

# Section 42A Report

## Proposed Plan Change 2 (Private) to the Waikato Regional Coastal Plan: Pare Hauraki Kaimoana

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# 1 Introduction

- 1 Proposed Plan Change 2 (Private) to the Waikato Regional Coastal Plan: Pare Hauraki Kaimoana was received by Waikato Regional Council (WRC) on 8 November 2021 and was notified on 4 March 2022. The proposed private plan change request (the plan change) has been lodged by Pare Hauraki Kaimoana (the proponent). Eight submissions were received within the submission period, with one late submission also received. Following the summary of decisions requested being made available and further submissions called for on 27 May 2022, two further submissions were received.
- 2 This report is prepared under section 42A of the Resource Management Act 1991 (RMA) and is referred to as the 'Section 42A Report'. It is used by the Independent Hearing Panel (the panel) to assist with understanding the plan change request and the requests in the submissions and the implications of accepting or rejecting the various submissions. The analysis in this report is the opinion of the reporting planner, being Craig Sharman, and it is not binding on the panel. The panel will make determinations on the plan change request in accordance with the delegated authority to do so, including whether there are any changes to the plan change as a result of submissions. It should be noted also that with regional coastal plans (and plans changes to a regional coastal plan) there is a Ministerial approval process to be followed pursuant to clauses 18 and 19 of Schedule 1 of the RMA. WRC will seek this following the release of the panel's decision.
- 3 My name is Craig Melville Sharman and I hold the qualifications of a Bachelor of Resource and Environmental Planning and a Master of Philosophy (Geography) from Massey University. I am a Senior Associate Planner employed by Beca Limited (Beca) based in Hamilton. I have 25 years' professional planning experience and have been a planner based in the Waikato region Hamilton since 2001. Over that time, I have been involved in various district plan reviews, and Schedule 1 RMA plan change processes. I have previously worked for Taupō District Council in consenting and policy roles between 2001 and 2004, Hamilton City Council in consenting and policy roles between 2004 and 2006 and have been a planning consultant since 2006. As a result, I am highly familiar with the various statutory planning documents that apply within the Waikato region. I am also part of the WRC project team formulating the draft Waikato Regional Coastal Plan, being responsible for the 'Ecosystems and Indigenous Biodiversity' chapter. I have been a full member of the New Zealand Planning Institute since 2003.
- 4 In respect of my involvement with this private plan change request, Beca was engaged in June 2021 and my role commenced at that time. The initial task was to review a draft private plan change request and provide comments to the plan change proponent. This occurred in June 2021, with subsequent lodgement of the private plan change request in November 2021.
- 5 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 6 I can also confirm that I am authorised to prepare this report to the panel on behalf of WRC. I can also confirm that there are no potential conflicts of interest.

## 1.1 Report format

- 7 This report is structured as follows:
  - **Section 2** – a description of the private plan change request and the amendments sought to the Operative Regional Coastal Plan; commentary on the relationship between the private plan change

request and the formulation of a Proposed Regional Coastal Plan; and commentary on the suite of parallel resource consent applications lodged by the proponent.

- **Section 3** – analysis of the submissions and further submissions received.
- **Section 4** – analysis of the legal and statutory planning framework.
- **Section 5** – a conclusion and recommendation on the private plan change request.

## 1.2 Abbreviations

8 Abbreviations used in the text of this report are:

CMFZ	Coromandel Marine Farming Zone
HGMPA	Hauraki Gulf Marine Park Act 2000
MCACSA	Maori Commercial Aquaculture Claims Settlement Act 2004
MACAA	Marine and Coastal Area Act 2011
NES	National Environmental Standard
NESMA	National Environmental Standards for Marine Aquaculture 2020
NZCPS	New Zealand Coastal Policy Statement
PC2	Proposed Plan Change 2 (Private) to the Waikato Regional Coastal Plan: Pare Hauraki Kaimoana
RMA	Resource Management Act 1991
RMAA	Resource Management Amendment Act (No.2) 2011
WRPS	Waikato Regional Policy Statement
WRC	Waikato Regional Council
WRCP	Waikato Regional Coastal Plan

9 Abbreviations of submitter and further submitter names used in the text of this report are:

EDS	Environmental Defence Society Incorporated
Forest and Bird	The Royal Forest and Bird Protection Society of New Zealand Inc.
The Association	Whitianga & Coromandel Peninsula Commercial Fishers Association
HMTB	Hauraki Māori Trust Board / Pare Hauraki Fishing Trust
TCDC	Thames Coromandel District Council

## 2 Proposed Plan Change 2

10 This section provides a description of the private plan change request; discussion of the amendments proposed to the Waikato Regional Coastal Plan (WRCP); commentary on the relationship between PC2 and the wider review process of the WRCP; and the relationship between PC2 and the resource consent applications lodged by the proponent that are being heard in this hearing.

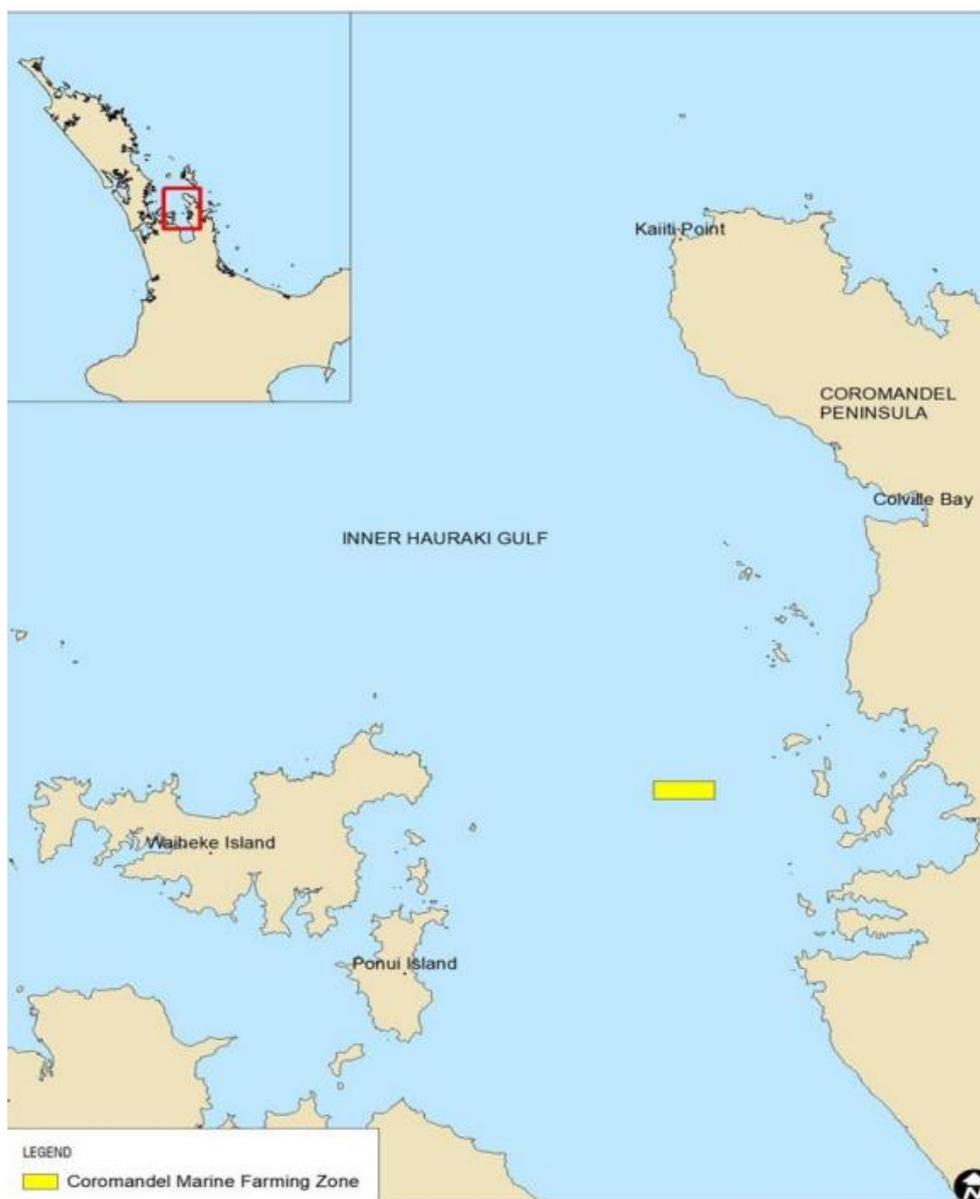
### 2.1 Summary of the Plan Change

11 The proponent has prepared a private plan change that seeks a new standalone rule and a consequential amendment to an existing rule in Chapter 16 of the WRCP. The plan change document is titled 'Pare Hauraki Kaimoana: Waikato Regional Coastal Plan – Proposed Plan Change – Proposed Plan Change and Section 32 Evaluation Report' dated November 2021 and prepared by Mitchell Daysh.

12 The purpose of PC2 is set out at Section 1.2 of the plan change document and describes that the purpose is to enable aquaculture activities in the CMFZ to make more effective and efficient use of the zone, by allowing sub-surface anchors lines and anchor structures to be located outside of the zone so that pens / longlines can be appropriately spaced at the surface. The proponent considers PC2 will enable greater flexibility in the management of aquaculture activities within the CMFZ. This is because the existing rules in Chapter 16 of the WRCP requires all anchor structures to be located wholly in the CMFZ, meaning options

for the efficient and effective management of aquaculture activities are unduly restricted. Under the WRCP, the establishment of subsurface anchor lines and anchor structures outside of the CMFZ is currently a prohibited activity under Rule 16.5.6 preventing any assessment of such proposals through a resource consent application process. The practical application of the existing and proposed rule frameworks is set out in Appendix A to C of the plan change document in the form of illustrations.

- 13 On behalf of the proponent, Mitchell Daysh have prepared an assessment of the proposed provisions under section 32 of the RMA and has determined that the proposed rule amendment is the most appropriate method to achieve the objectives of the proposal, as well as of the overarching planning documents. The potential benefits and costs of the effects of the proposed rule have also been identified and assessed. It has also been determined by the proponent that the proposed new rule is consistent with the existing objectives and policy framework of the WRCP.
- 14 This evaluation concludes that the option of including a new standalone rule in the WRCP, that would enable an application to be made for subsurface anchor lines and anchor structures (that would otherwise be prohibited) enables the more efficient and effective use of the CMFZ. The location of the CMFZ is set out in detail within the plan change document and is shown in Figure 1 below.



