

# **Resource Consent Application**

## **Ponui Aquaculture Ltd**

### **Mussel Farming**

### **Firth of Thames - East of Ponui Island**

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**March 2019**

## Form 9: Application for Resource Consent

Form 9: Sections 88 and 145 Resource Management Act 1991

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

### 1 Applicant & type of consent sought

We, Peter Bull, Laurie Beamish and Lucy Steel on behalf of Ponui Aquaculture Ltd apply for the following coastal permit resource consent to authorise the construction, operation and maintenance of a marine farm, including the following activities:

- to erect, use and maintain marine farm structures in the CMA and fixed on the seabed (s12(1)(b));
- to disturb the seabed (s12(1)(c));
- to deposit material on the seabed(s12(1)(d));
- to occupy space in the Coastal Marine Area (s12(2)(a)); and
- to undertake marine farm activities in, on, under, or over the coastal marine area (s12(3)(a)).

### 2 The activity to which the application relates (the *proposed activity*) is as follows:

The aquaculture activity is to establish a marine farm for the purpose of growing and harvesting Greenshell™ Mussels (*Perna canaliculus*). The area is located in open coastal water approximately 3.6 km from Scully Reef on the eastern side of Ponui Island, 6.7km from other nearest marine farm and 12.4 km west of Deadmans Point on Coromandel Peninsula as shown in the Site Location Plan (**Appendix 1A**).

### 3 The site at which the proposed activity is to occur is as follows:

The proposed marine farm sites lies within the jurisdiction of Auckland Council in the southwest Hauraki Gulf/ Firth of Thames. The proposed marine farm will occupy 221 hectares and is defined on the attached survey plan (**Appendix 1B**) as being bound by the following map references:

E	36 51 26.16S	175 14 51.99E
F	36 51 25.87S	174 16 00.62E
G	36 52 08.01S	175 16 11.04E
H	36 52 08.29S	175 15 02.40E

The proposed site is located in open coastal water and has water depths that range from 22 - 24 metres, to the east of Ponui Island.

### 4 The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

- N/a.

**5 For this paragraph select the statement that applies.**

The other activities that are part of the proposal to which the application relates are as follows:

- The proposed marine farm will give rise to the discharge of contaminants (biodegradable and organic matter) to water associated with the general operation and maintenance of the marine farm. Rule A59 in Table F2.19.7 Activity Table – “Discharges to the coastal marine area” provides for the discharge of contaminants into the coastal marine area as a permitted activity. Therefore a discharge permit is not required under Section 15 of the RMA.
- Existing land based storage facilities owned and operated by Mr Bull near Coromandel have sufficient capacity and will also be used in support of this proposed farm.
- Landing and loading of product/ equipment will occur at Sugar Loaf wharf, which has sufficient capacity.

**6 For this paragraph select the statement that applies.**

No additional resource consents are needed for the proposal to which this application relates.

**7 We attach an assessment of the proposed activity’s effect on the environment that—**

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8 We include an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

9 We include an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

10 Deleted not relevant to this application.

11 There are no current planning documents prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA). In accordance with s62 MACAA, parties understood to have lodged applications have been notified. (Refer **Appendix 4**).

We include an assessment of the proposed activity against the resource management matters set out in the NZ Coastal Policy Statement, the Hauraki Gulf Marine Part Act and the Auckland Unitary Plan.

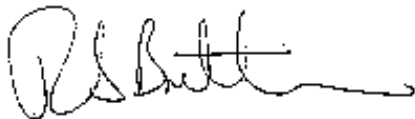
12 Deleted not relevant to this application.

13 Deleted not relevant to this application.

14 We attach the following supporting information, required to be included in this application by the regional plan, the Resource Management Act 1991, or any regulations made under that Act:

- Ecology report
- Landscape assessment.

Date: 14<sup>th</sup> March, 2019



Signature:

(Person authorised to sign on behalf of applicant\*)

\*Robin Britton

(A signature is not required if the application is made by electronic means.)

Contact details:

\*Electronic address for service of applicant: [rbritton.coast@gmail.com](mailto:rbritton.coast@gmail.com)

Telephone: **027 281 2969**

Postal address (or alternative method of service under [section 352](#) of the Act):

**PO Box 7016 Hamilton 3247**

Contact person: **Robin Britton, Planner.**

# Assessment of Environmental Effects

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## 1.0 Introduction

### 1.1 Scope

This Assessment of Effects on the Environment (AEE) has been prepared in support of a resource consent application by Ponui Aquaculture Ltd (the applicant), to use and occupy space in the Coastal Marine Area (CMA), to construct, operate and maintain a 221 hectare marine farm offshore to the east of Ponui Island in the Hauraki Gulf.

The proposed marine farm is for the purpose of growing and harvesting Greenshell™ Mussels (*Perna canaliculus*) and mussel spat catching on conventional longline structures, including any associated discharges to water and disturbance to and deposition on the seabed. The Auckland Unitary Plan (AUP) provides for marine farming in Rule A115 (Table F2.19.9) as a Discretionary Activity in the location subject to this application.

### 1.2 Report Structure

This report is prepared in accordance with Section 88(2)(b) and the Fourth Schedule of the Resource Management Act 1991 (RMA).

This report includes:

- Applicant's completed application form (Form 9)
- Description of the proposal and activity status
- Assessment of the activity's effects on the environment, supported by:
  - Assessment of ecological effects of the proposal on the environment prepared by 4Sight Consulting (**Appendix 2**)
  - Assessment of landscape and visual effects of the proposal on the environment prepared by Hudson Associates Landscape Architects (**Appendix 3**)
- Planning Assessment
- Conclusions.

