

**BEFORE ENVIRONMENT SOUTHLAND
AT INVERCARGILL**

**IN THE MATTER OF A HEARING UNDER S100A OF THE
RESOURCE MANAGEMENT ACT 1991**

BETWEEN **JIM MAASS-BARRETT & ZANE
SMITH**
Applicants

AND **TE RŪNANGA o AWARUA,
DEPARTMENT OF CONSERVATION,
MINISTRY FOR PRIMARY
INDUSTRIES, SANFORD LTD, EEC
LTD, and BLUFF OYSTER
MANAGEMENT CO. LTD.**
Submitters

EVIDENCE OF JOHN FRANCIS ENGEL DATED 2 SEPTEMBER 2019

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STATEMENT OF EVIDENCE OF JOHN ENGEL

INTRODUCTION

- 1 My full name is **John Francis Engel**.
- 2 I hold the qualification of Bachelor of Engineering in Agriculture from Canterbury University, specialising in Water Resources Development. I currently work as a resource management consultant and am employed as Manager of Bonisch Environmental. Prior to joining Bonisch Environmental, I worked at Environment Southland for 32 years, the last 16 years as the Consents Manager.
- 3 I am familiar with the resource management issues associated with this proposed development to which these proceedings relate. I prepared the assessment of environmental effects for the application based on the information provided by the Applicant, the benthic report prepared by NIWA and various other documents that are referenced in the application assessment of environmental effects.
- 4 I was engaged by the Applicants to prepare an application for three shellfish marine farm sites in Big Glory Bay, Stewart Island. The application was lodged with Environment Southland on 3 May 2018 and formally accepted for processing on 16 May 2018. The application was eventually notified, which has resulted in this hearing.

SCOPE OF EVIDENCE

- 5 My evidence will deal with the following:
 - a statement of the consents applied for and a general description of the proposed activity;
 - a summary of the potential adverse effects as detailed in the application and supporting information;
 - an analysis of the relevant statutory documents that relate to the proposed activities for which consents are sought; and

- a discussion on the objectives, policies and rules in the relevant regional and district plans.

6 My evidence is prepared on the basis that there are only three matters that have been submitted against and all other matters have been satisfactorily addressed in the application, including the responses to further information requests, technical reviews and the section 42A report. The matters raised in submissions are navigation and safety, and effects on hydrodynamics within the Bay (Sanford Ltd), and biosecurity (Ministry for Primary Industries). Others also raised biosecurity concerns, mainly in regard to farming oysters. By withdrawing oysters as a species to be farmed from the application has addressed their concerns to the extent that they have withdrawn their right to be heard.

THE APPLICATION

7 The application is for coastal permits to establish three marine farm in Big Glory Bay, one of 6 ha and two of 5 ha, and the marine farming activity required to manage and operate them. The species to be farmed are:

Common name	Latin name	Culture method
Greenshell mussels	<i>Perna canaliculus</i>	Mussel rope
Blue mussels	<i>Mytilus galloprovincialis</i>	Mussel rope
Ribbed mussel	<i>Aulacomya ater</i>	Mussel rope
Scallop	<i>Pecten novaezelandiae</i>	Baskets
Oysters	<i>Ostrea chilensis</i>	Mussel rope, baskets, trays

8 As noted above, oysters are no longer included in the application. Greenshell are the species that will be main species farmed. The specific activities associated with establishing the marine farms and carrying out marine farming of shellfish that require a consent are:

- a. placement of structures on and over the seabed. The structures consist of:
 - mooring blocks and steel Danforth anchors, or screw anchors;
 - backbone ropes and buoys;
 - suspended ropes, baskets and trays attached to the backbone; and
 - navigation lights/aids.

- b. disturbance of the seabed during the placement of the structure;
 - c. occupation of the coastal marine area with the structure. Exclusive occupation is not applied for but the effect of the farm on access is discussed below in the section on “Consideration of Adverse Effects”;
 - d. occasional mooring of a vessel and barge within the site for set-up, harvesting and maintenance work; and
 - e. deposition of shell, sediment and organic material (pseudo faeces from shellfish excretions) on the seabed, and the discharge of water associated with the harvesting of the shellfish.
- 9 The site co-ordinates and dimensions are set out in Section 2 of the Application and the location is shown on the Site Plan (Application, Appendix 2).

