



Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of July 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 43 and 43A of the Resource Management Act 1991—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with section 44 of that Act.

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These regulations are the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.

2 Commencement

These regulations come into force on 1 December 2020.

Part 1**Preliminary provisions****3 Interpretation**

In these regulations, unless the context otherwise requires,—

Act means the Resource Management Act 1991

adaptive management approach—

- (a) means a systematic and iterative process of decision making that aims to reduce and manage uncertainty about the environmental effects of an activity over time through—
 - (i) monitoring the activity and its effects; and
 - (ii) making changes to management in response to the results of that monitoring; and

- (b) includes management by a staged development programme, each stage proceeding only when the monitoring of the biological or physical effects of the previous stage demonstrates that the adverse effects—
 - (i) are within limits prescribed in the provisions of the relevant plan or proposed plan; and
 - (ii) are reversible

area of interest means the footprint of the surface structures of a marine farm, and in addition—

- (a) 20 metres around the footprint of the surface structures of an inter-tidal marine farm; or
- (b) 20 metres from the boundary of the consented area of a sub-tidal marine farm; or
- (c) an area of effects around the footprint of a marine farm involving fed aquaculture that is defined in a scientific report—
 - (i) prepared by subject matter experts, using best-practice criteria for ecologically significant effect; and
 - (ii) endorsed by the regional council

benthic environment means all biological, physical, and chemical aspects of the foreshore and seabed

biogenic habitat has the meaning given in regulation 7

commencement date means the date specified in regulation 2 for the commencement of these regulations

consented species means a species listed on a current coastal permit that authorises aquaculture activities

dead shell—

- (a) includes dead shell, broken or whole, equal to or greater than 2 mm across; but
- (b) excludes shell from a marine farm

inappropriate area for existing aquaculture activities has the meaning given in regulation 6

inter-tidal marine farm means aquaculture activities such as rack oyster culture where the species and the structures on which they grow are not covered by water at all stages of the tidal cycle

large whale means a sperm whale (*Physeter macrocephalus*) and any baleen whale (suborder Mysticeti) except a pygmy right whale (*Caperea marginata*)

marine farm has the meaning given in regulation 4

new area means an area not previously authorised under the relevant current coastal permit

offshore marine farm has the meaning given in regulation 4

outstanding area has the meaning given in regulation 5

realignment means the movement of the site of an existing marine farm, as long as—

- (a) the new area is not more than one-third of the authorised area of the existing marine farm; and
- (b) the new area is contiguous to the authorised area of the existing marine farm; and
- (c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit

reef has the meaning given in regulation 8

regionally significant benthic species has the meaning given in regulation 9

replacement coastal permit means a coastal permit to replace a current coastal permit for an existing marine farm in the coastal marine area

significant marine ecological area means an ecosystem, a vegetation type, or the habitat of an indigenous species that has been identified as significant in—

- (a) a policy statement or plan or proposed policy statement or plan to give effect to a New Zealand coastal policy statement (or identified by a similar term in one of those documents); or
- (b) a published scientific report—
 - (i) prepared by subject matter experts using significance criteria outlined in a policy statement or plan or proposed policy statement or plan; and
 - (ii) endorsed by the regional council

spat means any stage in the life cycle of the following molluscs:

- (a) dredge oysters less than 40 mm in length:
- (b) scallops less than 20 mm in length:
- (c) cockles less than 20 mm in length:
- (d) green-lipped mussels (greenshell mussels) less than 40 mm in length:
- (e) blue mussels less than 30 mm in length:
- (f) Pacific oysters less than 37 mm in length

spat catching means the obtaining or retention of spat and the harvesting of spat from marine farm structures

sub-tidal marine farm—

- (a) means an aquaculture activity where the species are grown on lines or structures that, apart from navigation aids, surface floats, and associated temporary structures, are submerged at all stages of the tidal cycle, except as required for operational purposes; but

- (b) does not include existing marine farms that involve fed aquaculture
therapeutants means additives to a marine farm for the purpose of improving farmed stock health.

4 Meaning of marine farm and offshore marine farm

In these regulations,—

marine farm means a space that—

- (a) is used for aquaculture activities; and
- (b) has a current coastal permit to occupy the common marine and coastal area; and
- (c) may have other coastal permits that allow—
 - (i) the erection, placement, and use of structures for aquaculture activities;
 - (ii) the associated disturbance of the foreshore and seabed;
 - (iii) deposition or discharges in the coastal marine area

offshore marine farm means—

- (a) any of the 5 existing marine farms that were initially granted coastal permits before the commencement of these regulations and whose locations are described in Schedule 2; and
- (b) marine farms that were initially granted coastal permits after the commencement of these regulations, but not located—
 - (i) within 500 metres of mean high-water springs; or
 - (ii) within the harbours and other areas described in Schedule 3.

5 Meaning of outstanding area

- (1) In these regulations, **outstanding area** means—
 - (a) an area of the coastal marine area identified in a policy statement or plan or proposed policy statement or plan as—
 - (i) an outstanding natural feature;
 - (ii) an outstanding natural landscape;
 - (iii) an area of outstanding natural character; and
 - (b) includes a natural feature, a natural landscape, or an area of natural character identified in a document referred to in paragraph (a) where that feature, landscape, or area is described by a term that includes the word “outstanding”.
- (2) In these regulations, an existing marine farm is within an outstanding area if more than 1% of the authorised area of the farm is within 1 or more of those identified outstanding areas.
- (3) In subclauses (1)(a) and (2), **identified** means—

- (a) mapped or otherwise identified by geographic co-ordinates; or
- (b) clearly named, and identified by a description of its physical boundaries;
or
- (c) named, if it is a physical feature with clear boundaries (such as a harbour).

6 Meaning of inappropriate area for existing aquaculture activities

- (1) In these regulations, **inappropriate area for existing aquaculture activities** means an area of the coastal marine area that, after 1 January 2019, has been identified as inappropriate for existing aquaculture activities in a policy statement or plan or proposed policy statement or plan.
- (2) In this regulation, **identified** means—
 - (a) mapped or otherwise identified by geographic co-ordinates; or
 - (b) clearly named, and identified by a description of its physical boundaries.
- (3) Whether mapped or clearly named, there must be a rule—
 - (a) included in the relevant plan or proposed plan that provides for the inappropriate area for existing aquaculture activities to be a discretionary, non-complying, or prohibited activity; and
 - (b) that is supported by a policy in the relevant policy statement or plan or proposed policy statement or plan.

7 Meaning of biogenic habitat

Definition

- (1) In these regulations, **biogenic habitat**—
 - (a) means the natural habitat created by the physical structure of living or dead organisms or by the interaction of those organisms with the substrate, including either a hard (reef) or soft (sediment) substrate; but
 - (b) does not include—
 - (i) non-indigenous living organisms; or
 - (ii) organisms attached to a marine farm or other man-made structure;
or
 - (iii) holes, mounds, and similar seabed irregularities created by burrowing organisms in soft sediments.

Application of definition

- (2) The meaning given in subclause (1) applies only if 1 or more of the criteria and triggers set out in Part 1 of Schedule 4 are met as a result of a representative survey within the area of interest using best-practice methodology.

8 Meaning of reef

Definition

- (1) In these regulations, **reef**—
- (a) means the exposed hard substrate in the coastal marine area formed by geological processes; and
 - (b) includes cobbles equal to, or greater than, 64 mm across, boulders, and bedrock; and
 - (c) includes marine species associated with the reef; but
 - (d) does not include sand or gravel.

Application of definition

- (2) The meaning given in subclause (1) applies only if 1 or more of the criteria set out in Part 2 of Schedule 4 are met as a result of a representative survey within the area of interest, using best-practice methodology.

9 Meaning of regionally significant benthic species

In these regulations, **regionally significant benthic species** means benthic species that are—

- (a) protected under the Wildlife Act 1953; or
- (b) listed as threatened or at risk in the New Zealand Threat Classification System; or
- (c) listed as threatened by the International Union for Conservation of Nature and Natural Resources; or
- (d) identified by a regional council as regionally significant in—
 - (i) a policy statement or plan or proposed policy statement or plan to give effect to a New Zealand coastal policy statement (or a species identified by a similar term in any of those documents); or
 - (ii) a published scientific report—
 - (A) prepared by subject matter experts using significance criteria outlined in a policy statement or plan or proposed policy statement or plan; and
 - (B) endorsed by the regional council.