## **2.0 Description of the proposal**

### **2.1 Proposal**

The application is for resource consent to farm greenshell mussels (*Perna canaliculus*) and including mussel spat catching. The proposed aquaculture activity involves the establishment, operation and maintenance of a 221 hectare marine farm area. The application area is inclusive of all structures (including anchors, lines, spat catching frames or ropes, floats and navigational aids) and access ways.

### **2.2 Location**

The proposed marine farming area applied for is currently clear open coastal water approximately 3.6 km from Scully Reef on the eastern side of Ponui Island, 6.7km from the nearest other marine farm and 12.4 km west of Deadmans Point on Coromandel Peninsula as shown in the Site Location Plan (**Appendix 1A**).

The water depths at the proposed site range from 21 – 29m. There were no rocks or reefs recorded at the site and the site is well-flushed (Refer **Appendix 2**).

The proposed marine farm site lies within the Auckland Council region in the Hauraki Gulf/ Firth of Thames.

### **2.3 Proposed Farm Layout & Structures**

The overall area is 221 hectares rectangular, an area of 1,700 metres x 1,324 metres. Within this overall area there would be 8 farm blocks (350 metres x 600 metres) with approximately 100 metres access ways. Refer to **Appendix 1C** for the indicative site layout and diagram of structures.

Each farm block would consist of anchors, warp lines, backbone lines (which would support catching, seeding or growing lines), and floats. The overall area would be marked with navigation lighting and radar reflectors. This is described in more detail below.

#### **2.3.1 Back bones lines**

- All backbone lines would be sub-surface lines and orientated parallel to tidal flows (i.e. running north-west – south/ south-east).
- A combination of single and double backbone lines would be used.
- The lengths of the longlines used will range from 180-220 metres (NB: the surface lengths depend on the warp length which depends on water depth (i.e. warp lengths are calculated based on the depth of the area) and therefore corner to corner of the farm blocks. Given the depth of the application area it is appropriate for at least 45-55 m warps to be installed.
- Density of lines would be an average of less than 1- 1.5 longlines per hectare
- Separation distance between backbone lines will be approximately 25 metres (therefore approximately 16 lines per block)
- The backbone and mooring line rope used will be quality Duradan (synthetic rope)



- Access ways of approximately 100 metre separate the blocks within the overall area.

### **2.3.2 Culture Ropes**

- The culture method used involves a continuous rope dropper, with the type of rope used depending on different growth stages.
- The droppers would be submerged to reduce the wave impacts on the lines and product.

### **2.3.3 Floats**

- The floats used to support the longlines would be a mixture of 175 and 300 litres in volume, depending on buoyancy required as growth of product occurs.
- The number of floats per longline will vary over time depending on the growth stages and therefore the weight on the line, e.g. from initial seeding with approximately 10 floats per line through to harvestable size where approximately 50 floats per line (extra floats would be added incrementally over time as mussel weight increases and the number used is also dependent on water depth).
- Floats used would be a mix of orange, black and navy blue or other similar recessive colours.
- Orange floats would be located at:
  - the end of each longline
  - in the middle of the seaward most longlines; and
  - in the middle of the landward most longlines.

### **2.3.4 Structure Anchors**

- The anchors used to secure the longline structures to the seabed would be screw anchors, buried below the seabed at depths of between 9 to 12 metres.

### **2.3.5 Lighting**

- The proposed Lighting Plan is attached in **Appendix 1D**.
- It is proposed that all four corners would have navigational and identification equipment comprising cardinal lights and radar reflectors, covering a distance of 4nm and designed in accordance with the guidelines set out in Maritime New Zealand's document "Guidelines for Aquaculture Management Areas and Marine Farms" (2005) and NZ's Systems of Buoys and Beacons" (2005).
- The Auckland Council Harbour Master has reviewed and approved the Lighting Plan, in principle. It is noted that prior to a Lighting Application being submitted to Maritime NZ for approval to install such navigational aids, a further approval must also be obtained from the Harbourmaster.

## **2.4 Infrastructure**

The applicant has a private share base in the Sugar Loaf Wharf facilities and intends to continue to use this facility for servicing the proposed new mussel farm. The use of the Sugar Loaf Wharf is an authorised activity. The current resource consent for the wharf does not limit the use of the wharf by way of restriction on vessel movements or tonnage crossing the

facility. Consideration will also be given to the future use of Kopu (currently being considered as a future landings area).

Mr Bull on behalf of the Applicant considers the current wharf facility has the capacity to service the additional mussel harvest from the proposed mussel farm, without impacting on the current Sugar Loaf Wharf operations. It is also noted that the Coromandel Marine Farming Association is currently considering an extension to this facility.

Mr Bull currently owns and operates five mussel barges (which use the landing facilities at the Sugar Loaf wharf at Coromandel for unloading/loading product and equipment for his existing marine farms). These barges would be used by the applicant, in servicing the proposed farm area.

## **2.5 Suitability of the Area for Marine Farming**

Mussel farming is well established in the Firth of Thames and Coromandel areas. These areas are proven to support conditions suitable for productive growing areas. Marine farming currently occurs near Waimangō, Wilson Bay and various locations in the vicinity of the Coromandel harbour and nearby islands. Mr Bull has existing mussel farms at each of these locations, along with Waiheke and is experienced in farming in the differing conditions. Mr Bull would work closely with Ngai Tai ki Tamaki on the proposed marine farm subject to this application.

Farming further north by 6.7 to 10 kilometres has a distinct advantage due to slightly colder water conditions. It has been noted recently that higher water temperatures further south are having an effect on the mortality of small and adult mussels.

It is also noted that the Firth of Thames historically supported a dredge mussel industry, until it collapsed in the 1960s.

