

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

**Proposed Plan Change and Section 32  
Evaluation Report - November 21**

Notified for submissions - 4 March 2022





---

PARE HAURAKI KAIMOANA

**WAIKATO REGIONAL COASTAL  
PLAN – PROPOSED PLAN  
CHANGE**

Proposed Plan Change and Section  
32 Evaluation Report

November 2021

## EXECUTIVE SUMMARY

Pare Hauraki Kaimoana has prepared a private plan change that proposes a new standalone rule in Chapter 16 of the Waikato Regional Coastal Plan. The purpose of the new rule is to allow for greater flexibility in the layout / configuration of aquaculture activities within the Coromandel Marine Farming Zone, allowing subsurface anchor lines and anchor structures to be placed outside of the zone.

The existing rules applying to the Coromandel Marine Farming Zone in the Waikato Regional Coastal Plan are not appropriate. In this regard, due to the required angle of anchor lines (reflecting water depths and required line tensions) and the need for all anchor structures to remain in the Zone, options for the efficient and effective management of aquaculture activities are unduly restricted.

The intent of the Coromandel Marine Farming Zone is to provide sufficient area for the commercialisation of fed aquaculture activities within appropriate limits. The Zone is a limited and scarce resource. It is, therefore, imperative that the Zone is used effectively and efficiently.

The proposed plan change, as sought, is considered to be necessary for the following reason:

- To provide greater flexibility for the layout of aquaculture activities in order to provide for the effective and efficient management of activities and potential environmental effects in the Coromandel Marine Farming Zone.

An assessment of the proposed provisions under section 32 of the Resource Management Act 1991 has determined that the proposed rule is the most appropriate method to achieve the objectives of the proposal, as well as the overarching planning documents. The potential benefits and costs of the effects of the proposed rule have been identified and assessed. It has also been determined that the proposed rule is consistent with the existing objectives and policy framework of the Waikato Regional Coastal Plan.

This evaluation concludes that the option of including a new standalone rule in the Waikato Regional Coastal Plan, 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 Coromandel Marine Farming Zone.

## Table of Contents

### Executive Summary

#### Part A – Proposed Plan Change

<b>1.</b>	<b>Proposed Plan Change</b>	<b>1</b>
1.1	Introduction	1
1.2	Purpose and Reasons for the Proposed Plan Change	1
1.3	Plan Change – Section 16 of the Waikato Regional Coastal Plan	3
	<b>Part B – Section 32 Analysis</b>	<b>1</b>
<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1	Overview	1
1.2	Structure of the Report	1
<b>2.</b>	<b>Issue Identification</b>	<b>3</b>
2.1	Section 32 Requirements	3
2.2	Description of The Resource Management Issue	4
2.3	Plan Change Objective	6
2.4	Proposal	6
2.5	The Applicant – Pare Hauraki Kaimoana	6
2.6	Background	7
2.7	Existing Environment	10
2.8	Proposed Changes to WRCP Plan Provisions	11
<b>3.</b>	<b>Statutory Considerations</b>	<b>12</b>
3.1	Introduction	12
3.2	New Zealand Coastal Policy Statement 2010	13
3.3	Waikato Regional Policy Statement	18
3.4	Waikato Regional Coastal Plan	22
3.5	National Environmental Standards for Marine Aquaculture 2020;	25
3.6	Resource Management Act 1991	26
3.7	Hauraki Gulf Marine Park Act 2000	28
3.8	Marine and Coastal Area Act 2011	28
3.9	Tai Timu Tai Pari Sea Change Hauraki Gulf Marine Spatial Plan	29
3.10	Hauraki Iwi Environmental Plan 2004	30
<b>4.</b>	<b>Assessment of Environmental Effects</b>	<b>31</b>
<b>5.</b>	<b>Consultation</b>	<b>32</b>
<b>6.</b>	<b>Options and Evaluation</b>	<b>33</b>
6.1	Options	33
6.2	Evaluation of Options	35
<b>7.</b>	<b>Evaluation of The Plan Change</b>	<b>38</b>
7.1	Evaluation of Plan Change Objective	38
7.2	Evaluation of Plan Change Provisions	38
<b>8.</b>	<b>Conclusion</b>	<b>42</b>



## LIST OF FIGURES

Figure 1:	Typical Cross Section	2
Figure 2:	Anchor Warp Zones	5
Figure 3:	Location of the Coromandel Marine Farming Zone	8
Figure 4:	Coromandel Marine Farming Zone in the Inner Hauraki Gulf	10

## LIST OF TABLE

Table 1:	Coordinates of the Coromandel Marine Farming Zone	10
Table 2:	Evaluation of Options	36
Table 3:	Evaluation of Plan Change Provision	39

## LIST OF APPENDICES

<b>Appendix A:</b>	Proposed Layout Plan of the Coromandel Marine Farming Zone
<b>Appendix B:</b>	Typical Cross Section
<b>Appendix C:</b>	Plan Showing Anchor Warp Zones





**PART A – PROPOSED PLAN  
CHANGE**

# **1. PROPOSED PLAN CHANGE**

## **1.1 INTRODUCTION**

Pare Hauraki Kaimoana is applying to the Waikato Regional Council (“**WRC**”) for a plan change to the Waikato Regional Coastal Plan (“**WRCP**”).

The proposed plan change 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**” or “**Zone**”) but is for the purposes of securing an aquaculture activity located wholly within the surface of the Zone. The activity status would be discretionary.

An evaluation in accordance with section 32 of the Resource Management Act 1991 (“**RMA**”) has been undertaken and concludes that the proposal will more effectively and efficiently achieve the objectives of the WRCP. The section 32 evaluation is presented in Part B of this report.

## **1.2 PURPOSE AND REASONS FOR THE PROPOSED PLAN CHANGE**

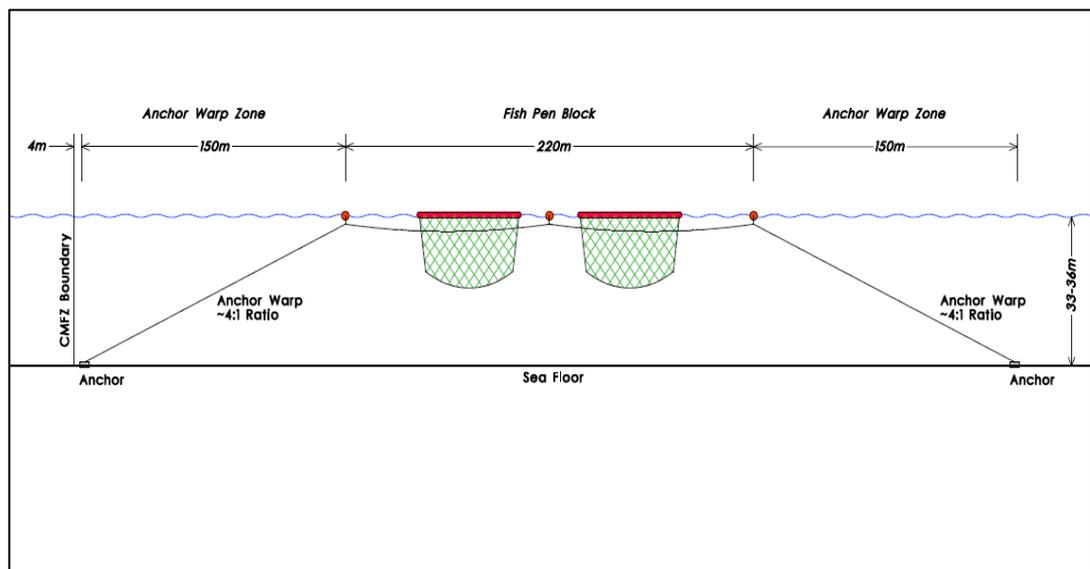
The purpose of the proposed plan change is to enable aquaculture activities in the CMFZ to make more effective and efficient use of the Zone, by allowing anchors lines and anchor structures to be located outside of the Zone so that pens / longlines may be appropriately spaced. This is to enable greater 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.

The proposed plan change seeks to introduce a new standalone rule in Chapter 16 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 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.

No further changes are proposed to the objectives, policies, rules or methods within 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 of the WRCP. During the design process for the establishment of a finfish farm within the CMFZ, it became apparent that this prohibited activity rule has the effect of rendering a large portion of the CMFZ unusable (refer to

**Appendix A** for the layout of the proposed finfish farm). This is due to the depth of the water in the CMFZ and the necessary gradient for the installation of anchor lines. This functional limitation effectively prevents approximately 110 ha of area within the CMFZ from being able to be utilised, as the required length and angle of anchor lines results in fish pens / longlines being set back approximately 150 m from the edge of the Zone. This reduces the potential flexibility to move the fish pens / longlines around the CMFZ. The following figure (which is reproduced in full in **Appendix B**) is a cross section of the fish pen block proposed in the CMFZ, with an anchor warp zone of approximately 150 m from the pens to the boundary of the Zone:



The drawing contained in **Appendix C** shows the anchor warp zone areas based on the proposed layout of the CMFZ.

The proposed new standalone rule is not contrary to the intent and purpose of the activities anticipated within the CMFZ. While the proposed plan change seeks to provide a rule that governs activities outside of the CMFZ, it will not facilitate further aquaculture development in areas of the Coastal Marine Area (“**CMA**”) that are not in the CMFZ. The proposed plan change will only allow anchor lines and anchor structures from aquaculture activities located within the surface of the CMFZ to extend beyond the Zone boundary.

The proposed plan change will not result in any changes to the magnitude or scale of environmental effects envisaged as part of the establishment of the CMFZ in the WRCP. In this regard, any resource consent for fed aquaculture will still need to meet the environmental limits specified for aquaculture activities in the Zone. These limits are specified in Policy 6.1.1B of the WRCP.

### 1.3 PLAN CHANGE – SECTION 16 OF THE WAIKATO REGIONAL COASTAL PLAN

The amendments sought to the WRCP are a new Rule 16.5.5D(1), which is provided in red underline below (or words of like effect). As a consequential change, an amendment is also proposed to Rule 16.5.6 Marine Farming Structures Prohibited Activity (with additions in red underline and deletions in red ~~strikethrough~~).

#### **16.5.5D Marine Farm Structures within Coromandel Marine Farming Zone (Discretionary Activity)**

*The erection, placement, use of, or occupation of space by, any marine farming structure within the marine farming zone as shown on Map 13 in Appendix III of this Plan and associated discharges to water and air (but excluding the discharge of feed and medicinal or therapeutic compounds), and disturbance of and deposition on the seabed for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.*

*NB: Discharges of feed, medicinal or therapeutic compounds require a separate resource consent under Rule 16.5.5E.*

#### **Standards and Terms**

- i) The applicant holds a current authorisation issued by the Waikato Regional Council pursuant to Method 17.5.2A or a current authorisation granted as a settlement asset to apply for a coastal permit to occupy space within the zone.*
- ii) The application is consistent with the applicant's tender as accepted by the Waikato Regional Council or any agreement negotiated under section 165X of the Resource Management Act 1991 under Method 17.5.2A or a current authorisation granted as a settlement asset and approved by the Waikato Regional Council.*
- iii) The applicant has submitted, as part of the resource consent application for this activity, a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.*
- iv) The application is not for the farming of unfed shellfish except as part of a multitrophic farming system including fed aquaculture.*

#### **Assessment Criteria**

*In assessing any application, regard shall be had to:*

- i) the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;*
- ii) the potential for genetic effects on wild populations resulting from escapees and/or interbreeding;*
- iii) the potential for parasites and/or diseases to be introduced and their potential transmission between farmed stock and wild populations;*
- iv) the extent to which the activity will affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;*
- v) the matters considered by a Ministerial Advisory Panel on the Coromandel marine farming zone<sup>27</sup>;*

- vi) the extent to which the baseline survey and proposed environmental monitoring programme meet or exceed the guidance provided in Appendix IA, including consistency of approach with other consent holders in relation to addressing potential cumulative effects within the zone;
- vii) the adequacy of the proposed marine mammal and bird interaction management plan, and disease management plan required under Appendix I of this Plan; and
- viii) the adequacy of any development plan, including proposals for staged and/or adaptive development.