ACTIVITY STATUS

- 10 The application was made as a discretionary activity under Rule 15.1.7 of the Regional Coastal Plan. This rule is specific to marine farming and, through the definitions of “marine farming” and “marine farm” in the Regional Coastal Plan, covers most of the activities associated with it. The activities, as listed in para. 8 above, include occupation but, while it can arguably be included with Rule 15.1.7, it is less certain than the other activities, so applying Rule 9.1.1 is a more conservative approach that avoids any uncertainty.
- 11 Parts a (structures), b (disturbance of the seabed), d (mooring), and e (deposition on the seabed) of para. 8 are covered by Rule 15.1.7, so it is not necessary to refer separately to the rules that control those individual activities. However, I note that as the status of the individual activities associated with the marine farming proposed is discretionary, the difference in the approaches adopted by the Reporting Officer and myself is not significant. All of the relevant effects must still be considered.
- 12 I note that in the Section 42A report, the activity is classified as non-complying due to inclusion of Rule 5.4.3.2 that relates to the deliberate introduction of exotic and indigenous fauna that is not sourced from the coastal waters of Stewart Island. I agree that this rule should have been included in the application and note that it was not only overlooked in this matter, but also for most, if not all, previous marine

farming applications. I comment on the application of this rule to this matter later in my evidence.

- 13 I therefore agree with the Reporting Officer’s opinion that, with bundling, the overall status of the activity is non-complying.

SUPPORTING INFORMATION

- 14 The following reports were prepared to support the original application:
- a. the Assessment of Environmental Effects dated 2 May 2018 (referred to as “the Application”);
 - b. “Baseline benthic survey of three proposed mussel farm sites in Big Glory Bay, Stewart Island” – NIWA, December 2017 (referred to as “the NIWA report”);
 - c. response to further information request – 17 August 2018; and
 - d. response to further information request – 12 December 2018.
- 15 The key points from these documents are provided in this document in a summarised form only. Where necessary, a cross reference is provided. Most of the marine science relating to this application is provided in the evidence of Jim Maass-Barrett.

DESCRIPTION OF THE ACTIVITY

- 16 The proposed marine farms are conventional in terms of their structures, lines and mooring anchors, as well as the method of farming proposed, i.e. drop ropes off a backbone. The set up will be generally in accordance with the Marine Farmers Association Standard Operating Procedure, which, amongst other things, aims to reduce the potential environmental effects of this type of farming.
- 17 The description of the structures and farming operations in Section 2 and Appendix 3 of the Application are unchanged and as applied for.

DESCRIPTION OF BIG GLORY BAY

- 18 Section 3 of the Application describes Big Glory Bay and the existing environment in that area. Reference is made to the landscape assessment in the Regional Coastal Plan but the more recent report by Boffa Miskell Ltd (BML) on the landscape and natural character of Stewart Island is more comprehensive and specific to this area. A copy of the report is attached to the Section 42A report.
- 19 The key finding of the BML report is that most of the landscape and seascapes on Stewart Island meet the standard of outstanding natural landscapes. The exceptions are the more developed areas of Halfmoon and Horseshoe Bays, part of the north side of Paterson Inlet and Big Glory Bay. The findings in regard to natural character are similar as those for landscape with the same exclusions.
- 20 Notwithstanding the presence of marine farming, overall water quality in the bay is high. There are some localised effects on farm sites but the significance of these varies with the type of farming. This point is discussed further in the effects section below.
- 21 The benthic conditions on the proposed sites are described in the NIWA report (Appendix 4 of the Application). The sites were found to be typical of other unaffected areas in the bay and were described as “environmentally healthy”.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 22 The potential adverse effects that have been considered for this application are in regard to impacts on landscape, water quality, benthic environment, interactions with marine mammals, noise, navigation and safety, high value areas, heritage, and amenity values. Occupation of the coastal marine area is also addressed.
- 23 Potential positive effects are the complementary benefits that can accrue from farming shellfish and finfish in the same area, and economic and social benefits for people and communities. The complementary benefits are discussed in Section 4.1 of the application, with additional information in the further information response dated 17 August 2018 (Section 6), in the context of ecological carrying capacity. Although there is no precise science on this aspect, the empirical data indicates that there is sufficient capacity in the bay for the three sites proposed.

