to external length/width/height (excluding specified circumstances), structural soundness, maintenance of public access (other than restrictions of less than one week), limits to the purposes of alterations. Non-compliance triggers a discretionary consent requirement.</p> <p>(g) not relevant (h)(i) structure activities not already provided for in the Coastal Management Zone, are discretionary activities, apart from removal of abandoned/derelict (non-historic) structures which is permitted subject to standards.</p> <p>(j) not relevant (k) and (m) specify some structure activities (irrelevant to STAR) as discretionary within the Coastal Habitat Preservation Zone, others are prohibited.</p> <p>(n) provides that any structure activities in the Harbour Development Zone are discretionary activities unless expressly provided for by another rule.</p> <p>Subject to (f) and specific locality exclusions, rule (o) provides that structure activities are restricted</p>	<p>(b) specifically relevant to STAR. This is important as it rules out Aquaculture in permanent water in harbours, arising from a line of cases referred to as the Ogier cases where permits for oyster farms were sought in Tauranga Harbour pre RMA.</p> <p>(c) The maps did not appear to show existing aquaculture, so it was not possible to tell whether the mooring areas were relevant or not, or which other zones may be relevant. It is assumed that existing AMAs are not within the Port Zone, or the Coastal Habitat Preservation Zone. They are only likely in the Coastal Management Zone</p> <p>Structure rules do not specifically address aquaculture. It is considered that STAR activities could possibly be generally affected by rules (b), (c)-(e), (f), And others depending on the underlying zoning of the AMA.</p> <p>Apart from the prohibited rule noted above everything else will be discretionary (as intended by the scheme of the plan), and activities stand or fall on effects. There are some prohibitions and strong policy in CHPZ's but there is not likely to be STAR demand/consent granted for these.</p>
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				<p>discretionary activities. Restrictions protect the Port Zone functioning, public visual amenity, effects of glare and lighting, structural integrity, effects on the hydrodynamic and geomorphic regime of the harbour, effects on other users/navigation and safety, and administrative provisions. Rule (o) also restricts structures in protection of airport requirements.</p> <p>(p) relates to wharf cranes and is not relevant (q) structure activities in the Port Zone default to discretionary activities if not otherwise provided for.</p> <p>The remaining rules relate to RCA thresholds</p>	
<i>Bay of Plenty</i>	Structures	<p>Methods 13.2.5 (a)-(c)</p> <p>13.2.6 (a)-(b)</p>	83	<p>13.2.5(a) encourages structure conditions relating to designs and materials facilitating removal. (b)-(c) focus on communicating permits / applications to LINZ and Maritime Safety.</p> <p>13.2.6 (a) provides that EBOP may remove structures in specified circumstances, and (b) provides for a review of unauthorised structures in specified areas.</p>	Generally relevant to STAR
	Disturbance, deposition and extraction	<p>Explanation 14.1</p> <p>Issue 14.2.1</p> <p>Objective 14.2.2</p>	85-89	<p>The explanation, issue description and objectives are not relevant to aquaculture, apart from two observations;</p> <ul style="list-style-type: none"> that localised dredging is also contemplated in respect of minor works such as small jetties and wharfs, and that disposal of spoil from shell from aquaculture operations, and disturbance associated with the erection of structures on the foreshore or seabed have the potential to cause significant adverse effects. 	The issues do not envisage STAR.
		<p>Policies 14.2.3 (a)-(r)</p>		<p>(a), (c)-(m) not relevant. (b) Seeks to avoid, remedy or mitigate adverse effects from dumping of aquaculture processing wastes. (n) Refers to a site specific approach to assessing the level of appropriate level of protection needed from dredging/spoil disposal. (p) Seeks to protect spawning and migratory requirements, in the timing and duration of dredging/spoil disposal activities</p>	The policies do not envisage STAR, but may incidentally govern STAR activities in their effect. Generally relevant.

				(q) Promotes that dredging/spoil disposal methods minimise effects on water quality, adjacent benthic communities, recreational and commercial activities, cultural and social values. (r) Provides site selection criteria for new dumping sites, emphasising the protection of ecological processes and values .	
<i>Bay of Plenty</i>		Rules 14.2.4(a)-(za)	92-97	(a), (c)-(d),(f)-(i),(k)-(r),(s)-(za) are not relevant. (b) provides that disturbance/deposition not otherwise provided for, is discretionary. (e) allows for deposition associated with authorised structure activities, to be treated as the same classification as the structure activity: (j) Damage etc to indigenous vegetation is a discretionary activity.	(b),(e), (j), (s) are only Generally relevant to STAR
		Methods 14.2.5 14.2.6 14.5.7	97-98	The methods are not relevant	
	Reclamation	Explanation 15.1	99	States that reclamations may, depending upon the material used at the reclamation face, create a new type of environment to be colonised by marine life previously absent from the area.	Generally relevant to STAR
		Issue 15.2.1 Objective 15.2.2 Policies 15.2.3(a)-(i)	101	Issue, objective, and policy (a)(c)(d)(f)(h) are not relevant Policy (b) takes a precautionary approach to reclamations within the Coastal Management Zone, considering effects on: siltation rates, harbour/estuary flushing, the life supporting capacity of harbours and estuaries, and natural processes Policy (e) discourages the proliferation of new reclamations in favour of efficient use of existing alternatives. Policy (g) provides criteria akin to performance standards for reclamation materials, and design Policy (i) considers removal issues.	Reclamations could <u>potentially</u> be part of an inter-tidal STAR operation, but the policies are only generally relevant.

<i>Bay of Plenty</i>		Rules 15.2.4(a)-(g)	101-102	(a),(d)-(f) not relevant (b)-(c) reclamations not otherwise addressed (and their removal), are discretionary activity. (g) addresses RCAs	Generally relevant to STAR, see above
		Methods 15.2.5(a)-(d)	103	(a) commits to monitoring general sediment accumulation in the Tauranga and Ohiwa Harbours. (b) not relevant (d) commits to communicating applications to the Director Maritime Safety.	Generally relevant to STAR, if the results of monitoring influence future applications
	Exotic plants and Animals	Explanation Ch. 16.1	75	Explains that the introduction of animal species into the CMA is not specifically regulated, however the erection of structures and other activities (refer to Chapters 13 and 14) that could be associated with the introduction of new animal species for marine farming, are regulated. Warns that there is a risk that introduction of new marine farming species will cause adverse effects on other fisheries and the marine environment, if the new species reproduces out of control. However, acknowledges that regulation is limited by Council RMA functions (ie, they do not extend to consideration of effects on other fisheries).	Generally relevant to STAR. Specifically relevant to STAR, but at a general explanation level.
		Issue 16.2.1 Objective 16.2.2	106	1). The issue of inappropriate introduction of exotic plants or animals to the coastal marine area, adversely affecting the environment, is presented, along with the objective 2) of avoiding, remedying or mitigating their adverse effects.	Only Generally relevant to STAR.
		Policies 16.2.3(a)-(g)	106-107	(a) Recognises that the introduction of exotic plants into the Coastal Habitat Preservation Zone is inappropriate. (b) To provide for the introduction of exotic plants (other than Spartina) into the Coastal Management Zone only in appropriate places and circumstances. (c)-(d) not relevant (e) Seeks to avoid, remedy or mitigate the adverse	(a), (b),(e) are potentially Generally relevant to STAR (f),(g) Potentially Specifically relevant to STAR in relation to plant species not sourced in the region.

				<p>environmental effects of exotic plants or animals introduced to the coastal marine area.</p> <p>(f) Presents criteria for when the introduction of exotic plants should be avoided; regarding landscape, natural character, ecosystems, geophysical processes influencing estuaries and the coastal foredune.</p> <p>(g) Intends that a precautionary approach will be taken to the introduction of species not already present in the coastal marine area of the region.</p>	
<i>Bay of Plenty</i>		Rules 16.2.4(a)-(e)	107	<p>(a) Prohibits the introduction of exotic plant species into the Coastal Habitat Preservation Zone.</p> <p>(b)-(c) Not relevant, relates to spreading and control of Spartina.</p> <p>(d) The introduction of other exotic plant species is discretionary provided that the species is already present in the introduction area.</p> <p>(e) The introduction of exotic plant species that is not already present in the area is a discretionary and RCA.</p>	<p>(a) generally relevant to STAR</p> <p>(d) and (e) are potentially Specifically relevant to STAR in relation to plant species not sourced in the region</p>
		Methods 16.2.5 - 7	108	<p>5. States that any recommendation to the Minister to permit the experimental introduction of exotic plants for trial purposes, (as a Discretionary RCA) may have associated conditions in respect of:</p> <ul style="list-style-type: none"> • appropriate measures to ensure as far as practicable that the species will be contained within the trial area; and • the establishment and maintenance of suitable monitoring programmes by the operator in accordance with the directions of Environment Bay of Plenty; and • requirements for bonds of a sufficient amount to ensure eradication if the species should escape. <p>Methods 16.2.6-7 are not relevant</p>	<p>Specifically relevant to STAR in relation to plant species not sourced in the region</p>

3.6 Gisborne - comment.

Nb – not reviewed by Council

While the proposed RCEP for Gisborne contains several mentions of aquaculture or marine farming, there is no targeted approach to aquaculture (or STAR) in the Plan.

The Council has undertaken consultation on the issues, and has at least one extensive aquaculture proposal in the wings. There are no identified AMAs or excluded areas in the Plan. The Council has indicated a preference for an Invited Private Plan Change process, given the resourcing constraints facing a Council-Initiated Plan Change. There is draft aquaculture policy but it has not been through any Council adoption process as yet. Aquaculture activities appear to be primarily regulated via structure rules, which consider the effects of the associated activities.

Good Practice examples:

The definition of aquaculture is broad, simply - the farming of aquatic fish, shellfish and plants. However, whether STAR is a “farming” activity could be debated. The Plan is quite sensitive to lower-impact activities, and so is likely to facilitate STAR activities (to the extent that STAR proposals will generally be temporary and small scale, which are relatively favourably provided for).

The Structures policy promotes efficiency of use in respect of existing developed areas, but entertains reasons why this may not be practicable (eg. 3.1.4(c)(e)(g). Where unpredictable effects or adverse effects that can't be managed, the policies set out decision preferences (3.1.4(J) and limits (eg duration etc (H)). Similarly, the occupation objectives (3.2.3C) seek to prevent the occupation of new space where existing sites are available or permits can be transferred. This is supported by the occupation rules.

The Plan allows for limited ‘failings’ of an activity to be segregated out from the problem, eg. Rule 4.5.6L permits structure activities which fail to meet only the standard for associated contaminants, provided that all other relevant standards are met, and a discharge permit is obtained, or the standards for permitted discharges are met. The RCA provisions regarding exotic plants (not already present in the region) are reflected in the plan as a non-complying activity, (rather than a prohibited activity, as in many other plans). The flexibility is a more useful approach in terms of STAR activities, for example as it would allow for containment technology to be considered. Policy 3.7.4(E) is a useful example in that it seeks to prohibit exotic plant introduction except in well defined circumstances designed to minimise environmental risk. Recent changes to the Plan now require monitoring programmes to be established, via consent conditions, for specified purposes.

Potential Barriers:

STAR / aquaculture is not specifically provided for as an activity. Apart from this, the biggest barrier to STAR is the fact that there are no existing AMAs. STAR activities are governed by the various rules for structures, deposition, discharge etc. However there are no facilitative policies to aid decision-making, because STAR is not contemplated in the Plan.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
5 Gisborne District Council	Definitions	Glossary	1	Aquaculture is defined as the farming of aquatic fish, shellfish and plants	Specifically relevant to STAR, as the terminology is inclusive.

<p>Proposed Regional Coastal Environment Plan</p> <p>Not yet operative in full</p> <p>Incls. Several Variations</p>	Structures	Issues 3.1.2A-J	3/2-3	<p>Issues A-D, G are only relevant in the broadest sense.</p> <p>Issue E acknowledges that structures can limit public access to the CMA, and highlights the need for avoidance, remediation or mitigation.</p> <p>Issue F seeks consultation in regard to location of structures/activities in order to avoid adverse effects on spiritual, cultural or heritage values.</p> <p>Issue H highlights that structures have potential to adversely affect physical processes (including cumulative effects).</p> <p>Issue I acknowledges that occupation charges have traditionally been minimal, creating the potential for the costs of inefficient structures to be born by the community/operator of those structures.</p> <p>Issue J flags a safety issue in relation to use of structures.</p>	<p>Issues E,F and H-J are only generally relevant to STAR. STAR / Aquaculture do not feature as a structure issue.</p>
<i>Gisborne</i>	Structures	Objectives 3.1.3A-J	3/4-5	<p>A is only relevant in its broadest sense.</p> <p>B seeks that natural character is preserved and enhanced where possible, in relation to structures/location.</p> <p>C promotes maintenance/enhancement of the biodiversity adjacent to/affected by structures.</p> <p>D aims for maintenance if not enhancement of public access to/along CMA in relation to structure location</p> <p>E not relevant (structures with cultural value)</p> <p>F considers damage to structures from physical coastal processes or events</p> <p>G seeks that structures avoid interference in relation to dynamic coastal processes (eg. coastal erosion or accretion caused by structures)</p> <p>H promotes the efficient use and development of finite resources, (eg. structures reduce open space)</p> <p>I seeks a high level of safety associated with structures.</p> <p>J addresses the maintenance/enhancement of amenity values.</p>	<p>The objectives are only generally relevant at best</p>

Gisborne	Structures	Policies 3.1.4A-S	3/6-12	<p>A seeks to protect distinct natural character/amenity values, in respect of applications</p> <p>B allows/controls the maintenance of structures</p> <p>C addresses inappropriate proliferation or sprawl of structures, preferring areas that are already developed.</p> <p>D not relevant</p> <p>E promotes provision for new structures where demonstrably necessary, no practicable alternative exists, and the structure complies with the objectives/policies, and adverse effects are mitigated (etc). Necessity is considered in terms of; the extent to which the structure restricts the exercise of other activities/public access into/ through the location, and the security needed to ensure the safe/efficient activity involved.</p> <p>F not relevant</p> <p>G Targets efficiency of use of existing structures, by ensuring that no new structures are allowed while modification/addition to existing structures can be made to achieve the new required purpose while causing same/less adverse effect</p> <p>H provides that structures with immitigable effects only remain as long as necessary to achieve the purpose for which it was established. Consents are to be monitored and cancelled if not exercised continuously for 2+yrs. The policy encourages removal of obsolete/illegal/unused structures.</p> <p>I seeks to protect processes necessary for biodiversity adverse effects, using diversity is an indicator ecosystem health</p> <p>J. takes a precautionary approach in assessing the effects of structures on the environment, ie, where doubt exists as to effects, the decision should favour environmental benefits</p> <p>K addresses public access to/along the coast, seeking to maintain or enhance, or to reduce adverse impact where unavoidable. Requires that new structures provide for public access “across them” except to protect safety/cultural values/specific operational requirements</p>	<p>A-B,H-J,L-P, R Generally relevant to STAR</p> <p>C,E,G,K Specifically relevant to STAR</p> <p>S is potentially specifically relevant to STAR, depending on the need for a wharf structure in association with STAR activities.</p>
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<i>Gisborne</i>				<p>L Discourages structures from locating on identified sites of cultural/conservation/historical significance, unless the adverse effects are minor. Ensures that structures do not locate where protection management areas will be adversely affected</p> <p>M protects heritage values where appropriate</p> <p>N and O seek to protect new structures from coastal processes and vice versa, through design/location/management, taking best estimates for sea-level rise into account.</p> <p>P requires compliance with the Building Act</p> <p>Q not relevant</p> <p>R addresses advice to the Navy and MSA of structure permits/work.</p> <p>S addresses wharves etc. and requires consents/plan changes to consider waste disposal amongst other [irrelevant] matters.</p>	
	Structures	Methods 3.1.5A-C	3/12	<p>A proposes a database of structures</p> <p>B not relevant</p> <p>C addresses advice regarding structure permits to other agencies</p>	Unlikely to be relevant to STAR
	Structures	Monitoring 3.1.6A-G	3/12-15	<p>A addresses structure appropriateness/adequacy</p> <p>B. proposes monitoring of the state of natural character in the Region via studies of community perception.</p> <p>C. addresses identification at the local scale of changes to ecosystems, via conditions on consents, including biomass, molluscs, invertebrates, worms, and</p>	<p>The monitoring proposals are only generally relevant to STAR.</p> <p>Method C could be specific to STAR with a little adaptation, however there is a 2 year monitoring timeframe meaning that the provision may/may not be specifically relevant to STAR,</p>