From an economic perspective, Mr Bull is an experienced mussel farmer and is well established in the industry. From this experience the applicant considers the proposal to be commercially viable and an efficient use of coastal space.

From a cultural perspective, this is a joint venture company between Mr Bull and Ngai Tai ki Tamaki. (discussed further below). The area has been identified as being suitable from a cultural perspective.

## **2.6 Site Selection**

In undertaking selection of a site suitable for the proposed farm, consideration has been given to:

- the Council's Unitary Plan - Coastal Provisions (refer section 5.0 below)
- the marine ecology report (**Appendix 2**)
- the natural character and landscape assessment (**Appendix 3**)
- the experience and knowledge of the applicant of the proposed area; and

- the Hauraki Gulf Marine Spatial Plan 2016 (refer section 5.0 below).

Site suitability requirements also include:

- located in open coastal waters with good water quality, suitable water depths and adequate currents and nutrient supply to support mussel growing
- sufficient distance from the shoreline to avoid adverse visual or natural character effects as viewed from the coastline
- located outside and away from any identified boat mooring areas/ high-use recreation areas/ other areas of conflict in uses
- not located in any defined navigational route and therefore not impeding any commercial or recreational vessel movements; and
- not located offshore from any streams/ settlements that may discharge potential contaminated runoff into the CMA and reduce water quality within the proposed marine farm area.

As further indicators of suitability:

- the proposed site does not lie within an environmental or cultural overlay area as defined in the Auckland Unitary Plan Maps
- the Hauraki Gulf Marine Spatial Plan supports further mussel farming in this general area
- there is a functional need for the activity to be located in the coastal marine area.

Based on the above matters, the site selected is considered to be suitable and appropriate for the development and operation of a mussel farm.

## **2.7 Consideration of Alternative Locations**

The RMA requires a description of any possible alternative locations or methods for undertaking the activity for which consent is sought, where it is likely the activity will result in *any significant adverse effect* on the environment.

The applicant contends that there is little risk of any significant adverse effect on the environment being caused by granting consent to the area subject to this application. The matters outlined in 2.6 above contributed to the assessment of a suitable location.

## **2.8 Appropriateness of Activity in Location sought**

As noted above, and drawing on the information provided in this AEE, the proposed farm area is considered to be suitable and appropriate for marine farming from a planning perspective and also from an ecological, landscape and cultural perspective.

The application to undertake marine farming in this area is complementary to the existing industry in the Hauraki Gulf/ Firth of Thames, and would build on the existing industry base. The expansion of the Applicant's operations in this area is appropriate as Ponui Aquaculture Ltd has experience, knowledge, skills and existing staff and services to support the additional marine farming activity in the specific area sought.

The proposed mussel farm is an efficient use of space and there is a clear functional need for the activity to be located in the CMA, which reinforces the appropriateness of this activity in this area of the Hauraki Gulf/ Firth of Thames.

The proposed site is not located in any area that would result in any significant conflicts with other users or uses. The farm area is located approximately 3.6 km offshore, will be lit and marked accordance with Maritime NZ requirements (refer details above), which will enable other vessels to navigate safely in the area.

## **2.9 Consultation**

The following consultation was undertaken:

- Department of Conservation (DOC): The response from DOC is supportive and is attached as **Appendix 4**.
- Tangata Whenua: consultation was undertaken by Ngai Tai ki Tamaki. Consultation is on-going with Ngati Paoa and Ngati Whanaunga.
- Letters were also sent to MACAA applicants as listed in **Appendix 4**.

### **3.0 Activity status**

#### **3.1 Zoning and Overlays**

The Auckland Unitary Plan identifies the proposed site as being within:

- the Coastal - General Coastal Marine Zone

The site is not located within any mooring areas identified in the General Coastal Marine Zone.

The proposed marine farm is not located within any natural resource area identified on the following Overlay Maps:

- D9 Significant Ecological Areas Overlay or
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay
- D11 Outstanding Natural Character and High Natural Character Overlay

It is not located within the vicinity of any Sites and Places of Significant to Mana Whenua (D21 and Schedule 12) of the Unitary Plan.

#### **3.2 Activity Status**

Chapter F of the AUP forms the Regional Coastal Plan. It includes Activity Tables that specify the activity status of activities in the Coastal – General Coastal Marine Zone (GCM Zone). Table F2.19.9 Aquaculture activities, provides for new aquaculture in the General Coastal Marine zone as a **discretionary activity** under Rule A115 pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991, including any associated discharges of contaminants or water into water pursuant to section 15 of the Resource Management Act 1991.

#### **3.3 Consent Duration**

The applicant seeks a consent term of 35 years which is considered appropriate for effective development and operation of the proposed marine farm. The length of term requested is to ensure commercial viability of investment in mussel farm development including structures, equipment and staff job security within the mussel farming industry. It will also provide the applicant with investment certainty for the capital expenditure involved in the development of the proposed marine farm. It will also assist in enabling the costs associated with resource consent compliance monitoring to be spread over the term of the consent for efficiency and cost-effectiveness.

## 4.0 Assessment of Environmental Effects

### 4.1 Introduction

This part of the AEE deals in detail with the actual and potential effects of the proposed activity on the environment. It addresses the matters, where relevant, outlined in the Fourth Schedule of the RMA. It is supported by the relevant findings of the attached Ecological and Landscape expert's reports (**Appendices 2 and 3**), which are relied on to address many of the issues considered and presented in this AEE.

### 4.2 Physical and Ecological Effects

4.2.1 The ecological report (**Appendix 2**) is relied on in support of this AEE. Overall the report states that *"Any ecological and water quality impacts from the proposed marine farming activities are not expected to be adverse and of ecological significance (and can be considered to be minor or less than minor)."* P2.