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

- i) Integrity of the structure and associated anchoring and mooring systems;
- ii) Navigation lighting, buoyage and beaconage requirements;
- iii) Provision of written notice to Land Information New Zealand and Maritime New Zealand;
- iv) Provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;
- v) Removal of the structure on expiry of the consent (if no further consent has been applied for or granted);
- vi) Provision of information to the Waikato Regional Council with respect to the final location of the structure;
- vii) Environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;
- viii) Reporting of stock escapes, measures taken to recapture escaped stock, and prevention of further escapes;
- ix) Reporting of pest or disease outbreaks and measures taken to control them;
- x) Interactions with or entanglements of marine mammals and seabird mortalities;
- xi) Location of landing, loading and unloading activities associated with the operation of the marine farm;
- xii) Adaptive management in order to address adverse effects on the environment, including measures such as, but not limited to, reducing production capacity or area of cages; and
- xiii) Timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.

...

**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 Environment Waikato.*

### **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.*





---

**PART B – SECTION 32  
ANALYSIS**

# 1. INTRODUCTION

## 1.1 OVERVIEW

This report presents an evaluation on behalf of Pare Hauraki Kaimoana in accordance with section 32 of the RMA. The report examines the extent to which the plan change objectives are the most appropriate way to promote the sustainable management of natural and physical resources in the CMA, evaluates the related and proposed provisions and assesses the scale and significance of the effects anticipated from implementing the proposed plan change.

This report forms part of a proposed plan change to the WRCP to introduce Rule 16.5.5D(1) within Chapter 16 of the WRCP. In this regard, it is proposed to introduce a new standalone rule that provides for subsurface anchor lines and anchor structures, and any associated seabed disturbance, outside of the CMFZ where they are for the purposes of securing aquaculture activities located wholly within the surface of the Zone. The activity status would be discretionary.

This report should be read in conjunction with the accompanying appendices:

**Appendix A:** Proposed Layout Plan of the Coromandel Marine Farming Zone.

**Appendix B:** Typical Cross Section

**Appendix C:** Plan Showing Anchor Warp Zones

## 1.2 STRUCTURE OF THE REPORT

This section 32 report is set out as follows:

**Section 1:** Introduction and structure of the report.

**Section 2:** Provides a description of the issue and details the background and context of the proposed plan change which is the subject of this report. This section provides an overview of the background and serves as context to the issues with the current planning framework (the resource management issue) applying to the area.

**Section 3:** Provides the assessment of the proposed plan change in relation the applicable statutory documents, including national policy statements, national environmental standards, and regional planning documents.

**Section 4:** Summarises the assessment of environmental, social, economic and cultural effects likely to arise from the proposed plan change.

**Section 5:** Provides details of the options identified as part of the development of the proposed plan change and sets out an evaluation of those options to confirm that the plan change is the most appropriate option to achieve the objective.

**Section 6:** This section provides the evaluation of the provisions of the proposed plan change, and provides an assessment of the costs and benefits of the options.

**Section 7:** Provides a conclusion on whether the proposed plan change is the most appropriate option to achieve the relevant objectives and policies of the WRCP.

## 2. ISSUE IDENTIFICATION

### 2.1 SECTION 32 REQUIREMENTS

This section 32 evaluation is part of ensuring clear and robust decision making in the context of plan preparation and plan changes. It provides a process for evaluating the proposal, and a transparent way to assess the risks, cost and benefits of new and amended planning provisions.

Section 32 of the RMA states:

- (1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) *identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) *summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
  - (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) *economic growth that are anticipated to be provided or reduced; and*
    - (ii) *employment that are anticipated to be provided or reduced; and*
  - (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

The evaluation, therefore, must:

- Assess the scale and significance of the problem or issue;
- Examine whether the objectives of the proposed plan change are the most appropriate way to achieve the sustainable management of natural and physical resources in the CMA;
- Examine whether the proposed approach is the most appropriate way of achieving the objective;

- Identify and assess the benefits and costs of new provisions, including identifying any assumptions and risks; and
- Assess the risks of acting or not acting if there is uncertain or insufficient information.

In addition to the section 32 requirements, this report sets out the process undertaken to prepare the Proposed Plan Change.

## 2.2 DESCRIPTION OF THE RESOURCE MANAGEMENT ISSUE

The resource management issue to be addressed by the proposed plan change relates to the efficient and effective utilisation of the CMFZ. More specifically, the proposed plan change seeks to enable resource consent applications to be made for subsurface anchor lines and anchor structures (and associated bed disturbance) outside of the CMFZ, but which are associated with aquaculture activities located wholly within the surface of the Zone.

The establishment of anchor lines and anchor structures outside of the CMFZ is currently a prohibited activity under Rule 16.5.6 of the WRCP. During the design process for the establishment of a finfish farm within the CMFZ, it became apparent to Pare Hauraki Kaimoana that Rule 16.5.6 has the effect of rendering a large portion of the CMFZ as unusable (refer to **Appendix A, B and C**). This is due to the depth of the water in the Zone, and the necessary gradients for the installation of anchor lines - being approximately 1 in 4.

This functional limitation effectively prevents approximately 110 ha of area within the CMFZ from being able to be utilised, as the length, gradient and tension of anchor lines requires pens and longlines to be set back approximately 150 m from the edge of the Zone (i.e. in the 150 m setback is a function of the required 1 in 4 gradient of the anchor lines and the depth of the water). A 1 in 4 gradient is required for the anchor lines to provide positional stability to the finfish pens – with this gradient ensuring that the structures remain stable with loads resulting from wave, tidal or wind action.

The issue outlined above reduces the flexibility required to appropriately place pens and longlines around the CMFZ. This is shown in **Appendix C**, and reproduced in Figure 2 below.

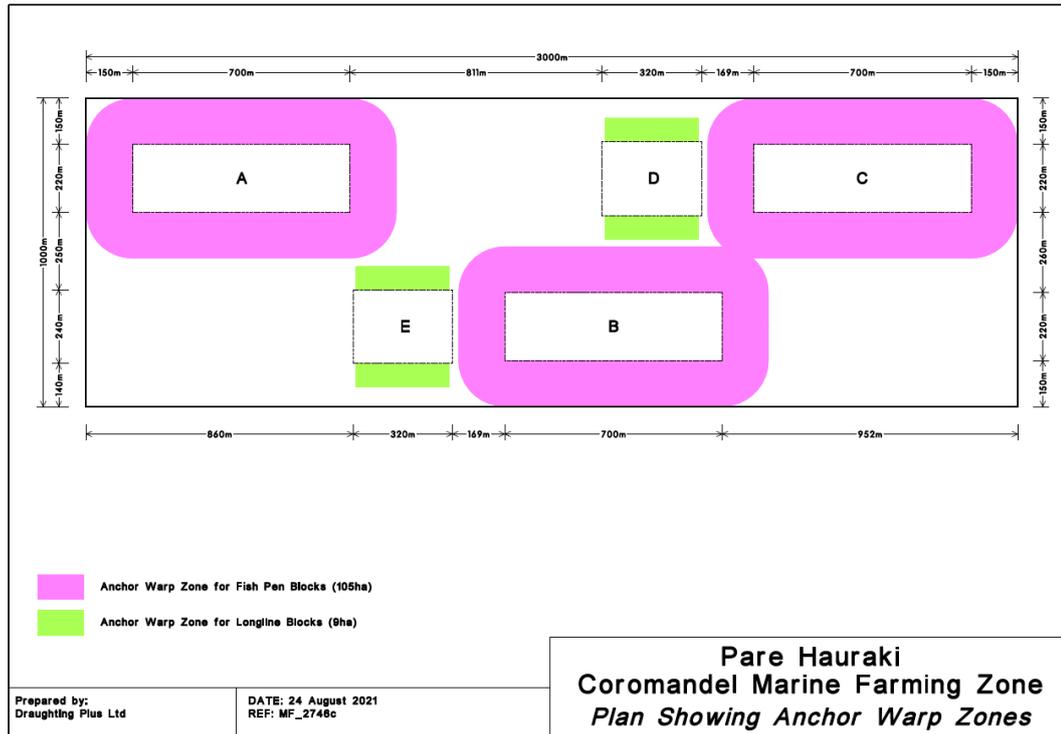


Figure 2: Anchor Warp Zones

A key aspect of establishing finfish farming is the need to appropriately space grids of pens across the predominant current in such a way as to minimise the possibility of downstream water from one grid of pens impinging on another – so as to minimise the risk of pathogen transfer between grids of pens. It can also be necessary to space pens so as to minimise potential adverse benthic effects associated with the deposition of waste material.

While the finfish farming layout proposed by Pare Hauraki Kaimoana for the CMFZ has been coordinated to minimise overlap potential, there is a need to provide greater flexibility via the WRCP for the future location of surface structures within the CMFZ – which necessitates the need to allow resource consent applications to be made for anchor lines and anchor structures outside of the Zone.

The CMFZ has taken over 10 years to establish and is limited in extent. The Ministerial Advisory Panel and other background reports that were prepared in the establishment of this zone comment on the need for this CMFZ to facilitate the growth in an export industry identified by the Government as a key priority. The CMFZ is a valuable, limited resource which needs to be utilised in an effective manner.

Overall, the key planning issues are as follows:

- (a) The need to effectively and efficiently utilise the CMFZ and manage aquaculture activities within it, which is a scarce resource in the context of Tikapa Moana;
- (b) The ability to appropriately manage any actual and potential effects of aquaculture activities located outside of the CMFZ;
- (c) Whether the proposal gives effect applicable higher order planning documents, including the New Zealand Coastal Policy Statement (“**NZCPS**”) and the Waikato Regional Policy Statement (“**RPS**”); and
- (d) The consistency of the proposal with the existing objectives and policies of the WCRP.

### **2.3 PLAN CHANGE OBJECTIVE**

The objective of the proposed plan change is to provide greater flexibility for the layout of aquaculture activities in order to provide for the effective and efficient management of activities and potential environmental effects in the CMFZ.

### **2.4 PROPOSAL**

In order to achieve the objective stated above, the purpose of the proposed plan change is to enable sub-surface structures (specifically anchor lines and anchor structures) associated with aquaculture activities within the CMFZ to be established outside of the Zone through a discretionary resource consent pathway.

The establishment of anchor lines and anchor structures outside of the CMFZ is currently a prohibited activity under Rule 16.5.6 of the WRCPP. The proposed plan change would introduce Rule 16.5.5D(1) within Chapter 16 of the WRCPP – which would provide for subsurface anchor lines and anchor structures, and any associated seabed disturbance, outside of the CMFZ where they are for the purposes of securing aquaculture activities located wholly within the surface of the Zone. The activity status would be discretionary.

### **2.5 THE APPLICANT – PARE HAURAKI KAIMOANA**

Pare Hauraki Kaimoana was established in September 2009. It is a fully owned asset holding company of the Hauraki Māori Trust Board and Pare Hauraki Fishing Trust. It is the mandated iwi organisation of the 12 iwi of Hauraki under the Māori Fisheries Act 2004; being:

- Ngāi Tai ki Tāmaki;
- Ngāti Hako;
- Ngāti Hei;
- Ngāti Pūkenga ki Waiau;
- Ngāti Rāhiri – Tumutumu;
- Ngāti Tamaterā;

- Ngāti Maru;
- Ngāti Paoa;
- Ngāti Porou ki Harataunga ki Mataora;
- Ngati Tara Tokanui;
- Ngāti Whanaunga; and
- Patukirikiri.

Pare Hauraki Kaimoana holds Treaty settlement authorisations / resource consents for approximately 357 ha of mussel farming water space in Tikapa Moana. This includes established mussel farms in Wilsons Bay on the western coastline of the Coromandel Peninsula.

Pare Hauraki Kaimoana successfully tendered for the authorisation to apply for resource consents for aquaculture activities in the CMFZ from the WRC under Part 7A of the RMA in September 2018.

As well as making this proposed plan change application, Pare Hauraki Kaimoana is also concurrently applying for a resource consent to establish and operate a finfish farm in the CMFZ. This resource consent application has been submitted under separate cover.

The detailed work and investigations required to prepare the resource consent application for the finfish farm in the CFMZ has identified the need for this plan change, so that options remain potentially available for future layout options that enable the effective and efficient management of the Zone (and to retain the ability to avoid, remedy or mitigate potential adverse effects on the environment). The resource consent application by Pare Hauraki Kaimoana is not dependent on the resolution of this plan change application.