				<p>algae/weeds.</p> <p>D, E not relevant.</p> <p>F. proposes the identification of structure effects on natural coastal processes and vice versa, (ie erosion/accretion)</p> <p>G. monitors resource consent compliance</p>	depending on the proposal timeframe
<i>Gisborne</i>	Structures Protection Management Area	Rules 4.3.6A-K		It is unlikely that an AMA would be supported in a Protection Management Area.	
	Structures Port Management Area	4.4.6A-V	4/40-50	<p>A protects [mapped] culturally sensitive areas via restricted discretionary activity requirements. Terms and standards are provided. Retained Discretions address; location, siting, timing, duration, disposal of material, monitoring, evidence of completion, effects on tangata whenua relationship with ancestral lands/taonga etc , bonds or rentals</p> <p>B permits floating navigational aids subject to standards and terms addressing; a) contaminants, b) public safety, c) notification of maritime and hydrographic agencies, d) impacts on nearby Protection Management Areas (PMAs), e) notification of Council. Non-compliance with a), b) d) triggers a discretionary activity. Non-compliance with c) triggers a controlled activity.</p> <p>C provides that fixed navigational aids are discretionary</p> <p>D permits minor alteration and maintenance of</p>	<p>The Port Management Area is very localised. It is unlikely that an AMA would be supported in the Port Area, unless it could be proved that it would not interfere in Port operations.</p> <p>Generally relevant to STAR: A-E, G-H</p> <p>Specifically relevant to STAR: J,K, L (although unlikely), O, and P</p>

<p><i>Gisborne</i></p>				<p>structures (excluding port structures) subject to standards and terms addressing; a) maintenance of existing dimensions, b) minor disturbance, c) contaminants, and protecting d) public safety/navigation, e) public access to/along coasts, and f) requiring notification to Council, otherwise becomes controlled activity via 4.4.6E</p> <p>E addresses alteration/ maintenance as a controlled activity, subject to standards regarding a) cumulative area increase, and b) effects on Protection Management Areas. Non-compliance defaults to a discretionary activity subject to 4.4.6D and U</p> <p>F. not relevant</p> <p>G permits removal of structures subject to standards and terms addressing; a) contaminants, b) safety, c) disturbance, d) notification of [listed] agencies. Otherwise defaults to a controlled activity via Rule 4.4.6H</p> <p>H controls removal/demolition and establishes standards and terms regarding a) contaminants, b) safety, c) disturbance. Controls relate to; timing, duration, rates of activity, disposal, monitoring, evidence, bonds or rentals, notification of [listed] agencies. Non-compliance defaults to a discretionary activity</p> <p>I not relevant (coastal protection works)</p> <p>J permits signage for [listed] purposes, including advising of water safety, subject to standards addressing size. Non-compliance results in a restricted discretionary status, with discretions relating to; location, design, maintenance, duration, monitoring, evidence, rentals/bonds.</p> <p>K Permits activities failing on the basis of contamination, provided that other standards are met, and a discharge permit is obtained/the standards for permitted discharges are met.</p> <p>L permits temporary structures subject to standards addressing; a) contaminants, b) safety, c) public access and d) 30 day maximum per annum, e) removal, f) effects on PMAs, g) and h) notification of harbourmaster</p>	

Gisborne				<p>and Council.</p> <p>M and N are not relevant (utilities structures)</p> <p>O provides for pile/swing moorings as a controlled activity subject to standards and terms regarding; a) and d) consultation, b) port operations, c) prohibited in [identified] area, e) effects on PMAs. Controls limited to; disposal, rentals/bonds, monitoring, duration. Non-compliance defaults to discretionary activity.</p> <p>P and Q provide that containment/Impoundment via structures is a discretionary, activity, and an RCA if greater than 4ha.</p> <p>R provides for permanent (non-Port-related) structures are discretionary;</p> <p>S not relevant (RCA thresholds for extensive structures)</p> <p>T not relevant (solid, oblique structures of less than 1000m length)</p> <p>U not relevant (port related structures)</p> <p>V not relevant (hazardous/ petrol storage)</p>	
	Structures General Management Area	4.5.6A-V	4/71-80	<p>A as for 4.4.6A (culturally sensitive areas) - discretionary</p> <p>B permits floating navigational aids as for 4.4.6B</p> <p>C provides that fixed navigational aids are discretionary</p> <p>D not relevant (mairis)</p> <p>E permits minor alteration/maintenance as for 4.4.6D. Non-compliance defaults to F.</p> <p>F alteration/maintenance is discretionary with terms and standards as per 4.4.6E</p> <p>G not relevant (illegal structures)</p> <p>H permits removal of structures as per 4.4.6G</p> <p>I removal of structures as a controlled activity as per</p>	<p>Most STAR would occur in this zone.</p> <p>Generally relevant to STAR: A-C, E-F, H-I</p> <p>Specifically relevant to STAR: K-L, M (although unlikely), P,Q, and S</p>

				<p>4.4.6H J not relevant (coastal protection works) K signage is a controlled activity, with standards, terms and controls as per 4.4.6J. L permits activities with contaminants as per 4.4.6K M permits temporary structures as per 4.4.6L N and O are not relevant (utilities) P moorings are discretionary, subject to standards and terms addressing; effects on a) nearby PMAs, and b) location outside of harbour limits. Q and R address containment of the CMA as per 4.4.6P and Q S provides that excavation, construction or erection of a structure (excepting reclamations and minor alterations), is Discretionary subject to standards and terms preferring the avoidance of adverse effects of the structure by locating the structure outside of the CMA. T not relevant (parallel structures, RCA thresholds) U not relevant (perpendicular structures RCA thresholds) V not relevant (hazardous/ petrol storage)</p>	
<i>Gisborne</i>	Occupation 3.2	Objectives 3.2.3A-D	3/18-20	<p>A addresses occupation where a functional need to locate in the CMA/no reasonable land based alternatives. B addresses the need for occupation location to avoid coastal hazard effects C addresses a desire to prevent occupation of new space where existing sites are available for the same purpose, or where a transfer of permit is a reasonable option D seeks the efficient use of space in the CMA. E addresses maintenance of public access to and along the CMA F addresses occupation of culturally or historically valuable space</p>	<p>A,B,D-F are Generally relevant to STAR. C is specifically relevant to STAR</p>
	Occupation 3.2	Policies 3.2.4A-F	3/20-22	<p>A seeks to promote/provide for the transfer of permits to occupy space B seeks provision for exclusive occupation where demonstrated necessity / lack of alternative, and consistent with policies, and no reasonable alternative, considering: extent of restriction of other lawful activities/public access, and the level of security required</p>	<p>A and E are specifically relevant to STAR</p>

				<p>C require the provision of public access unless necessary to protect natural values, cultural sites, safety, security</p> <p>D to take potential for sea level rise into account when considering space allocation.</p> <p>E to consider cumulative adverse effects on finite characteristics such as the availability of open space.</p> <p>F Not relevant.</p>	
<i>Gisborne</i>	Occupation General Management Area	Rules 4.5.8A-F	4/85-88	<p>A refers to permitted/controlled structures addressed elsewhere in the Plan as <u>restricted discretionary</u> activities if they involve exclusive occupation, with discretions restricted to; effects on relationship of maori with ancestral lands etc/public access/PMA values</p> <p>B transfers of permits to other sites is <u>permitted</u>, with standards prescribing , the new use, extent of use, areas that may be transferred, PMA protection, public access, existing structures, notification to Council, consultation with Hapu,</p> <p>C not relevant (temporary occupation for listed purposes)</p> <p>D not relevant</p> <p>E all other occupation is discretionary</p> <p>F not relevant (extensive occupation/RCA) :</p>	<p>A,B specifically relevant to STAR</p> <p>E is generally relevant to STAR</p> <p>(occupation rules for Port Management Area and Protection Management Area have not been assessed due to the unlikelihood of STAR being acceptable in these areas)</p>
	Alteration of the Foreshore and Seabed	Objectives 3.3.1A-C Policies 3.3.4A-J	3/26-29	<p>Policies address:</p> <p>A adverse effects etc, PMA values and important areas for aquatic species</p> <p>B and E dunes and dune systems</p> <p>C sediment transport processes, biodiversity etc</p> <p>D open space, amenity</p> <p>F reclamation contaminants</p> <p>G cultural sites</p> <p>H PMAs</p> <p>I alternatives</p> <p>J precautionary approach</p>	Only Generally relevant to STAR
	Alteration of the Foreshore and Seabed	Rules 4.5.9I-	4/91 4/93	<p>A-H, J-Q, S-T not relevant</p> <p>I Removal of sand/mineral materials from the General Management Area is discretionary</p> <p>R reclamation (smaller scale than RCA) is discretionary</p>	Generally relevant to STAR
	Exotic Plants	Issue 3.7.2A	3/59-60	<p>Issue: explains that exotic plants can have irreversible / unpredictable effects in new environments.</p> <p>Objective: seeks that there be no adverse effects from</p>	A-D generally relevant to STAR. E is specifically relevant to STAR

		Objective 3.7.3A Policy 3.7.4A-		<p>exotic plant introductions</p> <p>Policy A recognises the inappropriateness of introducing exotic plants to locations containing: significant indigenous flora or dependant fauna, high natural character or cultural values.</p> <p>B has regard to the potential for disruption to the relationship of tangata whenua with the Coastal Environment</p> <p>C promotes planting of indigenous species(preferably local stock)</p> <p>D promotes regional pest management strategies</p> <p>E prohibits the introduction of exotic plant species unless demonstrated to; be compatible with natural ecosystems, and have well documented ecology/high predictability, or containment/management as to be unlikely to cause adverse effects</p>	
<i>Gisborne</i>	Exotic Plants	Rules 4.5.12A-C	4/96-97	<p>A provides that the introduction of exotic plants to an area already containing established plants is discretionary</p> <p>B provides that otherwise the introduction of exotic plants where not already established is non-complying and an RCA</p> <p>C planting of noxious plants / class B target plants is prohibited</p>	Specifically relevant to STAR
	Discharges	Issues 3.4.2A-C Objectives 3.4.3A-C Policies 3.4.4A	3/35-43	<p>Policy:</p> <p>A introduces water classifications</p> <p>B irrelevant (sewage and runoff)</p> <p>C introduces risk based approach to managing water quality and a 3 tier strategy</p> <p>D warns that discharge permits won't be granted which exceed water classification standards, subject to [listed] exceptions</p> <p>E-F Not relevant [sewage]</p> <p>G Only allows direct discharge of contaminant in circumstances where; existing water quality is maintained/ enhanced, effects of not allowing the discharge would not promote the social and economic wellbeing of the community, alternative receiving environments would have worse effects</p>	<p>Issues and objectives are only broadly relevant to STAR</p> <p>G-I are specifically relevant to STAR. Other discharge policies are only generally relevant, or irrelevant.</p>

				<p>H seeks to avoid adverse effect of discharges on ecology by; not locating where locally important habitats etc would be adversely affected, not having properties causing fish mortality, fish passage to be impeded etc, or significant changes in abundance/composition of flora and fauna</p> <p>I provides that particular regard will be given to avoiding the adverse effects of discharges that; do not readily degrade; transform into more toxic forms, have serious synergistic effects; have poorly understood effects. Mitigation/remediation is required when avoidance is not practicable.</p> <p>J seeks to maintain / enhance amenity values in [listed] locations</p> <p>K commits to community consultation where (inter alia) the wider community stands to be affected by water quality works.</p> <p>L not relevant (petroleum)</p> <p>M addresses 'reasonable mixing' methods</p> <p>N not relevant (vessel discharges)</p> <p>O-P not relevant (discharges to land)</p> <p>Q Air Quality guidelines</p>	
<i>Gisborne</i>	Discharges	Methods 3.4.5F 3.4.5H	3/45-46	<p>F commits to the development/implementation of a monitoring strategy which includes (inter alia). Monitoring programmes are to be established through conditions of a resource consent(s); to compare water quality against the predictions in AEEs submitted in support of applications, to establish effectiveness of the mitigation/avoidance methods, contingency plans are to be required where effects could be more than minor, and to determine the need for consent review...</p> <p>H addresses monitoring indicators eg. shellfish water quality</p>	<p>F was developed in response to water classification issues. However if F is to be applied throughout the CMA, then it would specifically affect STAR.</p> <p>Other methods are only generally relevant or are irrelevant to STAR.</p>
	Discharges Protection Management Areas	Rules 4.3.7A-I			<p>It is unlikely that an AMA would be permitted for STAR in PMAs or the Port Management Area, so these rules have not been included.</p>

	Port Management Areas	Rules 4.4.7A-J			
<i>Gisborne</i>	Discharges General Management Area	Rules 4.5.7A-J	4/81-85	<p>A not relevant (sewage)</p> <p>B permits burning of plant/animal matter subject to standards and terms addressing: origin of matter, offensive effects on adjacent sites/vessels</p> <p>C (heading) is inclusive of aquaculture discharges to air. The rule permits [specified] discharges subject to standards and terms, but there is no supporting text within the rule. Otherwise F classifies discharges to air as discretionary</p> <p>D provides a discretionary default for discharges to CMA</p> <p>E not relevant (stormwater)</p> <p>G not relevant (sewage)</p> <p>H herbicides into the CMA are a controlled activity subject to standards addressing: a) targeted and small scale, b)biodegradable, c) survey of fauna, and d) sediment, e) advice/monitoring to Council, f) PMAs, g) AUCOP use, and [specified] conditions. Non-compliance defaults to a Discretionary activity.</p> <p>I permits inert tracers/dyes for scientific investigations subject to standards and terms addressing biodiversity maintenance and advice to Council.</p> <p>J requires compliance with water classifications, after reasonable mixing.</p>	<p>C Would be generally relevant to STAR but is not fit for purpose, so discharges to air would be likely to be caught by F (discretionary). D, F, and J would have specific relevance to STAR</p> <p>Other rules are only generally relevant to STAR, or irrelevant</p>
	Financial Contributions	4.6		Sets out Crown rentals for occupation of space and formulae for financial contributions	Not assessed.

3.7 Hawkes Bay - Comment.

HBRC has considered aquaculture comprehensively, however there is no specific consideration of STAR activities. HBRC takes the following approach to aquaculture:

- _ AMAs are only identified for areas where approvals already exist for marine farms.
- _ No new AMAs will be identified by the Regional Council.
- _ New AMAs may be identified by private interests, but sufficient information would be required to support any such request.
- _ Non-aquaculture activities in an AMA will require resource consent for a discretionary activity
- _ Structures associated with marine farming in an AMA will be classified as a controlled activity, provided there is compliance with a range of conditions.
- _ 'Excluded Areas' will be identified to indicate areas where aquaculture will not be allowed (typically relating to significant conservation areas / areas for safe shipping navigation. Regional Councils need only to give public notice of these 'excluded areas.' These areas do not have to be specified in the Regional Coastal Plan.

Allocation of any new AMA space: HBRC has indicated that new AMA space will be allocated on a 'first in, first served' basis. However, successful plan change applicants automatically get preferential access to space within their AMA, less any space used for Treaty settlement purposes. HBRC has not included a coastal occupation charging regime in the Plan, due to a need for further information on the market value of coastal space, to underpin robust occupation charge calculations.

Good Practice examples The definition of aquaculture is suitably broad, and is inclusive of STAR, allowing STAR to benefit from the facilitative aspects of aquaculture policies and rules in the Plan (unless it is argued that STAR doesn't involve harvest and therefore is not aquaculture)

Should a share of an existing AMA space be arranged, then structures provisions are appropriately facilitative, in that activities are controlled subject to reasonable standards.

A precautionary approach is outlined in regard to structures, being essentially an adaptive management technique to be used for staged development of new aquaculture activities in areas where aquaculture does not currently exist and potential effects are not fully understood. However this approach is made somewhat redundant by the intention that it be applied in areas where there is no current aquaculture (see below).