4.2.2 While relying on the **Appendix 2** report, a brief overview of the results is provided below:

- Water quality – salinity was consistent with well mixed open coastal waters; water clarity was high compared to reported values for the Firth of Thames
- Nutrients – low compared to reported values for the Wilsons Bay area; all values below published stressor and toxicant guidelines for the protection of saltwater aquaculture; chlorophyll *a* values consistent with highly variable nature of chlorophyll *a* in the Firth of Thames.
- Sediment – soft, fine-grained brown/grey sandy mud overlaying harder packed layer of grey sandy mud with a component of shell hash and gravel; concentrations of total organic carbon and total nitrogen fell within the range of previously reported values in the Firth; total recoverable phosphorous levels appear relatively high in comparison to values reported in the Firth of Thames.
- Infauna/ Epifauna – 51 faunal taxa were identified and were considered typical and widespread in soft sediment habitat in and around the Firth of Thames.

4.2.3 While relying on the **Appendix 2** report, a brief overview of the assessment of ecological effects is provided below:

- The Ponui site water column and phytoplankton – will be unaffected by the filtering effects of mussels on the farm ropes
- Any phytoplankton depletion halo is likely to be highly variable
- The risk of cumulative adverse effects from this farm is considered to be negligible.
- The potential for off-site water column effects that might adversely affect other mussel farms, or the ecology of shorelines, or the wider marine ecosystem is highly unlikely.
  
- The seabed at the proposed site is relatively featureless and habitat is common
- Some changes to the benthos is likely and may be viewed as both positive and negative
- The severity of depositional effects is generally considered to be low (due to currents and water depth)

- Farms function as mid-water artificial reefs and create habitats, which for the most part are positive effects.
- Whale migration pathways are not recorded to overlap or be close to the proposed site.
- Effects on the RAMSAR site (southern Firth) are concluded to be negligible.

4.2.4 The Conclusions set out in **Appendix 2** pp27-28 are relied on in support of this AEE.

### 4.3 Discharge of contaminants into the CMA

Any discharge of contaminants associated with mussel farming are considered to be minimal, i.e. “drop-off” of mussels, sediment that has settled over the growing period and other marine life, resulting from the harvesting processes. The effects of the discharges on the benthic ecosystems is discussed in the ecological report attached as **Appendix 2** and are concluded to be positive effects.

Appropriate housekeeping in accordance with the Mussel Industry’s A+ Code of Practice would ensure that there is minimal overboard loss of non-biodegradable materials. Any such waste materials would be taken to shore for land disposal.

There would be no unreasonable emissions of noise from the proposed activity. The only noise resulting from the activity would be from the barges and would be intermittent.

There would be no hazardous substances used in exercising the consent applied for by the application.

### 4.4 Biosecurity Risks and Management

Biosecurity risk pathways primarily include: (i) vessels or equipment; and (ii) arrival of new invasive species via other activities.

**4.4.1 Vessel:** The vessels to be used for this operation are existing barges that are currently operational in the Firth of Thames. It is considered that these vessels would not have any additional biosecurity risk over and above the current situation. The vessels are hauled out once a year for formal survey and cleaning/ anti-foul treatment. The Applicant also undertakes in-water checks during the year to check any other cleaning requirements. This is also linked to the operational efficiency of the vessels.

**4.4.2 Equipment:** The equipment to be used on the farm will include floats, ropes and anchors. The floats, ropes and anchors would all be new equipment. Some floats and ropes from the Applicant’s existing farms in the Firth of Thames may be used but this is unlikely as it is already accounted for. Equipment brought from the CMA to be stored on land has a “stand-down” period on land, before it is redeployed onto any farm. Any biosecurity risk from this equipment is extremely low as it is cleaned at sea, before being stored on land and left to dry (which results in marine material dying) before being re-deployed.

**4.4.3 New Species/ Disease Control:** Staff in charge of servicing the proposed farm will be seasoned and experienced skippers, managers and workers. They have already been trained to look out

for any new or unusual species appearing on the current farms that they work with, in accordance with the MPI flip chart of pests.

In the event that the farm was affected by a disease or other similar biosecurity risk, the applicant would work in conjunction with Aquaculture NZ, the Ministry of Fisheries (Biosecurity), and the Auckland Council to ensure the most appropriate actions were undertaken. Biosecurity management guidance documents (including the Mussel Industry Code of Practice and NZ Marine Pest identification Guide) would be drawn upon in any response.

Subject to a decision on this consent, and as noted in the **Appendix 2** ecological report it is anticipated that a Biosecurity Management Plan would be required.

#### **4.5 Landscape, Natural Character and Visual Effects**

4.5.1 The assessment of landscape and natural character, and visual effects (**Appendix 3**) is relied on in support of this AEE. The report concludes that: *“...adverse effects on landscape and natural character, and visual values of the Firth of Thames overall will be very low. At the site and in its localised vicinity adverse effects on landscape character will be low-moderate, and effects on natural character and visual amenity will be low. Cumulative effects will be very low at the Firth scale, and low to very low at the site and its localised vicinity”*. p50.

4.5.2 While relying on the **Appendix 3** report, a brief overview of the assessment of effects is provided below:

- Natural science effects – at the Firth of Thames scale there will be no biophysical effects on the terrestrial environment. At the localised site ecological effects are covered in the **Appendix 2** report, and any ecological effect is likely to be positive, neutral or minor.
- Landscape character effects – at distances beyond the immediate area, the expansive nature of the Firth of Thames will ensure that the effect on landscape values will be very low. The proposal will be easily absorbed into the existing character of the context. Adverse effects on landscape character at this scale are assessed as very low or negligible. At the site and localised area the magnitude of change will be greater. Adverse effects on existing seascape character are assessed as low-moderate or minor. It is considered that the landscape/ seascape can accommodate the change in use.
- Natural character effects – overall adverse effects on natural character are assessed as being very low or negligible for the wider Firth of Thames. The effects on natural character of the site and its vicinity are assessed as being low or less than minor.
- Visual amenity effects – are assessed as being very low even in optimal viewing conditions, and will be reduced at times depending on weather, sea and light conditions, sun angle, density of buoys and presence of vessels.
- Cumulative effects – at a Firth of Thames scale, any adverse cumulative effects on landscape and natural character, and visual amenity will be very low or negligible. At the site and localised vicinity scale, adverse cumulative effects were assessed to be low to very low.