## 2.6 BACKGROUND

The CMFZ is located at the entrance to Tikapa Moana and to the north of the Firth of Thames. The CMFZ covers an area of 300 ha (3 km x 1 km) and is located approximately 13.5 km from Coromandel Town and 11 km from Waiheke Island.

Water depths in the CMFZ are approximately 33 – 36 m.

The location of the CMFZ is shown in Figure 3 below.



**Figure 3: Location of the Coromandel Marine Farming Zone**

The genesis of the CMFZ commenced in 2007 when the WRC started to explore policy options and the potential ecological effects associated with the diversification of aquaculture activities in the Waikato Region. The WRC consulted research scientists and commissioned studies to examine information gaps that needed to be addressed if the diversification of aquaculture were to go ahead in the Waikato Region.

Around the same time as the investigations by the WRC, the Government identified an opportunity to commercialise new high-value finfish species to diversify and grow New Zealand’s aquaculture industry. Together with the WRC, the Government identified an area in

the Waikato Region that later became the CMFZ. This area was considered potentially appropriate to accommodate fed aquaculture in an environmentally sustainable manner. The site selection process that led to the identification of the CMFZ aimed to avoid potential effects on competing uses and significant values.

To ascertain the suitability of the CMFZ, and the nature of the potential effects associated with its use, NIWA were commissioned to carry out an assessment of relevant production and ecological considerations. This included consideration of potential ecological effects associated with marine farming within the CMFZ, including nutrient cycling effects, effects on benthic ecology, as well as disease, parasite, and biosecurity risks. NIWA concluded that there is the potential to develop a sustainable fed aquaculture industry within the CMFZ, provided that a baseline description of the natural state of the environment is done before any specific farm is established, and development is staged.

In 2010, the Minister of Fisheries and Aquaculture introduced to Parliament the Aquaculture Legislation Amendment Bill (No 3) 2010, which included changes to the WRCP to create the CMFZ and provide a rule framework for resource consent applications to be made. A three-member Ministerial Advisory Panel was established to provide the Government with independent recommendations on the proposal.

The Report of the Ministerial Advisory Panel acknowledged that finfish farming in the CMFZ has the potential to release large amounts of nutrients, including nitrogen, to the local marine environment. They also understood that the very nature of finfish farming causes uneaten food and faecal material to deposit on the seabed under the pens, and that this could substantially modify substrate conditions and impact on faunal assemblages. However, they emphasised that the key to bio-economic and environmental performance of commercial finfish farms is how these effects are managed, and also noted that these effects are generally restricted to the localised area of the farms (and can be mitigated and reduced by appropriate controls of the amount of feed and good farming practices).

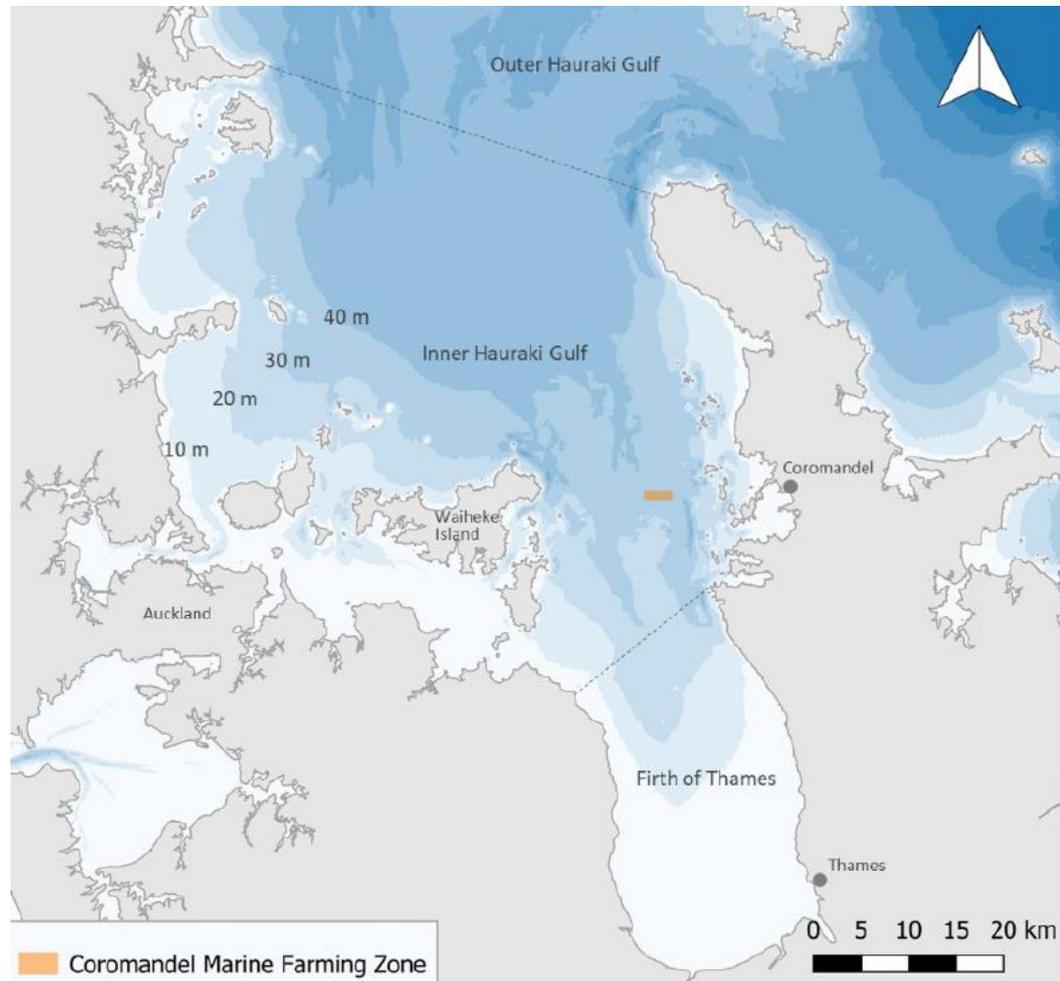
Overall, the Ministerial Advisory Panel concluded that:

- The CMFZ should be established;
- An adaptive development approach to validate finfish farming within the CMFZ allows central and local government, and the industry, to implement appropriate measures to mitigate and address potential environmental effects; and
- The risk of infectious agents can be mitigated using good management practices and an appropriate biosecurity plan.

Following public consultation and the report of the Ministerial Advisory Panel, the CMFZ was created through the Resource Management Amendment Act (No2) 2011.

## 2.7 EXISTING ENVIRONMENT

As depicted in Figure 2, the CMFZ is located within the area defined as the inner Hauraki Gulf (Tikapa Moana). The description below of the CMFZ is equally applicable for the area immediately outside of the CMFZ in which ancillary structures may need to be located.



**Figure 4: Coromandel Marine Farming Zone in the Inner Hauraki Gulf**

The CMFZ is geographically defined by the coordinates provided in Table 1 below, which are taken from Appendix 3, Schedule 6 of the WRCP.

**Table 1: Coordinates of the Coromandel Marine Farming Zone**

	WGS84 Datum		NZ Map Grid 1949 Datum	
A	175:21.5342 E	36:45.8359 S	2721001	6490307
B	175:21.5508 E	36:46.3763 S	2720998	6489307
C	175:19.5354 E	36:46.4160 S	2717999	6489313
D	175:19.5191 E	36:45.8756 S	2718001	6490313

Currents in the area are dominated by tidal oscillations and are largely orientated north – northwest and south – southwest, with mean current speeds in the order of 20 cm/s. The long side of the CMFZ is positioned across the dominant currents. The CMFZ is sheltered from oceanic swells by the Coromandel Peninsula to the east and, to a lesser extent, from Waiheke Island to the west. The CMFZ is outside the direct influence of the major river catchments of the Firth of Thames and Tikapa Moana in terms of nutrients and salinity effects.

The seabed in, and around, the CMFZ is homogenous sand and muddy sand. This substrate extends into the Coromandel Peninsula and to the northern boundary of the Firth of Thames. The inner parts of Tikapa Moana contains extensive areas of mixed sediment. The substrate in the Firth of Thames is characterised by mud and sandy mud, and also contains substantial areas of mixed sediment. The mid to eastern part of the CMFZ contains a shell hash area of approximately 11 ha, which includes a central area of dense shell, interspersed with dark sponges and / or rock. The area also contains the Mediterranean fan worm, starfish (*Luidia maculate*), and there are indications of low number of scallops. A variety of small sponge species are common on the seabed throughout the CMFZ.

## **2.8 PROPOSED CHANGES TO WRCP PLAN PROVISIONS**

The proposed changes are fully addressed in Part A of this report. In summary, this proposed plan change seeks to:

- Inserts a new rule into Chapter 16 of the WRCP to provide a discretionary activity consenting pathway for anchor lines and anchor structures located outside of the CMFZ, but which are associated with aquaculture activities within the Zone; and
- Amends Rule 16.5.6 in Chapter 16 to make it explicit that the prohibited activity rule does not apply to activities that are within the ambit of the new rule proposed by this plan change.

### 3. STATUTORY CONSIDERATIONS

#### 3.1 INTRODUCTION

Section 66(1) of the RMA sets out matters which are to be considered by the WRC when preparing or changing regional coastal plans. This section states that any change to regional coastal plans must be in accordance with the functions set out in section 30, the provisions of Part 2, a direction given under section 25A(1), and any regulations.

Section 66(2) of the RMA requires that when preparing or changing a regional coastal plan a Regional Council shall have regard to:

- (a) *any proposed regional policy statement in respect of the region; and*
- (b) *the Crown's interests in the coastal marine area; and*
- (c) *any—*
  - (i) *management plans and strategies prepared under other Acts; and*
  - (ii) *[Repealed]*
  - (iia) *relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
  - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and*
  - (iv) *[Repealed]*
  - (v) *relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—*  
*to the extent that their content has a bearing on resource management issues of the region; and*
- (d) *the extent to which the regional plan needs to be consistent with the regional policy statements and plans, or proposed regional policy statements and proposed plans, of adjacent regional councils; and*
- (e) *to the extent to which the regional plan needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and*

Section 66(2A) of the Act also requires that when changing any regional plan, it must consider:

- (a) *the council must take into account any relevant planning document recognised by an iwi authority; and*
- (b) *in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act,—*

- (i) *recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and*
- (ii) *take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.*

Section 67 of the RMA details the requirements for the content of regional plans. Section 67 of the Act states that:

- (3) *regional plan must give effect to—*
  - (a) *any national policy statement; and*
  - (b) *any New Zealand coastal policy statement; and*
  - (c) *a national planning standard; and*
  - (d) *any regional policy statement*
- (4) *A regional plan must not be inconsistent with—*
  - (a) *a water conservation order; or*
  - (b) *any other regional plan for the region; or*
  - (c) *[Repealed]*

The following statutory planning documents are considered relevant to the proposed plan change and have been considered accordingly:

- NZCPS;
- RPS;
- WRCP; and
- National Environmental Standards for Marine Aquaculture 2020.

The provisions of the RMA are also briefly considered in this report.

In addition, the following matters are also considered in this report:

- Hauraki Gulf Marine Park Act 2000;
- Marine and Coastal Area Act 2011;
- Tai Timu Tai Pari Sea Change Hauraki Gulf Marine Spatial Plan; and
- Hauraki Iwi Environment Plan 2004.

The following sections provide an analysis of the proposed plan change against the relevant statutory documents.

### **3.2 NEW ZEALAND COASTAL POLICY STATEMENT 2010**

The NZCPS came into effect in 2010 and its purpose is to state policies in order to achieve the sustainable management of natural and physical resource in relation to the coastal environment of New Zealand.

Whilst the RPS was prepared subsequent to the NZCPS coming into effect, consideration has still been given to the overarching directives of the NZCPS for context and recognition that the proposed plan change is required to give effect to the NZCPS. It is also appropriate to consider how these directives have manifested in the objectives, policies and rules that apply within the Waikato Region and relate directly to the potential use and development of the CMFZ.

The NZCPS contains provisions which address the following matters of relevance to the proposed plan change:

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

An assessment of the relevant provisions is provided in the sub-sections below.

### **Ecosystem Values and Coastal Water Quality**

Objective 1 seeks to safeguard the various elements of the coastal environment and sustain ecosystems. This is intended to be achieved by a range of measures, which seek to:

- Adopt a precautionary approach towards activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse;<sup>1</sup>
- Avoid adverse effects on significant indigenous biodiversity (e.g. indigenous taxa that is threatened or at risk);<sup>2</sup>
- Avoiding significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities on other habitats, areas and ecosystems in the coastal environment;<sup>3</sup>

---

<sup>1</sup> Policy 3(1) of the NZCPS.