10 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

11 Application of regulations

- (1) These regulations apply to—
- (a) replacement coastal permits for existing marine farms within an inappropriate area for existing aquaculture activities:

- (b) replacement coastal permits for existing marine farms not within an inappropriate area for existing aquaculture activities:
 - (c) replacement coastal permits for existing marine farms that include realignment:
 - (d) replacement coastal permits for existing marine farms, involving a change to, or addition of, species to be farmed.
- (2) These regulations do not apply—
- (a) in the Tasman district, to Aquaculture Management Areas 1 (Waikato), 2 (Puramakau), and 3 (Te Kumara), or to the Wainui Bay spat catching farms, as defined and mapped in Part 1 of Schedule 5:
 - (b) in the Waikato region, to the Wilson Bay Marine Farming Zone as defined and mapped in Part 2 of Schedule 5 (other than in the area defined in Part 2 of Schedule 5 by the co-ordinates set out opposite the item relating to Part of Wilson Bay Marine Farming Zone subject to these regulations).

Part 2

Provisions relating to replacement coastal permits for existing marine farms in inappropriate area for existing aquaculture activities

12 Existing marine farms in inappropriate areas for existing aquaculture activities: discretionary activity

An existing marine farm that is within an inappropriate area for existing aquaculture activities is a discretionary activity.

13 Stringency of rules

A regional council may, in its plan or proposed plan, have more stringent rules for a replacement coastal permit under regulation 12 than for a discretionary activity.

Part 3

Replacement coastal permits in respect of existing marine farms with no change in consented species

Existing marine farms not within inappropriate areas for existing aquaculture activities

14 Replacement coastal permits for existing marine farms not within inappropriate areas for existing aquaculture activities: restricted discretionary activity

- (1) An existing marine farm that is not within an inappropriate area for existing aquaculture activities is a restricted discretionary activity.
- (2) Subclause (1) applies if, when an application is made for a replacement coastal permit, all of the following requirements are met:
 - (a) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area;
 - (b) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit;
 - (c) the application is for a marine farm on the same site as that authorised by the current coastal permit;
 - (d) the species to be farmed are only those authorised by the current coastal permit;
 - (e) the structures and anchoring systems are to be the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour).

15 Views of tangata whenua on draft applications

- (1) Subclause (2) applies if an application made under regulation 14 for a replacement coastal permit does not meet the following requirements:
 - (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of that schedule.
- (2) Regulation 18 applies, subject to replacing the words in paragraph (f) with the words “the effects of the activity on tangata whenua values”.

16 Realignment of existing marine farms: restricted discretionary activity

- (1) A realignment of an existing marine farm to an area that is not within an inappropriate area for existing aquaculture activities is a restricted discretionary activity.
- (2) Subclause (1) does not apply to existing marine farms that involve fed aquaculture.

- (3) Subclause (1) applies if, when an application is made for a replacement coastal permit for realignment of an existing marine farm, all of the following requirements are met:
- (a) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area:
 - (b) the area authorised by the current coastal permit for occupation by the existing marine farm does not exceed 10 hectares:
 - (c) the application is for the realignment of the existing authorised marine farm, as long as—
 - (i) no part of the existing marine farm has been realigned in the previous 10 years:
 - (ii) the new area is not more than one-third of the authorised area of the existing marine farm:
 - (iii) the new area is contiguous to the authorised area of the existing marine farm:
 - (iv) the new area is not located within an area where aquaculture activities are identified in the relevant plan or proposed plan as a non-complying or prohibited activity:
 - (v) the new area is not located within an inappropriate area for existing aquaculture activities:
 - (vi) if the authorised area of the existing marine farm is not within an outstanding area, the new area is not located within an outstanding area:
 - (vii) the new area is not located within a significant marine ecological area:
 - (d) the total area to be occupied is the same as, or less than, the area authorised by the current coastal permit:
 - (e) the species to be farmed are only those authorised by the current coastal permit:
 - (f) the structures and anchoring systems are to be the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour), while allowing for any modification in location that is required by the realignment.

17 Views of tangata whenua on draft applications

- (1) Subclause (2) applies if an application made under regulation 16 for a replacement coastal permit does not meet the following requirements:
- (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of that schedule.

- (2) Regulation 18 applies, subject to replacing the words in paragraph (f) with the words “the effects of the activity on tangata whenua values”.

Matters over which discretion is restricted

18 Matters over which discretion is restricted for replacement coastal permits under this Part and Part 4

The following are matters over which discretion is restricted for replacement coastal permits under this Part (*see* regulations 14 and 16) and Part 4 (*see* regulations 26 and 29):

- (a) the duration and lapsing of the coastal permit:
- (b) review conditions:
- (c) when occupation is authorised in relation to seasonal activities such as spat catching:
- (d) the layout, colour, positioning, density, lighting, and marking of marine farm structures within a marine farm, for the purpose of ensuring—
 - (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and
 - (ii) navigational safety, including the provision of navigation warning devices and signs; and
 - (iii) with respect to colour, the visibility and coherent appearance of marine farm structures:
- (e) the integrity and security of the structures, including the anchoring systems:
- (f) the effects of the activity on matters identified in the report required by clause 5 of Schedule 6:
- (g) the effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest:
- (h) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:
- (i) the management of biosecurity risks:
- (j) the management of the effects on the environment of noise, rubbish, and debris:
- (k) except in relation to existing marine farms that involve fed aquaculture, if a plan or proposed plan includes an adaptive management approach, conditions to give effect to that approach:
- (l) information, monitoring, and reporting requirements:
- (m) administrative charges, coastal occupation charges, financial contributions:

- (n) bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment.

19 Additional matters over which discretion is restricted for existing marine farms that involve fed aquaculture

- (1) In respect of replacement coastal permits under this Part for existing marine farms that involve fed aquaculture, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are the following:
 - (a) the degree of exclusive occupation, if sought:
 - (b) management of the effects of the activity on water quality and the benthic environment:
 - (c) the use of antibiotics and therapeutants in the marine farm:
 - (d) the use of antifouling agents on the marine farm structures:
 - (e) underwater lighting and lighting of structures:
 - (f) management practices to minimise the adverse effects of discharges of odour on amenity values:
 - (g) management of the visual appearance of surface structures in relation to their location, density, materials used, colour, and reflectivity:
 - (h) management practices to minimise shark interactions with the marine farm.
- (3) The matters listed in subclause (2) apply in addition to the matters over which discretion is restricted by—
 - (a) regulation 18; and
 - (b) regulations 20, 21, and 22, if applicable.

20 Additional matters over which discretion is restricted for offshore marine farms

- (1) For replacement coastal permits for offshore marine farms under this Part, an additional matter of discretion is the adverse effects of the entanglement of large whales.
- (2) Subclause (1) applies in addition to the matters over which discretion is restricted by—
 - (a) regulation 18; and
 - (b) regulations 19, 21, and 22, if applicable.

21 Additional matters over which discretion is restricted for marine farms within outstanding areas

- (1) Subclause (2) applies to a replacement coastal permit applied for under regulation 14, if the existing marine farm is located within an outstanding area.
- (2) If this subclause applies, an additional matter of discretion is the effects of the activity on the values and characteristics that make the area, feature, or landscape outstanding.
- (3) Subclause (2) applies in addition to the matters over which discretion is restricted by—
 - (a) regulation 18; and
 - (b) regulations 19 and 20, if applicable.

22 Additional matters over which discretion is restricted for realignment of marine farms

- (1) In relation to an application for a replacement coastal permit under regulation 16 for realignment of an existing marine farm, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are as follows:
 - (a) the effects of the activity on historic heritage;
 - (b) a requirement to surrender the coastal permit for any space no longer occupied as a result of realignment;
 - (c) in relation to the new area to be occupied, conditions relating to adverse effects of the activity on marine mammals and seabirds;
 - (d) if the relevant marine farm is located within an outstanding area, the effects of the realignment on the values and characteristics that make the area, feature, or landscape outstanding;
 - (e) the positive effects of the realignment of the marine farm.
- (3) The matters listed in subclause (2) apply in addition to the matters over which discretion is restricted by—
 - (a) regulation 18; and
 - (b) regulations 19 and 20, if applicable.

*Miscellaneous***23 More lenient rules for applications under provisions in this Part**

A regional council may, in its plan or proposed plan, have a more lenient rule for a replacement coastal permit under regulation 14 or 16 than that of a restricted discretionary activity.