The policies governing aquaculture structure considerations are otherwise comprehensive and appropriate to the potential impacts, including good information requirements for applications (eg. 23-1(2)(c)). Similarly, Rules 27-8(109) provides for non-notified, controlled status for structures and disturbance but service on affected parties. This approach reduces barriers to applications while protecting appropriate third party involvement, and is considered good practice. Rule 139 (disturbance) appears to permit unforeseen activities which comply with permitted or controlled standards. This is considered good effects-based practice that would potentially enable activities such as STAR.

Highlights (Potential Barriers)

The RCA provisions regarding exotic plants are reflected in the Plan (rules 144-146) as a discretionary activity. These provisions and accompanying policies are likely to be barriers to any STAR proposal involving exotic plant species, however this is considered appropriate given the environmental risk, and is more responsive to STAR than the non-complying or prohibited status provided in most plans.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Hawkes Bay Regional Coastal Plan, Operative June 1999	This plan has not been assessed, See HBRC Proposed Regional Coastal Environment Plan, below.				
6. Hawkes Bay Proposed Regional Coastal Environment Plan	Aquaculture	Maps		There are two (deemed) AMAs in the region. A 2400ha site off the Waipatiki coast, and a 4ha site off the Mahia coast. Aquaculture Management Areas are mapped in the Plan	
Notified August 2006 Submissions heard– decisions pending.	Definitions	I. 18	207	Aquaculture activities is defined as in the RMA	Specifically relevant to STAR in that STAR activities would be encompassed by the definition and therefore the aquaculture provisions of the plan. The inclusive approach is Good practice UNLESS it could be argued that STAR does not involve harvest. Includes spat.
	Deposition / Extraction	Policies 17-1	50	Policy 17-1 promotes management of deposition/extraction of material within the CMA and disturbance of the foreshore/seabed in accordance with environmental guidelines (Table 2). Table 2(10) refers to Aquaculture Wastes. The Guidelines states that adverse effects from dumping/discharge of aquaculture processing wastes are to be avoided, remedied or mitigated.	Generally relevant to STAR,
	Structures and associated Occupation of Space	Policy 18-1	53-54	Policy 18-1 States that structures/associated occupation of space in the CMA will be managed in accordance with environmental guidelines (contained in Table 3). 3(2) a) provides for existing/new small-scale structures directly associated with activities that have a functional need to locate in/adjacent to, the CMA including	3(2)(a) and 3(4) are specifically relevant to STAR. Other guidelines are generally relevant to STAR, unlisted guidelines are only relevant in a broader sense.

				<p>aquaculture.</p> <p>3(2) b) establishes appropriateness (for structures with a functional need to locate in the CMA) in reference to;</p> <ul style="list-style-type: none"> -navigation/mooring within navigation channels, -coastal hydrological/geomorphic processes, -proliferation of structures / inefficient use of existing structures etc, and -indigenous biodiversity/habitats. <p>Table 3(4) advises that a precautionary approach will be adopted regarding aquaculture development ensuring that the erection/placement/use of/occupation of space by aquaculture structures in the CMA avoid adverse effects (including cumulative effects) on the coastal environment, and remedy/mitigate effects that can't be practicably avoided. The explanation suggests that an 'adaptive management technique' to be used for staged development of new aquaculture activities in areas where aquaculture does not currently exist and potential effects are not fully understood.</p>	
<i>Hawkes Bay</i>	Introduction of Exotic Plants and Animals in CMA	Policy 21-1 Explanation 21.4	59	<p>Seeks to manage the introduction of exotic plants or animals into the CMA in accordance with environmental guidelines (Contained in Table 6).</p> <p>21-1(2) warns that a precautionary approach will be adopted towards assessment/ decision-making in relation to the introduction of animals not already present in the region's CMA.</p> <p>Explanation 21.4 explains that the Plan regulates the erection of structures and other activities that could be associated with the introduction of new animal species (eg: aquaculture activities), but warns that restrictions can't be on the basis of effects on other fisheries.</p>	Specifically relevant to STAR
	Aquaculture Chapter 23	Issue 23-1 Objective 23-1	63	<p>Issue 23-1 refers to the typically large space requirements of aquaculture. There is a consequent need to ensure that aquaculture activities are located/constructed/managed to minimise conflicts between marine farming and other activities/values.</p> <p>Objective 23-1 seeks that adverse effects on the</p>	Generally relevant to STAR

				environment from aquaculture activities are avoided, remedied or mitigated.	
<i>Hawkes Bay</i>	Aquaculture Chapter 23	Policy 23-1 Table 8 location 1(a)-(b), 2(a)-(c)	63-65	<p>Policy 23-1 seeks to manage aquaculture activities in the CMA in accordance with the environmental guidelines (contained in Table 8).</p> <p>Table 8: Environmental Guidelines – Aquaculture Activities in CMA</p> <p>1. The guidelines advise that in respect of location:</p> <p>a) Establishment/expansion of aquaculture activities to be prohibited in locations that are; already identified as AMAs and fully developed by aquaculture activities, outside identified AMAs, or unsuitable because of potential conflicts with adjacent areas/activities.</p> <p>b) The layout/location of aquaculture activities within AMAs shall be controlled to ensure construction/maintenance in a manner ensuring safe/efficient navigation, recreation activities and navigation channels for shipping activities; and maintenance of indigenous marine habitats, and cultural values. HBRC to identify “Aquaculture Excluded Areas”.</p> <p>2. The guidelines advise that in respect of space within AMAs;</p> <p>(a) HBRC won’t initiate/adopt new Aquaculture Management Areas apart from activities holding current resource consents, and that new AMAs will be established by way of a plan change request process, and that a ‘priority in time’ method will be used to allocate space within new AMAs.</p> <p>b) Aquaculture activities in AMAs are to be provided for by; restricting other activities, having regard to the need to maintain water quality.</p> <p>c) Applications for new AMAs may be required to provide information in relation to any/all of: location, physical and biological site assessment, actual or potential effects on marine ecology of feed, and navigational matters including clearance from [listed] features including adjacent aquaculture, aesthetic and cultural matters including [listed] amenity/ natural/heritage</p>	<p>The policies and guidelines are generally relevant to STAR. In addition:</p> <p>Guideline 1(a) and 2(a) and 2(c) is specifically relevant to STAR</p>

				values, site requirements of different forms of aquaculture, any suitable undeveloped space in existing AMAs, consideration exclusive occupation of space required vs. available, and in relation to existing uses, other [listed] matters including visual effects, alienation of public space, on-shore facility requirements	
<i>Hawkes Bay</i>	Structures 27.8	Rule 109(a)	134	<p>Rule 109 provides that the erection/reconstruction/placement/ alteration/extension of aquaculture structures and associated foreshore/seabed disturbance is a non-notified (but service on affected parties) controlled activity subject to the standard that the activity must not exceed the area authorised to occupy.</p> <p>Controls relate to a) condition/maintenance, b) Necessity for types of species authorised to be farmed, effects on; c) disturbance of foreshore/seabed, d) deposition, e) discharge of contaminants, f) navigation and safety, g) natural character , h) marine ecosystems, and i) Removal of structures, j) Timing and/or staging of structures' development, k) Matters in Chapter 26.4. (which lists additional potential controls only generally relevant to STAR)</p> <p>Non-compliance results in a discretionary activity classification in accordance with Rule 101</p>	<p>Specifically relevant to STAR – provides for controlled status - a favourable situation for STAR – and Non-notification but service on affected parties, reduces barriers to STAR applications.</p> <p>Given policy 21-1, control j) is likely to be specific to STAR.</p> <p>Other Structure rules may also be generally relevant to STAR.</p>
	Disturbance, Deposition and Extraction 27-9	Rule 139	143	<p>Deposition not associated with structures would be caught by either Rule 139 which addresses depositions <50,000m³ or less per year as restricted discretionary or Rule 143 which addresses larger scale activity (note that Rule 139 appears to allow that unforeseen activities which comply with permitted or controlled standards are not caught by this Rule).</p> <p>Discretions relate to: a) The nature of the material, amount, location and timing, b) water quality, and effects on c) other uses/navigation, d) marine life,e) Matters in Chapter 26.4.(ie. additional potential discretions, [generally relevant.]</p>	<p>Specifically relevant to STAR – appears to allow for effects complying with controlled/permitted activities – good effects-based practice</p> <p>Non-notification (but service on affected parties), reduces barriers to STAR applications.</p>

<i>Hawkes Bay</i>	Introduction of Plants in CMA 27-10	Rule 144-146	145	<p>Rule 144 provides for the introduction/planting of an already present exotic plant species as a discretionary activity.</p> <p>Rule 145 Introduction/planting of exotic plant species not already present, is discretionary and an RCA, and will be publicly notified.</p> <p>Rule 146 Prohibits the introduction of plant pests</p>	Specifically relevant to STAR, a potential barrier .
	Discharges 27-12	Rule 153	148	Discharges into the CMA not addressed by / complying with other specific discharges rules, are generally classified as restricted discretionary activities.	Specifically relevant to STAR.
	Occupation of space 27-16	Rule 174	155-156	<p>Rule 174 provides that the occupation of CMA within an AMA by an aquaculture activity is a non-notified (but service on affected parties) controlled activity, subject to the standards that; conditions of current resource consents are complied with, that the occupation is only for farming of species authorised by a current consent, and that occupation must not occur in space that is already the subject of a current occupation resource consent.</p> <p>Controls relate to: a) navigation and safety, b) ecological systems, c) Extent of occupation (exclusivity/area), d) timing and/or staging of occupation, e) Mooring requirements, f) Matters in Chapter 26.4 (ie additional controls)</p> <p>Non-compliance results in a discretionary activity classification in accordance with Rule 171</p>	<p>The standard refers to the purpose of farming, yet the term farming is not used in the definition of aquaculture. This could be problematic if STAR is not considered farming.</p> <p>Non-notification but service on affected parties, also reduces barriers to STAR, without reducing the ability to consider affected parties / environmental effects. Good practice.</p> <p>Given policy 21-1, control d) is likely to be specific to STAR.</p>

3.8 Manawatu-Wanganui – Comment

Not reviewed by Council.

The One Plan was notified earlier this year, with the submission period closing the end of August. The summary of submissions is expected to be released soon. The One Plan is therefore not far through the Plan process. However it is probably the most recent Plan Change in respect of aquaculture provisions at the time of writing.

The operative Plan does not contain any definition of marine farming, although there is a definition for ‘marine farming structure’, which refers back to the Marine Farming Act. There are no specific provisions for STAR, although there are specific provisions for marine farming (discretionary, via the structures rule 41). The definition in both the Marine Farming Act is fairly broad, and so STAR would be likely to be encompassed by the structure rules in the Plan. Otherwise STAR is caught by the definition in the RMA (which is inclusive of STAR unless it can be argued that STAR is not “for harvest”). The activities are provided for via generic provisions for different effects, eg. discharges to water (discretionary), structures policy etc.

Highlights (Good Practice examples) Apart from the prohibition of aquaculture in mapped Protection Areas, the One Plan is facilitative of aquaculture, which is essentially a controlled activity (see comment above as to whether STAR is considered aquaculture or not). This is an appropriate approach in the case of the plan change process for creating AMAs, as the effects of aquaculture would be considered at the time of the Plan Change. The provision therefore removes a further layer of uncertainty by providing that structures for the purpose of aquaculture, as well as associated occupation, deposition, diversion/damming, and discharge, (but not the introduction of exotic plants) are then controlled activities.

The Plan is easy to follow, as Rule 17-11 addresses all of the above effects in the one rule.

Highlights (Potential Barriers) The operative Plan contains no provision for AMAs, and limited consideration of aquaculture. Most estuaries are mapped as protection areas, within which activities involving marine farming structures are prohibited. This is probably entirely appropriate for the values within the areas, but will limit STAR options to operate in inter-tidal environments. There are no mapped AMAs or exclusion areas, or any system for allocating AMA space. AMAs are to be created via Plan Change.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Manawatu-Wanganui Regional Coastal Plan Change 1 & 2 January 2002	Glossary	Marine Farming Structure	209	Any structure used in association with a marine farm, as defined in the Marine Farming Act, including boundary markings.	Specifically relevant to STAR. There is no separate definition of marine farm or aquaculture
	12 Management Areas	12.3 Rule 11	84	Except as provided for in RCP Rules 1-10, any discharge to water (except from vessels) is discretionary	Specifically relevant to STAR
	17 – Activities in	17.2 - Objective	111	To avoid, remedy or mitigate any adverse environmental	Generally relevant to STAR

	the Coastal Marine Area Involving Structures	8		effects of structures on the foreshore and seabed of the coastal marine area.	
<i>Manawatu-Wanganui</i>		17.3 - Policies	111	<p>Relevant policy include: Policy 8.2 seeks to ensure that structures and associated occupation of the coastal marine area do not have any significant adverse effects on:</p> <ul style="list-style-type: none"> - the natural character of the coastal environment; - indigenous flora and habitats of indigenous fauna; - Maori cultural or spiritual values; - amenity values, including the contribution that open space makes to coastal amenity values; or - cultural heritage values; <p>and that they do not result in:</p> <ul style="list-style-type: none"> - restricting public access to and along the coastal marine area; - a lowering of water quality beyond the construction period; <p>Policy 8.5 seeks to discourage the development of structures within the coastal marine area where they can be sited outside the coastal marine area.</p>	<p>Specifically relevant to STAR</p> <p>May be relevant to STAR</p>
		17.5.1 – Rule 32	114	<p>Within the coastal marine area any activity which involves the erection of a structure which:</p> <ul style="list-style-type: none"> - will contain 4 hectares or more of coastal marine area; - is solid (or presents a significant barrier to water or sediment movement); - when established would extend 300 metres or more in length parallel to the line of mean high water springs (including separate structures which total 300 metres or more contiguous); - 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 100 metres or more in length; is a discretionary activity and an RCA. 	<p>Generally relevant to STAR, however potentially unlikely to be applicable given the scale involved, and the specific provisions of Rule 41 (below).</p>
	17.5.1 – Rule 34	115	<p>Within the Protection Areas, any activity involving the erection, reconstruction or placement, and any associated occupation of the coastal marine area, of any marine farming structure is a prohibited activity.</p>	<p>Specifically relevant to STAR</p>	

		17.5.1 – Rule 41	119	Within the General Coastal Area, any activity involving the erection, reconstruction, placement, alteration, extension, removal or demolition, and any associated occupation of the coastal marine area, of any marine farming structure, is a discretionary activity.	Specifically relevant to STAR
Note: No provision for Aquaculture Management Areas in the operative Coastal Plan					
There is no separate definition for Aquaculture activities, however the RMA 2004 definition would apply.					
Manawatu-Wanganui Proposed One Plan Notified 31 May 07 Submissions closed 31 Aug 07 Further submissions closed 19 Dec 07 Currently in preparation for hearings.	9 - Coast	Policy 9.3 - Aquaculture Zones	7	Aquaculture activities in the CMA shall be required to establish an aquaculture management area by way of a notified change to Chapter 17 of the One Plan (that is, the Regional Coastal Plan) in accordance with s 68A RMA.	Specifically relevant to STAR
	17 - Activities in the Coastal Marine Area	17.2 - Occupation: Policy 17-1 Occupation of space by aquaculture	2	The allocation of space for aquaculture shall be established through a Plan Change in accordance with Sections 12A and 165C of the RMA, and the following matters shall be given particular consideration: (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement (b) the impact of the proposed activity on neighbouring uses and the ecological carrying capacity of the area (c) the type and location of any land-use facilities that would be required (d) the effects on navigation safety, public access, natural character and marine ecosystems (e) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.	Specifically relevant to STAR
	17 - Activities in the Coastal Marine Area	17.2 - Occupation: Rule 17-3 Occupation of space by aquaculture	4	The occupation of space within the CMA pursuant to s12(2) RMA by any aquaculture activity which is not otherwise restricted by Rule 17-4 or prohibited by Rule 17-5 is a controlled activity, provided the aquaculture activity occurs within an operative aquaculture management area established in accordance with Policy 17-1.	Specifically relevant to STAR, and is more enabling than the discretionary activity status for occupation under the Operative Plan.