- The proposed site has not been identified as nor close to any outstanding landscape or natural character or natural feature overlays in the AUP.

4.5.3 The Conclusions set out in **Appendix 3** pp 49-50 are relied on in support of this AEE.

#### **4.6 Cultural effects**

**4.6.1** The importance of the Hauraki Gulf to tangata whenua is recognised. The area of the application is supported by the consultation undertaken by Ngai Tai ki Tamaki and the background consultation that was undertaken in the development of the Hauraki Gulf Marine Spatial Plan.

**4.6.2** This is a joint application between Ngai Tai ki Tamaki and Mr Peter Bull. Consultation has been undertaken with:

- Ngati Paoa (on-going)
- Ngati Whanaunga (on-going)
- Department of Conservation

As a result of this consultation, the location of the application was determined.

(Refer **Appendix 4** for letters in support)

**4.6.3** Ngai Tai ki Tamaki hold mana whenua/ mana moana over the application area. They have applied for customary recognition in accordance with the Marine and Coastal Area Act (currently before the Court). Ngai Tai ki Tamaki have also been the Mana Whenua Iwi of Ponui Island since time immemorial. This has been substantiated and recognised in their Treaty of Waitangi Settlement process. (Refer <http://www.ngaitai-ki-tamaki.co.nz/documents.html> ).

#### **4.6.4 Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA)**

In accordance with s62 MACAA, letters were sent to the parties identified in **Appendix 4**. One response was received from Ngati Whanaunga, and consultation is on-going in response to this request.

#### **4.7 Socio-economic effects**

**4.7.1 Economic effects:** The aquaculture industry creates and supports direct employment opportunities for the Auckland and Waikato regions, through farming, processing and export industries.

The applicant intends to use existing mussel barges, existing land-based infrastructure (Sugarloaf boat ramp for loading /unloading, existing storage facilities for equipment) and local aquaculture service industries to make the most efficient use of capital and to maximise the effectiveness of existing infrastructure.

The applicant intends processing product at an existing factory in Drury. This factory currently requires additional product in order to operate on a more consistent basis.

Local employment opportunities arise from all these operations.

The economic contribution from aquaculture has been recognised in the NZCPS and the AUP (refer section 5 below). In addition the economic effects of aquaculture in the Hauraki Gulf were quantified in the report:

Barbera, M. 2012. *Towards an economic valuation of the Hauraki Gulf: a stock-take of activities and opportunities*. Auckland Council technical report TR2012/035.

Concluding remarks on p66 of this report note: *“In 2009/10, the total national economic impact of the aquaculture sector in the Hauraki Gulf was estimated to be \$<sub>2011</sub>98.6 million, of which two-thirds originated in the Waikato and one-third in Auckland. These direct, indirect, and induced activities generated 939 FTEs.”*

**4.7.2 Effects on Navigation Safety:** The potential adverse effects of the proposed farm area on navigation safety would be minimal and would be mitigated by the proposed location, the provision of lighting/ radar, orange floats and access ways.

**Location:** The proposed area is not located in any marked navigation channels, nor in any main navigation route. There is a commercial barge which makes limited use of this area, (generally travelling towards Waiheke Island), but is fully capable of navigating safely around the marked farm. Recreational vessels would not be unduly restricted by the presence of the proposed farm, due to the distance from shore and the provision of access ways between farm blocks and between lines.

**Lighting/ radar:** The proposed lighting plan is attached in **Appendix 1D**. The cardinal marks have a lighting range of 4nm and clearly indicate safe passage away from the overall area. These marks would also have radar reflectors attached. In addition, due to the location of the proposed farm, each side would be marked half-way with a special mark and light shining 2nm. Consequential to any decision on this application, and after any lighting applications are approved by Maritime New Zealand, LINZ would add the co-ordinates of the farms to navigation charts.

**Orange floats:** The proposed area would be marked with orange floats, in accordance with Maritime New Zealand’s Guidelines (discussed above).

**Access ways:** The overall area provides for 100m width access ways between the respective blocks of farms. There is also a distance of approximately 25m between the lines within the blocks. This enables safe navigation through the farm and there is clear navigable waters around the overall area.

**4.7.3 Effects on commercial and recreational fishing:** The potential adverse effects of the proposed farm area on fishing would be minimal. Public access through and around the area

would not be restricted. The recreational values of the proposed area are primarily linked to on-the-water/ vessel activities and as with all parts of the CMA, the proposed area is potentially of recreational value. It is considered that any vessel skippers would have sufficient warning of the location of the area, due to the mitigation actions outlined in the above paragraphs on navigation effects.

From experience with other farms and fishers, it is commonly considered that recreational fishing would be enhanced, by the presence of structures which provide a sheltering and feeding area for fish species.

Commercial, customary and recreational fishing interests would be further addressed in accordance with the “Undue Adverse Effects” assessment undertaken by Fisheries New Zealand, subject to the outcome of this application.

#### **4.8 Effects of hazards**

**4.8.1** The relevance of hazards to this application includes:

- (i) potential hazards arising from the lines and navigational equipment and the potential but minor, resulting effect on vessels; and
- (ii) the effects of natural hazards, in the form of adverse weather conditions, or changes in sea level.