**Figure 1: Location of the Coromandel Marine Farming Zone (Source: Proposed Plan Change and Section 32 Evaluation Report – Pare Hauraki Kaimoana, dated November 2021)**

## 2.2 Amendments to the Waikato Regional Coastal Plan Proposed

- 15 Section 1.3 of the plan change request document sets out the amendments sought to the WRCP.
- 16 PC2 seeks to introduce a new standalone rule to Chapter 16 of the WRCP. Proposed Rule 16.5.5D(1) will provide for subsurface anchor lines and anchor structures, and any associated seabed disturbance, that is outside of the CMFZ but is for the purposes of securing an aquaculture activity located wholly within the surface of the CMFZ. The activity status would be a discretionary activity.
- 17 The proposed plan change also seeks a consequential amendment to Rule 16.5.6 to make it explicit that structures associated with aquaculture activities in the CMFZ are not a prohibited activity.
- 18 No further changes are proposed to the objectives, policies, rules or methods within the WRCP.

## 2.3 Resource Consent Applications

- 19 Pare Hauraki Kaimoana have lodged resource consent applications for a related proposal. The consent application document and assessment of environmental effects (AEE) is titled '*Pare Hauraki Kaimoana, Coromandel Marine Farming Zone – Application for Resource Consent and Assessment of Environmental Effects*', dated December 2020.
- 20 The applications seek approval for *“the establishment, operation and maintenance of aquaculture activities and structures within the Coromandel Marine Farming Zone. The species to be farmed include kingfish, mussels (including the catching of spat), sea cucumbers, sponges, kelp, algae and seaweeds within the Coromandel Marine Farming Zone. Kingfish farming will occur within three blocks in the Coromandel Marine Farming Zone that are each approximately 15.4 ha in area respectively. All other species will be farmed within two blocks containing backbone lines that are each approximately 7.6 ha in area respectively. The aquaculture activities and structures are to be located within the Coromandel Marine Farming Zone, which is located in Tikapa Moana, within the jurisdiction of Waikato Regional Council.”*
- 21 The scope of the applications is described in the above document as *“All necessary resource consents to authorise the establishment, operation and maintenance of aquaculture activities and structures within the Coromandel Marine Farming Zone, including, but not limited to:*
- *The erection, placement, use and maintenance of structures that are located (including being fixed) on, or over, the seabed;*
  - *The disturbance of the seabed from aquaculture activities and structures;*
  - *The occupation of space in the coastal marine area;*
  - *The deposition of material on the seabed from aquaculture activities and structures;*
  - *The discharge of contaminants to the coastal marine area associated with the establishment, operation and maintenance of aquaculture activities and structures; and*
  - *All ancillary activities and structures.”*
- 22 Pare Hauraki Kaimoana is seeking a lapse date of 10 years to give effect to the consents should they be granted, and a consent duration of 35 years.
- 23 The above application and AEE document have a series of supporting appendices containing technical reports and supporting information.
- 24 The resource consent applications have been part of a separate, but parallel process and with a number of submitters having lodged submissions on both processes. Ms Christin Atchinson (Principal Consents Advisor, WRC) is the section 42A reporting planner for the resource consent applications and a section 42A report and recommendations have been prepared. The hearings are being run in parallel for reasons of efficiency, but with separate recommendations for each provided to the panel.

## 2.4 Relationship between PC2 and the Draft Regional Coastal Plan

- 25 WRC has been undertaking a full review of the operative WRCP during the period since PC2 was lodged on 8 November 2021. The review process is now well advanced with a full draft WRCP having been formulated and documentation prepared in support. A consultative draft plan document was provided to iwi, stakeholders and interested parties in June 2022 for comment. The pre-notification requirements concerning iwi authorities (clause 4A Schedule 1 RMA) is planned to occur over a six week period from 27 March 2023.
- 26 The pre-notification draft WRCP was presented to elected members at the Council meeting on 23 February 2023, where it was endorsed for sending to iwi authorities for any advice they may have. A copy of the pre-notification draft WRCP is publicly available at this weblink from the 23 February 2023 meeting: <https://www.waikatoregion.govt.nz/community/whats-happening/council-meetings/council/>
- 27 WRC is required to have particular regard to any advice received prior to finalising the proposed plan for notification. Following the clause 4A process, WRC officers will then seek formal approval from Council to notify the Proposed WRCP for public submissions in mid-2023. The formal notification process is expected to follow after Council approval.
- 28 As stated earlier, I am a member of the project team formulating the draft WRCP. A draft aquaculture chapter has been prepared, which currently incorporates the same provisions as sought within PC2. Whilst still subject to the submissions and hearings process of Schedule 1 RMA and subsequent appeal period, it is expected that the proposed WRCP when notified will incorporate the PC2 provision amendments to allow for anchor structures outside of the CMFZ as a discretionary activity. The pre-notification draft WRCP currently proposes aquaculture activities on the Western Coromandel as discretionary activities, unless in significant areas.
- 29 While the second generation WRCP is not yet publicly notified, it is anticipated that iwi authorities will have access to the draft WRCP at the time of the PC2 hearing and may address the contents of the draft WRCP in their hearing presentations.

## 3 Submission Issues

- 30 A total of nine submissions were received. The summary of submissions and decisions requested was notified for further submissions on Friday 27 May 2022, with two further submissions then received. The notified summary of submissions and decisions requested is attached as **Appendix A**. Full copies of each submission and further submission are available on the WRC website at the link: <https://waikatoregion.govt.nz/council/policy-and-plans/regional-coastal-plan/coastalplanprivatechange/>
- 31 The nine submissions received are summarised in **Error! Reference source not found.** below.

**Table 1: Summary of submitters**

SUB #	Submitter	Oppose / support	Wishes to be heard (Y / N)
1	The Royal Forest and Bird Protection Society of New Zealand Inc.	Oppose	N
2	Reihana Robinson	Oppose	Y
3	Te Patukirikiri Iwi	Support	Y
4	Thames Coromandel District Council	Support	Y
5	Whitianga & Coromandel Peninsula Commercial Fishers Association	Oppose	N
6	Ngati Maru Rūnanga	Support	Y
7	Hauraki Maori Trust Board / Pare Hauraki Fishing Trust	Support	Y
8	Geoffrey Robinson	Oppose	Y

9	Protect our Gulf (late submission)	Oppose	Y
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32 The submission from Protect our Gulf was received on 8 April 2022, being four working days after the close of the submission period and has been treated as a ‘late submission’. The panel will need to determine whether to accept this late submission or not pursuant to sections 37 and 37A RMA. In respect of the matters listed at section 37A (1)(a) to (c) there are not considered to be any parties directly affected by the extension of time as the late submission was received prior to the summary of submissions being released calling for further submissions; further that the interests of the community in achieving adequate assessment of the effects of a proposal are better served in accepting the late submission; and that accepting the late submission has not resulted in any delay to the process. Accordingly, it is **recommended that the late submission received from Submitter 9 Protect our Gulf be accepted.**

33 The two further submissions received are summarised in **Error! Reference source not found.** below, and are re analysed further within a summary table attached as **Appendix B.**

**Table 2: Summary of further submitters**

FUR SUB #	Further submitter	Oppose / support	Wishes to be heard (Y / N)
1	Environmental Defence Society Incorporated	Support SUB 1, SUB 2, SUB 8, SUB 9	Y
2	Te Ohu Kaimoana Trustee Ltd	Support SUB 7	N

34 Each of the submissions and further submissions have been summarised below, with analysis and a recommendation to accept, accept in part, or reject each of the submissions supported with reasons.

### 3.1 Analysis of submissions

#### SUB 1 - The Royal Forest and Bird Protection Society of New Zealand Inc.

##### *Submission / relief sought by submitter*

35 The Royal Forest and Bird Protection Society of New Zealand Inc.’s (Forest and Bird’s) particular interest with PC2 is in regard to the increased environmental footprint of the proposed activity. Forest and Bird’s concerns with PC2 in this regard are the potential increase in adverse effects on marine mammals and birds and disturbance of the seabed including possible effects on reefs and benthic values beyond the CMFZ.

36 Forest and Bird recognise that the proposal continues restriction of subsurface structures within the CMFZ. However, they consider the potential for adverse effects from submerged anchor lines which extend beyond the CMFZ is not appropriately avoided, remedied or mitigated by PC2. Forest and Bird seek that all anchor lines and any other infrastructure related to marine farming activities be contained within the CMFZ to limit the risk to marine mammal and bird entanglement and retain the extent of any seafloor disturbance and impact on benthic values to within the CMFZ.

37 Forest and Bird consider that PC2 should be considered as part of the full WRCP review to ensure integration across plan provisions and that high order documents such as NZCPS 2010 are given effect to, noting that the WRCP 2005 predates the NZCPS 2010. Further, Forest and Bird consider the current plan provisions are enabling towards marine farming and include direction for consideration of “appropriate” use and occupation where effects are avoided “as far as practicable” however considers it unclear whether the current framework gives effect to the NZCPS 2010 policies to ‘avoid’.

38 Forest and Bird seek that PC2 be declined in its entirety; or if the decision maker is minded to approve PC2, then Forest and Bird considers that the proposed change provisions be retained.

- 39 **FUR SUB 1 – Environmental Defence Society Incorporated** supports all parts of Forest and Bird’s submission on the basis that it recognises the increased adverse effects on the environment, particularly benthic effects, of the proposal.

*Analysis*

- 40 I firstly address Forest and Bird’s concern relating to allowing for an increased environmental footprint of the proposed activity. The intent of the new rule is to remove the functional limitation that effectively prevents approximately 110ha of area within the CMFZ from being able to be utilised by marine farming activities such as fish pens. Even if that number is overstated it is apparent that a substantial area within the CMFZ that is effectively sterilised from use without the remedy provided by the proposed plan change. This is due to the requirement of Rule 16.5.5D to have any marine farming structure, including the length and angle of anchor lines, entirely within the CMFZ boundary to avoid becoming a prohibited activity. This currently results in the need for fish pens / longlines being set back approximately 150m from the edge of the CMFZ to accommodate the anchor lines, unless the angle of the anchors warps can be increased to closer to a 2:1 angle.
- 41 I acknowledge that by allowing subsurface anchor lines and seabed anchor structures to locate outside of the CMFZ, that this would increase the area available to be utilised / occupied by marine farm structures within the CMFZ and increasing the overall footprint of the activity. However, there are a number of mechanisms that exist in Chapter 16 of the WRCP that I analyse below.
- 42 Existing Rule 16.5.8 of the WRCP requires the staging of resource consents for marine farming activities that involve fed and multi-trophic aquaculture in the CMFZ. The staging of each consent and the levels of farming that can occur in each stage is relative to the nitrogen and feed allowed to be discharged into the CMFZ. The rule requires the imposition of consent conditions which includes monitoring of each stage so that the actual and potential effects of farming in the CMFZ are understood. Development to the next stage may not occur until the environmental effects of the previous stage are assessed and understood relative to the potential environmental effects in the technical assessments and may not occur until permission is granted to do so by the WRC. With each resource consent being divided into a series of stages (as required by Rule 16.5.8), this would restrict the whole of the CMFZ being developed at once. I consider that any increase in usable area enabled by Rule 16.5.5D(1) will be adequately managed by Rule 16.5.8. I further note that this rule is not being amended by PC2.
- 43 I secondly address Forest and Bird’s concern relating to the effects on marine mammals and birds, disturbance of the seabed and possible effects on reefs and benthic values by enabling subsurface structures beyond the CMFZ.
- 44 New Rule 16.5.5D(1) would provide for the erection, placement, use of, and occupation by subsurface anchor lines and seabed anchor structures and any associated seabed disturbance, outside of the CMFZ where the purpose is to secure a (surface) marine farming structure located wholly within the CMFZ. Importantly, a discretionary activity status is sought, providing WRC full discretion to assess any actual and potential effect of allowing the activity to occur outside of the CMFZ. All other surface structures outside of the CMFZ would remain a prohibited activity.
- 45 Based on the cross section provided in Appendix B of the proposed plan change document, the ‘Anchor Warp Zone’ is approximately 150m in extent, based on a 1 in 4 gradient required for the anchor lines to provide positional stability to the finfish pens. Based on this gradient, Rule 16.5.5D(1) would enable subsurface anchor lines and seabed anchor structures to extend from the outer most edge of the CMFZ, up to 150m outside the CMFZ. Occupation of space outside of the CMFZ would thereby be determined by the depth of the water, location of surface structures, and the necessary gradients for the installation of anchor lines (and whether the angle can be steepened to closer to a 1 in 2 gradient).