24 Notification

- (1) Applications for replacement coastal permits under regulation 14 must not be publicly notified or given limited notification, unless public or limited notification is required under the Act.
- (2) Applications described in subclause (1) must not be publicly notified (but limited notification is not precluded) if—
 - (a) the applicant has not undertaken the process outlined in Schedule 6 within the previous 12 months; or
 - (b) the application does not include the report required by clause 5 of that schedule.

Part 4**Replacement coastal permits for existing marine farms to change consented species****25 Application of this Part**

- (1) This Part applies only to existing marine farms that first obtained a coastal permit before the date on which these regulations come into force.
- (2) However, this Part does not apply—
 - (a) to an existing marine farm that is in an inappropriate area for existing aquaculture activities; or
 - (b) if an application proposes—
 - (i) a complete change in consented species, to paua or species that do not involve fed aquaculture, and requires a complete change of all structures:
 - (ii) a complete change in consented species to finfish from a species not involving fed aquaculture:
 - (iii) a complete change in consented species to scampi, rock lobster, or crabs, or the addition of any of those species:
 - (c) to any marine farm consented solely for the purpose of spat catching:
 - (d) to the addition of spat catching to an existing marine farm.

*Replacement coastal permits in respect of change in consented species only***26 Change in consented species but no change in structures: restricted discretionary activity**

- (1) Either (but not both) of the following activities, applied to an existing marine farm, is a restricted discretionary activity:
 - (a) a complete change of the consented species to be farmed:
 - (b) the addition of 1 or more new species to the existing consented species.

- (2) Subclause (1) applies if, when an application is made for a replacement coastal permit, all of the following requirements are met:
- (a) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area;
 - (b) the application is for a marine farm on the same site as that authorised by the current coastal permit;
 - (c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit;
 - (d) the location, method, and form of all structures, including anchoring systems, buoys, surface and subsurface structures, and navigational lighting, remain the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour).
- (3) This regulation does not apply—
- (a) to any application involving the farming of finfish; or
 - (b) if the change of species will require physical changes to the structures of the marine farm (other than with the modifications provided for by subclause (2)(d)); or
 - (c) if the new species cannot be grown on the existing structures (other than with the modifications provided for by subclause (2)(d)).

27 Matters over which discretion is restricted for replacement coastal permits under regulation 26

- (1) In relation to replacement coastal permits applied for under regulation 26, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are as follows:
- (a) the genetic effects on wild populations of farmed species escaping; and
 - (b) the biosecurity effects arising from the farming of the new species.
- (3) The matters listed in subclause (2) apply in addition to the matters over which discretion is restricted by regulation 18.

28 Views of tangata whenua on draft application

- (1) Subclause (2) applies if an application made under regulation 26 for a replacement coastal permit does not meet the following requirements:
- (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of Schedule 6.
- (2) Regulation 18 applies, subject to replacing the words in paragraph (f) with the words “the effects of the activity on tangata whenua values”.

Replacement coastal permits in respect of change in consented species and subsurface structures

29 Change in consented species and changes to certain subsurface structures: restricted discretionary activity

- (1) The following activities, applied to an existing marine farm, are restricted discretionary activities:
 - (a) either—
 - (i) a complete change in the consented species to be farmed; or
 - (ii) the addition of 1 or more new species to the existing consented species; and
 - (b) a change to the form of the subsurface structures (but without changing the surface structures, anchors, or any other structures on the seabed).
- (2) Subclause (1) applies if, when an application is made for a replacement coastal permit, all of the following requirements are met:
 - (a) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area;
 - (b) the application is for a marine farm on the same site as that authorised by the current coastal permit;
 - (c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit;
 - (d) the location and method of the anchoring systems, buoys, surface structures, and navigational lighting remain the same as, or similar to, those authorised by the current coastal permit, including in height, reflectivity, and bulk (but not including in colour).
- (3) This regulation does not apply to an application involving the farming of finfish.

30 Matters over which discretion is restricted for replacement coastal permits under regulation 29

- (1) In relation to replacement coastal permits applied for under regulation 29, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are as follows:
 - (a) the genetic effects on wild populations of farmed species escaping; and
 - (b) the biosecurity effects arising from the farming of the new species; and
 - (c) hydrodynamic effects.
- (3) The matters listed in subclause (2) apply in addition to the matters over which discretion is restricted by regulation 18.

31 Views of tangata whenua on draft application

- (1) Subclause (2) applies if an application made under regulation 29 for a replacement coastal permit does not meet the following requirements:
 - (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of Schedule 6.
- (2) Regulation 18 applies, subject to replacing the words in paragraph (f) with the words “the effects of the activity on tangata whenua values”.

Replacement coastal permits in respect of change in consented species and in surface and subsurface structures

32 Change in consented species with changes to surface and subsurface structures: restricted discretionary activity

- (1) The following activities, applied to an existing marine farm, are restricted discretionary activities:
 - (a) either—
 - (i) a complete change in the consented species to be farmed; or
 - (ii) a change in the consented species to be farmed by the addition of—
 - (A) 1 or more species not involving fed aquaculture; or
 - (B) paua; and
 - (b) a change to any of the marine farm structures.
- (2) Subclause (1) applies if, when an application is made for a replacement coastal permit, all of the following requirements are met:
 - (a) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area;
 - (b) the application is for a marine farm on the same site as that authorised by the current coastal permit;
 - (c) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit.
- (3) This regulation does not apply to an application involving the farming of fin-fish.

33 Matters over which discretion is restricted for replacement coastal permits under regulation 32

- (1) In relation to replacement coastal permits applied for under regulation 32, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are as follows:
 - (a) the duration and lapsing of the coastal permit:

- (b) review conditions:
- (c) when occupation is authorised in relation to seasonal activities such as spat catching:
- (d) the layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring—
 - (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and
 - (ii) navigational safety, including the provision of navigation warning devices and signs:
- (e) the integrity and security of the structures, including the anchoring systems:
- (f) the effects of the activity on matters identified in the report required by clause 5 of Schedule 6:
- (g) the effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest:
- (h) the biosecurity effects arising from the farming of the new species:
- (i) the management of biosecurity risks:
- (j) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:
- (k) the genetic effects on wild populations of farmed species escaping:
- (l) the management of the effects on the environment of noise, rubbish, and debris:
- (m) measures to avoid, remedy, or mitigate adverse effects on water quality by nutrient enrichment:
- (n) the effects of seabed disturbance:
- (o) if the plan or proposed plan includes an adaptive management approach, conditions that give effect to that approach:
- (p) information, monitoring, and reporting requirements:
- (q) hydrodynamic effects:
- (r) if a change to surface structures is proposed, conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:
- (s) administrative charges, coastal occupation charges, financial contributions:
- (t) bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment.

34 Views of tangata whenua on draft application

- (1) Subclause (2) applies if an application made under regulation 32 for a replacement coastal permit does not meet the following requirements:
 - (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of that schedule.
- (2) Regulation 33 applies, subject to replacing subclause (2)(f) with the words “the effects of the activity on tangata whenua values”.

Replacement coastal permits in respect of change in consented species and in surface and subsurface structures involving realignment

35 Change in consented species with changes to surface and subsurface structures that involve realignment: restricted discretionary activity

- (1) The following activities, applied to an existing marine farm, are restricted discretionary activities:
 - (a) either—
 - (i) a complete change in the consented species to be farmed; or
 - (ii) a change in the consented species to be farmed by the addition of—
 - (A) 1 or more species not involving fed aquaculture; or
 - (B) paua; and
 - (b) a change to any of the marine farm structures; and
 - (c) the realignment of the existing marine farm to an area outside an inappropriate area for existing aquaculture activities.
- (2) Subclause (1) applies if, when application is made for a replacement coastal permit, all of the following requirements are met:
 - (a) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area;
 - (b) the area authorised by the existing coastal marine permit for occupation by the existing marine farm does not exceed 10 hectares;
 - (c) the application is for the realignment of the existing authorised marine farm, as long as—
 - (i) no part of the authorised area of the existing marine farm has been realigned in the previous 10 years;
 - (ii) the new area is not more than one-third of the authorised area of the existing marine farm;
 - (iii) the new area is contiguous with the authorised area of the existing marine farm;

- (iv) the new area will not be located within an area where aquaculture activities are identified in the relevant plan or proposed plan as a non-complying or prohibited activity:
 - (v) the new area will not be located within an inappropriate area for existing aquaculture activities:
 - (vi) if the authorised area of the existing marine farm is not within an outstanding area, the new area is not located within an outstanding area:
 - (vii) the new area is not located within a significant marine ecological area:
 - (d) the total area to be occupied is the same as, or less than, the area authorised by the current coastal permit.
- (3) This regulation does not apply to an application involving the farming of fin-fish.