	17 - Activities in the Coastal Marine Area	17.2 - Occupation: Rule 17-4 Exclusive occupation	4	Any activity involving occupation of the CMA pursuant to s12(2) RMA which: (a) would exclude or effectively exclude public access from an area over 10 ha; (b) would effectively exclude the public from more than 316 m along the length of the foreshore (c) would involve occupation or use of an area greater than 50 ha of the CMA and such occupation or use would restrict public access to or through such an area. Is a discretionary activity and restricted coastal activity	Generally relevant to STAR, although given scale of provisions unlikely to be triggered.
<i>Manawatu-Wanganui</i>	17 - Activities in the Coastal Marine Area	17.2 - Occupation: Rule 17-5 Occupation of space in protection zones	5	The occupation of space pursuant to s 12(2) RMA within a protection zone by any aquaculture activity, energy generation structure, port structure, or marina is a prohibited activity.	Specifically relevant to STAR for scheduled locations
	17 - Activities in the Coastal Marine Area	17.3 -Structures: Rule 17-11 Aquaculture structures	9	The erection, reconstruction, placement, alteration or extension of any structure for the purpose of aquaculture pursuant to s 12(1) RMA and any associated: (a) occupation of space in the CMA pursuant to s 12(2) (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) damming or diversion of water pursuant to s 14(2) RMA (e) discharge of water, contaminants or sediment pursuant s 15(1) RMA. Is a controlled activity provided that the activity occurs only within an operative aquaculture management area established in accordance with Policy 17-1 and complies with relevant conditions (refer to Table 17.1).	Specifically relevant to STAR
	17 - Activities in the Coastal Marine Area	17.3 -Structures: Rule 17-14 Structures in a protection zone	10	Any activity within a protection zone which involves the erection of an aquaculture structure pursuant to s 12(1) RMA is a prohibited activity.	Specifically relevant to STAR
	17 - Activities in the Coastal Marine Area	Table 17.1 - Standard	1	Applies to all sites with a value of Life-Supporting Capacity, Native Fishery or Amenity as per Schedule D of	Generally relevant to STAR, if activity is deemed a controlled

	Area	conditions for permitted and controlled activities in the coastal marine area (CMA)		the One Plan.	activity.
<i>Manawatu-Wanganui</i>	17 - Activities in the Coastal Marine Area	Rule 17-38 Exotic and introduced plants	21	The introduction or planting of any exotic or introduced plant species within the CMA, which is not already present in the region is discretionary and an RCA	Potentially Specifically relevant to STAR

3.9 Taranaki – Comment

There is no immediate policy work planned for short term aquaculture research activities, but Taranaki Regional Council has a commitment to commencing a review of the Coastal Plan in the 2007/08 financial year. Progress with this however will depend in part on progress with the review of the NZ Coastal Policy Statement.

The Plan does not address aquaculture specifically, with there being no definition or mapping for aquaculture or the like. It is assumed that the plan relies on the RMA definition of aquaculture, which is inclusive of STAR unless it is argued that STAR is not “for [the purpose of] harvest”. Relevant occupation, structures and exotic plant introductions require discretionary consents, however there is no relevant supporting policy consideration for STAR as a discretionary activity.

Highlights (Good Practice examples) Many relevant aquaculture activities are covered by discretionary consent requirements, providing some flexibility in comparison to non-complying or prohibited rules.

Highlights (Potential Barriers) The lack of specific policy consideration may make it difficult to make decisions in support of STAR applications.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment	
Taranaki Regional Coastal Plan August 1997	Issues Policies	Many of the policies under different issues will have generic relevance to STAR inasmuch as STAR is an activity in the CMA (eg. recognition that there are areas of outstanding coastal value that need to be managed sympathetically). Issues include: 1. Recognition of differing coastal processes, natural values and uses of the coastal marine area, 2. Protection of ecological values, 3. Protection of social and cultural values, 4. Effects on areas of outstanding coastal value, 5. The relationship of tangata whenua with the coastal marine area, 6. Adverse effects on the foreshore, seabed and coastal land, 9. Adverse effects on water quality, 13. Effects on navigation and safety and 14. Occupation and public access.				
		Issue 6 Policy 6.1	6/1	6.1 provides that new / extensions of structures should not interact with / intercept sediment flow in a way that could	Generally relevant to STAR	

		Policy 6.2, Policy 6.5, Policy 6.6		<p>risk coastal erosion / accretion, and should not cause significant erosion by reflecting or refracting wave energy.</p> <p>6.2 Provides that structures should be removed or demolished at the expiry of their authorisations, however lists several exemptions, including where removal would cause greater adverse effects, or the structure will have no more than minor adverse effects on the environment or on public access / use of the CMA.</p> <p>6.5 addresses disturbance of the foreshore or seabed, seeking that it should not increase coastal erosion risk / adversely affect amenity values through removal of material</p> <p>6.6 addresses deposition of material in respect of introduction of contaminants to sediment, alteration of form, protection of estuaries and rock habitat in sandy environments.</p>	
		Issue 9 – Policy 9.5, Policy 9.9 Policy 9.10	3	<p>9.5 provides that after reasonable mixing, discharges may not give rise to significant adverse effects on habitats, feeding grounds or ecosystems.</p> <p>9.9. States that the introduction of exotic organisms is to be avoided as far as is practicable.</p> <p>9.10 provides for Council consideration of water quality with respect to protecting life-supporting capacity of water / aquatic ecosystems, when considering applications for reclamations, structures, disturbances or deposits to foreshore / seabed.</p>	Generally relevant to STAR
<i>Taranaki</i>		Issue 13 - Policy 13.1 Policy 13.3 Policy 13.4		<p>13.1 provides that use / development of the CMA should protect; free and safe passage of ships to and from launching / mooring / berthing areas; functioning of navigational aids; safe access to / along the CMA; safe use for contact recreation; and safe navigation of ships;</p>	Generally relevant to STAR

				13.3 provides that conflicting recreational and commercial surface water activities will be separated, when necessary to protect human health and safety.	
				13.4 provides for notification of new structures to specified agencies.	
	Issue 14 – Policy 14.2 Policy 14.3		1	14.2 provides that alternative public access may be required to be provided or improved by those responsible for denying / restricting existing public access 14.3 States that restrictions on public access along the coastal marine area should only be imposed where it is necessary to ensure a level of security consistent with the purpose of a resource consent.	Generally relevant to STAR, depending on whether public access will be restricted
The following summary assumes that STAR is occurring in open coastal water. If it is proposed for estuaries or areas of outstanding coastal value or ports, then other rules may also apply. Eg. The ‘catch-all’ for small structures in the Estuary zone is non-complying, or discretionary in the case of 3 estuaries. The relevant discharge rules are discretionary (and possibly an RCA), and disturbance is non-complying, (and possibly an RCA), except in the 3 named estuaries, when it is Discretionary / Discretionary-RCA .					
<i>Taranaki</i>	4 – Regional Rules occupation	4.2 – General Rules: Rule G1.3	2	All other forms of occupation in the coastal marine area which is not covered elsewhere in the Plan is a discretionary activity.	Specifically relevant to STAR
	4 – Regional Rules Exotic plants	4.2 – General Rules: Rule G4.1	7	Introduction of any exotic plant species that is not already present in the area is a discretionary activity and an RCA.	Specifically relevant to STAR
	4 – Regional Rules Structures	4.2 – Coastal Management Area C: Rule C1.7, C1.8 and C1.9 C1.11	4	Erection or placement of large structures and related occupation of the coastal marine area where: <ul style="list-style-type: none"> - The structure contains 4 hectares or more of the coastal marine area; - The structure presents a significant barrier to water or sediment movement; - The structure is 300 metres or more in length parallel to the line of mean high water springs (including separate structures the sum of whose individual length would be 300 metres or more); - The structure is sited obliquely or perpendicular to the line of mean high water springs; or - The structure is 100 metres or more in horizontal projection. 	Generally relevant to STAR, although given the scale of the provisions, is unlikely to be triggered by a STAR activity

				Is a discretionary activity and an RCA. 1.11 Erection, placement, reconstruction, alteration or extension of a structure where the activity or structure is not covered by any other rule is a discretionary activity.	Specifically relevant to STAR.
<i>Taranaki</i>	4 – Regional Rules Discharges	4.2 – Coastal Management Area C: Rule C2.6 C2.7		Discharge of contaminants or water into water or onto land in the CMA that does not come within and/or comply with other discharge rules is addressed as discretionary (C2.7) and an RCA where it exceeds the thresholds of the NZCPS (C2.6).	Generally relevant to STAR
	4 – Regional Rules Disturbance	4.2 – Coastal Management Area C: Rule C3.4 C3.5		Disturbance, damage / destruction of foreshore and seabed restricted by section 12(1)(c), 12(1)(e) or 12(2) of the Act, not addressed by other rules is a discretionary activity (3.5), and an RCA where it exceeds the thresholds of the NZCPS (3.4)	Generally relevant to STAR
Note: No provision for Aquaculture Management Areas.					

3.10 Wellington – Comment

Not reviewed by GW, although comment received

There is no provision for AMAs in the Plan, however there are two existing marine farms, and one still in the application process. One further marine farm is unlikely to progress before the existing consent expires. There are only two mentions of aquaculture in the plan, and no specific consideration of STAR. There is, however an explicit understanding of the potential link between STAR and the introduction of exotic plants. The Plan acknowledges tension between the risk of weed species and allowing for possible future activities which involve planting or introduction of exotic plants (eg. in aquaculture ventures). A discussion document on aquaculture was released in 2003.

Research into technical feasibility (and related economic / commercial efficiencies) for different aquaculture possibilities is being undertaken at NIWA’s aquaculture research facility at Mahanga Bay. GW staff comment is that there is little industry demand for STAR in the region, and that care needs to be taken to ensure that STAR is not viewed solely as a pre-commercial aquaculture undertaking, ie. STAR may be valued for non-commercial objectives.

Highlights (Good Practice examples) While GW staff comment is that the approach to the introduction of exotic plant species probably would not have been pursued, had it been written post-biosecurity legislative reforms and recent negative experiences nationally with introduced species. However, there are aspects of the exotic plant provisions that are good practice. The provisions provide for flexible decision making in that although the Rules (50 and 51) are typical of most other plans in that they provide for the introduction of exotic and introduced plant species as discretionary and non-complying activities, there is a clear policy support for the type of activity envisaged in STAR (or aquaculture in general) which isn’t apparent in many other plans. Objective 9.1 explicitly intends to allow the introduction of exotic/introduced plants where it has positive economic or community benefits and can be achieved in a controlled manner and without adverse effects on ecological or amenity values. The accompanying objectives reinforce the intention that all introductions must be controlled. The Policies support this objective by taking into account the benefits of introductions as well as the environmental precautions to be satisfied. The approach provides for a more flexible decision-making framework, while still maintaining comprehensive environmental safeguards.

In terms of structures, the Plan also distinguishes between temporary occupation, reversible and short term effects which should be favourable for STAR activities, however the rules supporting it would be unlikely to apply to STAR (see barriers below)

Highlights (Potential Barriers) the plan permits temporary structures, limited to 1 month per year. STAR may/may not be able to meet the permitted standards depending on the proposal. There is a lack of specific consideration of/provision for STAR and AMAs.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Wellington Regional Coastal Plan May 2000	Chapter 2 - Issues	2.3 Structures	7	Recognises that there are demands for new structures to provide uses in the coastal marine area, which can have both positive and negative effects, including permanent effects and short term construction effects.	Specifically relevant to STAR
	Chapter 2 - Issues	Issue 2.6.4	12	Recognises that exotic or introduced plant species may have beneficial effects and that there is interest in the commercial cultivation of some species for consumption,	Specifically relevant to STAR

		Exotic or Introduced Plants		however concerned that they may displace native flora and fauna, become weeds, have adverse effects on natural character of the coast and result in poisoning of people. Notes that it is difficult to eradicate invasive plant species once they are established.	
Wellington	Chapter 4 - General Objectives and Policies	Policy	25-27	2. New developments are to be encouraged only in areas where natural character has already been compromised 3. Seeks to distinguish between temporary and permanent occupation, reversible / irreversible effects, and short term / long term or on-going effects 5. adopts a precautionary approach to situations where it is difficult to predict adverse effects with any certainty. 8. protects existing lawful commercial users from adverse effects of new activities	2 and 8 Generally relevant to STAR 3 and 5 specifically relevant to STAR
		Policy 4.2.23	30	Recognises that aquaculture is an appropriate use of the coastal marine area provided that environmental protection policies can be satisfied.	Specifically relevant to STAR
		Policy 4.2.30	32	Provides for co-operation with, and where possible initiation or participation in, research that will assist the Wellington Regional Council to better fulfil its coastal management responsibilities, in particular on decision making regarding the management of the coast.	May be relevant to STAR
	Chapter 6 – Structures	6.1 Objectives	49	Objective 1 states that appropriate structures which enable people and communities to provide for their economic and social well-being are allowed. Objective 2 states that there will be no inappropriate use or development of structures in the coastal marine area. Objectives 3 and 4 relate to hazardous substances. Objective 5 relates to minimizing administrative requirements where effects are minor. Objective 6 states that an inventory of all structures in the coastal marine area will be compiled and maintained.	Objectives 1 and 2 are Specifically relevant to STAR in that a level of appropriateness must be considered, however this would predominantly be a subjective determination when considered in the context of STAR activities.
		6.2 – Policy 6.2.1	50	Considers the use and development of structures in the coastal marine area for the following as appropriate in the coastal marine area: (1) activities which are functionally dependent upon a location in the coastal marine area; or	Specifically relevant to STAR

				(2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area;	
		6.2 – Policy 6.2.2	50	To not allow the use or development of structures in the coastal marine area where there will be adverse effects on: <ul style="list-style-type: none"> • any Area of Significant Conservation Value, or Area of Important Conservation Value; • spiritual, historical or cultural significance to Maori; • significant places or areas of historic or cultural significance; or • significant ecosystems; or significant adverse effects on: <ul style="list-style-type: none"> • the risk from natural hazards; • navigation channels; • coastal processes, including waves, tidal currents and sediment transport; • amenity values; • existing lawful public access; • natural character; • views to and from the coastal marine area; • recreational uses; or • structures of architectural or historic merit; unless such adverse effects can be satisfactorily mitigated, or remedied.	Specifically relevant to STAR
<i>Wellington</i>		6.2 – Policy 6.2.5	51	To ensure that allowance is made for the following when designing any structure: <ul style="list-style-type: none"> • rising sea levels as a result of climate change; • waves and currents; • storm surge; and • major earthquake events. 	Generally relevant to STAR
		6.2 – Policy 6.2.9	53	To have particular regard to any relevant provisions in appropriate District Plan(s) relating to the protection of important views when assessing an application for an activity involving the development of a structure in the coastal marine area.	Specifically relevant to STAR

Wellington		6.3 – Rules Rule 10	59, 175	<p>Allows that activities associated with structures that are not specifically provided for, are permitted subject to terms and standards including functional dependence on CMA location,</p> <p>The activity must comply with general standards (section 14.1) addressing; Public safety, Lighting and glare, Noise, hazardous materials, Litter and Debris</p>	Specifically relevant to STAR
		Rule 13	61	<p>Provides for controlled activity status for ... addition or alteration to existing lawful structure , including associated disturbance of foreshore/seabed, :</p> <p>(1) not already permitted activity; and (2) is contained within the form of the existing structure, or adds no more than: (b) within the remaining coastal marine area, whichever is the smaller of: 20% to the plan/10 metres horizontal and 3 metres vertical projection; and (3)(b) (outside any ASCV), does not require blasting/destruction of bedrock</p> <p>Subject to general standards (section 14.1 and 14.2 (charges, inspections and measurements)) and to notification of GW and other agencies</p> <p>Controls relate to (1) the duration; (2) information and monitoring; (3) administrative charges, (4) the extent/ nature of the disturbance to foreshore or seabed (5) external appearance.</p>	Generally relevant to STAR
		Rule 16	67	<p>Occupation by structures of land of the Crown or any related part of the coastal marine area is a controlled activity subject to terms: relating to rents, and general standards</p> <p>The matters over which the Wellington Regional Council shall exercise its control are: (1) the duration of the consent; (2) the information and monitoring requirements; (3) the administrative charges payable; (4) the degree of exclusivity of the occupation; and (5) any maintenance requirements.</p>	Generally relevant to STAR
		Rule 25	74	All remaining activities involving the use and development	Specifically relevant to STAR

				of structures (outside of ASCVs) not specifically provided for or which cannot meet the requirements of those rules is discretionary , and subject to notification of [listed agencies]	
<i>Wellington</i>	Chapter 9 – Exotic or Introduced Plants	Objectives 9.1	119	Objective 1 is to allow the introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed where it has positive economic or community benefits and can be achieved in a controlled manner without adverse effects on ecological or amenity values. Objective 2 is that invasive exotic or introduced plant species do not become established in the region. Objective 3 is for there to be no accidental introductions of exotic or introduced plants.	Specifically relevant to STAR
	Chapter 9 – Exotic or Introduced Plants	Policy 9.2.1	119	To allow the deliberate introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed provided that the consent authority is satisfied that: <ul style="list-style-type: none"> • the plant is unlikely to become invasive or spread to other sites or areas not included in the proposal; • any adverse effects on taonga raranga or mahinga maataitai will be avoided, or satisfactorily mitigated or remedied; • the plant is unlikely to cause any significant changes in sedimentation rates in areas where it is introduced; • the plant is unlikely to have any significant adverse effects on species already present in areas where it is introduced; and • the plant is unlikely to produce biotoxins. 	Specifically relevant to STAR and is directly supportive of new plant species being introduced subject to standards.
	Chapter 9 – Exotic or Introduced Plants	Policy 9.2.2	120	Subject to Policy 9.2.1, to have regard to the economic and community benefits accruing from the introduction or planting of any exotic or introduced plants in the coastal marine area.	Specifically relevant to STAR
	Chapter 9 – Exotic or Introduced Plants	Policy 9.2.3	120	To not allow the deliberate introduction or planting of invasive exotic or introduced plants. "Invasive" plants are those which are likely to become established as weeds or those species likely to largely displace native species.	Specifically relevant to STAR
	Chapter 9 –	Rule	121	The deliberate introduction or planting of any exotic or	Specifically relevant to STAR