<sup>2</sup> Policy 11(a) of the NZCPS.

<sup>3</sup> Policy 11(b) of the NZCPS.

- Control activities in, or near, the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread;<sup>4</sup>
- Enhance water quality in areas where it has degraded; and<sup>5</sup>
- Have particular regard to the sensitivity of the receiving environment, the capacity of the receiving environment, and the potential for significant adverse effects on ecosystems and habitats when managing discharges to the coastal environment.<sup>6</sup>

The WRCP requires a staged approach to the development of aquaculture activities in the CMFZ – such that full development of the zone cannot occur until such time as permission has been granted by the WRC and it has been demonstrated there are no significant adverse effects occurring (and there has been monitoring of a minimum of two production cycles). The proposed plan change does not impact upon the existing policy framework requiring this staging to be adhered to.

With respect to the management of significant indigenous biodiversity, the proposed plan change does not provide for structures outside of the CMFZ as a permitted activity, and any resource consent application will need to be accompanied by an ecological investigation of the proposed disturbance locations in accordance with Appendix I of the WRCP. In that regard, any effects on significant indigenous biodiversity associated with structures outside of the CMFZ would be considered and assessed through a resource consent process.

In terms of other habitats and ecosystems in the coastal environment, the NZCPS sets out an effects management framework whereby there is a focus on avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects. As with the above, the proposed plan change will enable the potential environmental effects of structures outside of the CMFZ on habitats and ecosystems to be assessed and managed through the resource consent process.

In response to Policy 12, it is noted that the proposed plan change does not change the nature of any biosecurity risks requiring management in and around the CMFZ (but does provide a mechanism to potentially mitigate any biosecurity risks by enabling greater spacing of aquaculture activities if necessary).

Finally, in respect of the capacity of the receiving environment, this proposal does not propose to provide for the farming of fish or other forms of aquaculture outside of the CMFZ

---

<sup>4</sup> Policy 12(1) of the NZCPS.

<sup>5</sup> Policy 21 of the NZCPS.

<sup>6</sup> Policy 23 of the NZCPS.

(or alter the policy requirements regarding nutrient / feed loads in the Zone). All of the farming itself will continue to be undertaken within the CMFZ.

### **Natural Character and Natural Features / Landscapes**

Objective 2 and its related policies effectively seek to:

- Avoid adverse effects on the characteristics and qualities that contribute to the outstanding natural character of areas in the coastal environment;<sup>7</sup>
- Avoid adverse effects on the characteristics and qualities that contribute to areas in the coastal environment areas that are outstanding natural features and landscapes; and<sup>8</sup>
- Avoid significant adverse effects, and avoid, remedy, or mitigate other adverse effects of activities, on natural character and other natural features and natural landscapes in the coastal environment.<sup>9</sup>

Pare Hauraki Kaimoana is seeking to establish its aquaculture activities in an area that has previously been identified as an appropriate area for development through a variety of assessments. The CMFZ is not identified as an area of outstanding natural character or an outstanding natural landscape / feature in the RPS, WRCP or the Proposed Thames-Coromandel District Plan.

While any subsurface structures outside of the CMFZ, but associated with aquaculture activities in the Zone, are not expected to generate inappropriate effects on the natural character or landscape values of the coastal environment, the resource consent process proposed as part of the plan change allows for any potential effects in this realm to be considered by decision-makers.

### **Tangata Whenua Values and Interests**

The objectives and policies of the NZCPS direct that the principles of the Treaty of Waitangi be taken into account and that the role of tangata whenua as kaitiaki of the coastal environment be recognised. Policy 2 further elaborates on this by recognising that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, and that opportunities should be provided for tangata whenua to exercise kaitiakitanga over waters.

As already noted in this report, Pare Hauraki Kaimoana is a fully-owned asset holding company of the Hauraki Māori Trust Board and Pare Hauraki Fishing Trust. The proposed plan change will continue to recognise and provide for the relationship of the iwi of Hauraki with

---

<sup>7</sup> Policy 13(1)(a) of the NZCPS.

<sup>8</sup> Policy 15(a) of the NZCPS.

<sup>9</sup> Policies 13(1)(b) and 15(b) of the NZCPS.

Tikapa Moana. The plan change is also consistent with the Hauraki iwi Environmental Plan (which is discussed further below) – which seeks to increase fisheries production and marine farming in Tikapa Moana at sustainable levels.

No entities hold protected customary rights or customary marine title over the CMFZ.

### **Public Access and Recreational Opportunities**

Objective 4 seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment, including by recognising that the CMA is an extensive area of public space for the public to use and enjoy. Policy 6 also recognises the recreation qualities and values of the CMA.

The CMFZ is not identified as being a key recreational area for public access. In this regard, almost all of the recreational fishers in the area tend to fish within, and around, the marine farms off Wilsons Bay - well to the south of the CMFZ. While there is potential for recreational sailing to occur in the area, the CMFZ is not identified as a key recreational route.

Notwithstanding the above, the potential for recreational effects associated with the establishment of structures outside of the CMFZ is considered to be limited given the extent of area that may be required to support anchor lines / structures will be limited. In addition, any potential effects on public access and recreational opportunities will be able to be considered as part of the consenting pathway to be provided as part of the proposed plan change. The need for navigational and buoyancy markings will be able to be addressed through the assessment criteria proposed for Rule 16.5.5D(1).

### **Social, Economic and Cultural Wellbeing**

Objective 6 and its associated policies (including Policy 6) recognise that the protection of values of the coastal environment should not preclude use and development in appropriate places and forms, and within appropriate limits. The objectives and policies specifically recognise those uses which depend on the natural and physical resources of the coastal environment, including for functional reasons.

Related to the above, Policy 8 recognises the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being. Policy 8 also seeks that the regional policy statement and regional plans include provisions for aquaculture activities in appropriate places in the coastal environment and that the social and economic benefits of aquaculture be taken into account.

The establishment of policies and rules for the development of the CMFZ in the WRCP is considered to directly respond to the directive provided by Policy 8(a). The proposed plan change will potentially enable the future sustainability of the CMFZ and allow the allocated space to be utilised more effectively and efficiently, and in a manner that allows for potential

environmental effects to continue to be managed through the appropriate spacing of pens in the Zone.

### **Summary**

Overall, it is considered that the NZCPS seeks to provide for aquaculture activities in the coastal environment in recognition of the social and economic wellbeing that such activities provide. However, provision for aquaculture activities is to occur within the context of appropriate places and within appropriate limits, and where the effects of any specific proposal are managed in accordance with the various policy directives sets out in the policies of the NZCPS.

The CMFZ is considered to be a location that is appropriate for aquaculture activities and the proposed rule framework sought as part of this plan change is not considered to alter this assessment. Furthermore, the proposed rule framework will allow any future resource consent applications for anchor lines and anchor structures to be considered against the management outcomes sought for the environmental values in the CMA.

In light of the above, it is considered that the proposed plan change gives effects to the NZCPS.

## **3.3 WAIKATO REGIONAL POLICY STATEMENT**

The RPS became operative in May 2016 and, as such, is considered to give effect to the overarching direction provided by the NZCPS with respect to the sustainable management of the coastal environment.

The objectives and policies in the RPS cover a broad range of topics 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.

The key themes in the RPS are set out and discussed in the following sub-sections.

### **Resource Use and Decision Making**

Objectives 3.2, 3.3 and 3.10 relate to resource use and development, and a consistent / holistic approach to decision making.

Objectives 3.2 and 3.10 seek to recognise and provide for the role of sustainable resource use and development in enabling social, economic and cultural wellbeing. They also seeks to maintain and, where appropriate, enhance the life-supporting capacity of water and ecosystems to support primary production activities.<sup>10</sup> This objective is to be achieved via a number of policies, including Policy 4.4 and Method 4.4.2 – which seek that primary

---

<sup>10</sup> Aquaculture activities are classified as 'primary production' under the RPS.

production is provided for (through district and regional plans) and that the adverse effects beyond the boundary are avoided, remedied or mitigated.

The approach adopted in the WRCP, in terms of providing for specific aquaculture activities in the CMFZ, is consistent with this approach. Similarly, the proposed plan change continues to provide for primary production activities within the CMFZ in a manner that enables the CMFZ to be effectively utilised for aquaculture activities.

This proposed plan change, and the discretionary activity consent pathway, provides for a full assessment of the actual and potential effects of having structures associated with the CMFZ located outside of the Zone.

Objective 3.3 refers to consideration of (amongst other things):

- The precautionary approach towards activities that are unknown or little understood;
- The potential for cumulative effects; and
- The best available information.

Matters relating to the utilisation of a precautionary approach are assessed in relation to Policy 3 of the NZCPS above, and that analysis is considered applicable to the RPS. Likewise, and as noted in relation to Policy 23, particular consideration has been given to the capacity of the receiving environment through enabling the establishment of the CMFZ, and through the resource consent process required for any farming within this zone. The proposed plan change enables specific consideration to be given to the receiving environment in the context of a resource consent application for anchor lines and anchor structures outside of the CMFZ.

With respect to decision-making being informed by the use of the best available information, any future resource consent process for structures outside of the CMFZ will need to be supported by an appropriate assessment of environmental effects to inform understanding of the potential effects of the structures proposed outside of the CMFZ (with the proposed rule requiring an ecological assessment in accordance with Appendix I of the WRCP).

### **Coastal Environment and Natural Character**

The key objectives in the RPS relating to the management of the coastal environment are Objectives 3.7, 3.20 and 3.22. These objectives relate to:

- 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.

The approach outlined to the preservation of natural character and natural landscapes / features in the coastal environment in the RPS is reflective of the NZCPS, and the analysis in relation to the NZCPS is considered to equally apply to the objectives and policies in the RPS.

With respect to potential matters of conflict, Policy 7.1 and its associated methods seek to recognise that the CMA is generally public space and that the WRCP should potentially allocate space for difference purposes. The development of the CMFZ is consistent with this approach, with the location of the zone being assessed as an area which is suitable for aquaculture activities (particularly finfish farming) and in an area that is not subject to notable conflicts with other users of the CMA.

Policy 11.4 seeks to implement the directive in Objective 3.7 requiring consideration of the complex nature of natural biological and physical processes. Policy 11.4 largely repeats the management expectations set out in Policy 11 of the NZCPS in terms of avoiding adverse effects on significant species and habitats (e.g. threatened and at-risk taxa) – and, therefore, the analysis provided in relation to the NZCPS is considered to equally apply to the relevant objectives and policies in the RPS.

Policy 11.4 does go on to refer to maintaining or enhancing areas used by marine mammals and seabirds. The rule framework for the proposed plan change provides the ability for any potential effects on marine mammals and seabird to be assessed, if necessary, in line with the outcomes sought by Policy 11.4.

### **Tangata Whenua**

Objective 3.9 seeks to recognise and provide for the relationship of tangata whenua with the environment, including via their continued use and enjoyment of natural and physical resources and their role as kaitiaki. Policy 10.2 follows this theme by recognising and provide for the relationship of tangata whenua with their ancestral waters and other taonga.

The analysis of the NZCPS in relation to tangata whenua values and interests is considered to apply in relation to these provisions of the RPS. However, it is concluded that the proposed plan change will recognise and provide for the relationship of the iwi of Hauraki with Tikapa Moana by enabling the more effective utilisation of the CMFZ. The proposal is also consistent with the Hauraki Iwi Environmental Plan (which is discussed further below) – which seeks to increase fisheries production and marine farming in Tikapa Moana at sustainable levels.

Furthermore, no entities currently hold protected customary rights or customary marine title over the CMFZ.

### **Ecological Services and Indigenous Biodiversity**

Objectives 3.8 and 3.18 relate to the management of ecosystem services, ecological integrity and indigenous biodiversity in the Waikato Region.

Policy 11.1 seeks to give effect to Objective 3.8 by promoting positive indigenous biodiversity outcomes to maintain the full range of ecosystem types to achieve healthy ecological functioning of ecosystems. The ecological effects of undertaking activities within the CMFZ need to be considered in accordance with the current resource consent framework, through an assessment of environmental effects. Any such effects associated with anchor lines and anchor structures located outside of the CMFZ will also need to be assessed through the resource consent process that this plan change is seeking to enable.