**4.8.2 Farm/ Vessel hazards:** Hazard avoidance mitigation for vessel skippers is outlined in the section on navigation effects above. Based on the proposed layout, it is considered that commercial and recreational vessels that are under competent control will still be able to utilise the waters of the area and navigate freely within or around the area, without undue risk, including in adverse weather conditions.

In addition, the applicant would regularly maintain the farm structures and the lighting system to ensure the safety of the farm from vessel strike or loss of equipment.

The proposed longline structures would be secured to the ocean floor by screw anchors at each end of each backbone line. The anchors do not pose any threat to vessels, as they are buried below the surface.

**4.8.3 Natural hazards:** In terms of any storm events or rough water that may cause damage to the farm, technological changes in recent years in terms of anchoring, type of ropes used and changes in farming practices have significantly reduced the occurrence of breakages.

While the backbones would be surface lines, the growing lines would be sub-surface, to minimise the impact of waves on the structure and on the product. Therefore the effects from sea level rise would be negligible and from storm events, minimised.

Should there be a rope break, however, the separation distances between lines and between blocks would provide a safety path to avoid significant impacts on neighbouring lines/blocks. The proposed farm area would be regularly maintained and monitored to ensure security of lines and floats.

#### **4.9 Cumulative Effects**

The overall cumulative effects on the environment associated with this application and the other consented mussel and spat catching farms in the Hauraki Gulf/ Firth of Thames is considered to be minimal. This is due to the minimal adverse effects that mussel farming has on the environment, the distance of the proposed farm from shore, the distance of the proposed farm from any other mussel farms, and the context of the Firth of Thames as having a historically high natural presence of mussels and spat (associated with a significant dredge mussel industry in the past).

The nearest other aquaculture farm is located 6.7km to the south. The separation distance avoids any cumulative effects on ecological factors and on other activities in the Firth of Thames.

Cumulative effects on ecology and landscape are addressed in the respective expert reports (**Appendices 2 & 3**):

- From the ecological perspective: the 4Sight report noted that the risk of cumulative adverse effects from this farm is considered to be negligible
- From the landscape perspective: Hudson Associates notes that at a Firth of Thames scale, any adverse cumulative effects on landscape and natural character, and visual amenity will be very low or negligible. At the site and localised vicinity scale, adverse cumulative effects were assessed to be low to very low.

There would be potential positive cumulative effects for the economy and related employment opportunities and support industries, as well as for recreational fishing and potentially tourism opportunities.

#### **4.10 Description of mitigation measures**

A description of the mitigation measures to be undertaken to help prevent or reduce the actual or potential effects of the proposed activity is required to be provided under RMA Schedule 4.

The proposed area would be operated in a sound commercial manner and in compliance with Aquaculture New Zealand's A+ standards that are designed to ensure efficient management of the area, to ensure long term financial viability and to ensure environmental sustainability.

The applicant would comply with the A+ Code of Practice. This code promotes good practice management. Farmers are audited by the Aquaculture New Zealand, in respect of implementing this Code of Practice.

A rigorous maintenance regime would be undertaken to ensure the security of the structures as the cost of lost and damaged lines, floats and product is economically significant. Regular checks and maintenance are also carried out for the lights.

The distance from shore, the low lying nature of the structures, the proposed layout of the area, and the concentration of the area mitigates against the effects of visual and vessel impacts and of sprawling or sporadic developments.

A Biosecurity Management Plan would be developed, in accordance with best practice guidance (from Aquaculture NZ, Fisheries NZ and Auckland Council), subject to the outcome of this application.

#### **4.11 Monitoring**

The RMA requires a description of the monitoring that would be undertaken, where the scale or significance of effects is such that monitoring is required. It is considered that the environmental effects would be no more than minor, based on the expert reports in **Appendices 2 and 3**.

Appendix D of the ecological report proposes the development of an environmental monitoring plan. This approach is supported by the Applicant, as consistency with other farms in the Auckland region is considered to be appropriate.

It is envisaged that the imposition of appropriate consent conditions, would provide a basis for appropriate compliance monitoring.

## 5.0 PLANNING ASSESSMENT

### 5.1 Key RMA Sections

#### 5.1.1 Notification Assessment

In the AUP, F2.20 addresses Notification and sets out that the Auckland Council will treat any application for resource consent to the normal tests for notification under ss95A and 95B of the RMA.

In respect to these sections of the RMA, it is noted that there is no NES which requires the application to be publically notified and the applicant does not request that the application be notified under s95A of the RMA.

Based on the analysis of the environmental effects in this AEE and supported by the Ecological and Landscape Assessments in **Appendices 2 and 3**, and supported by Ngai Tai ki Tamaki and Department of Conservation, it is considered that the effects of the proposal will be less than minor, and that there are no special circumstances that warrant notification.

F2.20 also refers to Rule C1.13(4) which addresses “affected persons”. Of most relevance from this rule are the Minister of Conservation and the Iwi Authorities. Both parties are supportive of this application. The response from the Department of Conservation is attached in **Appendix 4**.

It is also noted that this is a joint venture application, and support from Ngai Tai ki Tamaki is also attached in **Appendix 4**. It is considered that no person would be adversely affected.

Therefore it is considered that the application does not warrant notification under either ss95A of 95B of the RMA.