- 24 Each of the relevant effects are addressed below in summary form only. More detail is available in the application, review reports and further information request responses. It is also noted that some of the effects could arguably be assessed as “less than minor” but, for the most part, a more conservative assessment of “no more than minor” is made to allow for some uncertainty when operating in this environment.

Landscape, natural character and visual impact

- 25 The recent report from BML provides a useful resource to consider this aspect. In regard to Big Glory Bay, it notes that the level of development prevents the landscape from being considered “outstanding”, but with that development being restricted to the middle of the bay, the coastal interface and adjoining land retains a high level of naturalness.
- 26 It is the existing marine farming that impact on landscape values. The assessment is that the addition of the sites proposed will not cause what values that are still present (which are described as high) to be degraded further. The potential adverse effects area assessed as no more than minor (Section 4.2 of the Application).

Water Quality

- 27 The assessment of the potential effects on water quality is based on the regular monitoring of Big Glory Bay, particularly the most recent annual reports. The monitoring programme has varied over the years but there is now consistent monitoring requirements over all of the existing sites. The annual reports review the results of monitoring over the whole bay and provides some interpretation where results vary. However, the over-riding conclusion is that there are no detectable adverse water quality issues in the bay.
- 28 Section 4.3 of the Application also contains a review of New Zealand literature on the effects of farming shellfish, none of which point to any potential impacts on water quality. It is acknowledged that the transferability of some of the findings to Big Glory Bay has not been assessed but there are no obvious reasons why they would not be.

- 29 Further information is provided in Section 7 and 8 of the further information dated 17 August 2019. This information provides some assessment, based on a study in Golden Bay and on limited information specific to Big Glory Bay, on the effect of the farm on water movement. The same amount of water moves in and out of the bay in a tidal cycle but the flow paths are disrupted. Water tends to move around the farm rather than through it and eddies can be created “downstream” but, given the generally low tidal flows in the bay, these effects are difficult to discern visually.
- 30 The potential adverse effects on water quality are assessed as no more than minor.

Benthic Effects

- 31 This assessment (Section 4.4 of the Application) relies on the NIWA report and the annual monitoring reports. There is actual data available of the impact on the benthic environment from mussel farming in Big Glory Bay and the impact on these proposed sites is not expected to be any different. Changes in the benthic conditions will occur but the existing sites still retain a “... moderately high species richness and diversity” (from the 2017 Annual Monitoring Report).
- 32 The changed conditions has a positive effect for some species, providing some alternative habitat. There are no particularly sensitive species observed on the proposed sites. The potential effects are assessed as no more than minor.

Wildlife Interactions

- 33 The assessment of the impact on wildlife in Section 4.5 of the Application was based on general information that was readily available. Additional information is provided in Section 16 of the further information dated 17 August 2019 that included Mr Mass-Barrett’s own observations over a period of more than 30 years marine farming in this area.
- 34 Based on this information, the potential effects on wildlife is assessed as less than minor.

Noise Effects

- 35 See Section 4.6 of the Application. The most significant sources of noise in Big Glory Bay that are associated with marine farming are vessel movements and

harvesting activity. Some noise is common due to the number of farms but it is generally at a low level. In the absence of any concern being expressed or a problem identified, no formal sound monitoring has been carried out in this area.

- 36 Given the low levels currently experienced and the low risk of the additional sites changing the noise level, the potential effect is assessed as no more than minor and the cumulative effect on noise as less than minor.

Navigation & Safety

- 37 See Section 4.7 of the Application. The Regional Coastal Plan provides for an accessway through the middle of the bay, in which no farms will be allowed. All farms must comply with Maritime NZ requirements for structures so that they can be readily identified by those wishing to navigate safely through the bay. Mr Maass-Barret's evidence describes the lighting and other measures required in more detail.
- 38 Farms are identified on maritime charts and when a new consent is granted, Maritime NZ is notified so that the charts can be updated. The applicants are not aware of any navigation incidents occurring in Big Glory Bay. Because the area is a known for its marine farms, care is already required when navigating through. The effect of these three new sites on navigation and safety is assessed as less than minor.
- 39 I note that this matter is one that is raised by Sanford Ltd but no details are provided on the specific areas of concern. Aside from vessel movements, Sanford Ltd also have to, at times, move its salmon cages from one site to another. Again, Mr Maass-Barrett's evidence comments on this point.

Public Access

- 40 Although the application is not seeking exclusive occupation, the presence of mussel lines does inhibit access and movement. However, vessels can move between the backbones and people can fish from vessels within the farm site if they wish as long as there is no harvesting going on.