Policy 11.4 seeks to give effect to Objective 3.19 and largely repeats the management expectations set out in Policy 11 of the NZCPS. Analysis of how the aquaculture activities in the CMFZ align with this provision are documented above in the assessment of matters relating to the coastal environment and natural character.

In light of the above, it is considered that the proposed plan change will enable ecosystem services, ecological integrity and indigenous biodiversity in Tikapa Moana to be appropriately maintained.

### **Water Quality**

Objective 3.13 seeks to recognise and provide for the mauri and health of marine waters. It seeks to achieve this outcome by (i) maintaining natural character and the health / functioning of indigenous biodiversity and ecosystems, and (ii) improving the life-supporting capacity of marine waters where they are degraded. Policy 7.2 also seeks that discharges to marine waters be managed to protect ecosystem, amenity and tangata whenua values.

The proposed plan change will not, in itself, result in any additional effects on water quality. The proposal to enable the establishment of anchor lines and anchor structures outside of the CMFZ as discretionary activity will mean that potential water quality effects from bed disturbance activities (if any) are able to be assessed.

### **Amenity**

Objective 3.21 specifies that the qualities and characteristics of areas and features, that are valued for their contribution to amenity, are maintained or enhanced. Policy 12.3 notes that such areas may include areas within the coastal environment.

There are a number of specific policies in the RPS intended to implement Objective 3.21, which relate to marine water quality (Policy 7.2), indigenous biodiversity (Policy 11.1), coastal / marine ecosystems (Policy 11.4). These matters are considered in other sub-sections of this report that consider the RPS.

With respect to visual amenity values, the resource consenting process provided for as part of this plan change will allow for any potential effects to be considered. However, it is considered that the effects will be low given the offshore location of the CMFZ (i.e. it will lack visibility from land-based locations) and the sub-surface nature of the structures. Any ancillary

structures will also not change the characteristics of authorised aquaculture activities within the CMFZ.

### **Public Access**

Objective 3.23 and its associated policies seek that public access to, and along, the coastal marine area is maintained or enhanced. This includes Policy 12.5, which recognises the circumstances where restrictions on public access may be appropriate.

As noted in relation to the analysis of the NZCPS, the CMFZ is not identified as being a notable recreational area for the public access. However, the resource consenting framework established as part of this proposed plan change will enable potential effects on public access to the CMA to be considered and assessed.

### **Summary**

Based on the analysis above, it is considered that the proposed plan change does not impact upon the ability to achieve the management expectations for natural and physical resources in the coastal environment under the RPS. 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.

The proposed plan change will also potentially allow for the CMFZ to be utilised more effectively, and provide greater flexibility for the management of potential effects on the environment from finfish farming.

## **3.4 WAIKATO REGIONAL COASTAL PLAN**

Section 32 of the RMA requires an evaluation of the existing provisions of a plan that is being amended. If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

- (a) the provisions and objectives of the amending proposal; and*
- (b) the objectives of the existing proposal to the extent that those objectives—*
  - (i) are relevant to the objectives of the amending proposal; and*
  - (ii) would remain if the amending proposal were to take effect.*

The objectives and policies of particular relevance that would remain if the proposal was to take effect are quoted in the following sections. For completeness, an assessment of the proposed plan change against the relevant provisions of the WRCP is also provided to confirm that the resource consent pathway for anchor lines and anchor structures outside of the CMFZ is consistent with the WRCP.

The WRCP was made operative in 2005. It pre-dates the NZCPS and RPS – such that a number of its provisions do not fully reflect the more recent, over-arching policy directives regarding the sustainable management of the coastal environment. That said, the policies and rules in the WRCP relating to the potential development of the CMFZ were introduced through the Resource Management Amendment Act (No2) 2011 – and following the gazettal of the NZCPS in 2010.

### **Marine Farming**

Objective 6.1 of the WRCP seeks that marine farming is developed in an efficient and sustainable manner, which avoids adverse effects on the coastal environment as far as practicable. The associated policies that are relevant in the CMFZ seek to:

- Take a precautionary approach by ensuring that the marine farms avoid, as far as practicable, any adverse effects on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated;<sup>11</sup>
- Provide for the diversification of marine farming and the use of multi-trophic farming systems in a way that:
  - Safeguards the life-supporting capacity of the environment;
  - Is compatible with, and does not adversely affect, marine farming activities;
  - Avoids, as far as practicable, adverse effects on water and sediment quality, indigenous biodiversity, coastal processes, landscape and natural character, and amenity values. Where complete avoidance is not practicable, adverse effects shall be remedied or mitigated; and
  - Avoids adverse effects on areas of ecological significance.<sup>12</sup>
- Manage fed aquaculture in the CMFZ by limiting the total net discharge of nitrogen to a maximum of 800 tonnes per year and an associated maximum of 13,600 tonnes of feed discharged per year;<sup>13</sup>
- Ensure that the CMFZ is used for environmentally sustainable fed aquaculture and any associated multi-trophic aquaculture by requiring staged and adaptive management of the zone, and consistent monitoring of all farms operating within the zone; and<sup>14</sup>

---

<sup>11</sup> Policy 6.1.1 of the Waikato Regional Coastal Plan.

<sup>12</sup> Policy 6.1.1A of the Waikato Regional Coastal Plan.

<sup>13</sup> Policy 6.1.1B of the Waikato Regional Coastal Plan.

<sup>14</sup> Policy 6.1.1D of the Waikato Regional Coastal Plan.

- Ensure marine farms are located, constructed and maintained in a way which does not compromise safe recreation and navigation.<sup>15</sup>

Policy 6.1.1D is set out in full below:

**6.1.1D Policy – Establishment and Management of the Coromandel Marine Farming Zone**

- (a) *Provide for fed aquaculture in the Coromandel marine farming zone through the provision of space in appropriately deep and well-flushed water while avoiding effects on significant ecological values and significant effects on other users of the coastal marine area.*
- (b) *Ensure that the Coromandel marine farming zone is used for environmentally sustainable fed aquaculture and any associated multi-trophic aquaculture by:*
  - (i) *allocating space within the zone to the most efficient and effective use of the space in accordance with Method 17.5.2A;*
  - (ii) *requiring staged and adaptive management of the zone in accordance with Policy 6.1.4 and Rule 16.5.8; and*
  - (iii) *requiring consistent monitoring of all farms operating within the zone.*

Related to the above, Rule 16.5.8 states that the staging will be applied in the CMFZ – with Stage 1 allowing the discharge of up to 50% of the nitrogen and feed specified under Rule 16.5.5E and Stage 2 allowing the discharge of up to 75% of the nitrogen and feed limits. authorised by the consent. Stage 3 will allow the discharge of up to 100% of the nitrogen and feed limits.

In response to these general and specific policies / methods that apply to the CMFZ, the following is noted in relation this proposed plan change:

- The proposed plan change does not seek to amend any of the existing rule framework associated with the establishment and staging of aquaculture activities in the CMFZ. Such activities still need to be considered against those applicable rules;
- This proposed plan change inserts a new rule within the WRCP that allows for full consideration as to how any specific proposal under the new rule is consistent with the existing objective and policies of the applicable statutory documents (including those related to ensuring that safe recreation and navigation is not compromised); and
- The proposal does not involve the establishment of structures in an area identified by the relevant statutory planning documents as being of ecological significance.

---

<sup>15</sup> Policy 6.1.2 of the Waikato Regional Coastal Plan.

Overall, it is considered that the proposed plan change is consistent with the objective and policies in section 6.1 of the WCRP relating to marine farming, and does not require the introduction of any new objectives and policies to the WRCF.

### Other Matters

The WRCF includes several other objectives and policies related to the preservation of natural character, significant vegetation and habitats, amenity, coastal processes and marine water quality. These provisions generally follow a similar theme to those set out above in relation to the NZCPS and RPS in that they seek to:

- Preserve natural character and protect it from inappropriate development;
- Recognise that the use, occupation and development of coastal space is appropriate to meet the social, economic and cultural wellbeing of communities;
- Areas of significant indigenous vegetation and significant habitat of indigenous fauna are protected;
- Avoid the introduction of any exotic plant species where that plant is not already present, and ensure that the adverse effects of any existing exotic plant species are remedied or mitigated;
- Amenity and heritage values within the coastal marine area are maintained or enhanced;
- The integrity, functioning and resilience of coastal processes are protected from the adverse effects of use and development; and
- Water quality in the coastal marine area is maintained or enhanced.

In light of these provisions following a similar theme to the objectives and policies in the NZCPS and RPS (albeit in a manner that does not always reflect the specific management directives of these higher-order planning documents), the analysis and conclusions already provided in these reports are considered to equally apply to the provisions of the WRCF.

### Summary

It is considered that the proposed plan change given effect to the management outcomes expected via the WRCF.

## 3.5 NATIONAL ENVIRONMENTAL STANDARDS FOR MARINE AQUACULTURE 2020;

The National Environmental Standards for Marine Aquaculture 2020 (“**NESMA**”) came into force on 1 December 2020. 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 as marine aquaculture contributes significantly to regional development.

The provisions in the NESMA only relate to replacement consents for marine farms, realignment consents, and change of species applications. As such, it is not relevant to the proposed plan change.

### **3.6 RESOURCE MANAGEMENT ACT 1991**

In accordance with case law,<sup>16</sup> recourse to Part 2 of the RMA is not required if the NZCPS and RPS give effect to Part 2 of the Act within the coastal environment. Recourse back to Part 2 of the RMA is only required where:

- The NZCPS or RPS is invalid;
- The NZCPS or RPS does not cover the field; or
- There is uncertainty or conflict in the provisions.

In this instance, the NZCPS and RPS are considered to cover the field in terms of aquaculture activities such that recourse to Part 2 of the RMA is not required. Notwithstanding this, Part 2 of the RMA is considered to the extent appropriate in the following paragraphs for the purposes of completeness.

The establishment of aquaculture activities in the CMFZ, and being able to use the CMFZ efficiently though enabling anchor lines and anchor structures to be located outside of the CMFZ, will enable Pare Hauraki Kaimoana to provide for the social, economic and cultural wellbeing of Hauraki iwi – as well as the local and regional community. The proposed plan change will also, in part, contribute to the Government’s objective for aquaculture in the regions of New Zealand to become a \$3 billion industry by 2035.

With respect to sustaining the potential of natural and physical resources, and safeguarding the life-supporting capacity of water and ecosystems, this proposed plan change does not permit any activities but rather provides a consenting pathway for structures outside of the CMFZ to be considered. It is through any subsequent resource consent process that any potential effects will be addressed to ensure they are appropriated avoided, remedied or mitigated. That said, providing suitable spacing for grids of pens in the CMFZ does also contribute to sustaining the potential of natural resources, and safeguarding the life-supporting capacity of ecosystems in the CMA.

With respect to the key matters in sections 6, 7 and 8 of the RMA, the following points are relevant:

- The area around the CMFZ has not been identified as an area of outstanding natural character in the relevant statutory planning documents, and the proposed plan change

---

<sup>16</sup> Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38

provides a framework for the suitable consideration of potential effects on natural character (if any) (section 6(a));

- Any activities within the CMFZ or immediately outside of it will not impact on the protection of any outstanding natural features and landscapes in the surrounding environment given the proximity of these features / landscapes to the CMFZ (section 6(b));
- The CMFZ and its immediate environs is not located over any area of significant indigenous vegetation, and the proposed rule in the plan change would require the provision of an ecological assessment of the seabed as part of the resource consent application (section 6(c));
- This proposed plan change is ancillary to an area identified for aquaculture activities and is not considered to impact upon the level of public access within the area given that the rule only provides for subsurface anchor lines and anchor structures (section 6(d));
- Sections 6(e) and 7(a) of the RMA refer to the relationship of Māori with their ancestral waters and other taonga and the need to have particular regard to kaitiakitanga. The proposed plan change by Pare Hauraki Kaimoana will recognise and provide for the relationship of the iwi of Hauraki with Tikapa Moana. It also reflects that aquaculture activities are viewed by Pare Hauraki as a modern extension of their traditional kaimoana activities. As such, the ability to efficiently utilise the CMFZ for aquaculture activities recognises and provides for the relationship of Hauraki iwi with their ancestral waters;
- The CMFZ and its surrounds is not located in an area that is subject to any current protected customary rights by any entity (section 6(g));
- Section 7(b) of the RMA is concerned with the efficient use and development of natural and physical resources. The proposed plan change is considered to be consistent with this subsection of the RMA in that it enables the CMFZ, an area already determined to be appropriate for aquaculture activities, to potentially be utilised more efficiently by allowing for aquaculture activities to occur across broader areas of the Zone;
- Whilst the establishment of anchor lines and structures is considered unlikely to cause amenity effects (in terms of recreation and visual amenity), the proposed plan change does provide an opportunity for any potential effects to be considered through the resource consent process (section 7(c));
- Sections 7(d), (f) and (g) of the RMA relate to the intrinsic values of ecosystems, the quality of the environment, and the finite characteristics of natural and physical resources. As detailed above, environmental effects of a proposal to locate anchor lines and anchor structures outside of the CMFZ will need to be considered through the resource consent process that this plan change is providing for;

- The proposed plan change does not change the nature of any effects resulting from climate change (section 7(i)); and
- Pare Hauraki Kaimoana is not a “*person exercising functions and powers under the RMA*” for the purpose of section 8 of the RMA. However, and as already noted above, the establishment of aquaculture activities in the CMFZ will recognise and provide for the centuries old relationship of the iwi of Hauraki with their ancestral ocean - Tikapa Moana.