#### 5.1.2 Section 104 Considerations

Section 104(1) of the RMA sets out the matters that consent authorities must have regard to when considering an application for resource consent. Section 104(1) states:

*“When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-*

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of—*
  - (i) a national environmental standard:*
  - (ii) other regulations:*
  - (iii) a national policy statement:*
  - (iv) a New Zealand coastal policy statement:*
  - (v) a regional policy statement or proposed regional policy statement:*
  - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.”*

All provisions are subject to Part 2 of the RMA. The assessment of the proposed farm against s104(1)(a) and (ab) are addressed in the previous sections of this document and the conclusions reached are outlined below. The assessment of the proposed marine farm activities against the relevant planning provisions is set out below.

### **5.1.3 Actual and Potential Effects & Mitigations - s104(1)(a) and (ab)**

Section 4.0 above provides an assessment of the actual and potential effects of the proposed marine farm on the environment, along with identifying mitigation measures and positive effects. This assessment concluded that overall, the proposed marine farm will not give rise to any significant adverse effects on the environment. It has also been demonstrated that the proposed site provides:

- ideal physical coastal parameters for farming mussels
- positive effects on water quality from filter feeders
- minimal effects on benthic ecology and substrate
- sufficient distance from shore to avoid adverse natural character and landscape effects
- sufficient space to allow for safe navigation through and around the proposed site
- positive opportunities for recreational fishers.

### **5.1.4 Section 105 - Matters Relevant to Discharge Applications**

Section 105 of the RMA sets out matters which must be considered with respect to discharges into the coastal marine area, in particular: the nature of discharge and sensitivity of the receiving environment to any adverse effects, the reason for the discharge and possible alternatives.

The proposed marine farming activity will create some discharge of seawater, biodegradable and organic matter, and sediments into the CMA. This discharge is associated with harvesting and is limited to matter which falls off when the lines and harvested mussels are retrieved. The biodegradable and organic matter, along with sediment from the water column that settles on the structures, is naturally occurring material which falls to the seabed, decomposes or is consumed by other benthic organisms. These effects are localised, occurring beneath the marine farm and do not extend far from the marine farm before the effects is not detectable (Refer **Appendix 2**). Biosecurity issues associated with this type of discharge is addressed in section 4.0 above.

The AUP discretionary activity Rule A115 refers to Aquaculture activities. In my opinion, discharges as described above are a part of an “aquaculture activity”.

### **5.1.5 Section 107 – Restriction to Grant Discharge Permits**

Under s107 RMA any actual or potential discharge associated with the operation of the proposed marine farm shall not give rise to: any conspicuous oil, grease films, scums or foams, or floatable or suspended materials, change in seawater colour or clarity, any objectionable odour, or have any significant adverse effects on marine life.

The proposed discharges from the marine farm contain natural, biodegradable material and would not give rise to the matters outlined above, other than a temporary change in clarity as sediment and other marine matter falls through the water column at harvesting times. Based on 4Sight's report (**Appendix 2**) the ecological effects of the proposed farm on coastal water quality and benthic ecology was assessed as being negligible/ low.

## 5.2 Overview of RMA Planning Documents

This part of the AEE sets out the relevant planning framework, to assist with the subsequent assessment under s104(1)(b) and (c) of the RMA. Documents considered include:

- NZ Coastal Policy Statement 2010 (NZCPS)
- Hauraki Gulf Marine Park Act (HGMPA) and *Sea Change* (the marine spatial plan)
- Auckland Unitary Plan (AUP) – Regional Policy Statement (RPS) and Regional Coastal Plan (RCP) provisions.

## 5.3 NZ Coastal Policy Statement 2010 – s104(1)(b)(iv)

### 5.3.1 Aquaculture and appropriate uses

The operative New Zealand Coastal Policy Statement (2010) (NZCPS) includes a strong management directive for Aquaculture, in Objective 6 and Policy 8 in particular, but also in Policy 6. Together these policy directives recognise that aquaculture activities (as proposed by the application) are an appropriate use of the CMA and they recognise the important value aquaculture can provide for social, cultural and economic well-being.

The NZCPS states in **Objective 6**

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*



**Policy 8: Aquaculture states:**

*Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:*

- a. including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:
  - i. the need for high water quality for aquaculture activities; and*
  - ii. the need for land-based facilities associated with marine farming;**
- b. taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and*
- c. ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.*

**Policy 6: Activities in the coastal environment states:**

...

*(2) Additionally, in relation to the coastal marine area:*

- (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:*
- (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*
- (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;*
- (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and*
- (e) promote the efficient use of occupied space, including by:
  - (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;*
  - (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and*
  - (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.**

Objective 6 recognises that some use and development of natural and physical coastal resources are important for providing for people's social, economic and cultural wellbeing and can only occur in the coastal environment. This objective also recognises that protection of coastal values "...does not preclude use and development in appropriate paces and forms, within appropriate limits".

Policy 8 recognises the significant potential contributions and benefits that aquaculture development has for sustaining the social, economic cultural wellbeing of people and communities.

The proposed mussel farm would provide social and economic benefits through an expansion of the industry within the Firth of Thames and Auckland areas, including through associated employment opportunities related to the farm operations and servicing industries, processing factories, and exporting services.

These policy directives support aquaculture development and identify it as an appropriate use of the coastal marine area.

The proposed farm has a functional need to be located in the coastal marine area (Objective 6 and Policy 6(2)(c)) and the NZCPS requires that provision is made for these activities in appropriate places. The proposed farm site location has been carefully considered in conjunction with tangata whenua, to minimise any adverse effects on other coastal users or values, and the physical environment.

Based on the assessment of effects provided in section 4.0 above, it is considered that the proposed marine farm aligns with these policies and that it is an “appropriate use” in an “appropriate” location, and will contribute to cultural, social and economic well-beings.

### **5.3.2 Natural Character and Landscapes**

Objective 2 of the NZCPS seeks to preserve the natural character of the coastal environment and protect natural features and landscape values, through recognising contributing characteristics and qualities and identifying areas where use and development would be inappropriate.