36 Matters over which discretion is restricted for replacement coastal permits under regulation 35

- (1) In relation to replacement coastal permits applied for under regulation 35, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are as follows:
 - (a) the duration and lapsing of the coastal permit:
 - (b) review conditions:
 - (c) when occupation is authorised in relation to seasonal activities such as spat catching:
 - (d) the layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring—
 - (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and
 - (ii) navigational safety, including the provision of navigation warning devices and signs:
 - (e) the integrity and security of the structures, including the anchoring systems:
 - (f) the effects of the activity on matters identified in the report required by clause 5 of Schedule 6:
 - (g) the effects of the activity on reefs, biogenic habitat, and regionally significant benthic species within the area of interest:
 - (h) the biosecurity effects arising from the farming of the new species:
 - (i) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:

- (j) the management of biosecurity risks:
- (k) the management of the effects on the environment of noise, rubbish, and debris:
- (l) in relation to the new area to be occupied, conditions relating to adverse effects of the activity on marine mammals and seabirds:
- (m) the genetic effects on wild populations of farmed species escaping:
- (n) measures to avoid, remedy, or mitigate adverse effects on water quality by nutrient enrichment:
- (o) the effects of seabed disturbance:
- (p) if the plan or proposed plan includes an adaptive management approach, conditions that give effect to that approach:
- (q) information, monitoring, and reporting requirements:
- (r) hydrodynamic effects:
- (s) the effects of the activity on historic heritage:
- (t) requirements to surrender the coastal permit for any space no longer occupied as a result of realignment:
- (u) if the relevant marine farm is located in an outstanding area, the effects of the realignment on the values and characteristics that make the area, feature, or landscape outstanding:
- (v) the positive effects of the realignment of the marine farm:
- (w) if a change to surface structures is proposed, conditions relating to the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:
- (x) administrative charges, coastal occupation charges, financial contributions:
- (y) bonds or any alternative measures to recover the cost of repairing or removing abandoned or derelict structures and reinstating the environment.

37 Views of tangata whenua on draft application

- (1) Subclause (2) applies if an application made under regulation 35 for a replacement coastal permit does not meet the following requirements:
 - (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of that schedule.
- (2) Regulation 36 applies, subject to replacing the words in subclause (2)(f) with the words “the effects of the activity on tangata whenua values”.

*Replacement of coastal permit in respect of change in consented species on
finfish farms*

38 Change in consented species on finfish farms: restricted discretionary activity

- (1) The following activities, applied to an existing marine farm, are restricted discretionary activities:
 - (a) a change to another finfish species; or
 - (b) the addition of 1 or more species to a finfish farm.
- (2) Subclause (1) applies—
 - (a) whether the change in species—
 - (i) takes place within the existing net pen structures; or
 - (ii) requires additional growing structures (other than fed aquaculture net pens) to the existing structure:
 - (b) if, when an application is made for a replacement coastal permit, all of the following requirements are met:
 - (i) there is a current coastal permit under the Act for the existing marine farm to occupy the coastal marine area:
 - (ii) the application is for a marine farm on the same site as that authorised by the current coastal permit:
 - (iii) the area to be occupied is the same as, or less than, the area authorised by the current coastal permit.

39 Matters over which discretion is restricted for replacement coastal permits under regulation 38

- (1) In relation to replacement coastal permits applied for under regulation 38, discretion is restricted to the matters listed in subclause (2).
- (2) The matters referred to in subclause (1) are the following:
 - (a) the duration and lapsing of the coastal permit:
 - (b) review conditions:
 - (c) when occupation is authorised in relation to seasonal activities:
 - (d) the layout, positioning, density, lighting, and marking of marine farm structures within a marine farm for the purpose of ensuring—
 - (i) continued reasonable public access (including recreational access) in the vicinity of the marine farm; and
 - (ii) navigational safety, including the provision of navigation warning devices and signs:
 - (e) the integrity and security of the structures, including the anchoring systems:

- (f) the effects of the activity on matters identified in the report required by clause 5 of Schedule 6:
- (g) the biosecurity effects arising from the farming of the new species:
- (h) the management of biosecurity risks:
- (i) the genetic effects on wild populations of farmed species escaping:
- (j) management practices to minimise adverse interactions between marine mammals or seabirds and the marine farm, including entanglements, injury, and mortality:
- (k) the management of the effects on the environment of noise, rubbish, and debris:
- (l) management practices to minimise shark interactions with the marine farm:
- (m) effects on the benthic environment:
- (n) measures to avoid, remedy, or mitigate adverse effects on water quality by nutrient enrichment:
- (o) the effects of seabed disturbance:
- (p) the use of antibiotics and therapeutants in the marine farm:
- (q) the use of antifouling agents on the marine farm structures:
- (r) underwater lighting and lighting structures:
- (s) management practices to minimise the adverse effects of discharges of odour on amenity values:
- (t) if a change to the surface structures is proposed, the effects of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:
- (u) if no change to the surface structures is proposed, management of the visual appearance of the surface structures in relation to location, density, materials used, colour, and reflectivity:
- (v) information, monitoring, and reporting requirements:
- (w) hydrodynamic effects:
- (x) administrative charges, coastal occupation charges, financial contributions:
- (y) bonds, or any alternative mechanisms to recover the cost of the repair or removal of abandoned or derelict structures and reinstatement of the environment.

40 Views of tangata whenua on draft application

- (1) Subclause (2) applies if an application made under regulation 38 for a replacement coastal permit does not meet the following requirements:

- (a) the applicant has undertaken the process outlined in Schedule 6 within the previous 12 months; and
 - (b) the application includes the report required by clause 5 of that schedule.
- (2) Regulation 39 applies, subject to replacing the words in subclause (2)(f) with the words “the effects of the activity on tangata whenua values”.

41 Additional matters over which discretion is restricted for marine farms within outstanding areas

- (1) This regulation applies to an application under regulation 26, 29, 32, or 38 for a replacement coastal permit.
- (2) If an existing marine farm is located within an outstanding area, an additional matter of discretion is the effects of the proposed activity on the values and characteristics that make the area outstanding.

42 Additional matters over which discretion is restricted for offshore marine farms

- (1) This regulation applies to an application for replacement coastal permits under this Part for offshore marine farms.
- (2) An additional matter of discretion is that of the adverse effects of the entanglement of large whales.

Miscellaneous

43 Plans may be more lenient than certain regulations

A regional council may, in its plan or proposed plan, adopt a more lenient rule for replacement coastal permits than those provided for in regulation 26, 29, 32, 35, or 38.

44 Notification

- (1) Applications for replacement coastal permits under regulations 26 and 29 must not be publicly notified or given limited notification unless public or limited notification is required under the Act.
- (2) Applications described in subclause (1) must not be publicly notified (but limited notification is not precluded) if—
 - (a) the applicant has not undertaken the process outlined in Schedule 6 within the previous 12 months; or
 - (b) the application does not include the report required by clause 5 of that schedule.