	Exotic or Introduced Plants	50		introduced plant species to a part of the coastal marine area where that plant is already naturally or lawfully established in the area is a Discretionary Activity.	
<i>Wellington</i>	Chapter 9 – Exotic or Introduced Plants	Rule 51	121	The deliberate introduction of any exotic plant species to a part of the coastal marine area where that plant is not already naturally or lawfully established in the area is a Non-complying and Restricted Coastal Activity.	Specifically relevant to STAR, could significantly restrict STAR activities.
	Chapter 10 Discharges to Land / Water	10.3 Rules Rule 57 Rule 61	136-7	Rule 57 Declares discharges of the type referred to in section 107(1) RMA (other than human sewage) with significant adverse effects outside any ASCV not otherwise addressed as a permitted activity to be discretionary and RCAs Rule 61 makes a Discretionary activity default for activities involving discharges of contaminants/water to land/water outside ASCVs not otherwise provided for or compliant with other rule requirements.	Generally relevant to STAR, depending on the nature of the discharge after reasonable mixing.
	Chapter 13 Occupation of Surface Water / Foreshore	13-3 – Rules Rule 84	170	Provides that exclusive occupation of the CMA reflecting the NZCPS thresholds for RCAs are both an RCA and a Discretionary activity.	Unlikely relevance to STAR given the scale of occupation envisaged.

3.11 Marlborough (Sounds) – Comment.

The Marlborough Sounds have the most pressure for aquaculture. Aquaculture is considered comprehensively within the Plan. There are two Coastal Marine Zones in the Plan (only one of which is available for new applications, as discretionary activities), and the Plan also identifies marine farms by Schedule. The Plan contains detailed standards for both Coastal Marine zones (CM1 and CM2). Effectively the plan provides for marine farming in CM2 but, with the exception of existing farms, not CM1. The discretionary activity for CM1 really only enables seven existing farms to avoid the prohibited activity status for CM1.

Although the Plan definition is broad, and issue statements regarding occupation acknowledge new forms of aquaculture, it is acknowledged explicitly in the Plan that the provisions are based on the (visual effects of the) predominant bi-valve structures. This is supported by policy 9.2.1 (policy 1.16) considering “other methods of marine farming having lesser effects than long line bi-valve farming in the future”. Marine farms arising before 1 August 1996 are controlled, and farms granted after that date are for the most part discretionary. Harvesting is permitted and changes to structures or lighting is either restricted discretionary or discretionary. The Plan permits scallop spat catching. Minor disturbance is also permitted. The standards and terms for marine farming tend to reflect the fact that most have existing coastal permits with conditions, including the species to be farmed. Policy and regulatory attention is paid to rationalising marine farms in the two zones over time.

Highlights (Good Practice examples)

The definitions of marine farm and marine farming are inclusive, STAR should be able to be included in the definition. Although the plan states that the provisions are based on the predominant mussel farming activity, STAR activities could be contemplated adequately by the existing rules, given the broad definition of marine farming. Although the Plan has not specifically provided for short term aquaculture, it has been able to be pursued in Marlborough through existing resource consents. This is either because the applicant identified a full range of potentially farmed species when they applied for their original coastal permit or because they have sought a new and short term consent to undertake trials of other species in existing marine farms or marine farm space. The plan doesn't differentiate between different types of aquaculture.

Highlights (Potential Barriers)

There is no targeted policy or regulation relating to STAR, although there is Plan commentary that identifies the nature of the Plan and STAR activities.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
10. Marlborough District Council – Marlborough Sounds Resource Management Plan	Natural Character – Chapter 2	Policy 2.2.1.1 and 2.2.1.2	Pg 2-3	Seeks to protect coastal environments not already compromised and predominantly in their natural state, and to encourage development in areas already altered from their natural state.	Generally relevant to STAR
	Coastal Marine – Chapter 9	Plan commentary – Issue 9.2	Pg 9-4	Specifically discusses research into aquaculture and recognises that the Plan has been written to reflect the currently predominant bi-valve farming, and may need to be re-addressed in the future.	Generally relevant to STAR

Operative (n part) Feb/March 2003	Coastal Marine – Chapter 9	Policies 9.2.1.1.1, 9.2.1.1.14 and 9.2.1.1.16	Pg 9-6	Provides for a range of activities in the Coastal Zones, including aquaculture, where the effects of these on a range of activities can be mitigated or avoided, and also for the consideration of other methods of marine farming having lesser effects than long line bi-valve farming. This is followed by Plan Commentary addressing marine farms and the consent requirements enabling a consideration of environmental effects.	Specifically relevant to STAR and is supportive of consideration of applications outside the traditional aquaculture activities undertaken within the Plan area.
<i>Marlborough (Sounds)</i>	Coastal Marine – Chapter 9	Method of Implementation on 9.2.2	Pg 9-7 and 9-8	Provides for the use of zoning in relation to aquaculture, including identifying control aspects in the rules.	Specifically relevant to STAR
	Coastal Marine – Chapter 9	Issue 9.3	Pg 9-9	Discusses the effect of marine farming on coastal water quality.	Generally relevant to STAR
	Coastal Marine – Chapter 9	Policy 9.3.2.1.4	Pg 9-10 and 9-11	Seeks to recognise and provide for protection of various factors in relation to the coastal environment, i.e. public health, natural character and visual aesthetics, and to avoid, remedy or mitigate the effects of activities on the coastal marine environment which includes marine farms.	Specifically relevant to STAR
	Coastal Marine – Chapter 9	Issue 9.4	Pg 9-16	Discusses the effect of marine farms in terms of disturbance of the foreshore and seabed – in particular from mooring devices.	Generally relevant to STAR
	Coastal Marine – Chapter 9	Policies 9.4.1.1.7-9.4.1.1.9	Pg 9-17 and 9-18	Predominantly relates to existing marine farms, with applications made before 1996, and the recognising of the importance of renewing the consents, mitigating environmental effects, providing for minor adjustment to boundaries without increasing the size	
	Definitions – Chapter 25	Marine Farm & Marine Farming	Pg 25-9	Covers any form of aquaculture undertaken on a marine farm, and farming relates to the breeding, hatching, cultivating, rearing or on-growing of fish, aquatic life, or seaweed for harvest. Includes spat catching.	Specifically relevant to STAR and is inclusive of STAR activities. Mirrors the RMA definition of aquaculture activities except unlike the RMA, refers to activities undertaken on a marine farm, rather than to activities relying on occupation.
	Coastal Marine Zones One & Two – Chapter 35	Rule 35.1	Pg 35-1	Provides for the harvesting in relation to marine farms, taking and discharge of coastal waters and the discharge of biodegradable organic waste where this is from a lawful existing marine farm, as a permitted activity. Also provides for statutorily established scallop spat activities as permitted.	Generally relevant to STAR, should existing marine farm space be available and the STAR activity fall within the consent conditions

<i>Marlborough (Sounds)</i>	Coastal Marine Zones One & Two – Chapter 35	Rule 35.2.5	Pg 35-11	Provides for marine farms in specific areas as a controlled activity, subject to a number of standards. This relates to marine farms that are already in existence and the reapplication for the required coastal permit where this is due to expire. Matters over which Council has reserved control include lighting, navigational aspects such as layout, foreshore and seabed disturbance, visual effects	Generally relevant to STAR,
	Coastal Marine Zones One & Two – Chapter 35	Rule 35.3.1	Pg 35-13	Provides for structures and lighting in relation to already approved marine farms as a limited discretionary activity where this does not comply with the controlled standards above (Note, MDC use the term limited discretionary rather than restricted discretionary as per the RMA as amended).	Generally relevant to STAR
	Coastal Marine Zones One & Two – Chapter 35	Rule 35.4	Pg 35-14	Provides detailed discretionary standards for the Coastal Marine 1 and 2 Zones. Specifically lists farms in the CM2 zone subject to standards, and farms in the CM1 zone as provided in Appendix D2, not subject to standards over those provided in the Appendix	Specifically relevant to STAR
	Coastal Marine Zones One & Two – Chapter 35	Rule 35.4.2.7 35.4.2.7.1 35.4.2.7.2	35-20	35.4.2.7 provides that occupation of the CMA exceeding NZCPS thresholds is discretionary and an RCA. 35.4.2.7.1 provides that any other activity involving exclusive occupation is a discretionary activity. 35.4.2.7.2 provides the assessment criteria relating to the effect on; other users, on cultural and landscape values; and on ecology/fauna/flora.	Generally relevant to STAR
	Coastal Marine Zones One & Two – Chapter 35	Rule 35.4.2.9	Pg 35-21	Provides for new marine farms in the Coastal Marine 2 Zone as a discretionary activity, subject to standards including setback from MLWS and the depth of the farm. No differentiation is made in relation to nature of marine farm being short term or experimental against long term and a typical farm for the region.	Specifically relevant to STAR however doesn't distinguish on duration or size of occupation
	Coastal Marine Zones One & Two – Chapter 35	Rule 35.5	Pg 35-24	Sets out non-complying consent requirements for discharges to the CMA not already covered, and for deliberate introduction of exotic or introduced plants into the CMA Addresses the aspects of marine farms for which a non-complying resource consent is required, including depth of farm and setback from MLWS where the discretionary	Specifically relevant to STAR Specifically relevant to STAR

				standards are not complied with (applies to CM2).	
<i>Marlborough (Sounds)</i>	Coastal Marine Zones One & Two – Chapter 35	Rule 35.6	Pg 35-26	Sets out that marine farms in the Coastal Marine One Zone, other than those already provided for in the Plan or those not complying with the standards provided, become prohibited activities.	Specifically relevant to STAR, identifying that within this zone marine farms are not appropriate
	Appendix D – Schedule of Specifically Identified Marine Farms		App D-1	Sets out the 12 marine farms that are relevant to the rules referenced in Chapter 35	Generally relevant to STAR

3.12 Marlborough (Wairau/Awatere) – Overview

Deemed AMAs are not identified in the plan. The Resource Management Plan provides for marine farming as a discretionary activity. The definition relates to any species. The main approach taken seems to be to protect areas of significant natural value, or high natural state, and includes flora and fauna protection (such as the dolphins in Clifford Bay over which the Council went to Environment Court). The pressure for aquaculture activities in on the Marlborough Sounds and that Plan is more comprehensive, however development of marine farm activities in the Wairau/Awatere Plan area is rising and Plan provisions may become more restrictive as a result when the Plan is reviewed.

Highlights (Good Practice examples) Contains an inclusive definition of marine farming. STAR should therefore be able to be assessed as for aquaculture, based on effects.

Highlights (Potential Barriers) There is no targeted policy or regulation relating to STAR.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Marlborough District Council – Proposed Wairau/Awatere Resource Management Plan	Definitions	Marine Farm	Pg 9	means any form of aquaculture characterised by the use of surface and/or sub-surface structures located in the coastal marine area. Includes spat catching, spat holding and enhancement of aquatic species.	Specifically relevant to STAR, and is an inclusive provision.
	Coastal Marine – Chapter 9	Policy 9.3.1.3 and 9.3.1.4	Pg 4	Provides for the protection of shorelines and marine farms from the discharge of untreated sewage from vessels within 500m of MLWS or a marine farm, and restricts the discharge of non-biodegradable waste within the coastal marine area, including that from marine farms.	Generally relevant to STAR
	Coastal	Policy 9.9.1.1	Pg 10	Provides for the adverse effects on public access arising	Generally relevant to STAR

	Marine – Chapter 9			from activities, specifically including marine farms, to be avoided as far as practicable, and where complete avoidance is not practicable, to be the effects should be mitigated and remedied.	
<i>Marlborough (Wairau/Awatere)</i>	Coastal Marine – Chapter 9	Issue 9.11	Pg 11	Specifically discusses the potential effects of marine farms on the natural character of the Marlborough East Coast. Includes a discussion on research being undertaken in terms of durability of farms, rather than species farmed	Specifically relevant to STAR
	Coastal Marine – Chapter 9	Objective 9.12.1 and Policies 9.12.1.1 – 9.12.1.3	Pg 11-12	Seeks to protect the natural character of the East Coast from adverse effects from marine farming through excluding farms from high ecological or conservation value areas, through scrutiny of applications, and through avoiding allocation of farming space where there is a significant adverse effect on certain aspects such as iwi values, landscape, ecology, navigation, recreate, habitat sustainability and adjacent uses.	Specifically relevant to STAR
	Natural Character – Chapter 10	Policy 10.2.1.1 and 10.2.1.2	Pg 2-3	Seeks to discourage development in coastal areas which are predominantly in their natural state, to encourage development in areas where the natural character has already been compromised and the development doesn't contribute to sprawling or sporadic development.	Generally relevant to STAR
	Coastal Marine Zone	Rule 1.1	Pg 1	Unless limited elsewhere, it is permitted to erect / place / operate equipment used for monitoring purposes, subject to the general conditions for permitted activities. These include conditions regarding disturbance of foreshore and seabed.	Potentially Specifically relevant to STAR, although the specific requirements for marine farms (3.1) are likely to frustrate the use of this permission.
	Coastal Marine Zone	Rule 3.1	Pg 7-8	Requires a discretionary activity consent for: Marine Farms, structures not otherwise provided for, disturbance of foreshore / seabed, discharges and deposition, and the introduction of exotic / introduced plants are.	Specifically relevant to STAR, as the definition of marine farming is broad, however doesn't distinguish between types of farms, species farmed, size of duration of occupation
	Coastal Marine Zone	Rule 3.3.12	Pg 15	Provides assessment criteria in relation to marine farms, specifically looking at navigational matters, environmental impact from the species to be farmed, impact on marine ecology, aesthetic and cultural matters, natural character, alienation of public space, and water quality and ecology.	Specifically relevant to STAR
	Coastal Marine Zone	Rule 3.3.9.1 3.3.9.2	Pg 13-14	3.3.9.1 Provides that occupation of the CMA exceeding the NZCPS thresholds is an RCA, 3.3.9.2 exclusive occupation otherwise defaults to a	Unlikely relevance to STAR given the scale involved in the thresholds. Potentially Specifically relevant to

				discretionary use	STAR, although the specific requirements for marine farms (3.1) may override these provisions.
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3.13 Nelson Overview.

The definition of aquaculture specifically references investigative / experimental activities, but there are no specific supporting policies or rules. The Plan states that demand for aquaculture is low, due to physical unsuitability and conflicts with navigation. The Plan policy approach is to protect areas of high natural value, and to treat all aquaculture activities (eg structures, discharges) as discretionary throughout the District. The discharges rule explanation specifically mentions caged fish farming. The “catch-all” provision makes unconsidered activities discretionary also.