41 Access to the head of the bay and the shoreline around it is available notwithstanding the presence of farms but caution is required. A central navigation path is provided for and exclusive occupation of that area is prohibited.

42 Although marine farming poses a navigational risk, it can be mitigated by navigation aids attached to the farm structures, information and care on the part of vessel operators. The proposed new farms are not considered to increase the risk to navigation in the bay and any effect is a cumulative one rather than a new one. The effect of marine farming on navigation within the bay is assessed as no more than minor and the cumulative effect of adding three more sites is assessed as less than minor.

Effects upon areas of significant indigenous vegetation and significant habitats of indigenous fauna and outstanding natural features and landscapes

43 This aspect has been addressed in Section 4.8 of the Application. Most the matters are addressed in other sections as well, particularly in regard to landscape.

44 As noted, the land environment, including the foreshore and intertidal zone, is not affected by marine farming. The Regional Coastal Plan provides for a 200m buffer around the coastal boundary. The proposed farms are not going to be established over any significant habitat on the seabed.

45 The bay is already impacted by marine farming activity and the effect of the extra three sites proposed, including cumulative effects, is assessed as less than minor.

Any effect on heritage or archaeological sites

46 No heritage or archaeological sites have been identified that would be affected by this proposal.

The effect on sites or areas of significance to Tangata Whenua

47 Te Rūnanga o Awarua submitted on the application in regard to oyster farming, which it wanted removed. Once the applicants did that, the Rūnanga withdrew its right to be heard in support of its submission.

- 48 Ngāi Tahu has an interest in the development of new marine farms under the provisions of the Ngāi Tahu Claims Settlement Act but that is addressed outside the provisions of the Resource Management Act.
- 49 It is also noted that there is one claim for Customary Marine Title under the Marine and Coastal Area (Takutai Moana) Act 2011¹. The claim is by Te Rūnanga o Ngāi Tahu (TRONT) on behalf of the Ngāi Tahu Whānui. As required by the legislation, a copy of the application will be forwarded to this group.
- 50 Impact on Tangata Whenua is believed to be no more than minor based on the submission lodged and previous consent processes.

Waste

- 51 See Section 4.11 of the Application. Any materials such as ropes or other equipment will be recovered from the seabed and disposed of appropriately at a land based facility.

Biosecurity

- 52 This issue is addressed in Section 4.12 of the Application where the risk of any significant effect was assessed as no more than minor. Further evidence on this matter will be given by Mr Maass-Barrett.

Consideration of Alternate Sites

- 53 Alternative sites were considered in Section 4.13 of the Application in regard to the general area, i.e. Big Glory Bay versus other areas within the region, and the actual sites within the bay.
- 54 In regard to the former, Big Glory Bay is one of the few sheltered areas that is suitable for marine farming and is not prohibited in the Regional Coastal Plan. In other areas around Stewart Island and Fiordland, marine farming is a prohibited activity. Areas like Bluff Harbour and some estuaries are unsuitable because of the

¹ Application by Cletus Maanu Paul on behalf of all Māori and Waitaha Nation were lodged for all of the coastline around New Zealand/Aotearoa but the Minister for Treaty of Waitangi Negotiations has declined to engage with them. The effect of that decision is that there is no longer any need to notify them. However, it is possible that that decision has been challenged and I do not know the current status of this claim.

risk of microbial contamination and other site constraints, e.g. depth of water available and tidal effects.

- 55 Port Adventure is an area with high natural values and it is a discretionary activity to farm there, so it is available. However, developing a new area would be challenging in regard to obtaining resource consents. It is also more remote so logistically, there are issues in developing a viable farm.
- 56 More open areas around the coast are available but their exposure makes them unsuitable. Those area may eventually be considered but new technology and farming systems will be required.
- 57 In regard to the actual sites within Big Glory Bay, they were selected because there is sufficient depth and current to have viable farms, and they will not interfere with existing farms. The sites are also out of the fairway that is a prohibited area. It is possible to move the sites, but the scope is limited and potential adverse effects will be the same or similar. The sites have also been subject to an ecological survey and would not be not over any sensitive environments.
- 58 It is therefore considered that the sites that are the subject of this application are suitable and appropriate, and alternatives need not be considered further.