Schedule 1
Transitional, savings, and related provisions

r 10

Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2

Offshore marine farms

r 4

Offshore marine farm	Coastal permit number(s)	Co-ordinates—WGS84	
		Latitude	Longitude
Bay of Plenty, off the coast of Ōpōtiki	RC63737	37°54.505'S	177°12.899'E
	RC63736	37°52.343'S	177°12.883'E
	RC61600	37°52.311'S	177°19.362'E
	RC61599	37°54.473'S	177°19.380'E
	RC61235		
	RC61234		
Hawke's Bay	CL000499Cc	39°18.167'S	177°02.853'E
	CL000500Oc	39°17.988'S	177°07.891'E
		39°19.955'S	177°04.319'E
		39°19.775'S	177°09.359'E
Marlborough, west of Rangitoto ki e Tonga/D'Urville Island	U000361	40°54.792'S	173°41.181'E
	MPE933	40°55.144'S	173°42.528'E
		40°56.113'S	173°41.313'E
		40°55.761'S	173°39.966'E
Marlborough, in Clifford Bay	U991634	41°39.061'S	174°09.956'E
	MPE931	41°39.048'S	174°10.102'E
		41°38.150'S	174°10.297'E
		41°38.245'S	174°11.079'E
		41°39.092'S	174°10.896'E
		41°39.989'S	174°11.038'E
41°40.133'S	174°10.075'E		
Canterbury, in Pegasus Bay	CRC171532	43°19.639'S	172°52.782'E
	CRC171533	43°19.662'S	172°56.699'E
		43°22.411'S	172°56.670'E
		43°22.388'S	172°52.751'E

Schedule 3

Harbours and other areas

r 4

Harbour or other area	Location
Akaroa	Inside a straight line from Timutimu Head to Truini Point.
Aotea Harbour	Inside a straight line from Potahi Point to Kahua Point.
Auckland	Within that area enclosed by straight lines from Rangitoto Island to the opposite shore in a 270° direction through Rangitoto beacon; from the northern point of Motutapu Island to the northern point of Rakino Island; from the north-eastern point of Rakino Island to the northern point of Owhanake Bay; from Waiheke Island to Pakatoa Island across the eastern entrance to Waiheke Channel at its narrowest point; from Pakatoa Island to Rotoroa Island at their nearest points; from Rotoroa Island to Ponui Island (Chamberlins Island) at their nearest points and from Ponui Island in a 180° direction to Raukura Point on the opposite shore.
Awanui	Inside straight lines from Blackney Point to the outer Motutara Rocks, from there in a 260° direction to the opposite shore.
Bay of Islands	Inside straight lines joining the north points of Wairoa Bay, the eastern Black Rocks, Motuarohia Island, Moturua Island, Motukiekie Island, the west point of Urupukapuka Island (Te Areako Point) and from the point on Urupukapuka Island nearest to Round Island to Orerewai Point through Te Hue Point.
Bluff Harbour	Inside a straight line from Stirling Point to Tiwai Rocks.
Catlins River	Inside a straight line from Haywards Point in a 067° direction to the opposite shore.
Charles Sound	Inside a straight line from Hawes Head in a 090° direction to the opposite shore.
Clutha River/Mata-Au	Inside the Clutha River / Mata-Au entrances.
Coromandel	Inside straight lines commencing at the southernmost tip of Tokotarea Point, from there 239° for 4.4 nautical miles, and from there 170° to the shore at Deadmans Point.
Croisilles Harbour	Inside a straight line from Cape Soucis to Pakiaka Point.
Doubtful Sound/Patea and Te Awa-O-Tū / Thompson Sound	Inside straight lines from Febrero Point to South West Point, Secretary Island, and from Colonial Head to Shanks Head.
Firth of Thames	Inside a straight line from Cave Point to Waimango Point.
Gisborne	Inside the area of a circle of 1.4 nautical miles radius centred on the outer breakwater lighthouse.
Golden Bay / Mohua	Inside a straight line from the Farewell Spit lighthouse and Separation Point.
Great Barrier Island (Aotea Island)—	(a) inside straight lines joining Maunganui Point (Separation Point), Wellington Head, False Head, Pyramid Rock, and the south point of Junction Islands, from there in a 000° direction to the shore of Great Barrier Island (Aotea Island).
(a) Port Fitzroy	
(b) Tryphena Harbour	(b) inside a straight line from Shag Point to South Point, Ross Bay.
Greville Harbour / Wharariki	Inside a straight line from Ragged Point to Two Bay Point.
Greymouth	Inside a straight line joining the seaward ends of the breakwaters.

Harbour or other area	Location
Havelock	Inside straight lines from Te Akaroa (West Entry Point) to Goat Point and from Yellow Point in a 110° direction to the opposite shore.
Hāwea / Bligh Sound	Inside a straight line from Tommy Point to Chasland Head.
Herekino Harbour	Inside a straight line from the north-west point of the south head in 000° direction to the opposite shore.
Hokianga	Inside a straight line from North Head to South Head.
Hokitika	Inside a straight line across the entrance to the Hokitika River.
Houhora	Inside a straight line from Perpendicular Point (Ruakoura) in a 250° direction to the opposite shore.
Invercargill	Inside a straight line from Entrance Point to Steep Head.
Kaipoi	Inside a straight line across the entrance to the Waimakariri River.
Kaipara	Inside a straight line from North Head in a 125° direction to the opposite shore.
Kawau	Inside straight lines from Mullet Point to Elizabeth Point, and from Kawati Point lighthouse in a 000° direction to the opposite shore.
Kawhia Harbour	Inside a straight line from Tauratahi Point to Urawhitiki Point.
Lyttelton	Inside a line from Sumner Head to the position 045° half a mile from Sumner Head, to the position 045° half a mile from Baleine Point, to Baleine Point.
Mahurangi	Inside straight lines from Sadler Point to the north point of Te Haupa Island and from the south point of Te Haupa Island to South Head.
Maketu	Inside the entrance to the Kaituna River and the Maketu Estuary.
Manawatu	Inside the entrance to the Manawatu River.
Mangawhai	Inside a straight line from the point on Mangawhai North Head nearest to Sentinel Rock lighthouse in a 180° direction to the opposite shore.
Mangonui	Inside a straight line from Rangitoto Point to Rangikapiti Head.
Manuhakapakapa	Inside a straight line from Ōkārewa Point to Cone Island.
Manukau	Inside a straight line from the south point of Paratutae Island in a 120° direction to the shore.
Milford Sound/Piopirotahi	Inside a straight line from Saint Anne Point lighthouse in a 078° direction to the opposite shore.
Mokau	Inside the entrance to the Mokau River.
Nancy Sound	Inside a straight line from Burnett Point to Anxiety Point.
Napier	Inside a straight line from the northern extremity of the east breakwater in a 270° direction to the shore.
Nelson	Inside straight lines joining the outer ends of the main entrance moles and from the south point of Haulashore Island in a 135° direction to the opposite shore.
Ngunguru	Inside the entrance to the Ngunguru River.
Oamaru	Inside a straight line joining the seaward ends of the breakwater and the north mole.
Ohiwa	Inside a straight line across Ohiwa Harbour entrance at its narrowest point.
Ōpōtiki	Inside a straight line across the Ōpōtiki harbour entrance from the western extremity of Hikuwai Beach in a 240° direction.
Parengarenga	Inside a straight line from Ngamaru Point in a 200° direction to the opposite shore.

Harbour or other area	Location
Patea	Inside a straight line joining the seaward extremities of the Patea River breakwaters.
Picton	Inside straight lines from East Head to West Head, Tory Channel and from Cooper Point to Kempe Point.
Porirua	Inside a straight line from the west point of Onehunga Bay in a 042° direction to the opposite shore.
Port Adventure	Inside a straight line from Stirling Head across to Shelter Point.
Port Chalmers	Inside a straight line from Taiaroa Head to the seaward end of the North Mole.
Port Pegasus / Pikihatiti	Inside a straight line across Whole Passage at its narrowest width, and from Smooth Point, Pearl Island to the south point of Nobel Island, and across South Passage at its narrowest width.
Port Taranaki	Inside a straight line joining the north ends of the main and lee breakwaters.
Port William / Potirepo	Inside a straight line from Peters Point to the easternmost extremity of the headland enclosing the northern end of Port William / Potirepo.
Raglan	Inside a straight line from Rangitoto Point in a 180° direction to the opposite shore.
Rakituma / Preservation Inlet	Inside straight lines from Gulches Head to Lee Point, Coal Island and across Otago Retreat at its narrowest width.
Riverton/Aparima	Inside a straight line from Talls Point in a 000° direction to the opposite shore.
Stewart Island/Rakiura	Inside straight lines commencing at the southern extremity of West Head, Port William / Potirepo, from there 110° for 3.2 nautical miles, and from there 160° to Bullers Point (Anglem).
Sumner	Inside a straight line from Cave Rock in a 330° direction to the opposite shore.
Taiari / Chalky Inlet	Inside a straight line from Cape Providence in a 100° direction to Chalky Island, and from Red Head to Chalky Point, Chalky Island.
Tairua	Inside a straight line from Te Huruhuru Point in a 230° direction to the opposite shore.
Taitetimu / Caswell Sound	Inside a straight line from Hansard Point in a 270° direction to the opposite shore.
Tamatea / Dusky Sound and Te Puaitaha / Breaksea Sound	Inside straight lines from the north point of Resolution Island near Stevens Cove in a 033° direction to the opposite shore, and from South Point to Five Fingers Point, Resolution Island.
Tasman Bay / Te Tai-o-Aorere	Inside a straight line from Guilbert Point to Pepin Island.
Tauranga	Inside straight lines across Katikati Entrance at its narrowest point and from Northwest Rock in a 270° direction to Matakana Island.
Te Aumiti / French Pass	Inside straight lines from Clay Point to Half Way Point and from Okuri Point to Sauvage Point.
Te Hāpua / Sutherland Sound	Inside a straight line from Jagged Rocks in a 060° direction to the opposite shore.
Te Houhou / George Sound	Inside a straight line from the west head at George Sound entrance in a 090° direction to the opposite shore.
Te Rā / Dagg Sound	Inside a straight line from Castoff Point in a 180° direction to the opposite shore.
Te Whanga Lagoon (Chatham Islands)	Inside a straight line across the banks at Hikurangi Channel.