- 46 New Rule 16.5.5D(1) standard (i) requires an ecological investigation of the proposed disturbance locations in accordance with Appendix I of the WRCP. Appendix I sets out information requirements when applying for a coastal permit and requires that any application associated with marine farming provide an assessment of any actual or potential effects on the environment and the way in which any adverse effects may be mitigated, including but not limited to for example, “*extent to which the proposed structure will add to the cumulative effects of the proliferation of structures in any one area*”. While this list is thorough, WRC are not limited in what they can assess due to the full discretionary activity status, and further information may be required from the applicant (in accordance with section 92 of the RMA).
- 47 In considering any application, proposed assessment criteria (i) requires WRC to have regard to “*the extent to which the baseline survey indicates that the proposed location of the anchor lines and seabed anchoring structures are appropriate*”. The baseline survey is an assessment of the current state of environment within and in the vicinity of an existing or new marine farm and must report on the relevance of findings to species and habitat and ecosystem functioning. Appendix IA provides guidance for baseline survey and monitoring requirements for aquaculture activities.
- 48 With this, I consider that any potential for increased adverse effects on marine mammals and birds and disturbance of the seabed and possible effects on reefs and benthic values beyond the CMFZ will be adequately addressed by the information requirements of Appendix I, the standard and assessment criteria of new Rule 16.5.5D(1), along with the discretionary activity status which provides WRC full discretion over whether to allow subsurface anchor lines and seabed anchor structures and associated seabed disturbance outside of the CMFZ. Rejection of the plan change request as sought by the submitter is an unnecessary reaction to the matter being raised by the submitter, given the above reasons.
- 49 In relation to the timing of PC2 and the current review of the operative WRCP, the timing has been described at section 2.4 of this report. Since the lodgement of the private plan change request in November 2021 the review process for the operative WRCP has progressed to the point that a pre-notification draft WRCP was endorsed at the Council meeting on 23 February 2023 to provide to iwi authorities in accordance with clause 4A Schedule 1 RMA pre-notification requirements. The review process has involved extensive analysis of issues, targeted key stakeholder engagement, scientific investigation, and a series of elected member workshops to endorse the contents over the past three years. Further delay in hearing the private plan change request until after notification in mid-2023, or until decisions on the Proposed WRCP are made (at a yet to be determined timeframe), is not considered necessary nor beneficial. I would also note that due to the prohibited activity status of the operative WRCP, the current prohibited status remains in place until such time as the proposed WRCP is made operative, which is likely to be in several years’ time. The PC2 private plan change request, if approved, can however amend that prohibited status.
- 50 In terms of biodiversity provisions, I am unclear what Forest and Bird would seek through the biodiversity chapter, but as a discretionary activity the full range of potential adverse effects exist with WRC given the full discretion provided by the rule, specifically the ecological investigation and baseline survey required by Rule 16.5.5D(1)(i).

#### *Recommendation*

- 51 For reasons set out above, I recommend the submission by Forest and Bird and the FUR SUB 1 – Environmental Defence Society Incorporated, both be **rejected**.

## **SUB 2 - Reihana Robinson**

### *Submission / relief sought by submitter*

- 52 Reihana Robinson opposes in its entirety the request for a new standalone Rule 16.5.5D(1), and further opposes Rule 16.5.6 to make it explicit that such structures are not a prohibited activity.
- 53 Reihana Robinson considers that the proposed changes to the WRCP will result in substantially increased adverse environmental effects and direct ecosystem degradation in the vicinity of the CMFZ. Reihana Robinson considers that, in granting PC2, the total surface and subsurface operational area in which fish farm equipment could be placed would be increased by close to 110ha, from 300ha to approximately 410ha (approximately 37 percent). Fish pen blocks could as a result be located right up to the farming zone edges.
- 54 Reihana Robinson considers that significant adverse environmental effects caused by the CMFZ would increase in direct proportion to any increase in the actual operational area wherein fish cages may be located and lists a series of potential effects that in the view of the submitter are likely.
- 55 Reihana Robinson further considers that PC2 would provide a solely private operational and financial advantage for the applicant, while providing no wider social benefit, and resulting instead in actual increased damage to the environment, ecosystems, and public amenity. The submitter indicates that with the delineation of the 300ha CMFZ, WRC were advised and thoroughly aware of the requirements and effects of caged finfish aquaculture, the nature of hard structures utilised by the industry, and the characteristics of the marine environment of the inner Hauraki Gulf in the vicinity of the CMFZ. The submitter considers that any decision to expand and enlarge the CMFZ by way of PC2 would be entirely unjustified, irresponsible, and would fly in the face of those decisions. The submitter does not clearly state specific relief but appears to be that PC2 is opposed in its entirety and should be rejected.
- 56 **FUR SUB 1 – Environmental Defence Society Incorporated** supports all parts of this submission on the basis that it recognises the increased adverse effects on the environment of the proposal.

#### *Analysis*

- 57 I firstly address Reihana Robinson's submission relating to allowing an increase in surface area available for fish pen blocks. As per my analysis of SUB 1 – Forest and Bird, I acknowledge that while the new standalone Rule 16.5.5D(1) does not seek to directly facilitate further aquaculture development in the CMFZ, by allowing subsurface anchor lines and seabed anchor structures outside of the CMFZ, this would increase the area available to be utilised / occupied by marine farm structures within the CMFZ. The submitter has extrapolated the 110ha figure cited in the plan change document for the area of the CMFZ as being sterilised by the existing rule framework and then applied that number to the additional area potentially occupied (beneath) the surface of the water by subsurface anchor lines and seabed anchor structures. I agree with the submitter that this could theoretically enable surface structures to be located right up to the CMFZ edges although this outcome is unlikely. Any proposal to position marine farm surface structures immediately adjacent to the CMFZ boundary would have to demonstrate how environmental effects can be managed in such a scenario and demonstrate ongoing compliance with resource consent conditions imposed.
- 58 The submitter's concerns in this regard are considered overstated. There are a number of controls within the WRCP that provides WRC the discretion to manage both the scale and actual and potential effects of marine farming activities within the CMFZ through the resource consent process, and any effects beyond the boundary of the CMFZ should there be any. As above it is important to note that any development within the CMFZ (the placement, use of, or occupation of space by, any marine farming structure and associated discharges to water and air, and disturbance of and deposition on the seabed for the purpose of marine farming) requires resource consent from WRC as a discretionary activity under Rule 16.5.5D. This is subject to compliance with the standards and terms stated in the rule.

- 59 As part of WRCs assessment of any future resource consent application for marine farming in the CMFZ (including involving any sub-surface structures outside of it), WRC are required to have regard to a suite of assessment criteria including decision making criteria and considerations as set out in Appendix II where relevant. This includes general matters, habitat and coastal processes, water quality, structures, marine farming, disturbances, air quality and noise, and public assess. A suite of likely conditions is also listed, but I note a discretionary activity is not limited to those conditions and WRC has full discretion as to whether to firstly grant the resource consent and secondly, should the consent be granted, to impose conditions of consent to address any actual or potential effect, including regarding staging and adaptive management requirements. The existing Rule 16.5.8 of the WRCP requires the staging of resource consents within the CMFZ including the levels of farming that can occur in each stage relative to the nitrogen and feed allowed to be discharged into the CMFZ. The rule requires the imposition of consent conditions which includes monitoring of each stage so that the actual and potential effects of farming in the CMFZ are understood. Development to the next stage may not occur until the environmental effects of the previous stage are assessed and understood relative to the potential environmental effects in the technical assessments and may not occur until permission is granted to do so by WRC. With each resource consent being divided into a series of stages (as required by Rule 16.5.8), this would restrict the whole of the CMFZ being developed at once. I consider that any increase in usable area enabled by Rule 16.5.5D(1) will be adequately managed by Rule 16.5.8.
- 60 As per the WRCP, marine farms are anticipated within the CMFZ, with the CMFZ itself created through the RMAA in 2011 following a period of some years of scientific investigation and consideration of options to progress aquaculture on the west side of the Coromandel Peninsula. I therefore disagree with Reihana Robinson that there will be no wider social benefit as a result of enabling the operation of the fish farm. I consider that enabling full potential of the CMFZ with appropriate environmental limits in Chapter 16 will have positive economic and social benefits.
- 61 Any aquaculture resource consent application where 16.5.5D(1) applies, will still be within the control of the WRC, and any environmental effects associated with locating anchor structures outside of the CMFZ can be appropriately managed via the resource consent process, a situation that has not been altered by the plan change request.

#### *Recommendation*

- 62 For the reasons set out above, I recommend that the submission received by Reihana Robinson and the FUR SUB 1 – Environmental Defence Society Incorporated, both be **rejected**.

### **SUB 3 - Te Patukirikiri Iwi**

#### *Submission / relief sought by submitter*

- 63 Te Patukirikiri supports the plan change proposals to enable the most efficient means of establishing, operating and maintaining a finfish farm in the CMFZ. The reasons for Te Patukirikiri support are stated as follows:
- PC2 and the associated development of the CMFZ will recognise and provide for the traditional relationship of Pare Hauraki with Tikapa Moana and enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana.
  - PC2 and the associated development of the CMFZ will further strengthen the economic foundations of Pare Hauraki Kaimoana to continue the support it provides to the Hauraki Māori Trust Board / Pare Hauraki. It will provide for the social, economic and cultural wellbeing of Pare Hauraki.
  - The CMFZ is an appropriate location for finfish farming based on the numerous investigations undertaken over the last ten years, and the specific environmental assessments prepared by Pare

Hauraki. PC2 will enable the most efficient use of the CMFZ, and the environmental effects of activities within the CMFZ can be addressed through the resource consent process (and then through consent conditions).