Summary

- 59 The overall assessment of the potential adverse effects of the proposed three new sites is that they will be no more than minor. Some are less than minor, but cumulatively, no more than minor is considered to be an appropriately conservative assessment.
- 60 Shellfish farming is not new to the bay and, apart from the recent *Bonamia* outbreak affecting oysters, there has not been any significant adverse effects identified. The farming has been good for the local, regional and national economy, providing employment and work for downstream industries.
- 61 I also note that since the application was prepared, oysters have been removed from it in response to concerns raised by submitters.

CONSIDERATION OF STATUTORY DOCUMENTS

- 62 For the most part, I wish to adopt the analysis of the statutory documents provided in the application. However, as noted in para.s 10-12, there are two parts of the Regional Coastal Plan that were not included, namely, introduction of exotic fauna and indigenous fauna not sourced from the Southland Region; and occupation.
- 63 In regard to Rule 5.4.3.2, this requirement was overlooked and has been in many, if not all, marine farming consent processes that pre-date this application, although the issues associated with this rule have been considered. It is certainly relevant as spat for the main species to be farmed, greenshell mussels, are obtained from Kaitaia, as is all of the spat for mussel farming on other sites in Big Glory Bay.
- 64 As Rule 5.4.3.2 makes introducing genetic stock not sourced from the Southland region into the coastal waters of Stewart Island a non-complying activity, and applying bundling, the application becomes one for a non-complying activity rather than discretionary. The requirements of Section 104D of the Resource Management Act are considered below.
- 65 As for occupation, Rule 15.1.7 is for “marine farming”, which includes all of the individual activities, i.e. structures, deposition, and bed disturbance, associated with that over-arching activity. In my opinion , it is not necessary to apply the rules relating to those individual activities.
- 66 However, the definitions of “marine farm” and “marine farming” are less clear when it comes to occupation. My initial view was that the occupation was included as part of Rule 15.1.7. However, I now accept that there is sufficient uncertainty about whether new sites are included in the definition of “marine farm”, which refers to leased and licenced areas but not consented areas. The definition pre-dates the 2010 aquaculture reform legislation.
- 67 The application is for a consent for three sites that cumulatively exceed 10 ha but the applicants are not seeking exclusive occupation nor is the public effectively excluded from the areas applied for. However, it is acknowledged that vessels will generally avoid entering a marine farm unless it has a reason to do so. The only rules that could apply are Rules 9.1.1 and 9.1.2(1).

- 68 Rules 9.1.6 to 9.1.8 apply to cables and lines. “Lines” are defined in the Regional Coastal Plan and relate telecommunications. Although “cables” is not defined, the explanation to these rules is also focused on power and telecommunication. Rules 9.1.6 (suspended cables and lines in the air above the coastal marine area) and 9.1.8 (cables and lines on existing lawful structures, e.g. a jetty or bridge) do not apply to this activity. The only rule that could be relevant is therefore Rule 9.1.7 (submarine lines and cables), but in my opinion, it applies to telecommunication and power lines and cables.
- 69 I therefore submit that if any occupation rule applies, it should be Rule 9.1.1. Preferential occupation is no longer available based on the Council’s legal opinion that concludes that it is not an option under section 12 of the Resource Management Act. Although exclusive occupation is not specifically applied for, the farms do restrict access and, during harvesting, exclusive occupation is required over parts of a farm.
- 70 Notwithstanding the above discussion on the rules relating to occupation, the application of this rule does not make any material difference to the consideration of the application. Occupation is discretionary whether it is considered under Rule 9.1.1 or Rule 15.1.7. The relevant objectives and policies relating to occupation must still be considered.
- 71 In regard to the objectives and policies relating to Rule 5.4.3.2, the issue is the importation of mussel spat from Kaitaia. The situation in Big Glory Bay is that all farmed greenshell mussel stock has been sourced from that area because the greenshell mussels in the bay do not spawn regularly or in sufficient quantity to provide spat for the farms.
- 72 Because of the low risk of introducing unwanted organisms from the Ninety Mile Beach area where the spat are collected, farms in the bay are required to get their spat from that location. If an alternative site is preferred, it would require an application to amend the resource consent.
- 73 Given this situation, there is no issue with this application in regard to the spat it will use, which will also be sourced from Kaitaia. Any impact that will occur has already happened. Greenshell mussels are growing wild in the bay but my

understanding is that most are genetically the same as the Kaitaia mussels. The objective and policies will therefore be met and complied with.