Harbour or other area	Location
Te Whanganuui / Port Underwood	Inside a straight line from Robertson Point to the south point of Ocean Bay.
Timaru	Inside a straight line joining the seaward ends of the outer north mole and the eastern extension mole.
Tutukaka	Inside a straight line from the southern extremity of Tutukaka Head (South Gable) in 220° direction to the opposite shore.
Waikato	Inside a straight line from Trig 71 on the Waikato River entrance south head in a 350° direction to the opposite shore.
Wairau	Inside a straight line across the entrance to the Wairau River.
Waitara	Inside a straight line joining the seaward ends of the breakwaters.
Wellington	Inside a straight line from Pencarrow Head lighthouse to Palmer Head.
Westport	Inside a straight line joining the seaward ends of the breakwaters.
Whakatāne	Inside a straight line across the Whakatāne River entrance at its narrowest point.
Whanganui	Inside a straight line joining the seaward ends of the north and south moles.
Whanganui Inlet	Inside a straight line from Bar Point to South Head Cone.
Whangamatā	Inside a straight line from the southern point at Te Karaka Point in a 250° direction to the opposite shore.
Whangape	Inside a straight line from Tuapeke Point in a 320° direction to the opposite shore.
Whangapoua Harbour	Inside a straight line from Te Rehutae Point to Omara Spit.
Whangārei	Inside a straight line from Marsden Point to Busby Head.
Whangaroa	Inside straight lines commencing at Karau Point, from there to the north point of Cone Island, and from there to Karaka Island.
Whangaruru	Inside straight lines commencing at North Head, from there to the north point of Motutara Island (Henry Island), and from there to the south point of Oakura Bay.
Wharekahika / Hicks Bay	Inside a straight line from Matakaoa Point to Haupara Point.
Whitianga	Inside a straight line from Whakapenui Point lighthouse in a 270° direction to the opposite shore.

Schedule 4

Criteria for applying certain definitions

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Part 1

Application of definition of biogenic habitat

Criteria and triggers

- 1 One rhodolith specimen detected within the area of interest.
- 2 Areas of dead shell identified by a regional council as regionally important within the area of interest.
- 3 Any biogenic species or colony within the area of interest that is—
 - (a) prominently raised above the surrounding seabed; and
 - (b) equal to or greater than 0.5 metres across.
- 4 Any biogenic habitat when 1 or more of the following trigger levels are estimated to be met at any sampling location:
 - (a) percentage cover is equal to or greater than 10% for the following biogenic habitats (singly or in combination):
 - (i) colony-forming animals (for example, sponges, bryozoans, and tube worm mounds):
 - (ii) macroalgae and seagrass:
 - (iii) tube worm fields, brachiopod beds, and natural shellfish beds:
 - (b) percentage cover of dead shell is equal to or greater than 40%:
 - (c) mean density of large biogenic habitat-forming species (for example, horse mussels, hydroid trees; but excluding individual tube worms) is equal to or greater than 1 individual/m².

Part 2

Application of definition of reef

Criteria

Any reef detected within the area of interest.

Schedule 5

Sites not subject to these regulations

r 11(2)