Highlights (Good Practice examples) The Plan permits temporary structures (ie used for up to 31 days, removed within 6 weeks). This may be applicable to STAR activities.

Highlights (Potential Barriers) Although considered in the definition, and in some explanatory material, there is no targeted policy or regulation relating to STAR

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Nelson City Council – Nelson Resource Management Plan	Coastal Marine Area – Chapter 13	Description – CMd6 – Aquaculture	Pg 13-4	Provides a definition of aquaculture, and specifically references investigative or experimental activities.	Specifically relevant to STAR, being specifically included within provision.
	Coastal Marine Area – Chapter 13	Description – CMd6.xi	Pg 13-6	References a then forthcoming Aquaculture Reform Bill, and the subsequent development of AMA’s, with aquaculture outside these AMA’s becoming a prohibited activity. This is noted as being provided through a Plan Change. No Plan Change is as yet available reflecting this however.	Generally relevant to STAR and identifies that a Plan Change is required for development of an AMA.
	Coastal Marine Area – Chapter 13	Description – CMd6.xvi	Pg 13-7	Acknowledges that aquaculture should be provided for as a discretionary activity, enabling consideration of each application on its merits and subject to full public scrutiny	Specifically relevant to STAR
	Coastal Marine Area – Chapter 13	Description – CMd6.xi	Pg 13-7	Provides details of who Council anticipates consultation should be undertaken with by parties contemplating aquaculture, includes Harbourmaster, Health groups, Dept of Conservation, Ministry of Fisheries and other user groups. (Note this has same reference as above, is potentially an error in Plan)	Specifically relevant to STAR
	Coastal Marine Area – Chapter 13	Policy CM4.3	Pg 13-15	Seeks that structures be removed at then end of their useful lives or the expiry of their authorisation, provided removal not cause greater environmental effects, or the structure will have no more than minor adverse effect if left in place.	Generally relevant to STAR

<i>Nelson</i>	Coastal Marine Area – Chapter 13	Policy CM5.1	Pg 13-18	Seeks to follow a precautionary approach towards activities, in particular those where the effects are as yet unknown or little understood	Specifically relevant to STAR
	Coastal Marine Area – Chapter 13	Policy CM5.4	Pg 13-19	Relates to structures not impeding natural processes, and that the effects of structures be remedied or mitigated through the design and construction of the structure	Generally relevant to STAR
	Coastal Marine Area – Chapter 13	Policy CM7.2 – 7.3	Pg 13-28	Relate to occupation of the coastal area by structures, and the impact that the structures or occupation has on public access. Do not seek complete avoidance of an impact on public access, rather seek to mitigate, with remediation where practicable.	Generally relevant to STAR
	Coastal Marine Area – Chapter 13	Rule CMr.20.1 CMr.20.3	Pg 13-48	Rule 20.1 provides for exclusive occupation of the CMA as a permitted activity if solely by an otherwise permitted / consented structure. Rule 20.3 provides for discretionary classification of occupation contravening a permitted condition, provided that it is not within the Marine ASCV Overlay, and does not exceed 0.5ha. Rule 20.3 otherwise provides for exclusive occupation as a non-complying activity, and also an RCA if it exceeds the NZCPS thresholds.	Generally relevant to STAR.
	Coastal Marine Area – Chapter 13	Rule CMr.21	Pg 13-50	Provides that where the structure is temporary, and removed within 6 weeks, the structure is a permitted activity.	Specifically relevant to STAR and is considered good practice by being supportive of a temporary structure.
	Coastal Marine Area – Chapter 13	Rule CMr.26	Pg 13-54	Provides criteria for temporary structures as permitted activities, including only being in place for 31 days, being for an activity allowed by the Plan or resource consent, and that public access and navigational safety are not compromised	Specifically relevant to STAR – has the potential to conflict with rule CMr.21 though.
	Coastal Marine Area – Chapter 13	Rule CMr.28	Pg 13-56	Impounding or containing structures for an area less than 4ha of the coastal marine area are discretionary activities, with those larger than 4ha being non-complying and an RCA.	Generally relevant to STAR
	Coastal Marine Area – Chapter 13	Rule CMr.49	Pg 13-76	Provides that discharge from aquaculture is a discretionary activity subject to standards.	Specifically relevant to STAR
	Coastal Marine Area –	Rule CMr.58	Pg 13-80	Provides that 'other activities' being other than those already provided for in the rules, are a discretionary	Specifically relevant to STAR

	Chapter 13		activity. Note, while the description of the Zone anticipates that aquaculture is a discretionary activity, and there is a rule relating to discharge from aquaculture, there is no specific rule identifying aquaculture as a discretionary activity, therefore this 'other activities' rule is most applicable.	
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3.14 Tasman – Overview.

Council met with government officials in early September to progress AMA discussions. The meeting did not result in any likelihood of Council initiating changes to the aquaculture provisions of the current plan in the near future. Council is unlikely to initiate the RMA First Schedule process on any amendment to the aquaculture provisions of the Plan unless it is presented with a proposal that represents a near-consensus of all likely affected and interested parties.

The Plan zones AMAs, and takes a precautionary approach to aquaculture in general, involving: (a) prohibiting aquaculture outside of discrete AMA zones; (b) providing for scallop and mussel spat catching and mussel farming and prohibiting the farming of other species; (c) requiring baseline assessment of application sites coupled with requirements to monitor the effects of aquaculture activities; (d) providing for development of mussel farming in stages according to the results of monitoring; and (e) seasonal use of spat catching sites unless these occur as part of mussel farming activities.

Council reserves control or discretion over aquaculture consents in relation to four general matters: • Treaty values; • ecological matters; • natural character values; • navigation. Ecological management plans are required (via the rule standard) to be submitted as part of the application. Schedule 25.1H provides comprehensively for ecological management plans and monitoring requirements for aquaculture activities. An ecological advisory group has been established to provide advice on effects

Highlights (Good Practice examples) Provides an entire policy chapter dedicated to aquaculture. Identifies AMAs. Although the rules address specific aquaculture activities, they provide for occupation and deposition associated with structures for aquaculture, and address discharges via the activity standards, and so the only other rules that are relevant are those permitting moorings. This avoids confusion for Plan users.

Ecological management plans are required for the whole area of application. This combined with monitoring requirements would be prudent for any situation where the adverse effects are uncertain (eg. STAR), although there may need to be flexibility around the scale of information to be supplied (eg. for a short term proposal).

Small scale structures for scientific investigation are permitted.

Highlights (Potential Barriers) Provisions relate to mussel farming and spat catching, with no specific provision relating to research or short-term aquaculture activities. The Environment Court decision to narrow the activities addressed by the Plan rules to: scallop spat catching; mussel spat catching, and mussel farming is not conducive to STAR activities unless related to these species. The rule standards dictate the type of structure to be used, and so there is not a great deal of flexibility even to trial new techniques. The lack of provision for new AMA space allocation is almost universal amongst all plans.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Tasman District Council Proposed Tasman Resource Management Plan	Meaning of Words – Chapter 2	Definition – Aquaculture	2/2	Specifically includes investigative and experimental within definition of Aquaculture. Spat catching / holding is included.	Specifically relevant to STAR. The specific inclusion of investigative/experimental activities is good practice (Tasman plan provisions were originally drafted around this general definition of aquaculture. The Environment Court narrowed the actual activities available under the plan rules to: scallop spat catching; mussel spat catching, and mussel farming. The Court made a deliberate decision to not provide for other forms of aquaculture)
	Coastal Marine Area – Part III	Policy	Part III/2	Requires the precautionary approach to be adopted, particularly where the effects are unknown or little understood.	Generally relevant to STAR
	Aquaculture – Chapter 22	Issue 22.1, Objective 22.2 and policies 22.1.1 – 22.1.22	Pg22/2-22/3	Provides an entire chapter dedicated to aquaculture, the relationship of aquaculture to the coastal environment, and to iwi. There are three identified AMAs in the Plan. Provisions predominantly relate to mussel farming and spat catching, with no specific provision relating to research or short-term aquaculture activities.	Specifically relevant to STAR
	Coastal Marine Area Rules – Chapter 25	Rules 25.1.5, 25.1.5AA and 25.1.5BB	Pg 25/6 – 25-10	<p>Provides for spat catching as a controlled activity. Contains provisions specifically for scallop spat catching and specifically for mussel spat catching, and some that are common to both activities.</p> <p>Standard conditions include no discharges to sea and no introduced feed.</p> <p>Non-compliance is provided for as a restricted discretionary or prohibited activity – being location specific.</p> <p>25.1.5BB (a) prohibits spat catching outside an AMA, and (c) prohibits spat catching other than scallops or</p>	Specifically relevant to STAR

				mussels.	
<i>Tasman</i>	Coastal Marine Area Rules – Chapter 25	Rules 25.1.5CC – 25.1.5GG	Pg 25/10 – 25/16	<p>Provision for mussel farming as a controlled activity subject to standards, including scale and location.</p> <p>Standard conditions include no discharges to sea and no introduced feed.</p> <p>Non-compliance with the standards requiring consent ranging from restricted discretionary through to prohibited.</p> <p>25.1.5GG (a) prohibits aquaculture activities outside an AMA, and (d) prohibits farming other than mussels</p>	Specifically relevant to STAR
	Coastal Marine Area Rules – Chapter 25	Rule 25.1.5B	Pg 25/16-25/17	Permits structures for scientific investigation purposes subject to standards. The standards relate to not restricting public access, being clearly marked, not occupying more than 20m ² and not constituting a contaminant discharge.	Specifically relevant to STAR, although it is debatable whether this provision could be used to overcome the prohibitions in 25.1.5BB and GG
		25.1.7	Pg. 25/19	Provides a default discretionary activity for disturbance or occupation of the coastal marine area by any structure/ activity specified in Rules 25.1.5A to 25.1.6, or the use of any such structure, in a manner that does not comply with the conditions/standards/terms of those Rules.	Potentially Specifically relevant to STAR in reference to rule 25.1.5B if the standards are not met (eg. the 20m ² area threshold) STAR involves adapting existing structures in order to research new structure techniques

3.15 Canterbury – Comment.

No definition of aquaculture or marine farming, or mapping of AMAs is contained in the Plan. It is assumed that the Plan relies on the RMA definition of aquaculture, which is inclusive of STAR unless it is argued that STAR is not “for [the purpose of] harvest”. The planning approach appears to be to address aquaculture via the range of associated activities, as there is not much specific reference to marine farming or aquaculture. The policy approach is similarly generic, addressing decision-making for allocation of space and for considering various applications. ‘Small scale non-commercial marine farming structures within Maitaitai Reserves’ are exempted from the restrictions against marine farms (inter alia) in listed areas of high natural value, but there is no specific enabling provision for such activities, and no other use of this term in the plan.

Note that the schedule of areas referred to in Policy 8.15 have since been notified as excluded areas. Council has agreed to investigate the IPPC route and have applied for funding.

Note that proposed Plan Change 2 permits occupation by lawful structures. The plan includes an intention to investigate space allocation in the Banks Peninsula area.

Highlights (Good Practice examples) STAR is potentially addressed by the rules and policy relating to aquaculture, and STAR could be facilitated by the exceptions to policy 8.15 which includes structures for monitoring of, and/or research into, the marine environment.

Highlights (Potential Barriers) There is little aquaculture-targeted policy or regulation or interpretation, in fact the policies and rules are extremely generic, (probably deliberately). It would be difficult for an applicant to determine which provisions apply to STAR, and little relevant policy guidance to assist the Council to make decisions on STAR activities.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Environment Canterbury – Regional Coastal Environment Plan for the Canterbury Region Nov 2005	Natural Character and Appropriate Use of the Coastal Environment – Chapter 6	Policy 6.1	Pg 6-44	Policy 6.1(a)(iii) specifically ensures that a precautionary approach is adopted when considering applications for resource consent where the effects, including cumulative effects, are little known or understood. This provision is followed by an explanation that discusses the effects of activities on the coastal environment. No specific mention is made of aquaculture however the provision is still applicable.	Generally relevant to STAR
		Policy 6.4	Pg 6-47	Sets out a process of investigation and public consultation in relation to where commercial and recreational activity in the CMA is appropriate. The explanation under this provision references marine farms as something to be investigated for appropriate locations.	Generally relevant to STAR
	Coastal Water Quality –	Introduction 7.1	Pg 7-55	Identifies that the coastal waters are valued for a number of reasons, and specifically includes marine farms. The	Generally relevant to STAR

	Chapter 7			provision the lists the current matters for which the coastal waters are the receiving environment.	
		Objective 7.1	Pg 7-57	Seeks to enable present and future generations to benefit from the coastal environment. The principal reason supporting this seeks to ensure that certain aspects are not compromised, including amenity, cultural aspects, recreation use, and specifically including aquaculture.	Specifically relevant to STAR
		Policy 7.11	Pg 7-67	This provision relates to the separation distance between marine farms and the discharge of untreated sewerage.	Generally relevant to STAR
		Method 7.3	Pg 7-69	Establishes an investigation and consultation process in relation to water quality, and identifies activities to manage and control water quality for, specifically including aquaculture.	Generally relevant to STAR
<i>Canterbury</i>		Rule 7.2	Pg 7-73	The rule establishes a discretionary activity classification for discharges of water / contaminants into the CMA unless otherwise provided for, subject to standards and terms	Generally relevant to STAR
	Activities and Occupation in the Coastal Marine Area – Chapter 8	Policy 8.1	Pg 8-82	Seeks to enable some activities as permitted activities within the CMA, where the environmental effects of these are no more than minor, to enable them to proceed without undue constraint. Aspects such as extension to existing structures in the Port area, or limited disturbance of the foreshore and seabed are identified	Generally relevant to STAR
		Policy 8.15	Pg 8-96	<p>Policy 8.15 seeks to protect</p> <p>(1) Areas of Banks Peninsula listed in Schedule 5.13 and ASNV; from additional structures, including marine farms; unless it can be established that the structures / their use will have no more than minor adverse effects on: natural character, marine/foreshore/seabed ecology; water quality; use/enjoyment of the area; and Hector's Dolphin habitat.</p> <p>Provides for exceptions including existing / deemed marine farm operations, minor expansions of existing marine farm operations at or adjacent to their existing locations; structures for the monitoring of, and/or research into, the marine environment; and small scale non-commercial marine farming structures in Maitai Reserves</p>	<p>Specifically relevant to STAR</p> <p>Specifically relevant to STAR</p>
	Activities and Occupation in	Policy 8.2	Pg 8-83	Identifies that where there are activities that either do not comply with the permitted standards or are considered to	Generally relevant to STAR

	the Coastal Marine Area – Chapter 8			have potential adverse effects, which includes activities requiring structures, the Council and potentially the Minister of Conservation will regulate.	
Canterbury		Policy 8.3	Pg 8-84	This policy sets out matters Council will have regard to when determining applications for resource consents for activities in the CMA. While aquaculture is not specifically mentioned, the matters would be applicable to any application for STAR	Generally relevant to STAR
		Policy 8.5	Pg 8-86	Sets out matters Council consider in determining to allocate space to activities. While marine farms are not specifically identified, they are referenced in the explanation following the provision as an activity that requires space and competes with other users for the space.	Generally relevant to STAR
		Policy 8.15	Pg 8-94	Identifies areas that have a high natural value and seeks to maintain them in their current state. This provision specifically excludes marine farms from high value areas. Historic marine farms are exceptions however, as are minor extensions to existing marine farms, structures for monitoring or research in the marine environment, and non-commercial marine farms in Maitaitai Reserves.	Specifically relevant to STAR
		Methods 8.3	Pg 8-96	This seeks to undertake investigations into the necessity for changes to the Plan in relation to coastal waters and allocation of space.	Generally relevant to STAR
		Rule 8.3	Pg 8-104	This Rule identifies that unless otherwise provided, the erection of a structure is a discretionary activity in the CMA. There is no other provision that specifically enables a marine farm to be constructed as a permitted or controlled activity and therefore a marine farm would be a discretionary activity	Specifically relevant to STAR
		Rule 8.12	Pg 8-114	Rule 8.12 Permits deposition directly associated with permitted / consented structures with a limit of five cubic metres outside the Port / 50 cubic metres within a Port per 12 months, and provided that it doesn't occur in an ASCV. Otherwise defaults to discretionary (rule 8.13) , or non-complying (Rule 8.15) and RCAs (8.14, 8.16)	Generally relevant to STAR
		Rule 8.23 Rule 8.27	Pg 8-126 Pg 8-127	The rule permits occupation by permitted or consented structures, otherwise occupation is discretionary	Specifically relevant to STAR
	Making Applications and Providing	Information to be provided –	Pg 12-166	This provision identifies information to be supplied with resource consent applications, and when an activity is within the Banks Peninsula coastal marine area, detail of	Generally relevant to STAR

	Information – Chapter 12	12.2		consultation with the Ministry of Agriculture and Fisheries is required to be provided in relation to the impact of the proposal on marine farming	
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3.16 West Coast – Overview

There is no specific provision for/consideration of AMAs or aquaculture. There is no definition for aquaculture or the like, and no mapping of any such areas. It is assumed that the plan relies on the RMA definition of aquaculture, which is inclusive of STAR unless it is argued that STAR is not “for [the purpose of] harvest”. Occupation, deposition, and introduction of exotic plants are discretionary activities; however there is no specific supporting policy consideration for STAR as a discretionary activity.

