

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

Decision on provisions and  
Hearings Panel Recommendation report

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# Explanatory note

Proposed Plan Change 2 (Private) proposes to add a new standalone rule in Chapter 16 (16.5 Marine Farming) of the Waikato Regional Coastal Plan to provide for subsurface anchor lines and anchor structures, along with any associated seabed disturbance to be located outside of the Coromandel Marine Farming Zone (CMFZ) where they anchor an aquaculture structure that is located wholly within the surface of the CMFZ, as a discretionary activity.

There is also an amendment to Rule 16.5.6 to make it explicit that such structures are not a prohibited activity.

The purpose of Proposed Plan Change 2 (Private) is stated as being to allow for greater flexibility in the layout of aquaculture activities within the CMFZ and to allow for more efficient and effective use of the CMFZ.

Chapter 1 of this document shows changes to be made to the Operative Waikato Regional Coastal Plan. Please refer to the Operative Waikato Regional Coastal Plan for further context.

New text to be inserted is shown as *red and italics*. Text to be removed is shown in ~~red and strikethrough~~.

Chapter 2 of this document contains the Hearings Panel Recommendation report.

## 1 Decision on provisions

### New rule to be inserted into Operative Waikato Regional Coastal Plan

#### ***Rule 16.5.5D(1) Marine Farming Structures Associated with Marine Farming in the Coromandel Marine Farming Zone (Discretionary Activity)***

*The erection, placement, use of, and occupation by subsurface anchor lines and seabed anchor structures, and any associated seabed disturbance, that are located outside of the Coromandel Marine Farming Zone but are for the purposes of securing a (surface) marine farming structure located wholly within the Coromandel Marine Farming Zone (as shown on Map 13 in Appendix II), is a discretionary activity.*

#### ***Standards and Terms***

*(i) The applicant shall undertake an ecological investigation of the proposed disturbance locations in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Waikato Regional Council.*

#### ***Assessment Criteria***

*In considering any application, regard shall be had to;*

*(ii) the extent to which the baseline survey indicates that the proposed location of the anchor lines and seabed anchoring structures are appropriate;*

*(iii) the integrity of the anchoring system and any navigation lighting or buoyage requirements; and*

*(iv) the safety of recreational and commercial vessels in the area.*

*Conditions will be imposed in respect of, but not limited to, the following matters:*

- (i) Integrity of the structure and associated anchoring systems;*
- (ii) Provision of written notice to Land Information New Zealand and Maritime New Zealand;*
- (iii) Provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;*
- (iv) Removal of the structure on expiry of the consent (if no further consent has been applied for or granted);*
- (v) Provision of information to the Waikato Regional Council with respect to the final location of the structure;*
  - (i) Interactions with or entanglements of marine mammals and seabird mortalities;*
- (vi) Timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.*

## **Rule to be amended in the Operative Waikato Regional Coastal Plan**

### **16.5.6 Marine Farming Structures (Prohibited Activity)**

The erection, placement, use of, or occupation of space by any marine farming structure that does not comply with the standards and terms for an activity in Rules 16.5.3, 16.5.4, 16.5.4A, 16.5.4B, 16.5.5A, 16.5.5B, ~~or~~ 16.5.5D *or 16.5.5D(1)* is a prohibited activity for which no resource consent shall be granted.

## **2 Hearings panel recommendation report adopted by Waikato Regional Council on 31 August 2023**

**BEFORE THE HEARING COMMISSIONERS**

**IN THE MATTER** of the Resource Management Act  
1991 (the Act)

**A N D**

**IN THE MATTER** of Proposed Plan Change 2  
(Private) to the Waikato Regional  
Coastal Plan by Pare Hauraki  
Kaimoana

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**HEARING PANEL RECOMMENDATION**

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## DECISION

### INTRODUCTION

#### General

1. Pare Hauraki Kaimoana (PHK, proponent) is applying to the Waikato Regional Council (WRC) for a private plan change, proposed Plan Change 2 (PC2), to the Waikato Regional Coastal Plan (WRCP).
2. Pare Hauraki Kaimoana is the trading name of Pare Hauraki Asset Holdings Limited, a fully owned asset holding company of the Hauraki Māori Trust Board and the Pare Hauraki Fishing Trust.
3. In essence PHK is seeking a plan change to allow for, in relation to the Coromandel Marine Farm Zone (CMFZ), sub-surface anchor lines and anchor structures to be located outside of the Zone to enable greater flexibility in the management of aquaculture activities within the Zone. Currently the placement of anchor lines and anchor structures outside of the CMFZ is a prohibited activity.
4. The CMFZ covers an area of 300 ha located in the inner Hauraki Gulf to the north of the Firth of Thames, approximately 13.5 km from Coromandel township and 11 km from Waiheke Island. The 300 ha area is rectangular in shape with its eastern and western boundaries being 1 km in length and its northern and southern boundaries being 3 km in length. The location of the CMFZ is shown below.