Part 1

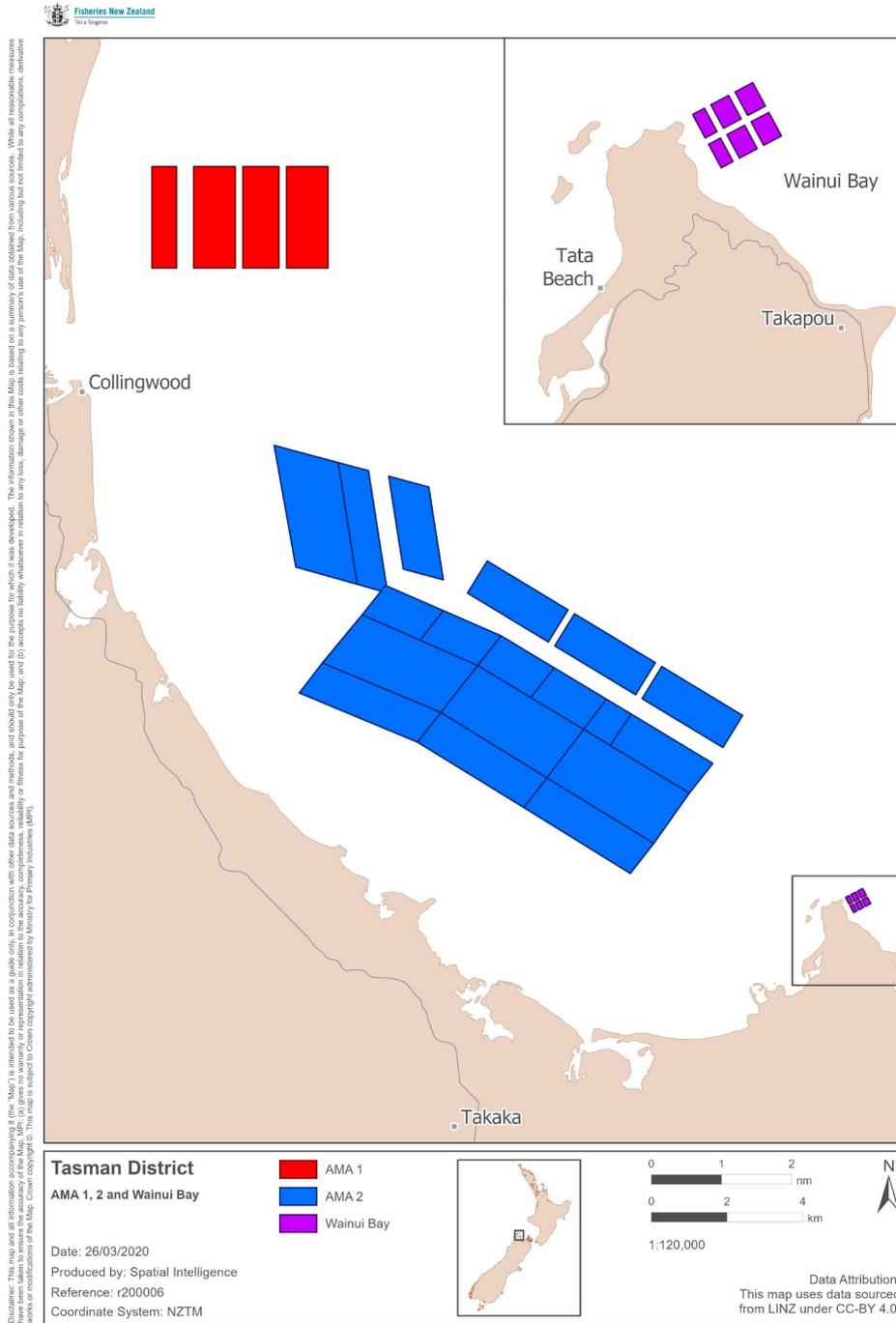
Tasman district

Location	Co-ordinates—WGS84	
	Latitude	Longitude
Aquaculture Management Area 1 (Waikato) <i>(refer to Map 1)</i>	40°37.425'S	172°42.384'E
	40°37.427'S	172°42.845'E
	40°38.886'S	172°42.839'E
	40°38.885'S	172°42.377'E
	40°37.427'S	172°43.164'E
	40°37.429'S	172°43.944'E
	40°38.889'S	172°43.939'E
	40°38.887'S	172°43.158'E
	40°37.430'S	172°44.086'E
	40°37.431'S	172°44.761'E
	40°38.891'S	172°44.756'E
	40°38.889'S	172°44.080'E
	40°37.431'S	172°44.903'E
	40°37.433'S	172°45.684'E
	40°38.893'S	172°45.678'E
	40°38.891'S	172°44.898'E
Aquaculture Management Area 2 (Puramakau) <i>(refer to Map 1)</i>	40°41.443'S	172°44.658'E
	40°41.693'S	172°45.859'E
	40°43.444'S	172°46.209'E
	40°43.194'S	172°45.059'E
	40°44.574'S	172°45.552'E
	40°43.884'S	172°46.301'E
	40°44.252'S	172°47.386'E
	40°44.617'S	172°48.466'E
	40°45.292'S	172°47.774'E
	40°46.235'S	172°49.762'E
	40°45.539'S	172°50.453'E
	40°45.080'S	172°49.462'E
	40°45.773'S	172°50.954'E
	40°46.458'S	172°52.437'E
	40°47.182'S	172°51.767'E
	40°45.005'S	172°45.117'E
40°45.718'S	172°47.332'E	
40°46.662'S	172°49.327'E	
40°47.613'S	172°51.326'E	

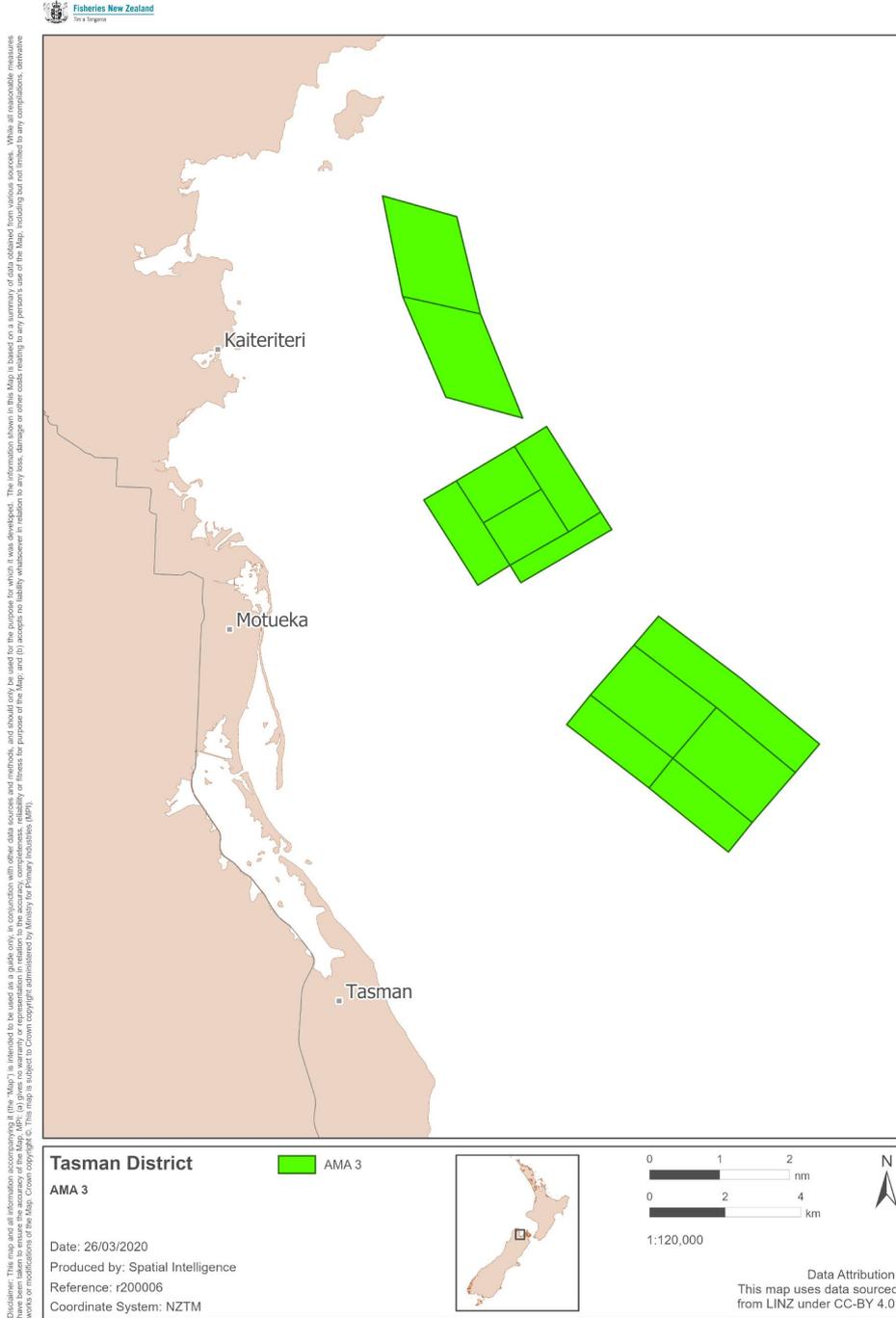
Location	Co-ordinates—WGS84	
	Latitude	Longitude
	40°41.810'S	172°46.426'E
	40°43.469'S	172°46.758'E
	40°43.463'S	172°46.739'E
	40°43.543'S	172°46.655'E
	40°43.828'S	172°47.826'E
	40°44.191'S	172°48.908'E
	40°44.653'S	172°49.904'E
	40°45.106'S	172°50.883'E
	40°45.319'S	172°51.346'E
	40°46.032'S	172°52.879'E
	40°41.891'S	172°46.806'E
	40°42.047'S	172°47.556'E
	40°43.383'S	172°47.825'E
	40°43.227'S	172°47.075'E
	40°43.114'S	172°48.650'E
	40°43.819'S	172°50.165'E
	40°44.280'S	172°49.794'E
	40°43.575'S	172°48.279'E
	40°43.876'S	172°50.286'E
	40°44.581'S	172°51.802'E
	40°45.042'S	172°51.431'E
	40°44.337'S	172°49.915'E
	40°44.637'S	172°51.923'E
	40°45.342'S	172°53.439'E
	40°45.803'S	172°53.068'E
	40°45.098'S	172°51.552'E
Aquaculture Management Area 3 (Te Kumara)	40°59.995'S	173°04.110'E
(refer to Map 2)	41°00.295'S	173°05.511'E
	41°01.695'S	173°05.961'E
	41°01.446'S	173°04.491'E
	41°02.895'S	173°05.310'E
	41°03.195'S	173°06.760'E
	41°04.102'S	173°05.507'E
	41°03.604'S	173°06.605'E
	41°04.220'S	173°07.115'E
	41°04.707'S	173°06.019'E
	41°05.317'S	173°06.523'E
	41°04.835'S	173°07.628'E
	41°04.378'S	173°04.893'E
	41°05.604'S	173°05.916'E
	41°03.317'S	173°07.212'E
	41°04.548'S	173°08.235'E
	41°04.801'S	173°08.445'E

Location	Co-ordinates—WGS84	
	Latitude	Longitude
	41°05.568'S	173°06.730'E
	41°07.185'S	173°08.048'E
	41°06.465'S	173°08.868'E
	41°07.360'S	173°10.427'E
	41°08.096'S	173°09.607'E
	41°09.018'S	173°11.111'E
	41°08.298'S	173°11.924'E
	41°07.612'S	173°07.598'E
	41°08.523'S	173°09.158'E
	41°09.445'S	173°10.662'E
	41°06.048'S	173°09.331'E
	41°06.943'S	173°10.891'E
	41°07.886'S	173°12.380'E
Wainui Bay spat catching farms (refer to Map 1)	40°47.963'S	172°55.369'E
	40°47.938'S	172°55.432'E
	40°48.034'S	172°55.499'E
	40°48.059'S	172°55.436'E
	40°47.924'S	172°55.467'E
	40°47.886'S	172°55.561'E
	40°47.981'S	172°55.628'E
	40°48.020'S	172°55.533'E
	40°47.872'S	172°55.595'E
	40°47.834'S	172°55.689'E
	40°47.929'S	172°55.756'E
	40°47.967'S	172°55.662'E
	40°48.085'S	172°55.454'E
	40°48.060'S	172°55.517'E
	40°48.155'S	172°55.584'E
	40°48.181'S	172°55.521'E
	40°48.046'S	172°55.552'E
	40°48.008'S	172°55.646'E
	40°48.103'S	172°55.713'E
	40°48.141'S	172°55.619'E
	40°47.994'S	172°55.681'E
	40°47.956'S	172°55.775'E
	40°48.051'S	172°55.842'E
	40°48.089'S	172°55.747'E