Overall, it is considered that the proposed plan change will promote the sustainable management of natural and physical resources in the coastal environment in accordance with Part 2 of the RMA.

### **3.7 HAURAKI GULF MARINE PARK ACT 2000**

The CMFZ is within the Hauraki Gulf Marine Park, established by the Hauraki Gulf Marine Park Act 2000. This Act recognises the interrelationship between the Hauraki Gulf, its islands, and catchments, and the ability of that interrelationship to sustain the life-supporting capacity of the environment. These are matters of national significance.

The existing provisions of the WRCP gives effect to the Hauraki Gulf Marine Park Act 2000.

The proposed rule that is the subject of the proposed plan change is consistent with the intent of the Hauraki Gulf Marine Park Act 2000. Any proposed aquaculture activities that seek to rely on the proposed rule would need to provide an ecological assessment in accordance with Appendix I of the WRCP and would be subject to consideration as to whether the life-support capacity of the environment will be sustained.

### **3.8 MARINE AND COASTAL AREA ACT 2011**

The Marine and Coastal Area (Takutai Moana) Act 2011 acknowledges the importance of the marine and coastal area to all New Zealanders, and provides for the recognition of the customary rights of iwi, hapū, and whānau in the common marine and coastal area.

The applications for customary marine title and protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 closed on 3 April 2017. Pare Hauraki Kaimoana understands<sup>17</sup> there are eight applications for customary marine title and protected customary rights over the area of the CMFZ; these being applications by:

- Ngāi Tai Ki Tāmaki Trust;
- Ngāti Tamaoho;
- Ngāti Maru;

---

<sup>17</sup> [Te Kete Kōrero a Te Takutai Moana Information Hub \(Kōrero Takutai\) \(arcgis.com\)](https://www.arcgis.com)

- Ngāti Tamatera;
- Samuel Phillip George;
- Hauraki Maori Trust Board;
- Ngāti Whanaunga; and
- Te Kupenga o Ngāti Hako.

If an activity requiring a resource consent is located within the area of a customary marine title application, the resource consent applicant is required to notify and consult with any group that has applied for recognition of a customary marine title in that area.

If an activity requiring resource consent is in an area where a group exercises protected customary rights, the resource consent will not be granted if the activity will have more than minor adverse effects on the rights, unless permission of the protected customary rights group is obtained or the activity fits one of the exceptions listed.

The proposed plan change does not affect any recognised customary rights of any groups and the process for resource consent applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 will still be required to be followed for the proposed rule.

### 3.9 TAI TIMU TAI PARI SEA CHANGE HAURAKI GULF MARINE SPATIAL PLAN

The Sea Change: Hauraki Gulf Marine Spatial Plan (“**Spatial Plan**”) is a non-statutory document that has been prepared to develop a spatial plan for the Hauraki Gulf Marine Park with the objective of improving the health, mauri and abundance of the Hauraki Gulf Marine Park.

Within the Hauraki Gulf Marine Park, there are nearly 1,500 ha of consented mussel farms, and over 210 hectares of consented oyster farms. The Spatial Plan identifies that while there are currently no finfish farms within the park, there is currently 300 ha of space in the CMFZ.

The Spatial Plan identifies a series of objectives for aquaculture intended to realise the overall objectives and vision for the park. As set out below, the proposed plan change is not contrary to the relevant objectives as follows:

- The proposed plan change will enable the efficient and effective use of the CMFZ and provide flexibility for the improved management of fed aquaculture within the Zone. This will increase the sustainability of the fed aquaculture industry within Tikapa Moana, and contribute to the wellbeing of mana whenua; and
- Any resource consent application as a result of the proposed plan change will still be subject to a full assessment of its actual and potential effects on the environment, and measures by which such effects can be appropriately managed.

### 3.10 HAURAKI IWI ENVIRONMENTAL PLAN 2004

The Hauraki Iwi Environmental Plan provides a strategy for collective action by Hauraki whānui to sustain the mauri of the natural environment and cultural heritage of the Hauraki rohe over the next 50 years.

As relevant to the proposed plan change, 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*”.

Part 3 of the Hauraki Iwi Environmental Plan identifies key resource and geographical based issues of concern to Hauraki whānui and develops corresponding objective and outcomes for them. Relevant to this proposed is “*Tangaroa Rerenga Wai Tai*” - the sea.

Objectives and outcomes sought are as follows:

#### **Objectives**

*a) Protect and restore coast, beach and estuarine habitats and ecosystems in the Hauraki tribal region.*

...

*e) To agree on siting and production levels for marine farming in Tikapa Moana.*

*f) To establish a fully developed habitat, resource and productivity based strategy and monitoring programme for Hauraki’s coastal seas.*

...

#### **Outcomes**

*a) Restoration of the mauri of local ecosystems and fisheries*

*b) Improved water and seabed quality*

*c) Increased fisheries production from Tikapa Moana*

*d) Fisheries and marine farming at sustainable levels in Tikapa Moana*

...

Part 5 provides a framework for action by Hauraki whānui to progress towards the objective and outcomes of Part 3. Regarding Tangaroa Rerenga Wai Tai, these actions focus on Hauraki whānui developing and adopting regional strategies, plans and programmes, methods, protocols, and working with potential external partners such as the Ministry of Fisheries, Waikato Regional Council, Department of Conservation and NIWA.

## **4. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

### **4.1 INTRODUCTION**

This section of the analysis provides an assessment of the environmental effects of the proposed plan change. Clause 22 (2) of the RMA First Schedule requires that:

*Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

For completeness, it is noted that the following section details the environmental effects in accordance with Schedule 4 of the RMA in a manner that corresponds with the scale and significance of the potential effects arising from the proposed plan change.

### **4.2 ENVIRONMENTAL EFFECTS**

As already explained, the proposed plan change seeks to insert a new rule in to the WRCP to provide for, as a discretionary activity, anchor lines and anchor structures outside of the CMFZ but which are associated with aquaculture activities within the Zone. The proposed plan change in itself does not have any effects as the new rule proposed requires any such proposal to obtain resource consent as a discretionary activity. It is through the resource consent process that any effects associated with the ancillary structures are assessed.

Finfish farms are anticipated within the CMFZ, which was developed after Government direction to facilitate an aquaculture industry of \$1 billion by 2025 that is managed within environmental limits. The establishment of the CMFZ was to enable the finfish industry to contribute to this aquaculture goal and New Zealand's economic wellbeing. Therefore, underutilising the full potential of the CMFZ within the environmental limits, is considered to create negative impacts on the economic wellbeing of people and communities.

Conversely, the ability to utilise the extent of the CMFZ as efficiently as possible has significant positive economic and social effects.

Therefore, it is considered that there are no adverse environmental effects that result from the provisions to be inserted into the WRCP as part of the proposed plan change.

## 5. CONSULTATION

PHK commenced consultation with the 12 iwi of Hauraki via a virtual hui with the Hauraki Māori Trust Board on 29 September 2021 (held online due to COVID-19 restrictions).

An overview of the proposed plan change was provided at the hui, including the need for the change being identified during the investigations required to prepare the resource consent application for the finfish farm in the CFMZ. It was also explained that any future application to extend the subsurface anchor lines and anchor structures would be subject to its own assessment of actual and potential environmental effects.

No concerns with the scope or content of the proposed plan change were raised during the virtual hui. However, copies of the draft proposed plan change were provided to each iwi for more detailed review and consideration – with no further comments forthcoming at the time of finalising the proposed plan change for lodgement.

In addition, PHK have provided consultation material on the proposed plan change to a range of potentially interested parties, including:

- Department of Conservation;
- Waikato Regional Harbour Master;
- Hauraki Gulf Forum;
- Coromandel Marine Farmers Association;
- Auckland Yachting and Boating; and
- Maritime New Zealand.

## 6. OPTIONS AND EVALUATION

### 6.1 OPTIONS

#### 6.1.1 Introduction

Section 32(1)(b)(i) of the RMA, requires this report to identify “*other reasonably practicable options*” for achieving the objectives of the proposed plan change. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the proposed plan change.

#### 6.1.2 Options

The alternative planning options or methods that could have been utilised to achieve the objective and address the resource management issue the proposal seeks to address are include:

- Option 1:** Maintaining the status quo (or the ‘do nothing’ option);
- Option2:** Amend Rule 16.5.5D (Marine Farm Structures within the CMFZ (Discretionary Activity)) of the WRCP;
- Option 3:** Introduce a new standalone rule in Chapter 16 of the WRCP. Rule 16.5.5D(1) (Marine Farm Structures within the CMFZ as a controlled activity); and
- Option 4:** Introduce a new standalone rule in Chapter 16 of the WRCP. Rule 16.5.5D(1) (Marine Farm Structures within the CMFZ as a discretionary activity).

##### **Option 1: The do-nothing approach (i.e. retain the existing rules within the WRCP)**

The status quo option does not address the resource management issue and is considered to result in the less optimally management of aquaculture activities within the CMFZ. This is because the establishment of anchors lines and anchor structures outside of the Zone is a prohibited activity under Rule 16.5.6 of the WRCP.

Whilst some rules provide for extensions of existing marine farming structures (Rule 16.5.5A), and the erection of marine farming structures (Rule 16.5.5B), these rules either preclude structures in the CMA, or limit the activity to ‘within’ an existing marine farm. An application can therefore not be made to establish anchor structures outside the CMFZ and for the effects of the proposal to be assessed on its merits.

This proposed plan change is required to enable such an application to be made and an assessment of effects to occur. As set out in section 2 above, Rule 16.5.6 has the unintentional effect of rendering a large portion of the CMFZ unable to be utilised for finfish farming purposes due to the setbacks required for anchor lines, and reduces options to manage the

farm, as pens and longlines cannot be moved around within the whole zone in order to manage potential biosecurity and benthic ecology effects.

To do nothing has the potential to adversely affect the economic wellbeing of people and communities, by reducing the ability to use the CMFZ optimally and sustainably. Therefore, underutilising the full potential of the CMFZ within the environmental limits, is considered to create negative impacts on the economic wellbeing of people and communities.

This approach does not achieve the purpose of the CMFZ and is not the most appropriate way of achieving the objectives of the WRCP.

**Option 2: To amend Rule 16.5.5D (Marine Farm Structures within CMFZ (Discretionary Activity))**

The second option investigated was to amend Rule 16.5.5D of the WRCP. However, this option is not seen as the best option to manage the resource management issue for the following reasons:

- Rule 16.5.5D relates to marine farm structures that are located inside the CMFZ. Therefore, this rule cannot be amended to provide for the desired outcome as it would only facilitate anchor lines and anchor structure within the Zone, and would not be able to achieve the purpose of providing for anchors outside of the CMFZ. The objective of the proposed plan change can only be achieved by altering rules that apply to structures outside of the CMFZ; and
- It is not appropriate to include a new rule that relates to activities outside of the CMFZ within the rules that relate to activities that occur within the Zone, particularly given the relevant matters requiring consideration as part of a resource consent application will differ.

Therefore, this is not considered to be the most appropriate option to achieve the objectives of the WRCP.