- PC2 (and associated development of the CMFZ) is also important as the CMFZ includes Pare Hauraki Treaty settlement space in settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the MCACSA.

64 Te Patukirikiri seeks that PC2 be approved.

#### *Analysis*

65 I agree that PC2 recognises and provides for the traditional relationship of Pare Hauraki with Tikapa Moana and will enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana. I also acknowledge that PC2 (and associated development of the CMFZ) has important connections to the Pare Hauraki Treaty settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the MCACSA.

66 I also agree that the development of CMFZ went through a robust process (with a Ministerial Advisory Panel reporting in 2011 and the RMAA legislation being enacted) to ensure its location was appropriate for finfish farming and where effects were unknown, that these would be managed through the resource consent process (and then through consent conditions such as those consequent of Rule 16.5.8). I also consider that requested changes of PC2 and any future marine farm resource consent application where 16.5.5D(1) applies, will still be within the control of the WRC, and any environmental effects associated with locating anchor structures outside of the CMFZ can be appropriately managed via the resource consent process, a situation that has not been altered by the plan change request. I also consider that acceptance of the PC2 request with the amendments sought would better achieve the intent of the RMAA, relative to rejecting it and having a large proportion of the CMFZ effectively vacant (aside from sub-surface structures). The plan change document cited a figure of 110ha of the CMFZ not being able to be utilised for the intended purpose of marine farming. Even if that number is overstated it is apparent that the inability to even apply for resource consent for sub-surface structures outside of the CMFZ would in part frustrate the enabling purpose of the RMAA and subsequent changes to the WRCP.

#### *Recommendation*

67 For the reasons set out above, I recommend that submission 3 by Te Patukirikiri Iwi be **accepted**.

### **SUB 4 - Thames Coromandel District Council**

#### *Submission / relief sought by submitter*

68 TCDC support the new standalone Rule 6.5.5D(1), including the standards and terms, to Chapter 16 (16.5 Marine Farming) and seek that this be approved. TCDC consider this new rule will provide for more efficient and effective utilisation of marine farming activities, greater flexibility for the layout of marine farming activities in the CMFZ, ensure that the marine farming structures remain stable within the CMFZ and meets the purpose and principles of the RMA.

69 TCDC also support the amendment to Rule 16.5.6, and specifically support the discretionary activity status that will require a resource consent application to be made for the activity and enable any proposals to be assessed under the provisions of the WRCP, ensuring that any adverse effects from proposals are avoided, remedied or mitigated. TCDC further consider that the discretionary activity status supports the government's commitment to develop the aquaculture industry in New Zealand, and particularly in the Coromandel area and provides for greater economic benefits for the district and wider

Waikato region. Finally, TCDC consider the activity will be undertaken in a manner that is consistent with the objectives and policies of the WRCP.

70 The relief sought by TCDC is that the change sought to the WRCP be approved.

*Analysis*

71 I agree with TCDC in that new standalone Rule 16.5.5D(1) and the amendment to Rule 16.5.6 will provide for more efficient and effective utilisation of marine farming activities and greater flexibility for the layout of marine farming activities in the CMFZ, given that this is the basis for this plan change. I also agree that a discretionary activity status provides applicants the opportunity to give effect to the purpose and principles of the RMA (the current prohibited activity status for structures outside of the CMFZ does not allow this) as well as supporting the government's commitment to develop the aquaculture industry in New Zealand. Notwithstanding this, discretionary activity status still requires WRC to undertake a full assessment of actual and potential effects so that any adverse effects from proposals are avoided, remedied or mitigated.

*Recommendation*

72 For the reasons set out above, I recommend that submission 4 by TCDC be **accepted**.

**SUB 5 - Whitianga & Coromandel Peninsula Commercial Fishers Association**

*Submission / relief sought by submitter*

73 The Association opposes new Rule 16.5.5D(1) and the proposed amendment to Rule 16.5.6 and considers that areas outside of the CMFZ are public property so everything associated with a permitted marine farm needs to reside within the boundaries of the actual marine farm. The Association consider that the inner Hauraki Gulf / Firth of Thames is a 'minefield' for the commercial / recreational vessel operators. In poor visibility or darkness, the Association state that vessel operators find navigation lights associated with marine farms extinguished. This can be dangerous in bad weather.

74 With marine farm anchors being laid outside a permitted farms area, the Association considers loss of fishing equipment and fouled anchors are to be expected and that, to stay on top of additional information on farm anchors outside of the CMFZ is unnecessary workload for those people who are not marine farmers but work in the same waters. Overall, the Association consider that structures located outside of the CMFZ should remain a prohibited activity for the reason of safety involving vessel owners. This is because of the number of marine farms now evident in the Firth of Thames / Hauraki Gulf waters.

75 No specific relief was stated, although it is apparent the Association seeks that the plan change is opposed in its entirety.

*Analysis*

76 The submitter identifies navigational safety and related issues with sub-surface structures being located outside of the CMFZ. New Rule 16.5.5D(1) requires that, when considering any application, WRC shall have regard to (ii) the integrity of the anchoring system and any navigation lighting or buoyage requirements; and (iii) the safety of recreational and commercial vessels in the area. Further, a condition of consent will be imposed requiring ii) provision of written notice to Land Information New Zealand and Maritime New Zealand.

77 In addition, full discretion is provided to WRC when assessing surface anchor lines and seabed anchor structures located outside of the CMFZ and this is supported by objectives and policies of the WRCP which

WRC must assess to determine whether an activity can be undertaken in a manner that is consistent with the WRCP directives. Specifically, I note Policy 6.1.2 - Recreation and Navigation that seeks to ensure marine farms are located, constructed and maintained in a way which does not compromise safe recreation and navigation. I consider that the concerns raised by the Association in regard to navigational safety are adequately provided for via proposed new Rule 16.5.5D(1) and the existing requirements of the WRCP.

*Recommendation*

78 For the reasons set out above, I recommend that submission 5 by the Association be **rejected**.

**SUB 6 - Ngati Maru Rūnanga**

*Submission / relief sought by submitter*

79 Ngati Maru Rūnanga support PC2 in its entirety to enable the most efficient means of establishing, operating and maintaining a finfish farm in the CMFZ (SUB 6.1). The reasons for Ngati Maru Rūnanga support are as follows:

- PC2 only introduces a new rule to provide for subsurface anchor lines and anchor structures, and any associated seabed disturbance, to be located outside of the CMFZ where they are required to anchor an aquaculture structure that is located wholly within the surface of the CMFZ.
- The current rules of the WRCP result in around 110ha of the CMFZ not being able to be utilised for the intended purpose of fin fish farming and multi-trophic aquaculture.
- PC2 and the associated development of the CMFZ, will recognise and provide for the traditional relationship of Pare Hauraki with Tikapa Moana and enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana.
- PC2 and associated development of the CMFZ, will further strengthen the economic foundations of Pare Hauraki to continue the support it provides to the Hauraki Māori Trust Board/ Pare Hauraki. It will provide for the social, economic and cultural well-being of Pare Hauraki.
- The CMFZ is an appropriate location for fishfin farming based on the numerous investigations undertaken over the past 10 years, and the specific environmental assessments prepared by Pare Hauraki.
- PC2 will enable the most efficient use of the CMFZ, and the environmental effects of activities within the CMFZ can be assessed through the resource consent process (and then through consent conditions).
- PC2 (and associated development of the CMFZ) is also important as the CMFZ includes Pare Hauraki Treaty Settlement space in settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the MCACSA.

80 Ngati Maru Rūnanga request that PC2 be approved.

*Analysis*

81 I agree that PC2 recognises and provides for the traditional relationship of Pare Hauraki with Tikapa Moana and will enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana. I also acknowledge that PC2 (and associated development of the CMFZ) has important connections to the Pare Hauraki Treaty settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the MCACSA.

82 I also agree that the development of CMFZ went through a robust process to ensure its location was appropriate for finfish farming and where effects were unknown, that these have been captured through the resource consent process (and then through consent conditions such as those consequent of Rule 16.5.8). I also consider that requested changes of PC2 and any future marine farm resource consent

application where 16.5.5D(1) applies, will still be within the control of the WRC, and any environmental effects associated with locating anchor structures outside of the CMFZ can be appropriately managed via the resource consent process, a situation that has not been altered by the plan change request.

*Recommendation*

83 For the reasons set out above, I recommend that submission 6 by Ngati Maru Rūnanga be **accepted**.

**SUB 7 - Hauraki Māori Trust Board / Pare Hauraki Fishing Trust**

*Submission / relief sought by submitter*

84 HMTB supports the proposal to change the WRCP to enable the most efficient means of establishing, operating and maintaining a finfish farm in the CMFZ (SUB 7.1). The reasons for Hauraki Māori Trust Board / Pare Hauraki Fishing Trust support is set out below:

- PC2 introduces a new rule to provide for subsurface anchor lines and anchor structures, and any associated seabed disturbance, to be located outside of the CMFZ where they are required to anchor an aquaculture structure that is all located within the surface of the CMFZ.
- The current rules of the WRCP result in around 110ha of the CMFZ not being able to be utilised for the intended purpose of fin fish farming and multi-trophic aquaculture.
- PC2, and the associated development of the CMFZ, will recognise and provide for the traditional relationship of Pare Hauraki with Tikapa Moana and enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana.
- PC2, and associated development of the CMFZ, will further strengthen the economic foundations of Pare Hauraki Kaimoana to continue the support it provides to the Hauraki Māori Trust Board / Pare Hauraki. It will provide for the social, economic and cultural wellbeing of Pare Hauraki.
- The CMFZ is considered an appropriate location for finfish farming based on the numerous investigations undertaken over the last ten years, and the specific environmental assessments prepared by Pare Hauraki.
- PC2 will enable the most efficient use of the CMFZ, and the environmental effects of activities within the CMFZ can be addressed through the resource consent process (and then through consent conditions).
- PC2 (and associated development of the CMFZ) is also important as the CMFZ includes Pare Hauraki Treaty settlement space in settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the MCACSA.

85 HMTB request that PC2 be approved.

86 **FUR SUB 2 - Te Ohu Kaimoana Trustee Ltd** supports HMTB's submission. In particular, the importance of PC2 (and associated development of the CMFZ) due to the CMFZ including an Aquaculture Settlement Area created through the Crown's obligations under the MCACSA.

*Analysis*

87 I agree that PC2 recognises and provides for the traditional relationship of Pare Hauraki with Tikapa Moana and will enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana. I also acknowledge that PC2 (and associated development of the CMFZ) has important connections to the Pare Hauraki Treaty settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the MCACSA.