Highlights (Good Practice examples) There is some positive policy consideration of the beneficial effects of structures (policy 8.4.8, p.88). Rule 8.5.1.8 (p. 92) addresses activities involving structures, rather than the structure itself – this is an inclusive approach. In respect of exotic/introduced plants, the policy approach considers the need for the introduction amongst other matters including potential adverse effects – this reasonably flexible while retaining a precautionary approach.

Highlights (Potential Barriers) There are no mapped AMAs. The lack of specific consideration for STAR or aquaculture activities means that some activities are caught by catch-all rules with little/no sympathetic policy support eg. although the objective for deposition (9.3.4) is to provide for activities which disturb the foreshore/seabed where the adverse effects are minor, the rule only provides for a discretionary activity in respect of deposition of natural material (such as aquaculture waste product).

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
West Coast Regional Coastal Plan June 2000	Chapter 7 – Public Access and Occupation of Space	7.2 Issues	69	The issues note that some activities in the coastal marine area require occupation of space and may result in a reduction in public access to and along the CMA.	Specifically relevant to STAR
		Objective 7.3.2	72	Recognises that some activities require exclusive occupation of the CMA.	Specifically relevant to STAR
		Policy 7.4.1	73	States that for activities seeking the right to exclusively occupy land of the Crown, consideration will be given to the reasons for seeking the occupation, and to any other practicable alternatives.	Specifically relevant to STAR
		Policy 7.4.2	73	States that public access to and along the margins of the CMA will only be restricted where necessary, including	Generally relevant to STAR, where public access needs to be restricted

				where to ensure a level of security consistent with the purposes of a resource consent.	in the subject area for security reasons
<i>West Coast</i>	Chapter 7 – Public Access and Occupation of Space	Policy 7.4.4	74	Provides that alternative forms of access or compensation may be required to offset the loss of public access due to activities in the CMA.	Generally relevant to STAR
		Rule 7.5.1.4	77	Any activity involving occupation of the CMA is a discretionary activity and a restricted coastal activity if it: (a) Would exclude or effectively exclude public access from areas of the CMA over 10 hectares (except where such exclusion is for reasons of public safety or security); or (b) Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or (c) Would involve occupation or use of areas greater than 50 hectares of the CMA and such occupation or use would restrict public access to or through such areas.	May be relevant to STAR, depending on whether public access is restricted and/or excluded.
		Rule 7.5.1.5	77	Any other activity involving occupation of land of the Crown within the CMA is a discretionary activity.	Specifically relevant to STAR, and would appear to be the applicable provision for any STAR activities under this Plan.
	Chapter 8 - Structures	8.2 Issues	83	Relevant issues include that structures in the CMA: - may adversely affect sites of cultural significance. - are sometimes used for activities that have no practicable alternative other than to locate in the CMA. - may adversely affect the natural character of the CMA through their sporadic in undeveloped or semi-developed areas. - may adversely affect the ecosystems values within and adjacent to the CMA. - may cause undesired changes to the coastal processes acting upon the foreshore or seabed. - may be adversely affected by possible sea level rise and other natural hazards.	Generally relevant to STAR
		8.3 Objectives	85	Relevant objectives include: Objective 2 which seeks to preserve the natural character	Specifically relevant to STAR

				of the West Coast's coastal environment as far as practicable from the adverse effects associated with structures. Objective 4 which seeks to take into account the effects of coastal processes when considering structures in the coastal marine area.	
<i>West Coast</i>	Chapter 8 - Structures	Policy 8.4.1	86	States that structures will be required to be maintained in a structurally sound and tidy state, and should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the natural character of the area.	Generally relevant to STAR
		Policy 8.4.2	86	When processing of resource consent applications with regard to structures within the CMA, consideration will be given to the discharge of contaminants, and other required services associated with the structure.	Generally relevant to STAR
		Policy 8.4.5	87	States that structures will only be allowed to locate in the CMA where there are no practicable alternatives to locate the structure elsewhere.	Specifically relevant to STAR
		Policy 8.4.8	88	Recognises consideration of the beneficial effects of structures which require location in the CMA.	Specifically relevant to STAR
		Rule 8.5.1.7	92	Any activity involving a structure in the CMA is a discretionary activity and a restricted coastal activity if it would impound or effectively contain 4 hectares or more of the coastal marine area or if it is solid (or presents a significant barrier to water or sediment movement).	Generally relevant to STAR
		Rule 8.5.1.8	92	Any other activity involving a structure in, on, under, or over any land in the CMA is a discretionary activity.	Specifically relevant to STAR, and as with occupation, would appear to be the relevant provision for STAR activities.
		Rule 8.5.2.2	94	Provides that the maintenance, alteration, replacement or reconstruction (but not extension) of a structure/part of structure in the coastal marine area, other than for navigational aids (which are also permitted), is permitted subject to standards relating to: (a) no change to the overall dimensions/outline of	Generally relevant to STAR

				<p>the structure or significant change in use</p> <p>(b) disturbance (confined to within the Structure perimeter)</p> <p>(c) The use of same/similar coloured materials</p> <p>(d) No contaminants are discharged into the CMA</p> <p>(e) No increased impedance to water flow;</p> <p>(f) Written notice is given to the WCRC.</p>	
		Rule 8.5.3.1-2	95	.1 permits the removal of structures subject to standards .2 provides for discretionary activity status otherwise.	Generally relevant to STAR
<i>West Coast</i>	Disturbance	Rule 9.5.3.7	114	Provides that disturbance of foreshore/seabed is a discretionary activity unless otherwise provided for in preceding rules [of unlikely relevance]	Generally relevant to STAR
	Deposition	Rule 9.5.4.2	115	Any non RCA activity involving the deposition of sand/shingle/natural material is a discretionary activity.	Generally relevant to STAR
	Discharges	Rule 10.5.7.1 Rule 10.5.7.2	134	Discharge of water / contaminants not addressed by other rules is permitted subject to standards relating to maintenance of natural temperature within 3o, tracer dyes, cooling water, flowing water used for holding live sea organisms. Other non-specified discharges are discretionary	Generally relevant to STAR
	Chapter 13 Exotic Plants	13.2 Issue	155	Main issues associated with exotic and introduced plants is that they may adversely affect coastal ecosystems; sites of cultural significance; the natural character and amenity value of areas within and adjacent to the CMA; or coastal processes acting upon the CMA.	Generally relevant to STAR
		13.3 Objective	156	The Objective is to avoid, remedy or mitigate adverse effects associated with the introduction or planting of exotic or introduced plants on: coastal ecosystems; sites of cultural significance; the natural character and amenity value of areas within and adjacent to the CMA; or coastal processes acting upon the foreshore and seabed.	Generally relevant to STAR
		Policy 13.4.1	156	Seeks to consider potential adverse effects and the need for any proposed introduction or planting of any exotic or introduced species into the CMA.	Specifically relevant to STAR
		Rule 13.5.1.2	157	The introduction or planting of any exotic or introduced plant (which is not a pest plant) in the CMA where the	Specifically relevant to STAR

				plant is not already present is a discretionary activity and a restricted coastal activity.	
West Coast		Rule 13.5.1.3	157	The introduction or planting of any exotic or introduced plant (which is not a pest plant) in an area where the plant is already present is a discretionary activity.	Specifically relevant to STAR
Note: No provision for Aquaculture Management Areas					

3.17 Southland - Comment.

The definition of Marine Farming is broad, and would be inclusive of STAR. STAR is specifically addressed as an issue in [identified] areas. Policy approach is to address individual STAR proposals as they arise, but there is no specific policy support for/against STAR. There is a policy preference for existing occupiers, in considering changes of current space use. New species applications in existing areas are discretionary, due to potential adverse effects attributable to the species being farmed. The Plan maintains that different species and additions to structures need to be scrutinised as much as the initial establishment. The introduction of exotic or indigenous (non eco-sourced) organisms is largely a discretionary activity. Addresses (permits) discharge of dead marine farm organisms in open coast. It is discretionary to feed nutrients / apply fauna health products.

Doesn't address new technology or temporary proposals, although the 'catch all' for temporary structures is permissive subject to standards. Provides for alteration and upgrading of structures with same footprint as the original (amongst other standards) as permitted, with a discretionary fall-back. Has an objective to the effect that bonds or similar will be required for experimental activities, to cover the cost of removing equipment and structures.

Highlights (Good Practice examples) Existing occupiers have preference in terms of competition for existing space, if they wish to change the use of the space, but see 'potential barriers' for de novo level of scrutiny for changes to activities, alterations etc. The rules tend to address a comprehensive range of the activities likely to be involved in STAR, and there is a good level of flexibility in the rule standards and terms, even though they don't address STAR specifically

Highlights (Potential Barriers) Occupation Policy (9.1.4) acknowledges STAR requires space but not at the expense of proven aquaculture activities. The Plan maintains that different species, additions to structures, and changes to activities on existing structures as needing to be scrutinised as much as the initial activity.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Environment Southland	Values of the Coastal Marine Area – Part B, Chapter 3	Coastal Value 3.9.12	Chapter 3, pg 27	Recognises current activity occurring within the coastal environment, including port etc., specifically refers to STAR.	Specifically relevant to STAR.
Regional Coastal Plan for Southland	Fundamental Principles – Part C,	Issue & Objective 4.2.1,	Chapter 4, pg 5-8	Recognises that activities that need to be located in the coastal environment should be the ones there, rather than activities that can be elsewhere located. Also considers	Generally relevant to STAR
Operative (in					

part) 12 April 2007	Chapter 4	Policies 4.2.1-3		minimising size of occupation, and encourages the consideration of alternatives.	
	Fundamental Principles – Part C, Chapter 4	Policy 4.4.3	Chapter 4 Pg 11	The policy prefers compatible multiple uses cf. setting aside areas for specific activity purposes.	Generally relevant to STAR
<i>Southland</i>	Introduction of new plant species	Rules 5.4.2.1-4	Chapter 5 Pg. 32-33	The rules 5.4.2.4 permits planting of local genetic stock, 5.4.2.1-.3 require discretionary consent to introduce exotic plants, or indigenous (non eco-sourced) plants 5.4.2.5-6 prohibit planting exotic species in [identified] areas, and prohibits introduction of pests/unwanted organisms.	Specifically relevant to STAR.
	Exotic fauna	Objective 5.4.3.1 Policy 5.4.3.1	Chapter 5 37	The objective is to avoid the introduction of fauna when it could result in adverse environmental effects. The policy seeks to prevent the introduction of exotic fauna where information indicates adverse effects on indigenous vegetation/fauna, or alter coastal processes/natural character, or life-supporting capacity of ecosystems.	Specifically relevant to STAR
	Exotic fauna	Rules 5.4.3.1-2	Chapter 5 38	Deliberate introduction of exotic fauna/indigenous fauna not regionally sourced is discretionary. Rule .2 the introduction into [identified] areas is non-complying	Specifically relevant to STAR
	Estuaries – Part C, Chapter 6	Policy 6.1.3	Chapter 6, pg 3	Estuarine environments are recognised as having a value, and including potential value for aquaculture activities	Specifically relevant to STAR
	Coastal Water – Part C, Chapter 7	Objective 7.2.2.1	Chapter 7, pg5-6	Provides for maintenance and enhancement of the ambient water quality to ensure it is suitable for the growth of shellfish or other fishery including aquaculture, fit for human consumption.	Generally relevant to STAR
	Coastal Water – Part C, Chapter 7	Objective 7.2.2.3	Chapter 7, pg 6	Similar to Objective 7.2.2.1 however specifically relates to Halfmoon Bay, Stewart Island and is only to enhance.	Generally relevant to STAR
	Discharge of dead farmed marine organisms	Rules 7.3.2.5-6	Chapter 7, Pg 25-26	Rule .5 permits discharge of dead farmed marine organisms in open coastal water away from the shore/internal waters, subject to standards and terms regarding distance from shore	Generally relevant to STAR

				Rule .6 - Discharge of dead farmed marine organisms in internal waters or close to shore is discretionary	
<i>Southland</i>	Discharges from marine farms	Policies 7.3.8.1.1-2	Chapter 7 Pg 41-42	Policy .1 aims to encourage the efficient application of nutrients discharged as a food source. Policy .2 seeks to encourage efficient application of fauna health products for target species.	Generally relevant to STAR
	Discharges from marine farms	Rule 7.3.8.1.1	Chapter 7 Pg 42	Applying fauna health products/feeding of nutrients to vegetation and fauna is a discretionary activity.	Generally relevant to STAR
	Occupation – Part C, Chapter 9	Policy 9.1.4 and 9.1.6	Chapter 7, pg 3	Occupation of space within the coastal environment, in particular in relation to activities occupying space and thereby restricting other activities or access. Recognises that is an experimental nature of aquaculture, and may require more area in the future. Is to be provided but not at expense of other, proven, aquaculture activities. Also ensures that occupation durations are relevant to the need of the activity, specifically identifying that where an activity ceases to continue, previously the right to occupy continued, and the provisions seek to prevent replication of this.	Specifically relevant to STAR – in that recognises space requirements could be different, but also that duration of the occupation could be restricted.
	Occupation – Part C, Chapter 9	Policy 9.1.9	Chapter 9 pg 4	To apply coastal occupation charges where there is either full or partial exclusion of others.	Generally relevant to STAR
	Occupation – Part C, Chapter 9	Rule 9.1.1	Chapter 9, pg5	Provides that exclusive occupation is a discretionary activity unless otherwise provided for in the Plan.	Generally relevant to STAR
	Occupation – Part C, Chapter 9	Rule 9.1.5	Chapter 9, pg9	Permits exclusive occupation of the CMA by scientific instruments, and supporting equipment provided that: the occupation period does not exceed 3 mo; the total size of the equipment does not exceed 2m in length, 2m in width, and 1.5m in height.	Potentially Specifically relevant to STAR
	Deposition Chapter 10	Policy 10.2.4-7	Chapter 10, Pg. 10-11	Policy .4 seeks to avoid where practicable, otherwise remedy or mitigate the adverse effects of Disposal/deposition of contaminants/materials . Policy .7 takes the same approach to deposition of organic material	Generally relevant to STAR
	Deposition	Rule	Chapter 10,	deposition of material on the seabed , from activities	Generally relevant to STAR