**Option 3: To Introduce new Rule 16.5.5D(1) - Marine Farm Structures in CMA associated with CMFZ (Controlled Activity)**

The third option investigated was to introduce a new rule in Chapter 16 of the WRCP as a controlled activity.

This option is not seen as the best option to manage the resource management issue. Having controlled activity status means that the WRC must grant the application, and can only consider (and impose conditions) on the matters listed in the rule and associated assessment matters. It is considered that there may be situations where the WRC would need to decline the application if it could not be demonstrated that the effects of the proposal were appropriate.

Option three is, therefore, not the most appropriate option to achieve the objectives of the WRCP.

**Option 4: To Introduce Rule 16.5.5D(1) - Marine Farm Structures in CMA associated with CMFZ (Discretionary Activity)**

Providing a new standalone rule to provide for subsurface anchor lines and anchor structures, and any associated seabed disturbance, that are for the purposes of securing an aquaculture activity within the CMFZ, will enable the efficient and effective use of the CMFZ without resulting in any change to the environmental limits for feed aquaculture in the Zone.

As a discretionary activity, the WRC is provided with the ability to assess the application appropriately, including a full consideration of any potential effects of a proposal on the environment (and have discretion as to the nature of conditions imposed on any consent granted).

For this option, a minor consequential amendment is required to Rule 16.5.6 so that it is explicit that the proposed new rule for structures outside of the CMFZ (but which are associated with the activities within the CMFZ) applies to such activities.

It is, therefore, concluded that this option is the most appropriate for achieving the objectives of the WRCP.

## **6.2 EVALUATION OF OPTIONS**

### **6.2.1 Introduction**

Section 5.1.2 outlines the options that have been considered to enable the proposal. In order to determine whether the options are reasonably practicable, a comparative analysis has been undertaken.

The key considerations of this analysis include the relevance of the option in addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis.

The following table compares the options:

**Table 2: Evaluation of Options**

	Option 1	Option 2	Option 3	Option 4
Appropriateness	<p>Not appropriate as this option does not allow for ancillary anchor structures outside of the CMFZ.</p> <p>This option results in only 190 ha of the 300 ha CMFZ being able to be utilised for the intended activity with the Zone.</p>	<p>Not appropriate as the current rule is specifically for activities within the CMFZ. This proposal is for ancillary anchor structures outside of the CMFZ.</p>	<p>Appropriate as this option provides a consenting pathway for structures outside of the CMZ, while also ensuring through the consent process that the effects are fully assessed provided the matters of control are broad enough to allow for this.</p>	<p>Appropriate as this option provides a consenting pathway for structures outside of the CMFZ, while also ensuring through the consent process that the effects are fully assessed.</p> <p>The WRC can decline the consent if needed, and has full discretion as to the nature of any condition imposed.</p>
Reasonableness	<p>Not reasonable as this option does not allow for the CMFZ to be used efficiently or effectively.</p>	<p>This rule enables the plan change objective to be achieved, however it is not considered appropriate to alter the scope of the current rule to structures outside of the CMFZ.</p>	<p>This option enables the objective of the plan change to be achieved through the controlled activity consenting pathway.</p> <p>However, this option does not allow for any subsequent resource consent application to be declined, and the controlled activity status restricts the nature of condition that can be imposed.</p>	<p>This option enables the objective of the plan change to be achieved through a discretionary activity consenting pathway.</p> <p>Unlike Option 3, Option 4 enables the WRC to decline any future consent application if needed, and has full discretion as to the nature of any condition imposed.</p>
Achievability	<p>This is the current framework.</p>	<p>This option is achievable to implement, within the statutory function of the WRC and is achievable to implement through a plan change process, and subsequent resource consent.</p> <p>It is not cost prohibitive to achieve, given it's a private plan change (and any resource consenting and development is funded by the applicant).</p>	<p>This option is achievable to implement, within the statutory function of the WRC and is achievable to implement through a plan change process, and subsequent resource consent.</p> <p>It is not cost prohibitive to achieve, given it's a private plan change (and any resource consenting and development is funded by the applicant).</p>	<p>This option is achievable to implement, within the statutory function of the WRC and is achievable to implement through a plan change process, and subsequent resource consent.</p> <p>It is not cost prohibitive to achieve, given it's a private plan change (and any resource consenting and development is funded by the applicant).</p>

	Option 1	Option 2	Option 3	Option 4
Relevance	This option does not resolve the identified resource management issues.	This option resolves the resource management issue, but is not considered to be appropriate for the reasons outlined above.	This option resolves the resource management issue, but restricts the ability for the consent authority to decline any future resource consent application.	This option resolves the resource management issue, and provides a pathway through a resource consent for ancillary structures to be located outside of the CMFZ.
Usefulness	This option is not useful as it does not enable the CMFZ to be efficiently and effectively utilised.	This option is considered to be not as useful as Option 3 or Option 4 but could still enable the objective of the plan change to be achieved.	This option is useful as it enables the objective of the plan change to be achieved but providing less ability to decline any future resource consent.  This option is not as useful to the consent authority as Option 4.	As with Option 3, this option is useful as it enables the plan change objective to be achieved in a manner that provides full discretionary to the consent authority in the subsequent resource consent process.
<b>Overall rating</b>	<b>Not Preferred</b>	<b>Not Preferred</b>	<b>Not Preferred</b>	<b>Preferred Option</b>

### 6.2.2 The Preferred Option

The above table demonstrates why Option 4 is the preferred option.

This option consistently meets the criteria in respect of addressing the issue, providing equity, certainty and relevance. Essentially, Option 4 enables anchor lines and anchor structures located outside of the CMFZ, but associated with activities within the Zone, through a resource consent pathway. It is considered that discretionary activity status is the most appropriate option to ensure that all adverse effects of any such process can be assessed and addressed through a resource consent process. A discretionary activity is also considered the most appropriate means to meeting the applicable objectives and policies of the NZCPS, RPS and WRCP.



## **7. EVALUATION OF THE PLAN CHANGE**

### **7.1 EVALUATION OF PLAN CHANGE OBJECTIVE**

This part of the section 32 analysis assesses whether the proposal and the plan change provisions are the most appropriate to support the objectives of the plan change (which is presented in section 2 of this report).

The purpose of this evaluation is to ensure that the objectives is the most appropriate way to promote the sustainable management of natural and physical resources – as set out in the NZCPS and RPS.

### **7.2 EVALUATION OF PLAN CHANGE PROVISIONS**

As part of a proposed plan change an applicant is required to assess the efficiency and effectiveness of the proposed provisions in achieving the objectives of the plan change. This part of the report identifies and assesses the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the proposed plan change's provisions.

The assessment in the following table relates to the new rule proposed as part of this proposed plan change, and the consequential amendment to the prohibited activity rule.

**Table 3: Evaluation of Plan Change Provision**

Preferred Option – New Rule for Structures Outside of the CMFZ but Associated with Marine Farming Activities within the CMFZ	
Benefits	<p><u>Environmental, economic, social and cultural benefits</u></p> <p>The proposed rule enables a more efficient and effective utilisation of the CMFZ for the improved management of aquaculture to address the resource management issue.</p> <p>The benefits of the proposed rule are as follows:</p> <ul style="list-style-type: none"> <li>➤ Economic benefits derived from the finfish farming activities will be increased through the ability to improve the management of feed aquaculture in the CMFZ. Economic benefits include the provision of a sustainable food resource, export revenue, and employment; and</li> <li>➤ Enabling the vitality of the CMFZ to be sustained for finfish farming activities; and</li> <li>➤ Environmental benefits through the improved management of the finfish farming activities within the CMFZ. It is noted the plan change will not alter the level of environmental effects or the desired outcomes of the WRCP. These remain managed through the same rules and assessment criteria.</li> </ul> <p>Any aquaculture resource consent application where this rule applies, will still be within the control of the WRC, and any environmental effects associated with the plan change can be appropriately managed via the resource consent process, a situation that will not be directly altered by the plan change as it does not propose to alter any of the assessment criteria for finfish farms and these remain discretionary. An application for anchor structures outside of the zone will be able to consider any additional effects on the benthic environment.</p>
Costs	<p><u>Environmental, economic, social and cultural costs</u></p> <p>The proposed rule has the potential to create additional adverse environmental effects by enabling anchor lines and anchor structures to be in the CMA and on the seafloor outside of the CMFZ. These potential effects are considered to be low risk and minor given the benthic environment in this location:</p> <ul style="list-style-type: none"> <li>➤ The structures can only be located in very close proximity to the existing CMFZ where extensive assessment have been carried out to understand the nature of the seabed. The assessment criteria also enable any new effects on the seabed to be assessed; and</li> <li>➤ Other assessment criteria relate to the potential effects created by having lines pass through the water and to be near the surface.</li> </ul> <p>The ability to assess and put conditions on all potential effects that could be created by the anchor lines and structures and that by their very nature will be limited in numbers, ensures that the potential environmental effects of the proposed rule will be low.</p>
Opportunities for economic growth and	<p>Finfish farms are anticipated within the CMFZ, which was developed after Government direction to facilitate an aquaculture industry of \$1 billion by 2025 that is managed within environmental limits. The establishment of the CMFZ was to enable the finfish industry to contribute to this aquaculture goal and New</p>

Preferred Option – New Rule for Structures Outside of the CMFZ but Associated with Marine Farming Activities within the CMFZ	
employment to be provided or reduced	Zealand's economic wellbeing. Therefore, underutilising the full potential of the CMFZ within the environmental limits, is considered to create negative impacts on the economic wellbeing of people and communities.
Efficiency and effectiveness of achieving objectives	<p><b>Efficiency:</b> The proposed rule requires resource consent as a restricted discretionary activity, where WRC can consider the effects of a proposal in relation to the assessment criteria. The criteria are proposed to be specific to all potential effects that may be created by the proposed anchor structures. The proposed rule does not alter the full discretionary status of the finfish farm itself and all effects of the farm within the Zone may still be assessed. This is an efficient method of managing the CMFZ within the objectives of the Zone and the overarching planning documents.</p> <p>The proposed rule is considered to be efficient in achieving the objectives as it is designed to specifically improve the operations and functions of activities in the Zone that the Zone is intended to provide for without altering the assessment criteria, and introduces only new assessment criteria that are very specific to the new proposed activity;</p> <ul style="list-style-type: none"> <li>➤ The proposed rule will result in the more efficient use of the CMFZ which is a scarce and limited resource.</li> </ul> <p><b>Effectiveness:</b> The proposed new rule addresses an unintended consequence of the operative rules to enable the more efficient utilisation of the CMFZ, to provide for increased options for the improved management of the finfish farms within the CMFZ, which has an important contribution to the New Zealand economy.</p>
Risk of acting or not acting if there is insufficient or uncertain information about the subject matter of the provisions.	<p>Section 32(2)(c) of the Act requires, in the evaluation of the proposed policies and methods, the consideration of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter.</p> <p>Part of the efficiency and effectiveness assessment is to identify if there is uncertain or insufficient information about the subject matter of the provisions. If there is uncertain or insufficient information, an assessment of the risk of acting or not acting in terms of the provisions is required.</p> <p>For the purpose of section 32, risk relates to changes in circumstances or an unforeseen event. This circumstance or event may increase the potential economic, social, cultural, or environmental costs that may result from the proposed plan change. Risk may also be associated with a failure of a provision to achieve or move significantly towards the benefits sought by the objective.</p> <p>Uncertainty relates to possible changes in assumed circumstances which are unknown at the time of evaluation. Uncertainty also relates to a lack of scientific knowledge or other knowledge about the nature or scale of an issue.</p> <p>For the proposed plan change, there is not considered to be uncertainty about the nature or scale of the issue. The main impetus for the proposed plan change is to allow subsurface anchor lines or anchoring structures on a seabed associated with marine farm structures to be located outside of the Zone to enable more flexible management options for the farm. The need for these structures arose during the assessments that were undertaken in the preparation of the resource consent application to establish the finfish farm.</p>

Preferred Option – New Rule for Structures Outside of the CMFZ but Associated with Marine Farming Activities within the CMFZ	
	<p>The proposed assessment criteria with the rule, that enable all effects of the proposed activity to be taken into account, avoids any uncertainties that do exist. This proposed rule enables an application for these structures to be made and assessed on its merits rather than be prohibited.</p> <p>A marine farm affected by a resource consent application made under this rule will still be required to comply with the environmental limits and provisions set out in Chapter 16 of the WRCP.</p> <p>There are risks associated with ‘not acting’. Under the status quo option assessment, “not acting”, is considered to result in less optimally managed aquaculture farms within the CMFZ. It is concluded that the proposed plan change is necessary, as the risk of not acting would not address the need to provide for the improved management of farms within the CMFZ.</p> <p>Any aquaculture resource consent will still be within the control of the unchanged environmental limits set by the WRCP and the WRC.</p> <p>The information behind the method promoted in the proposed plan change is certain, and there is little risk associated with the Plan Change going ahead. The risk of not acting (not pursuing this plan change) is that the resource management issue remains unresolved and the CMFZ will continue to have fewer options open to it in terms of efficient management due to the constrained space.</p>
Overall appropriateness for achieving objectives	The efficiency and effectiveness of the proposed rule will assist in achieving the intent of the objectives of the WRCP, which relates to marine farming structures and the coastal environment. It has been determined that the addition of this rule is appropriate.