88 I also agree that the development of CMFZ went through a robust process to ensure its location was appropriate for finfish farming and where effects were unknown, that these have been captured through

the resource consent process (and then through consent conditions such as those consequent of Rule 16.5.8). I also consider that requested changes of PC2 and any future marine farm resource consent application where 16.5.5D(1) applies, will still be within the control of the WRC, and any environmental effects associated with locating anchor structures outside of the CMFZ can be appropriately managed via the resource consent process, a situation that has not been altered by the plan change request.

#### *Recommendation*

- 89 For the reasons set out above, I recommend that submission 7 by HMTB and FUR SUB 1 – Te Ohu Kaimoana Trustee Ltd, both be **accepted**.

#### **SUB 8 - Geoffrey Robinson**

##### *Submission / relief sought by submitter*

- 90 Mr Robinson opposes in its entirety, the request for a new standalone Rule 16.5.5D(1). Mr Robinson further opposes the amendment to Rule 16.5.6 to make it explicit that such structures are not a prohibited activity.
- 91 Mr Robinson considers that the proposed changes to the WRCP will result in substantially increased adverse environmental effects and direct ecosystem degradation in the vicinity of the CMFZ. Mr Robinson considers that, in granting PC2, the total surface and subsurface operational area in which fish farm equipment could be placed would be increased by close to 110ha, from 300ha to approximately 410ha (approximately 37 percent). Fish pen blocks could as a result be located right up to the farming zone edges.
- 92 Mr Robinson considers that significant adverse environmental effects, direct ecological damage, threats to marine species, and navigational hazards caused by the CMFZ would increase in direct proportion to any increase in the width and length of the actual operational area wherein fish cages may be located, such as that proposed by the applicant. These effects include:
- Increase in the extent of seabed “dead zones”.
  - Increase in the extent of direct chemical pollution of the seabed.
  - Increase in the total area of potential entanglements and direct strikes in nets and anchor structures by marine mammals
  - Increase in the extent of hazards to navigation.
  - Increase in the extent of pollution and damage.
  - Increase in degradation of amenity and natural values in the vicinity of the CMFZ.
  - Decrease in public space and increase in the public recreational exclusionary area.
- 93 Mr Robinson considers that PC2 would provide a solely private operational and financial advantage for the applicant, while providing no wider social benefit, and resulting instead in actual increased damage to the environment, ecosystems, and public amenity.
- 94 Mr Robinson indicates that with the delineation of the 300ha CMFZ, WRC were advised and thoroughly aware of the requirements and effects of caged finfish aquaculture, the nature of hard structures utilised by the industry, and the characteristics of the marine environment of the inner Hauraki Gulf in the vicinity of the CMFZ. Extensive volumes of technical material, scientific studies, industry input, staff reports, and expert testimony supported their considered intent and decisions to create a 300 ha marine farming zone, and only a 300ha zone, in which to strictly locate all caged aquaculture activity and structures. Mr Robinson considers that any decision to expand and enlarge the CMFZ by way of PC2 would be entirely unjustified, irresponsible, and would fly in the face of those decisions. The submitter does not clearly state specific relief but appears to be that PC2 is opposed in its entirety and should be rejected.

- 95 **FUR SUB 1 - The Royal Forest and Bird Protection Society of New Zealand** supports all parts of this submission on the basis that it recognises the increased adverse effects on the environment of the proposal.

*Analysis*

- 96 I firstly address Mr Robinson's submission relating to allowing an increase in surface area available for fish pen blocks. As per my analysis of SUB 1 – Forest and Bird, I acknowledge that while the new standalone Rule 16.5.5D(1) does not seek to directly facilitate further aquaculture development in the CMFZ, by allowing subsurface anchor lines and seabed anchor structures outside of the CMFZ, this would increase the area available to be utilised / occupied by marine farm structures within the CMFZ. The submitter has extrapolated the 110ha figure cited in the plan change document for the area of the CMFZ as being sterilised by the existing rule framework and then applied that number to the additional area potentially occupied (beneath) the surface of the water by subsurface anchor lines and seabed anchor structures. I agree with the submitter that this could theoretically enable surface structures to be located right up to the CMFZ edges although this outcome is unlikely. Any proposal to position marine farm surface structures immediately adjacent to the CMFZ boundary would have to demonstrate how environmental effects can be managed in such a scenario and demonstrate ongoing compliance with resource consent conditions imposed.
- 97 The submitter's concerns in this regard are considered overstated. There are a number of controls within the WRCP that provides WRC the discretion to manage both the scale and actual and potential effects of marine farming activities within the CMFZ through the resource consent process, and any effects beyond the boundary of the CMFZ should there be any. As above it is important to note that any development within the CMFZ (the placement, use of, or occupation of space by, any marine farming structure and associated discharges to water and air, and disturbance of and deposition on the seabed for the purpose of marine farming) requires resource consent from WRC as a discretionary activity under Rule 16.5.5D. This is subject to compliance with the standards and terms stated in the rule.
- 98 As part of WRCs assessment of any future resource consent application for marine farming in the CMFZ (including involving any sub-surface structures outside of it), WRC are required to have regard to a suite of assessment criteria including decision making criteria and considerations as set out in Appendix II where relevant. This includes general matters, habitat and coastal processes, water quality, structures, marine farming, disturbances, air quality and noise, and public assess. A suite of likely conditions is also listed, but I note a discretionary activity is not limited to those conditions and WRC have full discretion as to whether to firstly grant the resource consent and secondly, should the consent be granted, to impose conditions of consent to address any actual or potential effect, including regarding staging and adaptive management requirements. The existing Rule 16.5.8 of the WRCP requires the staging of resource consents within the CMFZ including the levels of farming that can occur in each stage relative to the nitrogen and feed allowed to be discharged into the CMFZ. The rule requires the imposition of consent conditions which includes monitoring of each stage so that the actual and potential effects of farming in the CMFZ are understood. Development to the next stage may not occur until the environmental effects of the previous stage are assessed and understood relative to the potential environmental effects in the technical assessments and may not occur until permission is granted to do so by the WRC. With each resource consent being divided into a series of stages (as required by Rule 16.5.8), this would restrict the whole of the CMFZ being developed at once. I consider that any increase in usable area enabled by Rule 16.5.5D(1) will be adequately managed by Rule 16.5.8.
- 99 As per the WRCP, marine farms are anticipated within the CMFZ, with the CMFZ itself created through the RMAA in 2011 following a period of some years of scientific investigation and consideration of options to progress aquaculture on the west side of the Coromandel Peninsula. I therefore disagree with Reihana Robinson that there will no wider social benefit as a result of enabling the operation of the fish farm. I

consider that enabling full potential of the CMFZ with appropriate environmental limits in Chapter 16 will have positive economic and social benefits.

- 100 Any aquaculture resource consent application where 16.5.5D(1) applies, will still be within the control of the WRC, and any environmental effects associated with locating anchor structures outside of the CMFZ can be appropriately managed via the resource consent process, a situation that has not been altered by the plan change request.

#### *Recommendation*

- 101 For the reasons set out above, I recommend that the submission received from Geoffrey Robinson and FUR SUB 1 – Environmental Defence Society Incorporated both be **rejected**.

### **SUB 9 - Protect our Gulf (Late)**

#### *Submission / relief sought by submitter*

- 102 Protect our Gulf opposes PC2 and is of the view that PC2 will present significant environmental issues, specifically nitrate loading, damage to the benthic floor, and potential contamination of natural fish stocks. Protect our Gulf indicates that there are issues of significant concern and the Hauraki Gulf, which, while beautiful is suffering from the effects of reduced habitat, overfishing and sedimentation. Protect our Gulf feel it would be premature to allow for an expansion of an untested project across larger swathes of the Gulf and considers PC2 equivalent to opening a 'pandora's box' to environmental degradation which will be difficult to manage into the future.
- 103 Protect our Gulf also raises concern that the socialised environmental costs of damage and loss of habitat and reduction of habitat have not been factored in or accounted for. Protect our Gulf expresses concerns that profits will be privatised, while losses socialised so that communities of the Hauraki Gulf bear the brunt of the loss of their recreational space, water quality and ability to fish while potentially contaminating the wild fish stocks.
- 104 The relief sought is that PC2 be delayed until there is a review of the WRCP and any fish farm that has already been put in place.
- 105 **FUR SUB 1 – Environmental Defence Society Incorporated** supports all parts of this submission on the basis that it recognises the increased adverse effects on the environment of the proposal. In particular: nitrate loading, damage to the benthic floor and potential contamination of fish stocks.

#### *Analysis*

- 106 The submitter appears to be seeking that the CMFZ not be developed to its intended potential, which would be an outcome diametrically opposed to the intent of the RMAA which inserted the CMFZ provisions into the WRCP in 2011. Even without the plan change proceeding, the development of marine fish farms at scale within the CMFZ is an activity anticipated and provided for by the operative CMFZ provisions.
- 107 In addition, there are a number of controls within the WRCP that provides WRC the discretion to manage both the scale and extent of actual and potential effects of marine farming activities within the CMFZ through the resource consent process. Important to note is that any development within the CMFZ, being, the placement, use of, or occupation of space by, any marine farming structure and associated discharges to water and air, and disturbance of and deposition on the seabed for the purpose of marine farming, requires resource consent from WRC as a discretionary activity under Rule 16.5.5D. This is subject to compliance with the standards and terms stated in the rule.

- 108 As part of WRCs resource consent assessment, WRC are required to have regard to a suite of assessment criteria including decision making criteria and considerations as set out in Appendix II where relevant. This includes general matters, habitat and coastal processes, water quality, structures, marine farming, disturbances, air quality and noise, and public assess. A suite of conditions is also listed, but I note a discretionary activity is not limited to those conditions and WRC have full discretion as to whether they firstly grant the resource consent and secondly, should they grant the consent, they are able to impose conditions of consent to address any actual of potential effect.
- 109 In addition to the above, and as analysed earlier, existing Rule 16.5.8 of the WRCP requires the staging of resource consents within the CMFZ including the levels of farming that can occur in each stage relative to the nitrogen and feed allowed to be discharged into the CMFZ. The rule requires the imposition of consent conditions which includes monitoring of each stage so that the actual and potential effects of farming in the CMFZ are understood. Development to the next stage may not occur until the environmental effects of the previous stage are assessed and understood relative to the potential environmental effects in the technical assessments and may not occur until permission is granted to do so by the WRC. With each resource consent being divided into a series of stages (as required by Rule 16.5.8), this would restrict the whole of the CMFZ being developed at once. I consider that any increase in usable area enabled by Rule 16.5.5D(1) will be adequately managed by Rule 16.5.8. I note further that the above rules are not altered by PC2.

#### *Recommendation*

- 110 For the reasons set out above, I recommend that submission 9 by Protect our Gulf and FUR SUB 1 – Environmental Defence Society Incorporated both be **rejected**.

## **4 Legal and Statutory Framework**

- 111 Section 3 of the plan change document sets out analysis of the proposed plan change against the various statutory planning documents and the wider legislative and legal framework. This includes the Schedule 1 RMA process for plan changes, including private plan change requests. These are described below with reference to the sections within the plan change document, and commentary in response.