### **Notification and Submissions Received**

5. The proposed plan change request was received by Waikato Regional Council on 8 November 2021 and was notified on 4 March 2022. A total of 8 submissions were received within the submission period, as well as 1 late submission, which was accepted. Four submissions were in support and 5 submissions were in opposition. Two further submissions were received, 1 in support of those submissions in opposition, and 1 in support of a submission also in support. A list of submitters and the issues they raise are set out in Appendix A and a similar list of further submitters are presented in Appendix B of this decision.

### **Panel**

6. We, Paul Cooney (Chair), Dr Ngaire Phillips and Tipene Wilson have been appointed by WRC as independent commissioners to consider and make a recommendation to WRC on PC2.

## **The Hearing**

7. The hearing of the proposed plan change took place in Paeroa on the 17th to the 20th of April 2023, alongside resource consent applications by the same proponent. At this hearing, we received evidence and submissions from the proponent, submitters and WRC (in relation to the 42A Report).
8. We note our gratitude that mana whenua from Hauraki opened the hearing with a mihi whakatau and opened and closed each day of the hearing with a karakia.

## **Site Visit**

9. The area potentially impacted by PC2 is in Tikapa Moana and predicted unfavourable weather meant we were unable to undertake a site visit prior to the hearing. Having reviewed all the material provided for PC2 and having visited mussel farms in the past in a personal capacity, we did not consider a site visit was required to appropriately consider PC2.

## **The Section 42A Report**

10. In order to assist us to make an informed decision on the PC2 request we received a comprehensive s42A Report. Following analysis of the private plan change request, the submissions and further submissions received and the relevant statutory planning documents and legislation, the s42A Report recommends that we accept the PC2 request.
11. Although we are not obliged to accept the s42A Report recommendation, we nevertheless found the Report to be helpful in the analysis of submissions and the Report's recommendation.
12. The information and documents we have considered in making our decision are:
  - (a) The proposed plan change request and the accompanying Section 32 Evaluation Report.
  - (b) The submissions and further submissions received on notification of the application.
  - (c) The Section 42A Report.
  - (d) The legal submissions, statements of evidence, summary statements and submissions received at the hearing.

- (e) The joint witness statement with accompanying plan change rules proposed by PHK.

## **THE PROPOSAL**

13. On behalf of the proponent, Mitchel Daysh prepared a full description of the proposed Plan Change and provided an evaluation of the proposed provisions under section 32 of the RMA. Rather than duplicating the proposal, key parts are summarised below.
14. 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 Coromandel Marine Farming Zone (CMFZ) but is for the purposes of securing an aquaculture activity located wholly within the surface of the CMFZ. The activity status would be discretionary. 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.
15. The purpose of PC2 is to enable aquaculture activities in the CMFZ to make more effective and efficient use of the CMFZ space, by allowing anchor lines and anchor structures to be located outside of the CMFZ so that pens / longlines may be appropriately spaced. This is the Resource Management issue to be addressed by PC2.<sup>1</sup>
16. This will enable greater flexibility in the management of aquaculture activities within the CMFZ in relation to matters such as biosecurity / disease management, fish species health and minimising the effects on the benthic environment. The proposed plan change will complement and contribute to the sustainable management of aquaculture activities within the CMFZ.
17. No further changes are proposed to the objectives, policies, rules or methods within the WRCP.
18. According to PHK, without PC2 a large portion of the CMFZ is rendered unusable, due to the necessary gradient for the installation of anchor lines. Currently, the placement of anchor lines and structures outside the CMFZ is a prohibited activity under the WRCP.

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<sup>1</sup> p4, Proposed Plan Change and Section 32 Evaluation Report – Pare Hauraki Kaimoana

19. We note here that PHK is also applying for resource consents to undertake kingfish farming and multi-trophic aquaculture activities within the CMFZ, which is not dependent on PC2. For completeness we note that neither is PC2 dependent upon the resource consents.
20. The Section 32 Evaluation Report on behalf of the proponent *“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.”*<sup>2</sup>

### SUBMISSIONS AND HEARING EVIDENCE

21. The nine submissions received are summarised in Appendix A and the table below:

Submission #	Submitter	Oppose/ Support
1.	The Royal Forest and Bird Protection Society (Forest & Bird)	Oppose
2.	Reihana Robinson	Oppose
3.	Te Patukirikiri Iwi	Support
4.	Thames Coromandel District Council	Support
5.	Whitianga and Coromandel Peninsula Commercial Fishers Association	Oppose
6.	Ngāti Maru Rūnanga	Support
7.	Hauraki Māori Trust Board/ Pare Hauraki Fishing Trust	Support
8.	Geoffrey Robinson	Oppose
9.	Protect Our Gulf (late submission)	Oppose