Map 1



Map 2



Part 2

Waikato region

Location	Co-ordinates—WGS84	
	Latitude	Longitude
Wilson Bay Marine Farming Zone (Wilson Bay A) (refer to Map 3)	36°57.082'S	175°25.358'E
	36°54.600'S	175°22.996'E
	36°53.804'S	175°24.293'E
	36°56.286'S	175°26.656'E
Wilson Bay Marine Farming Zone (Wilson Bay B) (refer to Map 3)	36°58.021'S	175°23.826'E
	36°57.410'S	175°24.822'E
	36°55.036'S	175°22.563'E
	36°55.334'S	175°22.077'E
	36°55.474'S	175°22.210'E
	36°55.642'S	175°21.934'E
Wilson Bay Marine Farming Zone (Wilson Bay C) (refer to Map 3)	36°55.782'S	175°22.067'E
	36°55.926'S	175°21.833'E
	36°55.036'S	175°22.563'E
	36°55.334'S	175°22.077'E
	36°55.474'S	175°22.210'E
	36°55.642'S	175°21.934'E
	36°55.782'S	175°22.067'E
	36°55.926'S	175°21.833'E
Part of Wilson Bay Marine Farming Zone subject to these regulations (refer to Map 3)	36°55.723'S	175°21.639'E
	36°55.506'S	175°21.520'E
	36°54.660'S	175°25.113'E
	36°54.939'S	175°24.658'E
	36°56.237'S	175°25.893'E
	36°55.957'S	175°26.348'E

Schedule 6

Process for seeking views of tangata whenua on draft application

rr 15, 17, 18(f), 24, 28, 31, 33, 34, 36, 37,
39(2)(f), 40, 44

1 Interpretation

In this schedule,—

applicant means a person intending to apply for a replacement coastal permit for an existing marine farm under any of regulations 14, 16, 26, 29, 32, 35, and 38

customary marine title group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

protected customary rights group has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011.

2 Information to be provided to regional council

- (1) If an applicant chooses to seek the views of tangata whenua on the draft application, the applicant must provide the following information to the regional council with jurisdiction in the region in which the farm is located:
 - (a) a description of the marine farming activity for which a replacement coastal permit is sought; and
 - (b) the co-ordinates of the area within which that marine farming is to be undertaken.
- (2) The applicant must provide the required information not later than 40 working days before the date on which the applicant proposes to lodge an application with the regional council.

3 Written information to be provided by regional council

Not later than 10 working days after the regional council receives the information under clause 2, the council must provide the following to the applicant:

- (a) the contact details of any iwi and hapū with interests in the area to which the application relates; and
- (b) the contact details of any customary marine title groups and protected customary rights groups with interests in the area to which the application relates.

4 Informing of intention to make application

Not later than 25 working days before the date on which the applicant proposes to lodge an application for a replacement coastal permit, the applicant must—

- (a) inform in writing the iwi, hapū, customary marine title groups, and protected customary rights groups identified by the regional council under

clause 3, that the applicant is intending to lodge an application for a replacement coastal permit; and

- (b) provide those informed with a copy of the proposed application; and
- (c) request a response within 20 working days from the persons or groups, advising on—
 - (i) the sites or areas that they identify as being of significance; and
 - (ii) the values that make the site or area significant; and
 - (iii) the cultural effects of the translocation of taonga species, if that is proposed as part of an application under Part 4.

5 Applicant's report to regional council

- (1) In making an application under these regulations, an applicant must provide a report setting out the following information:
 - (a) the persons and groups informed by the applicant under clause 4; and
 - (b) how and on what date those persons and groups were informed; and
 - (c) the name and contact details of every person or group who responded on the information provided by the applicant; and
 - (d) any sites or areas identified as being of significance to the persons or groups informed under clause 4 that may be affected by the marine farm proposal in the application; and
 - (e) any sites or areas identified as being of significance to tangata whenua in a policy statement or plan or proposed policy statement or plan that may be affected by the marine farm proposal in the application; and
 - (f) a description of any adverse effects of the marine farm on the values that make the site or area of significance to tangata whenua; and
 - (g) the cultural effects of the translocation of taonga species, if that is proposed as part of an application to change species under Part 4; and
 - (h) proposals to avoid, mitigate, or remedy the adverse effects (if any) identified under paragraphs (f) and (g); and
 - (i) any other information provided to the applicant on the values of tangata whenua in relation to the location of the marine farm; and
 - (j) details of any change to the application that the applicant proposes as a result of the discussions (if any) entered into with the persons and groups informed under clause 4.
- (2) The report required by subclause (1) must be provided, at the same time, to both—
 - (a) the regional council as part of the application for a resource consent; and
 - (b) the persons or groups identified under clause 3.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 2020, are made under the Resource Management Act 1991 (the Act) and prescribe standards and other requirements for existing marine farms.

Overview of regulations

These regulations provide for replacement coastal permits for existing marine farms, including in some situations, the ability for an existing marine farm to realign or make changes to consented species. The regulations prescribe specific requirements for seeking the views of tangata whenua on draft coastal permit applications. Where that does not occur, councils can impose more stringent notification requirements and have the ability to more broadly assess the effects of an application on tangata whenua values.

Part 1

Preliminary provisions

Part 1 of the regulations provides for matters of interpretation, transitional provisions, and application of the regulations, including identifying particular areas in the Tasman and Waikato regions to which the regulations do not apply.

Part 2

Provisions relating to replacement coastal permits for existing marine farms in inappropriate areas for existing aquaculture activities

Part 2 provides for all replacement coastal permits for existing marine farms in areas identified in a policy statement plan or proposed policy statement or plan as inappropriate for existing aquaculture activities as a discretionary activity. It also enables a regional council to set more stringent rules for these types of activities in its plan or proposed plan.

Part 3

Replacement coastal permits in respect of existing marine farms with no change in consented species

Part 3 provides for replacement coastal permits for existing marine farms where no changes to the consented species are proposed as a restricted discretionary activity. It details the matters over which discretion is restricted, with additional matters for mar-

ine farms which require supplementary feeding or realignment. It includes specific requirements for existing marine farms within outstanding areas to ensure that effects of an application on those areas are considered, as well as specific requirements for offshore marine farms. It also includes provisions to enable realignments of existing marine farms, where a realignment of no more than one-third of the existing consented area is proposed. It also enables a regional council to have more lenient rules for these types of activities in its plan or proposed plan. It also precludes public or limited notification for certain types of applications.

Part 4

Replacement coastal permits for existing marine farms to change consented species

Part 4 provides for replacement coastal permits for existing marine farms where certain types of changes to the consented species are proposed as a restricted discretionary activity. It details the matters over which discretion is restricted, with different matters depending on what the new species are, the proposed method of farming, and whether realignment is involved. It includes specific requirements for existing marine farms within outstanding areas to ensure that effects of an application on those areas are considered, as well as specific requirements for offshore marine farms. It also enables a regional council to have more lenient rules for these types of activities in its plan or proposed plan. It also precludes public or limited notification for certain types of applications. It also includes specific exclusions and exemptions related to spat catching.

Schedules

These are 6 schedules in these regulations, as follows:

- *Schedule 1* provides for any transitional, savings, or related provisions (although there are no transitional, savings or related provisions arising in respect of these regulations as made):
- *Schedule 2* lists the offshore marine farms to which certain regulations apply:
- *Schedule 3* lists the harbours and other areas that are relevant to the definition of offshore marine farm:
- *Schedule 4* sets out the criteria for applying the definitions of biogenic habitat and reef:
- *Part 1 of Schedule 5* lists the sites in the Tasman district not subject to these regulations:
- *Part 2 of Schedule 5* lists the sites in the Waikato region not subject to these regulations:
- *Schedule 6* describes the process for seeking the views of tangata whenua on draft applications.

Regulatory impact statement

The Ministry for Primary Industries produced regulatory impact statements in May 2019 and June 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these regulatory impact statements can be found at—

- <https://www.mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 July 2020.

These regulations are administered by the Ministry for the Environment.