### **4.1 Resource Management Act 1991**

- 112 Section 66(1) of the RMA sets out matters which are to be considered by WRC when changing regional coastal plans. Section 67 of the RMA details the requirements for the content of regional plans and lists the statutory documents that are to be considered in preparing a change to a regional plan. These are set out in Section 3.1 on the plan change document, as being NZCPS; the NESMA; WRPS; the operative WRCP and Part 2 of the RMA. These are addressed in the following sections.
- 113 WRC has responsibilities under the RMA and to give effect to the RMA through the WRPS and WRCP. Section 3.6 of the plan change request document assesses Part 2 of the RMA. I consider PC2 gives effect to section 5 RMA and does so better than rejecting the private plan change request. The changes sought by PC2 do not permit any activities nor generate any adverse environmental effects, but rather provides a consenting pathway for structures outside of the CMFZ to be considered, to better optimise use of the CMFZ for aquaculture. All future activities will be required to go through the resource consent process to ensure that any potential effects will be addressed and are appropriated avoided, remedied or mitigated (section 5(c)). In addition, I agree with the proponent that the efficient use of the CMFZ (subject to conditions) will contribute to sustaining the potential of natural resources to meet the reasonably foreseeable needs of future generations through sustainable aquaculture.

114 I have reviewed the proponent's assessment of sections 6, 7 and 8 of the RMA and concur with this assessment in full. Overall, I consider that PC2 is consistent with Part 2 of the RMA.

## 4.2 Resource Management Amendment Act (No 2) 2011

115 The RMAA in 2011 inserted amendments to the WRCP via section 63 and Schedule 2 of the legislation. This followed a government process that as its primary goal was to 'unlock' the impediments to aquaculture development on the western side of the Coromandel Peninsula. The locality had been effectively closed to new aquaculture marine farm resource consent applications (or any consenting process) since the early 1980s by Gazette notices issued under the Marine Farming Act 1971, including a moratorium on new applications. The existing aquaculture marine farms that had been established in the locality since the late 1960s remained, but without any consenting pathway for future development or new marine farms.

116 A Ministerial Advisory Panel was established with the resulting report titled '*Proposed Coromandel Finfish Marine Farming Zone – Report of the Ministerial Advisory Panel*' and dated February 2011. This report set out the merits of the case for the CMFZ based on the extensive previous scientific investigations conducted, and also analysed several options for how creation of the CMFZ could be progressed. The selected option was progression directly through legislation with the RMAA being that vehicle. The key conclusion of the Ministerial Advisory Panel was that the "careful allocation and management of space for marine farming" (via the creation of the CMFZ) was necessary to enable the aquaculture industry to expand in line with the government's and industry goal, and that the industry needed the provision of the CMFZ to 'prove' the case for the scientific and environmental effects of additional aquaculture development on the western side of the Coromandel Peninsula.

117 Schedule 2 of the RMAA set out a framework of provisions, all of which are now part of the WRCP. This is now part of the operative framework for aquaculture in the Waikato region and has remained unchanged since that time.

## 4.3 New Zealand Coastal Policy Statement 2010

118 The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The NZCPS 2010 took effect on 3 December 2010 when the NZCPS 1994 was revoked.

119 Section 67(3)(a) of the RMA requires that a regional plan must give effect to any New Zealand Coastal Policy Statement. Of note, the WRCP pre-dates the NZCPS 2010 and gives effect to the NZCPS 1994 version. The current review of the WRCP is remedying this and will give effect to the 2010 version. A key consideration though is that the RMAA was enacted in 2011 and inserted aquaculture provisions that were formulated following the NZCPS 2010 and do give effect to the objectives of the NZCPS and Policy 8 Aquaculture in particular.

120 The NZCPS is addressed in Section 3.2 of the plan change document. As noted in that section, the objectives of the NZCPS of relevance to PC2 are:

- Objective 1 - Ecosystem values and coastal water quality (and its associated policies),
- Objective 2 - Natural character and landscape values of the coastal environment (and its associated policies),
- Objective 3 - Tangata whenua values and interests (and its associated policies),
- Objective 4 - Public access and recreational opportunities in the coastal environment (and its associated policies), and
- Objective 6 - Enabling social, economic and cultural wellbeing (and its associated policies).

121 I have reviewed the assessment in Section 3.2 of the plan change request document and concur with the assessment and adopt this in full.

- 122 Policy 8 recognises *the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:*
- (a) including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:*
    - (i) the need for high water quality for aquaculture activities; and*
    - (ii) the need for land-based facilities associated with marine farming;*
  - (b) taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and*
  - (c) ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.*
- 123 I agree with the proponent that the existing rule framework in Chapter 16 of the WRCP directly gives effect to the directives in Policy 8(a). I further agree that the proposed plan changes to Chapter 16 will also better give effect to Policy 8 and does not impact upon the wider existing policy framework. I consider that the WRCP gives effect to the NZCPS 2010, as it relates to aquaculture and the changes sought through PC2.

## **4.4 National Environmental Standards for Marine Aquaculture 2020**

- 124 NESMA is addressed at Section 3.5 of the plan change request document. As described in that section the purpose of the NESMA is to increase regulatory consistency and certainty, ensure environmental effects are appropriately managed, and increase industry confidence to promote investment.
- 125 The position expressed within that report that the provisions in the NESMA are not relevant to the proposed plan change is concurred with.

## **4.5 Waikato Regional Policy Statement**

- 126 The WRPS was made operative in May 2016 and gives effect to national direction, including in relation to the NZCPS.
- 127 I have reviewed the objectives and policies in the WRPS that are potentially relevant to the aquaculture activities proposed in the CMFZ, noting that a number of the policies and methods target actions by the WRC and local authorities in the Waikato Region and subsequent implementation into the WRCP. I have also reviewed Section 3.3 of the plan change document and the discussion presented there.
- 128 I consider that the proposed plan change does not adversely impact upon the ability to achieve the management expectations for natural and physical resources in the coastal environment under the WRPS. In particular objectives 3.7, 3.20 and 3.22 regarding the preservation of natural character and natural landscapes / features in the coastal environment; avoiding conflict between uses and values; and the complex nature of natural biological and physical processes. Section 3.3 of the plan change request document concludes that the approach adopted currently in the WRCP in terms of providing for specific aquaculture activities in the CMFZ, subject to limits and staged development expectations, assists in ensuring that the wider environmental values of Tikapa Moana can be sustained and safeguarded.
- 129 I concur with this, and consider the conclusion remains valid with the plan change amendments to rule provisions proposed.

## 4.6 Operative Waikato Regional Coastal Plan

- 130 The WRCP was made operative in 2005 and pre-dates the NZCPS 2010 and WRPS 2016. It is noted that the RMAA in 2011 and subsequent provisions introduced to the WRCP have been formulated in response to the NZCPS 2010. This aligns with my assessment above where I consider PC2 to be consistent with the directives of the NZCPS 2010.
- 131 Chapter 6 sets out the policies for marine farming and Chapter 16.5 sets out the rules for marine farming, with Map 13 and Schedule 6 in Appendix III setting out the CMFZ. Chapter 17.3 sets out 'other methods' for water quality, specific to marine farming (17.3.8). Chapter 17.5 sets out 'other methods' specific to marine farming, which includes the 'allocation of space' within the CMFZ.
- 132 I have reviewed the above chapters as well as Section 3.4 of the plan change request document which assesses the proposal against the WRCP provisions in some detail. I consider that PC2 is not contrary to the existing objectives and policies or their intent; is not contrary to the existing policy framework; nor does any activity as a result of the requested plan change avoid being subject to the existing policy framework which seeks to protect Tikapa Moana to ensure it is sustained and safeguarded.
- 133 I consider that PC2 is consistent with the intent of the WRCP provisions relating to marine farming.

## 4.7 Hauraki Gulf Marine Park Act 2000

- 134 For the coastal environment of the Hauraki Gulf, the HGMPA requires that sections 7 and 8 of the HGMPA must be treated as a New Zealand coastal policy statement issued under the HGMPA. Section 10(2) of the HGMPA states that if there is a conflict between sections 7 and 8 and the provisions of the NZCPS, the NZCPS prevails.
- 135 The HGMPA is addressed at Section 3.7 of the plan change request document. As noted in that section the WRCP gives effect to the matters of national significance identified and the objectives of the HGMPA. Section 9 of HGMPA links to section 55 RMA and accordingly local authorities are required to '*give effect to any provision*' as if was a national policy statement. As stated in Section 3.7 of the plan change document the proposed rule the subject of this proposed plan change remains consistent with the provisions and intent of HGMPA and any future resource consent applications would have to provide robust and thorough environmental effects assessments on ecology and other matters and include an evaluation against the purpose and objectives of HGMPA.
- 136 This is concurred with and the amendments to rules proposed by the plan change do not alter this situation.

## 4.8 Marine and Coastal Area (Takutai Moana) Act 2011

- 137 The Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) is addressed at Section 3.8 of the plan change request document, and the section sets out that eight applications have been lodged for customary marine title and protected customary rights over the area of the CMFZ with the iwi entities listed. MACAA sets out restrictions and processes involving resource consent applications with the entities who have lodged application. As described in the plan change document, PC2 does not affect any recognised customary rights of any groups and the process for resource consent applicants under MACAA will apply for applications lodged under the proposed rules.
- 138 This position is concurred with, and the applicants for customary marine title and protected customary rights have been served notice of the plan change request pursuant to the clause 5 Schedule 1 RMA process.

## 4.9 Tai Timu Tai Pari Sea Change Hauraki Gulf Marine Spatial Plan

- 139 Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan 2017 (Sea Change) and the Government's June 2021 response to it titled 'Revitalising the Gulf', is described in Section 3.9 of the plan change request document. Sea Change identifies a series of objectives for aquaculture intended to realise the overall objectives and vision for the park. The plan change request document states that the proposed plan change request is not contrary to the vision for the park or the objectives. Pare Hauraki Kaimoana considers PC2 will enable the efficient and effective use of the CMFZ, will contribute to the wellbeing of mana whenua and will increase the sustainability of the fed aquaculture industry within Tikapa Moana. They also note that as future resource consent applications (pursuant to the proposed rule amendments) will remain subject to a full assessment of environmental effects, the extent to which Sea Change is being given effect to remains unchanged.
- 140 I concur with this assessment and further consider that by enhancing the efficient and effective use of the CMFZ the pressure on the remainder of the Hauraki Gulf for aquaculture activities is reduced.