22. The two further submissions received are summarised in Appendix B and the table below:

Further Submission #	Submitter	Oppose/ Support
1.	Environmental Defence Society Incorporated	Support SUB 1, SUB 2, SUB 8, SUB 9
2.	Te Ohu Kaimoana Trustee Ltd	Support SUB 7

23. At the hearing we heard from:

- (a) Pare Hauraki Kaimoana, the proponent,
- (b) Mr Craig Sharman, the s42A Report author,

<sup>2</sup> p3, Section 42A Report

- (c) Ms Elvira van der Leden for Forest & Bird,
- (d) Mr David Taipari for Hauraki Māori Trust Board,
- (e) Ms Reihana Robinson,
- (f) Mr Geoffrey Robinson,
- (g) Ms Kathy Voyles for Protect Our Gulf, and
- (h) Mr Fernanda Caballero and Shay Schlaepfer for the Environmental Defence Society

### **Panel Findings**

24. The Section 42A Report provides a thorough analysis of the written submissions received. Without duplicating the analysis, the Report recommended for a number of reasons that the submissions in support of PC2 (submission numbers 3, 4, 6, & 7, & further submission number 2) be accepted and that the submissions in opposition to PC2 (submissions 1, 2, 5, 8, & 9, & further submission 1) be rejected.
25. In summary, the reasons for recommending are:
- (a) Acceptance of the submissions in support is general agreement that the submissions' points align to the purposes of PC2,
  - (b) Rejection of the submissions in opposition are that the concerns and issues raised in submissions could be addressed through existing plans and that 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.”*<sup>3</sup>
26. Having reviewed the submissions and presentations at the hearing, all of which were appreciated, and the reasons expressed in the s42A Report for supporting PC2, we adopt the s42A Report's recommendations to:
- (a) Accept submission numbers 3, 4, 6, and 7, and further submission number 2, and

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<sup>3</sup> p22, s42A Report

- (b) Reject submissions 1, 2, 5, 8, and 9, and further submission 1. The concerns and issues raised would not be impacted or resolved by PC2 being adopted.

### **Legal and Statutory Framework**

Section 3 of the plan change proposal and section 4 of the Section 42A Report provide a thorough analysis of the legal and statutory framework. The analyses are similar and reach the following conclusions.

27. **Resource Management Act:** PC2 is consistent with Part 2 of the RMA.
28. **New Zealand Coastal Policy Statement 2010 (NZCPS):** The Waikato Regional Coastal Plan gives effect to the NZCPS, as it relates to aquaculture and the changes sought through PC2.
29. **National Environmental Standards for Marine Aquaculture 2020:** This standard is not relevant for PC2.
30. **Waikato Regional Policy Statement (WRPS):** PC2 does not adversely impact upon the ability to achieve the management expectations for natural and physical resources in the coastal environment under the WRPS.
31. **Operative Waikato Regional Coastal Plan (WRCP):** PC2 is consistent with the intent of the WRCP provisions in relation to marine farming.
32. **Hauraki Gulf Marine Park Act 2000 (HGMPA):** PC2 remains consistent with the provisions and intent of the HGMPA and any future resource consent applications would have to provide an assessment against the HGMPA.
33. **Marine and Coastal Area (Takutai Moana) Act 2011 (MACA):** PC2 does not affect any recognised customary rights of any groups and the process for resource consent applicants to be assessed against any MACA provisions will apply for applications lodged under the proposed rules.
34. **Tai Timu Tai Pari Sea Change Hauraki Gulf Marine Spatial Plan (Sea Change):** PC2 will enable efficient and effective use of the CMFZ and reduce the pressure on the remainder of the Hauraki Gulf for aquaculture activities. Further resource consent applications under the proposed rules will need to be fully assessed against Sea Change.

35. **Hauraki Iwi Environmental Plan 2004:** As relevant to PC2, the vision of the Hauraki Iwi Environmental Plan relevant to the aquaculture activities proposed in the CMFZ are that *“the land and sea have once again become abundant food baskets”* and that *“all waahi tapu and cultural heritage sites and landscapes in Hauraki are being protected, managed and rehabilitated by kaitiaki at all levels of the tribal spectrum”*<sup>4</sup>.