- 74 Consideration of these policies therefore does not change the conclusion of the application, namely, that this application is not contrary to or inconsistent with the objectives and policies of the relevant statutory documents.

CONSIDERATION OF SECTION 104D OF THE RMA

- 75 Section 104D of the Resource Management Act places certain restrictions on the granting of consents for non-complying activities. The section states as follows:

104D Particular restrictions for non-complying activities

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

- 76 The assessment of environmental effects concludes that the effects will be no more than minor. The independent technical reviews carried out by the Council have agreed with this assessment and have been adopted for the section 42A report. Section 104D(1)(a) is therefore met and the application can be granted.

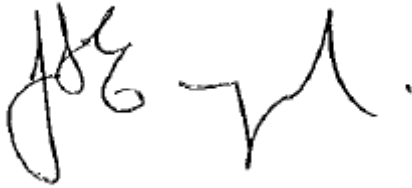
77 Consideration of the relevant statutory documents also found that the proposal is not contrary to any of the objectives and policies of the Regional Coastal Plan, so section 104D(1)(b) is also met

78 It is therefore submitted that the application passes both tests in section 104D(1), although only one needs to be passed, so the application can be granted.

CONCLUSION

79 The assessment is the potential adverse effects of this proposal will be no more than minor, and that it is not inconsistent with the relevant planning documents. I therefore submit that this application can be granted.

Dated at Invercargill this 24th day of November 2015.

A handwritten signature in black ink, appearing to read 'John Engel', with a period at the end.

John Engel

Manager, Bonisch Environmental

Schedule 1

New Zealand Coastal Policy Statement

<p>Objective 1</p>	<p>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</p> <ul style="list-style-type: none"> • maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; • protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and • maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.
<p>Objective 2</p>	<p>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <ul style="list-style-type: none"> • recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; • identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and • encouraging restoration of the coastal environment.
<p>Objective 3</p>	<p>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources; • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;

	<ul style="list-style-type: none"> • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.
<p>Objective 6</p>	<p>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</p> <ul style="list-style-type: none"> • the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; • some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; • functionally some uses and developments can only be located on the coast or in the coastal marine area; • the coastal environment contains renewable energy resources of significant value; • the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities; • the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land; • the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and • historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

<p>Policy 6</p> <p>Activities in the coastal marine area</p>	<p>...</p> <p>Additionally, in relation to the coastal marine area:</p> <ul style="list-style-type: none"> (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations: (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area; (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places; (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and (e) promote the efficient use of occupied space, including by: <ul style="list-style-type: none"> (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable; (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.
<p>Policy 3</p> <p>Precautionary approach</p>	<ul style="list-style-type: none"> (1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. (2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that: <ul style="list-style-type: none"> (a) avoidable social and economic loss and harm to communities does not occur;

	<p>(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</p> <p>(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</p>
<p>Policy 6</p> <p>Activities in the coastal marine area</p>	<p>...</p> <p>Additionally, in relation to the coastal marine area:</p> <p>(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:</p> <p>(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</p> <p>(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</p> <p>(d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</p> <p>(e) promote the efficient use of occupied space, including by:</p> <p>(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;</p> <p>(ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and</p> <p>(iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.</p>
<p>Policy 8</p> <p>Aquaculture</p>	<p>Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:</p> <p>(a) including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the</p>

	<p>coastal environment, recognising that relevant considerations may include:</p> <ul style="list-style-type: none">(i) the need for high water quality for aquaculture activities; and(ii) the need for land-based facilities associated with marine farming; <p>(b) taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and</p> <p>(c) ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.</p>
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Schedule 2