## 5 Conclusion and Recommendation

- 141 Pare Hauraki Kaimoana has prepared a private plan change request that proposes a new standalone rule in Chapter 16 (Rule 16.5.5D(1) Marine Farming Structures Associated with Marine Farming in the Coromandel Marine Farming Zone (Discretionary Activity)) and an amendment to Rule 16.5.6 Marine Farming Structures (Prohibited Activity) of the WRCP. The purpose of the new rule and amendment to the existing rule is stated within the plan change request as being to allow for greater flexibility in the layout / configuration of aquaculture activities within the Coromandel Marine Farming Zone, allowing sub-surface anchor lines and anchor structures to be placed outside of the zone. The existing rule framework does not allow any sub-surface anchor lines and anchor structures to be placed outside of the zone, as are currently a prohibited activity. As described in the plan change request document this results in options for the efficient and effective management of aquaculture activities being unduly restricted, due to the required angle of anchor lines and the need for all anchor structures to remain in the zone.
- 142 Following notification of the private plan change request, nine submissions were received and two further submissions, seeking a variety of outcomes.
- 143 Following my analysis of the plan change request, the submissions and further submissions received, and the relevant statutory planning documents and legislation, my **recommendation is that the Independent Hearing Panel accept the private plan change request.**
- 144 The proposed amendments to the operative WRCP are considered to be consistent with the higher order planning documents, including the RMA, the NZCPS, the WRPS, the operative WRCP and the HGMPA. By accepting the plan change request, the resulting consenting framework would allow as a discretionary activity an application to be made for aquaculture marine farms to be located within the CMFZ, where sub-surface anchor lines and anchor structures extend (beneath the surface) outside of the CMFZ. Any consent application made would still require the full suite of environmental effects to be assessed under the operative WRCP and would be subject to conditions of consent regarding staging, management or avoidance of adverse effects, adaptive management and any other conditions deemed necessary.
- 145 A rigorous and thorough consenting framework would remain in place under the operative WRCP to manage aquaculture marine farms proposed in future or changes to existing marine farms, within the CMFZ and immediate surrounds.
- 146 It is considered that Part 2 of the RMA, the NZCPS, and the WRPS will be better given effect to by accepting the plan change, than by rejecting it.

**Report Author**

A handwritten signature in blue ink that reads "C Sharman". The signature is written in a cursive style with a large, looped initial 'C'.

Craig Sharman  
**Consultant Planner – Beca Limited**

# Appendix A – Summary of Submissions Table

Summary of Submissions						
Private Plan Change 2 – Pare Hauraki Kaimoana						
Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/support	Summary of Submission	Decision Requested
SUB 1	The Royal Forest and Bird Protection Society of New Zealand Inc.	1.1	Rule 16.5.5D(1) and Rule 16.5.6	Oppose	<p>Forest &amp; Bird’s particular interest with Proposed Change 2 is in regard to the increased environmental footprint of the proposed activity. Forest &amp; Bird recognises that the proposal continues restriction of subsurface structures within the Coromandel Marine Farming Zone. However, consider that potential for adverse effects from submerged anchor lines which extend beyond the zone is not appropriately avoided, remedied or mitigated by the current proposal. Forest &amp; Bird’s key concerns with proposed Plan Change 2 are:</p> <ul style="list-style-type: none"> <li>- Potential for adverse effects on marine mammals and birds to be increased.</li> <li>- Disturbance of the seabed and possible effects on reefs and benthic values beyond the zone.</li> <li>- Timing as the operative Regional Coastal Plan (the Plan) 2005 predates the NZCPS 2010 and it is in the process of being reviewed.</li> <li>- While marine farming provisions in the Plan were amended as recently as 2011, changes have not been made to biodiversity provisions.</li> <li>- The current plan provisions are enabling towards marine farming and include direction for consideration of “appropriate” use and occupation where effects are avoided “as far as practicable”. Under this framework it is not clear that the NZCPS 2010 directive avoid policies are given effect to.</li> </ul>	<p>Forest &amp; Bird seeks that Plan Change 2 be declined.</p> <p>However, if the decision maker is minded to approve Plan Change 2, then Forest &amp; Bird considers that the proposed change provisions be retained.</p>

					<p>Forest &amp; Bird considers that the private plan change should be declined as this change should be considered as part of the full plan review to ensure integration across plan provisions and that high order documents are given effect to. Given the scope of this plan change there is no ability to update the biodiversity provisions nor would that be an appropriate solution given the full plan review which is underway provides the appropriate mechanism.</p> <p>Declining this plan change will ensure that all anchor lines and any other infrastructure related to marine farming activities in the Coromandel Marine Farming Zone will be contained within the zone. This will ensure the risk to marine mammal and bird entanglement is limited. It will also retain the extent of any seafloor disturbance and impact on benthic values to within the zone.</p> <p>The current Waikato Regional Coastal Plan review would be a more appropriate process to consider these amendments.</p>	
SUB 2	Reihana Robinson	2.1	Rule 16.5.5D(1)	Oppose	<p>I oppose in its entirety the request for a new standalone Rule 16.5.5D(1) to provide for subsurface anchor lines and anchor structures, along with any associated seabed disturbance, to be located outside the Coromandel Marine Farming Zone (CMFZ), where they anchor an aquaculture structure located wholly within the CMFZ, as a discretionary activity.</p> <p>I submit that the proposed changes to the coastal plan will result in substantially increased adverse environmental effects and direct ecosystem degradation in the vicinity of the CMFZ. To stabilise floating fish cages in the CMFZ against tidal, wind, wave, current and storm action, anchor warps will extend horizontally roughly four times the 36m water depth, which in this location means about 150m from the fish pens, according to the applicant. The total surface and subsurface operational area in which fish farm equipment could be placed would be increased by close to 110 ha, from 300 ha to</p>	<p><u>No relief stated</u> – but opposed to the plan change in its entirety.</p>

				<p>approximately 410 ha (approximately 37 percent). Fish pen blocks could as a result be located right up to the farming zone edges.</p> <p>Significant adverse environmental effects caused by the CMFZ would increase in direct proportion to any increase in the actual operational area wherein fish cages may be located, such as that proposed by the applicant. These effects include:</p> <ul style="list-style-type: none"> <li>• Increase in the extent of seabed “dead zones”</li> <li>• Increase in the extent of direct chemical pollution of the seabed</li> <li>• Increase in the total area of potential entanglements and direct strikes in nets and anchor structures by marine mammals</li> <li>• Increase in the extent of hazards to navigation</li> <li>• Increase in the extent of pollution and damage</li> <li>• Increase in degradation of amenity and natural values in the vicinity of the CMFZ.</li> <li>• Decrease in public space and increase in the public recreational exclusionary area.</li> </ul> <p>This request would provide a solely private operational and financial advantage for the applicant, while providing no wider social benefit, and resulting instead in actual increased damage to the environment, ecosystems, and public amenity.</p> <p>In precisely delineating a 300 ha CMFZ Waikato Regional Council were advised and thoroughly aware of the requirements and effects of caged finfish aquaculture, the nature of hard structures utilised by the industry, and the characteristics of the marine environment of the inner Hauraki Gulf in the vicinity of the CMFZ. Any decision to expand and enlarge the CMFZ by way of the proposed private plan change</p>	
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					<p>would be entirely unjustified, irresponsible, and would fly in the face of those decisions.</p> <p>Additional material was attached to this submission, generally about caged fish farm footprints and caged kingfish hearing notes.</p>	
SUB 2	Reihana Robinson	2.2	Rule 16.5.6	Oppose	<p>I oppose the request for amendment to Rule 16.5.6 to make it explicit that such structures are not a prohibited activity. Any decision to expand and enlarge the CMFZ by way of the proposed private plan change would be entirely unjustified, irresponsible, and would fly in the face of those decisions.</p>	<p><u>No relief stated</u> – but opposed to the plan change in its entirety.</p>
SUB 3	Te Patukirikiri Iwi	3.1	Rule 16.5.5D(1) and Rule 16.5.6	Support	<p>Te Patukirikiri supports the proposal to change the Waikato Regional Coastal Plan to enable the most efficient means of Pare Hauraki Kaimoana establishing, operating and maintaining a finfish farm in the Coromandel Marine Farming Zone (CMFZ).</p> <p>The current rules of the regional plan effectively sterilises about 110 hectares of the CMFZ for the intended purpose of fin fish farming etc.</p> <p>This plan change, and the associated development of the CMFZ, will recognise and provide for the traditional relationship of Pare Hauraki with Tikapa Moana and enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana.</p> <p>This plan change, and associated development of the CMFZ, will further strengthen the economic foundations of Pare Hauraki Kaimoana to continue the support it provides to the Hauraki Māori Trust Board / Pare Hauraki. It will provide for the social, economic and cultural wellbeing of Pare Hauraki.</p> <p>The CMFZ is an appropriate location for finfish farming based on the numerous investigations undertaken over the last ten years, and the specific environmental assessments prepared by Pare Hauraki Kaimoana. This plan change will enable the most efficient use of the CMFZ, and the environmental effects of activities within the CMFZ can</p>	<p>The plan change needs to be approved.</p>

					<p>be addressed through the resource consent process (and then through consent conditions).</p> <p>This plan change (and associated development of the CMFZ) is also important as the CMFZ includes Pare Hauraki Treaty settlement space in settlement of the Crown's breaches of Te Tiriti o Waitangi against Pare Hauraki under the Māori Commercial Aquaculture Claims Settlement Act 2004</p>	
SUB 4	Thames Coromandel District Council	4.1	Rule 16.5.5D(1)	Support	<p>The new rule will provide for more efficient and effective utilisation of marine farming activities within the Coromandel Marine Farming Zone (CMFZ).</p> <p>The new rule will ensure that the marine farming structures remain stable within the CMFZ.</p> <p>The new rule will provide greater flexibility for the layout of marine farming activities in the CMFZ.</p> <p>The new rule meets the purpose and principles of the Resource Management Act 1991.</p>	Approve the new standalone rule, including the standards and terms, to Chapter 16 (16.5 Marine Farming) of the Waikato Regional Coastal Plan.
SUB 4	Thames Coromandel District Council	4.2	Rule 16.5.6	Support	<p>The Discretionary Activity status will require a resource consent application to be made for the activity. This application will enable any proposals to be assessed under the provisions of the Waikato Regional Coastal Plan and ensure that any adverse effects from proposals are avoided, remedied or mitigated.</p> <p>The Discretionary Activity status supports the Government's commitment to develop the aquaculture industry in New Zealand, and particularly in the Coromandel area and wider Waikato and Auckland region.</p> <p>The Discretionary Activity status provides for greater economic benefits for the district and wider Waikato region.</p>	Approve the change sought to the Waikato Regional Coastal Plan.