### **Submitter Concerns**

36. Firstly, in relation to the above legal and planning analysis, we agree with the conclusions reached.
37. In terms of the submissions received, many of the submissions opposing the plan change were concerned that the plan change if granted would result in the potential increase in adverse effects on marine mammals and birds and disturbances to the benthic environment . It would also result in an increase in the CMFZ area to be utilized for marine farming raising the potential for an increase in adverse effects on the marine environment.
38. In the Panels view those concerns are somewhat misplaced as under the new rule proposed under the plan change (Rule 16.5.5D (1) ) a discretionary activity consent is required for the placement of anchor lines and structures outside the CMFZ whereby any adverse effects from those structures would need to be considered and properly addressed. So the concerns raised by the submitters relating to the extension of anchoring systems outside of the CMFZ are able to be raised and considered at the consenting stage. Similarly, before any further intensification of aquaculture activities can take place within the CMFZ due to a theoretical increase in available zone area, discretionary activity consent is still required under the existing rule framework including the staging of any new fed aquaculture activity and consideration of an extensive range of assessment criteria before consent can be granted. Concerns about scale, intensity and effects raised by submitters against PC2 can be considered at that stage.
39. Overall PC2 will not diminish the consenting requirements for fed aquaculture activities wishing to establish within the CMFZ but will enable anchoring lines and structures to extend outside the CMFZ to allow for a more efficient use of the zone (subject to gaining resource consent approval). In this respect we agree with the conclusion in the 42A Report that:

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<sup>4</sup> p30, Proposed Plan Change and Section 32 Evaluation Report – Pare Hauraki Kaimoana

- (a) *“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, with the CMFZ and immediate surrounds.*
- (b) *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.”*

40. For the reasons outlined above and pursuant to powers delegated to us by the Waikato Regional Council we recommend to Waikato Regional Council that Plan Change 2 is approved, as provided in Appendix C attached to our recommendation.

Date: 5<sup>th</sup> July 2023



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Paul Cooney (Chair)



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Dr Ngaire Phillips



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Tipene Wilson

## Appendix A 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>

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					<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 #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
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 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> </ul>	<p><u>No relief stated</u> – but opposed to the plan change in its entirety.</p>

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					<ul style="list-style-type: none"> <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 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	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.	<u>No relief stated</u> – but opposed to the plan change in its entirety.

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
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 be addressed through the resource consent process (and then through consent conditions).</p>	The plan change needs to be approved.

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/support	Summary of Submission	Decision Requested
					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	
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.

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					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</p>	Seek approval of the plan change by the Waikato Regional Council.

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					<p>required to anchor an aquaculture structure that is located wholly 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 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 #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
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 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>	Seek approval of the plan change by the Waikato Regional Council.

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					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.	
SUB 8	Geoffrey Robinson	8.1	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 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</li> </ul>	<u>No relief stated</u> – but opposed to the plan change in its entirety.

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					<p>deposition and build-up of faeces and uneaten food.</p> <ul style="list-style-type: none"> <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.<sup>10</sup></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</p>	

Sub #	Submitter name (s)	Sub point	Regional Coastal Plan Provision	Oppose/ support	Summary of Submission	Decision Requested
					the face of those decisions.	
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	<p>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 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. 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>	Should delay any consideration of the plan change until the Waikato Regional Coastal Plan review has been completed and any fish farm has already been in place.

## Appendix B –Summary of Further Submissions Received

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

## Appendix C

### **Rule 16.5.5D(1) Marine Farming Structures Associated with Marine Farming in the Coromandel Marine Farming Zone (Discretionary Activity)**

The erection, placement, use of, and occupation by subsurface anchor lines and seabed anchor structures, and any associated seabed disturbance, that are located outside of the Coromandel Marine Farming Zone but are for the purposes of securing a (surface) marine farming structure located wholly within the Coromandel Marine Farming Zone (as shown on Map 13 in Appendix II), is a discretionary activity.

#### **Standards and Terms**

- (i) The applicant shall undertake an ecological investigation of the proposed disturbance locations in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Waikato Regional Council.

#### **Assessment Criteria**

In considering any application, regard shall be had to;

- (i) the extent to which the baseline survey indicates that the proposed location of the anchor lines and seabed anchoring structures are appropriate;
- (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.

Conditions will be imposed in respect of, but not limited to, the following matters:

- (i) Integrity of the structure and associated anchoring systems;
- (ii) Provision of written notice to Land Information New Zealand and Maritime New Zealand;
- (iii) Provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;
- (iv) Removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- (v) Provision of information to the Waikato Regional Council with respect to the final location of the structure;
- (vi) Interactions with or entanglements of marine mammals and seabird mortalities;
- (vii) Timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.

### **16.5.6 Marine Farming Structures (Prohibited Activity)**

The erection, placement, use of, or occupation of space by any marine farming structure that does not comply with the standards and terms for an activity in Rules 16.5.3, 16.5.4, 16.5.4A, 16.5.4B, 16.5.5A, 16.5.5B, ~~or~~ 16.5.5D or 16.5.5D(1) is a prohibited activity for which no resource consent shall be granted.