	Chapter 10	10.2.4	Pg.14	occurring in the CMA is a discretionary activity, except that it is non-complying in [identified] areas	
<i>Southland</i>	Structures Chapter 11	Policy 11.2.1 11.2.2 11.2.5 11.2.6 11.2.7 11.2.10 11.2.11 11.2.16 11.2.17 11.2.19	Chapter 11	<p>Policy .1 seeks primarily to avoid, and otherwise remedy/mitigate adverse effects of new structures/extensions to existing structures.</p> <p>Policy .2 encourages temporary structures where permanent structures are not necessary.</p> <p>Policies .5, .6, .10 and .11 address marking, consultation with [identified] agencies, soundness/safety, building consents.</p> <p>Policy .7 protects predator free islands from structures. Policy .16 protects natural character, amenity, landscape, seascape and open space values, and policy .17 demands compatibility of structures with the surrounding environment. Policy. 19 protects the values of [identified] areas.</p>	<p>Generally relevant to STAR</p> <p>Specifically relevant to STAR</p> <p>Generally relevant to STAR</p> <p>Generally relevant to STAR</p>
	Structures	Rules 11.2.3, 11.2.6	Chapter 11 Pg. 10-11	<p>Rule .3 provides that structures more or less parallel to mean high water springs and longer than 1,000 metres is a discretionary activity and RCA.</p> <p>Rule .6 provides that temporary or permanent structures not otherwise provided for are non-complying in [identified] areas of value, and discretionary elsewhere.</p>	<p>Generally relevant to STAR, but unlikely given the scale</p> <p>Specifically relevant to STAR</p>
	Structures	Policies 11.4.1	Chapter 11 Pg 17	<p>Policy .1 aims to provide for ... minor upgrading of existing structures.</p> <p>Policy .2 provides that extensions to existing structures will be considered as for new structures, due to potential effects.</p>	Generally relevant to STAR
	Structures	Rule 11.4.2 11.2.5	Chapter 11 Pg 17-19	Rule .2 permits ...alteration or upgrading (notwithstanding other rules) of existing structures, with provisos relating to: disturbance; no change in dimensions; not a heritage structure, repainting standards; debris is minimised; fish passage is maintained. Otherwise the activity is	Generally relevant to STAR

				discretionary. Rule .5 provides a discretionary activity for extensions to existing structures where not otherwise provided for,	Generally relevant to STAR
<i>Southland</i>	Change in structure activities	Policy 11.6.1	Chapter 11 Pg 24	The policy considers new/changing activities on existing structures, including structures on structures, on the same basis as new activities or new structures.	Generally relevant to STAR, but no relevant associated rules.
	Moorings	Rules 11.7.7.8 11.7.7.9 11.7.7.10	Chapter 11 Pg 63	Rule .8 makes the placement of moorings, and their occupation of the CMA outside of areas, outside of [specified] areas of historic use are a discretionary activity. Rule .9 The placement/occupation of moorings in [listed recognised anchorages] necessitating preferential/exclusive use is a discretionary activity. Rule .10 provides that pole moorings are a discretionary activity.	Specifically relevant to STAR
	Marine Farming – Part C, Chapter 15	Issue 15.1.1	Chapter 15, pg 2	Recognises potential of coastal region for aquaculture	Generally relevant to STAR
	Marine Farming – Part C, Chapter 15	Objective 15.1.1	Chapter 15, pg 2	Seeks to ensure adverse effects of marine farms are avoided, remedied or mitigated.	Generally relevant to STAR. Incorporates the Part 2 of the Act requirement.
	Marine Farming – Part C, Chapter 15	Policies 15.1.1-4	Chapter 15, pg 3-4	Establishes need for resource consent for marine farms, for the effects to be avoided in some areas. Identifies that farming of new species, the use of new technologies, or special site characteristics were not provided for in the 1980s fisheries legislation. Identifies that Council has adopted a merit based approach, based on a case-by-case assessment of individual proposals, in appropriate locations, taking into account the values of the area within which it is proposed to locate the farming operation and the objectives and policies of the Plan.. Existing occupiers have preference for space they currently occupy if they wish to change the use of that space. Monitoring is required to be carried out.	Specifically relevant to STAR. Sets out merit based assessment, identifies not adequately provided for.
	Marine Farming – Part C, Chapter 15	Rules 15.1.1-8	Chapter 15, pg 4-7	Activity of marine farming ranges from discretionary, through non-complying to prohibited in classification, dependent on location of farm.	Specifically relevant to STAR
	Financial	Objective	Chapter 17,	Provides a negative view that experimental activities often	Specifically relevant to STAR

	Contributions & Bonds – Part C, Chapter 17	17.2	pg 2	cease and leave behind structures or fail to comply with conditions of a consent. A financial security is able to be imposed to remedy the situation should it arise, without cost to the wider community.	
<i>Southland</i>	Appendix 1	Glossary of Terms	Appendices, Pg 11	Marine Farming (defined as the activity of breeding, hatching, cultivation, rearing, or on-growing of fish, aquatic life, or seaweed for harvest ; with exclusions...), does not specifically include STAR but would not preclude it. Thus the marine farming provisions apply to STAR.	Specifically relevant to STAR. Inclusive definition

3.18 Otago – Comment

The Plan was made operative in 2001. The Plan is under full review, although the review is on hold until the revised NZCPS is in force, there being no commercial interest in establishing marine farms at present. AMAs and aquaculture are not mapped or discussed in the Plan, and there are no relevant definitions, apart from one reference to marine farms as structures. It is assumed that the plan relies on the RMA definition of aquaculture, which is inclusive of STAR unless it is argued that STAR is not “for [the purpose of] harvest”. The plan provides for mapped Coastal Development Areas, consisting of harbours, breakwaters, fishing facilities, moorings and navigational channels.

Introduction of exotic/introduced plants is discretionary (pest plants are prohibited), occupation and most new structures are discretionary, with some provision for occupation that does not involve restricting public access (very low threshold levels of 3 days per 12 months). Policies for structures favour protection of open/undeveloped spaces.

Highlights (Good Practice examples) There is potential to adapt existing structures as a permitted activity.

Highlights (Potential Barriers) There are no policies sympathetic to STAR to support discretionary consent requirements.

Region and Plan	Provision	Reference	Plan page	Content Addressed	Comment
Otago Coastal Regional Plan Operative September 2001	Chapter 7 – Public Access and Occupation of Space	Objective 7.3.2	59 16.a	To provide for activities requiring the occupation of the CMA.	Specifically relevant to STAR
		Policy 7.4.2	61 16.b	For activities seeking the right to occupy land of the Crown, consideration will be given to the reasons for seeking that occupation, whether or not a coastal location is required, and to any other available practicable alternatives.	Specifically relevant to STAR
		Policy 7.4.3	61 16.c	Public access to and along the margins of the CMA will only be restricted where necessary, including to ensure a level of security consistent with the purposes of a	Generally relevant to STAR, where public access needs to be restricted in the subject area for security

				resource consent.	reasons
<i>Otago</i>	Chapter 7 – Public Access and Occupation of Space	Rule 7.5.1.1	66 16.d	Activities which restrict or exclude public access from land of the Crown within the CMA is a permitted activity provided (amongst other conditions): - The restriction or exclusion is for a period not exceeding three days in any 12 month period; and - In the case of restricted access, the restriction is limited to an area of one hectare or less; and - In the case of exclusion of access, the exclusion is limited to an area of 0.5 hectares or less; and - The activity does not occur in a coastal protection area;	May be relevant to STAR, dependant on whether public access is restricted and/ or excluded, in which case STAR activity is unlikely to meet this rule.
		Rule 7.5.1.3	66 16.e	Any activity involving occupation of the CMA is a discretionary activity and a restricted coastal activity if it: (a) Would exclude or effectively exclude public access from areas of the CMA over 10 hectares; or (b) Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or (c) Would involve occupation or use of areas greater than 50 hectares of the CMA and such occupation or use would restrict public access to or through such areas.	May be relevant to STAR, dependant on whether public access is restricted and/or excluded, and the size of the area of occupation.
		Rule 7.5.1.5	67 16.f	Any other activity involving occupation of land of the Crown within the CMA is a discretionary activity.	Specifically relevant to STAR
	Chapter 8 – Structures	8.2 Issues	72 16.g	Relevant issues include that structures in the CMA: - may adversely affect sites of cultural significance. - are sometimes used for activities that have no practicable alternative other than to locate in the CMA. - may adversely affect the natural character of the CMA through their proliferation in undeveloped or semi-developed areas. - may adversely affect the conservation values within and adjacent to the CMA. - may cause undesired changes to the natural physical coastal processes acting upon the foreshore or seabed. - may be adversely affected by possible sea level rise and other natural hazards.	Generally relevant to STAR

Otago	Chapter 8 – Structures	8.3 Objectives	74 16.h	Objective 1 is to recognise and provide for the values associated with areas of cultural significance, conservation value and public amenity when considering structures within the CMA. Objective 2 is to preserve the natural character of Otago's CMA as far as practicable from the adverse effects associated with structures. Objective 3 is to provide for the development of appropriate new structures and maintenance of existing structures, whilst minimising the use of structures for activities which do not require a CMA location. Objective 4 is to take into account the effects of natural physical coastal processes when considering structures in the CMA.	Specifically relevant to STAR
		Policy 8.4.2	76 16.i	For activities involving structures, priority will be given to avoiding adverse effects on values associated with any coastal protection area, a coastal recreation area, area of outstanding natural feature and landscape, or an area important to marine mammals or birds.	May be relevant to STAR if located in/adjacent to these areas.
		Policy 8.4.3	76 16.j	To recognise and have regard for the values associated with coastal development areas when considering activities involving structures in and adjacent to coastal development areas.	May be relevant to STAR if located in or adjacent to these areas
		Policy 8.4.4	77 16.k	New structures will be avoided, as far as is practicable, in areas of open space, and in areas of little or no development, in order that the amenity values associated with those areas are maintained or enhanced.	Specifically relevant to STAR and identifies areas that may not be suitable for STAR activities.
		Policy 8.4.5	78 16.l	Structures should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the character of the area.	Specifically relevant to STAR
		Policy 8.4.9	80 16.m	Structures should only be allowed to locate in the CMA where there are no practicable alternatives elsewhere.	Specifically relevant to STAR
		Rule 8.5.1.4	81 16.n	Any activity involving the erection or placement of a structure/s in the CMA is a discretionary activity and a restricted coastal activity if it would effectively contain 4	Generally relevant to STAR

				hectares or more of the CMA and if it is solid (or presents a significant barrier to water or sediment movement). (note: not all conditions are listed)	
<i>Otago</i>	Chapter 8 – Structures	Rule 8.5.1.7 8.5.2.3 8.5.2.4	84 16.o	8.5.1.7, 8.5.2.4 Any other activity involving the erection / placement, or extension / alteration / replacement / reconstruction of structure/s in, on, under, or over any foreshore or seabed is a discretionary activity, however 8.5.2.3 maintenance / extension / alteration / replacement / reconstruction of existing structures is permitted subject to conditions regarding dimensions, disturbance of foreshore/seabed and aesthetics.	Specifically relevant to STAR
	Chapter 9 – Alteration of the Foreshore and Seabed	9.2 Issues	92 16.p	Relevant issues include that alteration of the foreshore and seabed may: - destroy or disturb sites of cultural significance. - adversely affect conservation values or public amenity values. - adversely affect the natural character of the coastal environment. - alter the natural physical coastal processes acting upon them. Issue 6 is that minor disturbances of the foreshore and seabed are often associated with activities in the CMA.	Generally relevant to STAR
		9.3 Objectives	94 16.q	Objective 1 is to recognise and provide for values associated with: areas of cultural significance; areas of conservation value; and areas of public amenity when considering alteration of the foreshore or seabed. Objective 2 is to preserve the natural character of the CMA as far as practicable from the adverse effects associated with any alteration of the foreshore or seabed. Objective 3 is to take into account the effects of natural physical coastal processes when considering activities which alter the foreshore or seabed.	Generally relevant to STAR
		Policy 9.4.2	96 16.r	For activities involving the alteration of the foreshore or seabed, priority will be given to avoiding adverse effects on values associated with any area identified as being a	May be relevant to STAR if located in or adjacent to these areas.

				coastal protection area, a coastal recreation area, an area of outstanding natural features and landscapes or an area important to marine mammals or birds.	
Otago		Policy 9.4.3	97 16.s	To recognise and have regard for the values associated with coastal development areas when considering activities involving alterations of the foreshore and seabed in and adjacent to coastal development areas.	May be relevant to STAR if located in or adjacent to these areas.
		Policy 9.4.5	98 16.t	The area to be disturbed during any operation altering the foreshore or seabed will be limited as far as practicable to the area necessary to carry out that operation.	Generally relevant to STAR
		Policy 9.4.10	101 16.u	Alterations of the foreshore and seabed should blend as far as is practicable with the adjoining landscape to minimise the visual impact of the alteration on the character of the area.	Generally relevant to STAR
		Rule 9.5.3.4	105 16.v	Disturbance of the foreshore and seabed when undertaking maintenance or minor alterations to a structure is a permitted activity provided: - The disturbance is confined to within three metres of the perimeter of the structure (note: not all conditions are listed)	Specifically relevant to STAR
		Rule 9.5.3.5	105 16.w	Any other disturbance of the foreshore or seabed is a discretionary activity.	Specifically relevant to STAR
		Rule 9.5.4.3	107 16.x	Any activity involving the deposition of sand, shell, shingle, or other natural material is a discretionary activity.	Specifically relevant to STAR
	Chapter 10 – Discharges	10.2 Issues	113 16.y	Relevant issues include that discharges may: - cause cultural concern. - exceed the assimilative capacity of particular areas and reduce the life-supporting capacity of coastal waters. - affect people’s health and result in decreased recreational and commercial opportunities.	Generally relevant to STAR
		10.3 Objectives	116	Objective 1 is to seek to maintain existing water quality and to seek to achieve water quality that is, at a minimum,	Generally relevant to STAR

			16.z	<p>suitable for contact recreation and the eating of shellfish within 10 years of the date of approval of the plan.</p> <p>Objective 2 is to take into account community, cultural and biological values associated with the CMA when considering the discharge of contaminants into coastal waters.</p> <p>Objective 3 is to safeguard the life-supporting capacity of the CMA.</p> <p>Objective 4 is to enhance water quality in: coastal protection areas; coastal recreation areas; areas adjacent to marine mammal or bird sites; areas where there is a direct discharge containing human sewage; and areas where there is a direct discharge of wastes from commercial, industrial or production activities.</p>	
	Chapter 10 – Discharges	Policy 10.4.2	119 16.aa	For activities involving the discharge of water or contaminants, priority will be given to avoiding adverse effects on values associated with any area identified as being a coastal protection area, a coastal recreation area, an area of outstanding natural features and landscapes or an area important to marine mammals or birds.	May be relevant to STAR if located in or adjacent to these areas.
Otago	Chapter 10 – Discharges	Policy 10.4.3	119 16.bb	To restrict the discharge of contaminants where it would result in a lowering of the existing water quality in the receiving waters: after reasonable mixing; and after disregarding any natural processes that may affect the receiving waters.	Generally relevant to STAR
	Chapter 10 – Discharges	Rule 10.5.6.1	129 16.cc	<p>Discharge of water or contaminants to the CMA is a permitted activity if the discharge is of:</p> <ul style="list-style-type: none"> - water which will not change the natural temperature of the receiving waters, after reasonable mixing, by more than 3° Celsius. - continually flowing water which has been used for holding live sea organisms and which has had no other contaminant added to it. <p>(note: not all conditions are listed)</p>	Specifically relevant to STAR
	Chapter 10 – Discharges	Rule 10.5.6.2	130 16.dd	The discharge of any other water or contaminants into the CMA is a discretionary activity.	Specifically relevant to STAR

Otago	Chapter 13 – Exotic Plants	13.2 Issues	150 16.ee	Main issues associated with exotic and introduced plants are that they may adversely affect: sites of cultural significance; areas with conservation values; the natural character of areas within and adjacent to the CMA; or natural physical coastal processes acting upon the foreshore and seabed.	Generally relevant to STAR
		13.3 Objectives	150 16.ff	Objective 1 recognises and provides for values associated with areas of cultural significance, and areas of conservation values; when considering the introduction of exotic and introduced plants into the CMA. Objective 2 seeks to prevent exotic and introduced plants from adversely affecting the natural character of the CMA. Objective 3 seeks to prevent exotic and introduced plants from having any adverse effect on natural physical coastal processes.	Generally relevant to STAR
		Policy 13.4.3	152 16.gg	To consider potential adverse effects of, and the need for, any proposed introduction or planting of any exotic or introduced plant into the CMA.	Specifically relevant to STAR
		Rule 13.5.1.1	153 16.hh	The introduction or planting of any exotic or introduced pest plant in the CMA is a prohibited activity.	Generally relevant to STAR
		Rule 13.5.1.2	153 16.ii	The introduction or planting of any exotic or introduced plant in the CMA where the plant is not already present is a discretionary activity and a restricted coastal activity.	Specifically relevant to STAR
		Rule 13.5.1.3	154 16.jj	The introduction of any exotic or introduced plant, in an area where the plant is already present is a discretionary activity.	Specifically relevant to STAR
Note: No provision for Aquaculture Management Areas					