					The activity will be undertaken in a manner that is consistent with the objectives and policies of the Waikato Regional Coastal Plan.	
SUB 5	Whitianga & Coromandel Peninsula Commercial Fishers Association	5.1	Rule 16.5.5D(1)	Oppose	<p>Areas outside of the CMFZ are public property so everything associated with a permitted marine farm needs to reside within the boundaries of the actual marine farm.</p> <p>The inner Hauraki Gulf/ Firth of Thames is a minefield for the commercial/ recreational vessel operators. In poor visibility or darkness, vessel operators find navigation lights associated with marine farms extinguished. This can be dangerous in bad weather.</p> <p>With marine farms anchors being laid outside a permitted farms area, loss of fishing equipment and fouled anchors are to be expected.</p> <p>To stay on top of additional information on farm anchors outside of the CMFZ is unnecessary workload for those people who are not marine farmers but work in the same waters.</p>	<u>No relief stated</u> – but oppose the plan change in its entirety.
SUB 5	Whitianga & Coromandel Peninsula Commercial Fishers Association	5.2	Rule 16.5.6	Oppose	This should remain a prohibited activity for the reason of safety involving vessel owners. This is because of the number of marine farms now evident in the Firth of Thames/ Hauraki Gulf waters.	<u>No relief stated</u> – but oppose the plan change in its entirety.
SUB 6	Ngati Maru Rūnanga	6.1	Rule 16.5.5D(1) and Rule 16.5.6	Support	<p>Ngati Maru Rūnanga supports the proposal to change the Waikato Regional Coastal Plan to enable the most efficient means of establishing, operating and maintaining a finfish farm in the Coromandel Marine Farming Zone (CMFZ).</p> <p>The proposed plan change only introduces a new rule to provide for subsurface anchor lines and anchor structures, and any associated seabed disturbance, to be located outside of the CMFZ where they are required to anchor an aquaculture structure that is located wholly within the surface of the CMFZ.</p>	Seek approval of the plan change by the Waikato Regional Council.

					<p>The current rules of the regional plan result in around 110 hectares of the CMFZ not being able to be utilised for the intended purpose of fin fish farming and multi-trophic aquaculture.</p> <p>This plan change and the associated development of the CMFZ, will recognise and provide for the traditional relationship of Pare Hauraki with Tikapa Moana and enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana.</p> <p>This plan change, and associated development of the CMFZ, will further strengthen the economic foundations of Pare Hauraki to continue the support it provides to the Hauraki Maori Trust Board/ Pare Hauraki. It will provide for the social, economic and cultural well-being of Pare Hauraki.</p> <p>The CMFZ is an appropriate location for fishfin farming based on the numerous investigations undertaken over the past 10 years, and the specific environmental assessments prepared by Pare Hauraki Kaimoana. This plan change will enable the most efficient use of the CMFZ, and the environmental effects of activities within the CMFZ can be assessed through the resource consent process (and then through consent conditions).</p> <p>This plan change (and associated development of the CMFZ) is also important as the CMFZ includes Pare Hauraki Treaty Settlement space in settlement of the crown’s breaches of Te Tiriti o Waitangi against Pare hauraki under the Maori Commercial Aquaculture Claims Settlement Act 2004.</p>	
SUB 7	Hauraki Maori Trust Board / Pare Hauraki Fishing Trust	7.1	Rule 16.5.5D(1) and Rule 16.5.6	Support	<p>Hauraki Maori Trust Board / Pare Hauraki Fishing Trust supports the proposal to change the Waikato Regional Coastal Plan to enable the most efficient means of establishing, operating and maintaining a finfish farm in the Coromandel Marine Farming Zone (CMFZ).</p> <p>The proposed plan change introduces a new rule to provide for subsurface anchor lines and anchor structures, and any associated</p>	Seek approval of the plan change by the Waikato Regional Council.

					<p>seabed disturbance, to be located outside of the CMFZ where they are required to anchor an aquaculture structure that is all located within the surface of the CMFZ.</p> <p>The current rules of the regional plan result in around 110 hectares of the CMFZ not being able to be utilised for the intended purpose of fin fish farming and multi-trophic aquaculture.</p> <p>This plan change, and the associated development of the CMFZ, will recognise and provide for the traditional relationship of Pare Hauraki with Tikapa Moana and enable Pare Hauraki to continue their kaitiaki responsibilities with respect to the moana.</p> <p>This plan change, and associated development of the CMFZ, will further strengthen the economic foundations of Pare Hauraki Kaimoana to continue the support it provides to the Hauraki Māori Trust Board / Pare Hauraki. It will provide for the social, economic and cultural wellbeing of Pare Hauraki.</p> <p>The CMFZ is an appropriate location for finfish farming based on the numerous investigations undertaken over the last ten years, and the specific environmental assessments prepared by Pare Hauraki Kaimoana. This plan change will enable the most efficient use of the CMFZ, and the environmental effects of activities within the CMFZ can be addressed through the resource consent process (and then through consent conditions).</p> <p>This plan change (and associated development of the CMFZ) is also important as the CMFZ includes Pare Hauraki Treaty settlement space in settlement of the Crown’s breaches of Te Tiriti o Waitangi against Pare Hauraki under the Māori Commercial Aquaculture Claims Settlement Act 2004.</p>	
SUB 8	Geoffrey Robinson	8.1	Rule 16.5.5D(1)	Oppose	I oppose in its entirety the request for a new standalone Rule 16.5.5D(1). to provide for subsurface anchor lines and anchor structures, along with any associated seabed disturbance, to be	<u>No relief stated</u> – but opposed to the

				<p>located outside the Coromandel Marine Farming Zone (CMFZ), where they anchor an aquaculture structure located wholly within the CMFZ, as a discretionary activity.</p> <p>I submit that the proposed changes to the coastal plan will result in substantially increased adverse environmental effects and direct ecosystem degradation in the vicinity of the Coromandel Marine Farming Zone.</p> <p>To stabilise floating fish cages in the CMFZ against tidal, wind, wave, current and storm action, anchor warps will extend horizontally roughly four times the 36m water depth, which in this location means about 150m from the fish pens, according to the applicant. The total surface and subsurface operational area in which fish farm equipment could be placed would be increased by close to 110 ha, from 300 ha to approximately 410 ha (approximately 37 percent). Fish pen blocks could as a result be located right up to the farming zone edges.</p> <p>Significant adverse environmental effects caused by the CMFZ would increase in direct proportion to any increase in the actual operational area wherein fish cages may be located, such as that proposed by the applicant. These effects include:</p> <ul style="list-style-type: none"> <li>• Increase in the extent of seabed “dead zones” due to direct deposition and build-up of faeces and uneaten food.</li> <li>• Increase in the extent of direct chemical pollution of the seabed</li> <li>• Increase in the total area of potential entanglements and direct strikes in nets and anchor structures by marine mammals.</li> <li>• Increase in the extent of hazards to navigation.</li> <li>• Increase in the extent of pollution and damage.</li> </ul>	<p>plan change in its entirety.</p>
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					<ul style="list-style-type: none"> <li>• Increase in degradation of amenity and natural values in the vicinity of the CMFZ.</li> <li>• Decrease in public space and increase in the public recreational exclusionary area.10</li> </ul> <p>This request would provide a solely private operational and financial advantage for the applicant, while providing no wider social benefit, and resulting instead in actual increased damage to the environment, ecosystems, and public amenity.</p> <p>In precisely delineating a 300 ha CMFZ, the Waikato Regional Council were advised and thoroughly aware of the requirements and effects of caged finfish aquaculture, the nature of hard structures utilised by the industry, and the characteristics of the marine environment of the inner Hauraki Gulf in the vicinity of the CMFZ.</p> <p>Extensive volumes of technical material supported their considered intent and decisions to create a 300-hectare marine farming zone, in which to strictly locate all caged aquaculture activity and structures. Any decision to expand and enlarge the CMFZ by way of the proposed private plan change would be entirely unjustified, irresponsible, and would fly in the face of those decisions.</p>	
SUB 8	Geoffrey Robinson	8.2	Rule 16.5.6	Oppose	I oppose the request for amendment to Rule 16.5.6 to make it explicit that such structures are not a prohibited activity. Any decision to expand and enlarge the CMFZ by way of the proposed PHK private plan change would be entirely unjustified, irresponsible, and would fly in the face of those decisions.	<u>No relief stated</u> – but opposed to the plan change in its entirety.
<b>Late Submissions</b>						
LATE 9	Protect our Gulf	L9.1	Chapter 16	Oppose	It is our view that further fish farming will present significant environmental issues, specifically nitrate loading, damage to the benthic floor, and potential contamination of natural fish stocks. The effects of that will be felt throughout the Hauraki Gulf. There are	Should delay any consideration of the plan change until the Waikato

				<p>already issues of significant concern and the Hauraki Gulf, which, while beautiful is suffering from the effects of reduced habitat, overfishing and sedimentation. We feel it would be premature to allow for an expansion of an untested project across larger swathes of the Gulf. Equivalent to opening a 'pandora's box' of environmental degradation which will be difficult to manage into the future.</p> <p>Concerned that the socialised environmental costs of damage and loss of habitat and reduction of habitat have not been accounted for. Will have the consequence that profits will be privatised, while losses socialised so that communities of the Gulf bear the brunt of the loss of their recreational space, water quality and ability to fish while potentially contaminating the wild fish stocks.</p> <p>Should delay any consideration of a plan change until there is a review of the plan and any fish farm in place. This issue is of concern across the Gulf and has proved extremely difficult to find any information on it.</p>	<p>Regional Coastal Plan review has been completed and any fish farm has already been in place.</p>
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# **Appendix B –Summary of Further Submissions Received**

## Summary of Further Decisions Requested

### Proposed Plan Change 2 (Private) to the Waikato Regional Coastal Plan: Pare Hauraki Kaimoana

FUR SUB #	Submitter name	Further submission in response to	Submission point	Reasons	Support or oppose
<b>FUR SUB 1</b>	Environmental Defence Society Incorporated	SUB 1 The Royal Forest and bird Protection Society of New Zealand	All parts of submission	EDS supports the submission as it recognises the increased adverse effects on the environment, particularly benthic effects, of the proposal.	<b>Support the submission made by</b> The Royal Forest and Bird Protection Society of New Zealand
		SUB 2 Reihana Robinson	All parts of submission	EDS supports the submission as it recognises the increased adverse effects on the environment of the proposal.	<b>Support the submission made by</b> Reihana Robinson
		SUB 8 Geoffrey Robinson	All parts of submission	EDS supports the submission as it recognises the increased adverse effects on the environment of the proposal.	<b>Support the submission made by</b> Geoffrey Robinson
		LATE 9 Protect Our Gulf	All parts of submission	EDS supports the submission on the basis that it recognises the increased adverse effects on the environment, particularly nitrate loading, damage to the benthic floor and potential contamination of fish stocks of the proposal.	<b>Support the submission made by</b> Protect Our Gulf
<b>FUR SUB 2</b>	Te Ohu Kaimoana Trustee Ltd	SUB 7 Hauraki Māori Trust Board	Sub point 7.1	In full support of the plan change and the development of the CMFZ as the CMFZ includes an Aquaculture Settlement Area created through the Crown obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004.	<b>Support the submission made by</b> Hauraki Māori Trust Board