Regional Coastal Policy Statement for Southland

<p>Objective COAST.2</p> <p>Activities in the coastal environment</p>	<p>Infrastructure, ports, energy projects, aquaculture, mineral extraction activities, subdivision, use and development in the coastal environment are provided for and able to expand, where appropriate, while managing the adverse effects of those activities.</p>
<p>Objective COAST.3</p> <p>Coastal water quality and ecosystems</p>	<p>Coastal water quality, and ecosystems are maintained, or enhanced.</p>
<p>Objective COAST.4</p> <p>Natural character</p>	<p>The natural character of the coastal environment is restored, rehabilitated or preserved.</p>
<p>Objective COAST.5</p>	<p>Recognise the contribution of aquaculture to the well-being of people and communities by making provision for aquaculture in appropriate locations while:</p> <ul style="list-style-type: none"> (a) protecting coastal indigenous biodiversity in accordance with Policy BIO.3; (b) protecting outstanding natural features, landscapes and natural character in accordance with Policy COAST.3; and (c) avoiding, remedying, or mitigating other adverse effects.
<p>Policy COAST.3</p> <p>Protection of the coastal environment</p>	<p>Ensure that subdivision, use and development activities:</p> <ul style="list-style-type: none"> (a) avoid adverse effects on areas of outstanding natural features and landscapes, and/or outstanding natural character; (b) avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on other natural features and landscapes and/or natural character in the coastal environment; (c) ...

<p>Policy COAST.4</p> <p>Infrastructure, port, aquaculture and energy projects</p>	<p>Recognise and make provision for nationally significant, regionally significant or critical infrastructure that has a functional, operational or technical need to be located within the coastal environment, and appropriate port, aquaculture, mineral extraction activities and energy projects that must be located within the coastal environment.</p>
<p>Policy COAST.5</p> <p>Management of effects on coastal water quality and ecosystems</p>	<p>Avoid, remedy or mitigate adverse effects of land-based and marine activities on coastal water quality and ecosystems.</p>
<p>Policy COAST.8</p> <p>Management of activities in the coastal marine area</p>	<p>Within the coastal marine area, provide a framework to avoid or mitigate adverse effects on the coastal environment for the following activities:</p> <ul style="list-style-type: none"> a) the allocation, use and occupation of coastal space; b) the use and development of the natural and physical resources of the coastal marine area; c) the emission of noise; d) commercial activities on the water and on the foreshore and seabed.

Schedule 3
Regional Coastal Plan

<p>Objective 4.2.1 Need for coastal location</p>	<p>To ensure that only those activities and developments that have a functional need to be located in the coastal marine area or for which there is no practicable alternative location outside the coastal marine area are situated there.</p>
<p>Policy 4.2.1 Justifying coastal location</p>	<p>Require that proposals for uses and developments in the coastal marine area justify the functional necessity for that location or demonstrate that there is no practicable alternative location outside the coastal marine area.</p>
<p>Policy 4.2.2 Consideration of alternatives</p>	<p>Where the adverse effects of use or development are more than minor, require alternative sites and methods be considered to determine the option that best avoids, remedies or mitigates the adverse effects of the use and development of the coastal marine area.</p>
<p>Objective 4.6.1 Concentrating use and development</p>	<p>To protect areas free from use and development by seeking, wherever practicable, to concentrate use and development into areas where those activities are already taking place.</p>
<p>Policy 4.6.1 Concentrate compatible activities</p>	<p>Encourage concentration of compatible activities in areas of existing uses and developments, where adverse effects can be avoided, remedied or mitigated, in preference to using undeveloped areas in the coastal marine area.</p>
<p>Objective 4.7.1 Avoid, remedy or mitigate cumulative adverse effects</p>	<p>To avoid, remedy or mitigate cumulative adverse effects.</p>
<p>Objective 4.7.2 Obtain an appropriate level of use in the coastal marine area</p>	<p>To obtain a level of use which is appropriate in the coastal marine area, particularly in areas where remoteness, wilderness and tranquillity are significant components of the environment.</p>

<p>Policy 4.7.1</p> <p>Avoid remedy or mitigate adverse cumulative effects</p>	<p>To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.</p>
<p>Objective 5.4.3.1</p> <p>Introduction of exotic fauna</p>	<p>To avoid the introduction of fauna into the coastal marine area in circumstances that could result in adverse environmental effects.</p>
<p>Policy 5.4.3.1</p> <p>Introduction of exotic fauna</p>	<p>Prevent the introduction of exotic species of fauna where information relating to that species indicates that its introduction is likely to adversely affect:</p> <ul style="list-style-type: none"> a indigenous vegetation; or b indigenous fauna; or c alter coastal processes; or d natural character; or e life-supporting capacity of ecosystems.
<p>Policy 5.4.3.2</p> <p>Preference for indigenous fauna species</p>	<p>Prefer the use of indigenous fauna species sourced from the Southland region when repopulating or population enhancement is needed in the coastal marine area.</p>
<p>Rule 5.4.3.2</p> <p>Introduction of exotic fauna, and indigenous fauna not of local genetic stock, into the coastal waters of Stewart Island, Fiordland and their offshore islands</p>	<p>Except as provided for in Rules 15.1.1 to 15.1.4, the deliberate introduction of exotic fauna and indigenous fauna not sourced from the Southland region into the coastal waters of Stewart Island (as shown on Figure 5.4.3.1) and the coastal marine area of Fiordland, and offshore islands, is a non-complying activity.</p>
<p>Objective 9.1.1</p> <p>Occupation</p>	<p>To ensure that any exclusive or preferential occupation of the coastal marine area is justified.</p>
<p>Policy 9.1.1</p> <p>Public right of use</p>	<p>Where there is a need for any exclusive occupation of space, the interests of the recreational users and other lawful users not requiring any form of preferential occupation shall be protected.</p>