## 8. CONCLUSION

This evaluation report is for a plan change by Pare Hauraki Kaimoana to introduce a new standalone rule into Chapter 16 of the WRCP. The purpose of the new rule is to allow for greater flexibility of management of aquaculture activities within the CMFZ by allowing subsurface anchor lines and anchoring structures outside of the CMFZ. The existing rules are not the most appropriate for the CMFZ, as due to water depths and the required angle of anchor lines, approximately 110 ha of the zone is unable to be utilised for aquaculture activities - unnecessarily restricting the effective management of aquaculture activities.

The intent of the CMFZ is to provide for aquaculture activities subject to appropriate environmental limits. The zone is a limited and scarce resource and care needs to be taken so that the rules in the WRCP enable appropriate development of the zone. This proposed rule is necessary to enable improved management of farms within the CMFZ by enabling pens and longlines to be established so as to manage potential biosecurity and benthic ecology effects.

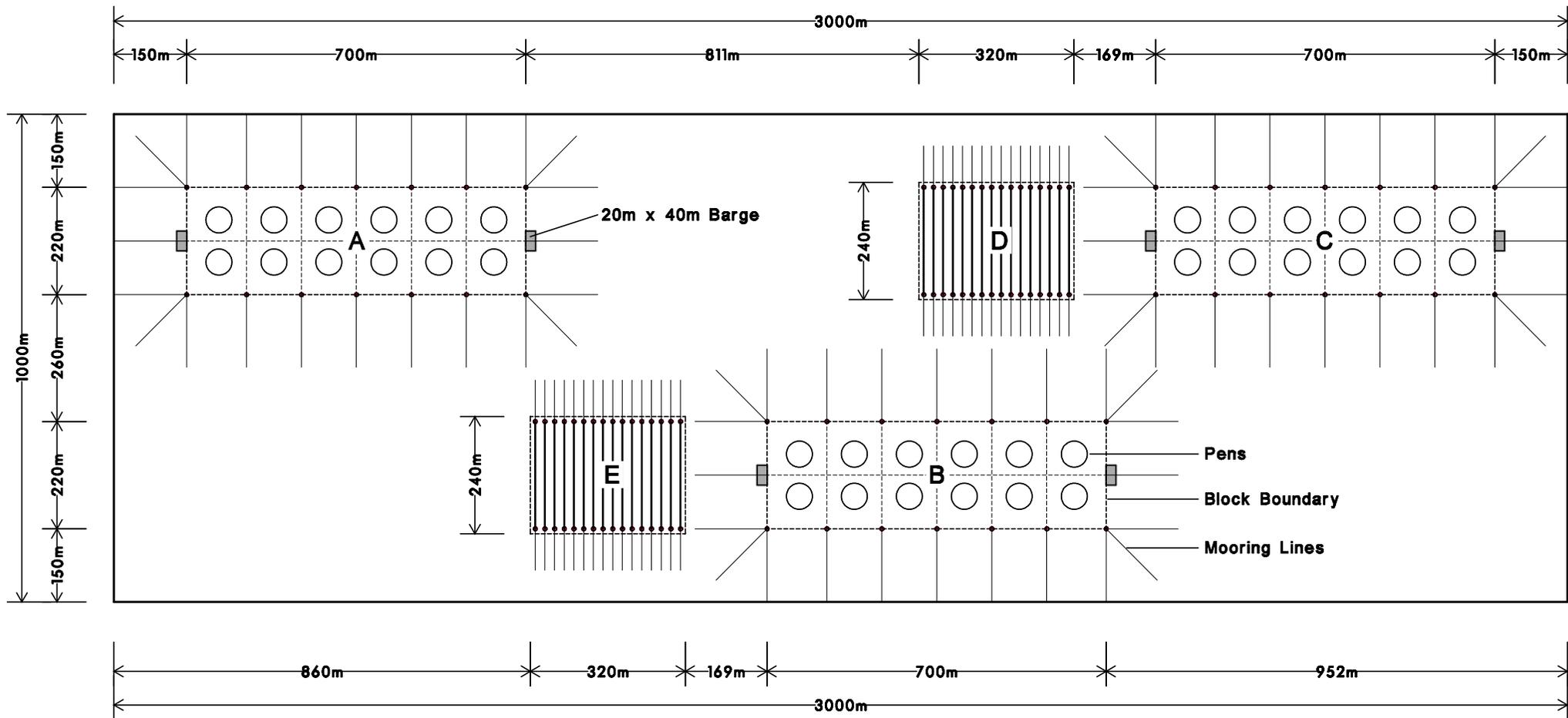
An assessment of the proposed provisions under section 32 of the RMA has determined that the proposed rule is the most appropriate option to achieve the objectives of this plan change, as well as the overarching planning documents. It has also been determined that the proposed rule is consistent with the existing objective, policy and rule framework set out in the WRCP.

This evaluation concludes that the option of including a new standalone rule in the WRCP, that would enable an application to be made for the subsurface anchor lines and anchor structures (that would otherwise be prohibited) will assist in enabling the more efficient and effective use of the CMFZ.



## **APPENDIX A**

Proposed Layout Plan of the  
Coromandel Marine Farming Zone



**Fish Pen Blocks:**

Mooring Lines-  
Maximum length approx 146.8m  
Ratio 4:1

Pens  
53.5m Diameter  
168m Circumference  
Approx 40m from Block Boundary  
Approx 60m gap between Pens East/West  
Approx 33m gap between Pens North/South

**Longline Blocks:**

Total Longlines = 32 (16 per block)  
Longline Spacing = 20m  
Longline Length = 220m  
Total Longline Length = 7040m (3520m per block)

Warps  
Approx 90m (85m surface loss)  
Ratio 3:1

**Pare Hauraki  
Coromandel Marine Farming Zone  
Layout Plan**

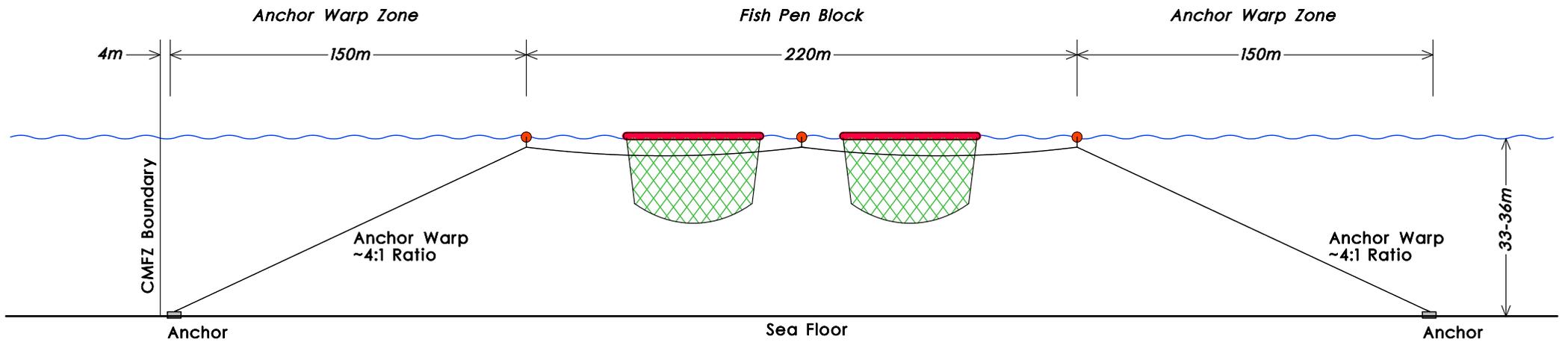
Prepared by:  
Draughting Plus Ltd

DATE: 7 October 2020  
REF: MF\_2746b



## **APPENDIX A**

Typical Cross Section



**Pare Hauraki**  
**Coromandel Marine Farming Zone**  
*Typical Cross Section*

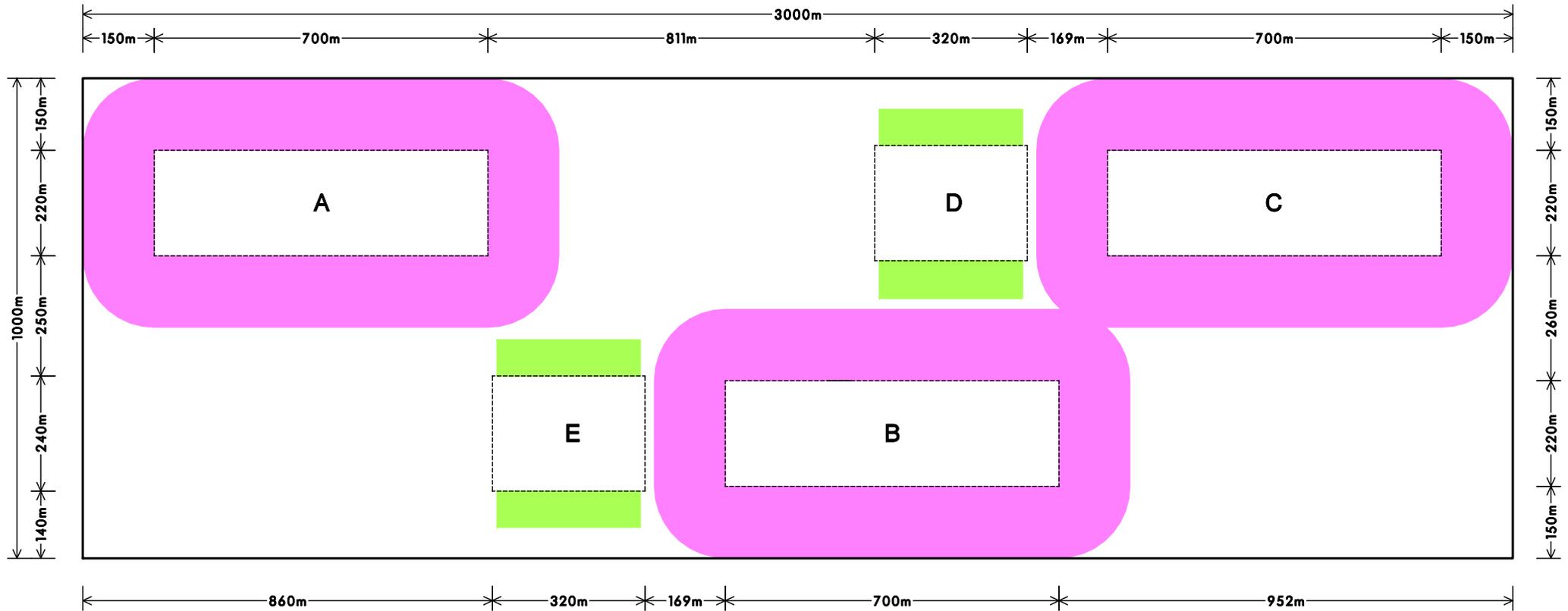
Prepared by:  
 Draughting Plus Ltd

DATE: 24 August 2021  
 REF: MF\_2746c



## **APPENDIX A**

Plan Showing Anchor Warp Zones



- Anchor Warp Zone for Fish Pen Blocks (105ha)
- Anchor Warp Zone for Longline Blocks (9ha)

**Pare Hauraki**  
**Coromandel Marine Farming Zone**  
*Plan Showing Anchor Warp Zones*

Prepared by:  
 Draughting Plus Ltd

DATE: 24 August 2021  
 REF: MF\_2746c