<p>Policy 9.1.4</p> <p>Minimise areas of exclusive occupation</p>	<p>Limit the area of exclusive occupation to that necessary to undertake the activity for which the right to occupy is needed.</p>
<p>Policy 9.1.6</p> <p>Duration of rights to occupy</p>	<p>Limit occupation rights to a period that will satisfy the immediate foreseeable needs of the activity.</p>
<p>Policy 9.1.9</p> <p>Coastal occupation Charging regime</p>	<p>Apply a coastal occupation charging regime to persons who occupy Crown land, to the full or partial exclusion of others, in the coastal marine area of Southland.</p>
<p>Rule 9.1.1</p> <p>Exclusive or preferential occupation</p>	<p>Except as provided elsewhere in the Plan, exclusive or preferential occupation of Crown land in the coastal marine area is a discretionary activity.</p>
<p>Objective 15.1.1</p> <p>Avoid, remedy or mitigate any adverse effects</p>	<p>Avoid, remedy or mitigate any adverse effects of marine farming operations.</p>
<p>Policy 15.1.3</p> <p>Avoid adverse effects of marine farms in specific areas</p>	<p>Avoid the adverse effects from the establishment of marine farms in Marine Reserves, Fiordland's internal waters, Lords River, Port Pegasus, Paterson Inlet (except Big Glory Bay and the Salmon Farming Refuge Zone), and Port William on Stewart Island, and that part of Awarua Bay that lies to the east of the Tiwai Causeway.</p>
<p>Policy 15.1.4</p> <p>Monitoring the effects of marine farming</p>	<p>To require monitoring of individual marine farm sites.</p>
<p>Rule 15.1.5</p> <p>Marine Farming(prohibited) – Stewart Island</p>	<p>Marine Farming in the Stewart Island waters of:</p> <ul style="list-style-type: none"> • Port Pegasus; • Lords River; • Paterson Inlet, except Big Glory Bay and the Salmon Farming Refuge Zone;

	<ul style="list-style-type: none"> Port William from Peters Point to the eastern most extremity of the headland enclosing the northern end of Port William <p>is a prohibited activity.</p>
Rule 15.1.7	Marine farming in areas other than those referred to in Rules 15.1.2 - 15.1.6 is a discretionary activity.
Definitions:	
Marine Farm	<p>a in relation to a leased area, all that part of the area that is being or has been developed into a farm for the farming of fish or marine vegetation; includes all structures and rafts used in the area in connection with the farm, and all boundary markings, and all fish or marine vegetation for the time being farmed in the area by the lessee; and</p> <p>b in relation to any licensed area, all that part of the area in which the licensee is for the time being carrying on the business of farming of fish or marine vegetation in accordance with [their] licence; and includes all structures and rafts used in the area in connection with the farm, and all fish or marine vegetation for the time being farmed in the area by the licensee: (Marine Farming Act 1971).</p>
Marine Farming	<p>the activity of breeding, hatching, cultivation, rearing, or on-growing of fish, aquatic life, or seaweed for harvest; but does not include -</p> <p>a any such activity undertaken pursuant to regulations made under Section 91 of the Fisheries Act 1983; or</p> <p>b any such activity where fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit issued under Section 67J of the Fisheries Act 1983; or</p> <p>c any such activity where the fish, aquatic life, or seaweed being farmed cannot be distinguished, or be kept separate from naturally occurring fish, aquatic life, or seaweed -</p> <p>and “to farm” has corresponding meaning which includes any operation in support of, or in preparation for, any marine farming.</p>