This objective is supported in particular by Policies 13 (Preservation of Natural Character) and 15 (Natural Features and Natural Landscapes) which both seek protection from inappropriate use and development.

As the proposed site is not in any outstanding or high natural character or landscape overlay in the AUP (as discussed below), the NZCPS policy management directive for natural character and landscape is “to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects” (P 13(1)(b) and P 15(b) ).

The expert report in **Appendix 3** assesses the natural character and landscape effects, resulting from the proposed farm. In this report Hudson Associates concludes that the effects on landscape and natural; character, and visual values would be very low at the Firth of Thames scale and low (visual amenity) and low-moderate (landscape and natural character) at the site and its localised vicinity. This conclusion is relied on in support of this application and it is considered that this application meets these NZCPS policy directives.

The assessment of effects in section 4.0 above, has also identified mitigation steps taken to minimise the effects of the proposed farm area, including in particular the distance from shore and the low lying nature of the farm structures (including sub-surface lines). While it is acknowledged that the navigation safety requirements for coloured buoys and lighting will

have unavoidable effects, they are also mitigated by the distance of the proposed farm from shore.

### 5.3.3 Water quality, Access, Integration

Other NZCPS Objectives and policies that are particularly relevant to the proposed marine farm area include:

**Water quality** - Policies 21 and 23 of the NZCPS contain policy directives on managing water quality and discharges in the coastal environment. The proposed mussel farm activity would have minimal adverse effects on the water quality of the area. The effects can be regarded as positive because a) mussels are filter feeders and “sift” the sediment from the water, and b) mussel farms are reliant on high quality, clean water. The expert ecological report in **Appendix 2** discussed the effects of the proposed farm on water quality and the conclusions reached was that there would be not be adverse or significant and would be expected to be minor beyond the farm.

This conclusion is relied on in support of this application and it is considered that the proposed farm is consistent with the directives of Policies 21 and 23 of the NZCPS.

**Access and recreation/ efficient use of space** - Objective 4 supported by Policies 6 and 18 recognise that open space and recreational values of the coastal environment are important for public use and enjoyment. The layout of the proposed marine farm provides for public access between the blocks, between the lines and around the entire proposed farm. Safe navigation is provided for through use of buoys and lighting in accordance with the Maritime New Zealand Guidelines for marine farms.

Based on general experience of other mussel farms, the presence of the proposed farm would provide additional opportunities for recreational fishing.

With regard to Policy 6(2)(e), the layout of the proposed marine farm is an efficient use of space, by enabling appropriate space for mussels to grow, while enabling access and recreational fishing opportunities for other users. As assessed in Section 4.0 above, any potential adverse effects on public access or navigation will be negligible. As such the proposed marine farm supports the intent of Objective 4 and Policies 6 and 18 of the NZCPS.

**Integration** - Policies 4 and 6 of the NZCPS relate to the integration of land and water activities of aquaculture and the use of renewable resources. With regard to Policy 4 (addressing effects above and below MHWS), Section 4.0 above outlines the facilities that would be used for loading and unloading of equipment and product, and the associated storage above MHWS. The Sugarloaf boat ramp and wharf facility provides all tide access and is currently used by the applicant for their existing marine farming activities. It is considered that the additional use of the facilities would be able to be accommodated within existing operations and that the existing land based facilities available are appropriate for aquaculture activities and will be used for storage of floats, ropes and other marine farm equipment required to support the

proposed mussel farm. The potential future use of Kopu as a landing area has also been noted in section 4.0.

Mussel farming is reliant on natural phytoplankton and high quality waters, both of which are renewable resources.

As such the proposed marine farm supports the intent of Policies 4 and 6 of the NZCPS, in respect to managing integration across MHWS and protecting renewable resources.

#### **5.3.4 Summary**

In considering the above objectives and policies, there is a strong directive in the NZCPS for enabling aquaculture to be established in the coastal marine area, in appropriate locations, particularly where it does not result in significant adverse effects on outstanding natural character and landscapes.

In my opinion, the proposed farm area is an appropriate use in this proposed area. I considered that this application is consistent with the directions of the NZCPS and would meet the purpose of the Act.

### **5.4 Hauraki Gulf Marine Park Act and Marine Spatial Plan**

#### **5.4.1 Sections 7 and 8**

Sections 7 and 8 of the Hauraki Gulf Marine Park Act (2000) (HGMPA) have the effect of an NZCPS. This Act promotes a co-operative approach to the integrated and sustainable management of the Hauraki Gulf. This Act recognises the importance of the Hauraki Gulf and the diversity of the marine ecosystem and the wide values and uses people have of the area.

**Section 7** recognises the national significance of the Gulf and emphasises the life-supporting capacity of the Gulf and in particular identifies that this:

*“...includes the capacity -*

*(a) to provide for the ... relationship of the tangata whenua of the Gulf with the Gulf ... and the ... wellbeing of people and communities,*

*(b) to use the resources of the Gulf ...for economic activities and recreation...and*

*(c) to maintain the...water and ecosystems of the Gulf”.*

The natural resources of the Hauraki Gulf’s coastal waters (including high water quality, naturally occurring spat and phytoplankton) have the potential to be used to produce mussels to enable the social and economic well-being of people and communities of the Hauraki Gulf, including in particular, meeting the aquaculture aspirations of Ngai Tai ki Tamaki. The presence of marine farm structures can contribute indirectly to enhancing the life supporting capacity of the environment in that the longline structures act as a floating reef in the water column providing habitat for other fish species to shelter and feed, and this in turn increases the recreation fishing opportunities within the farmed area.

In relation to the wider Hauraki Gulf, the ecological assessment (**Appendix 2**) and the assessment of effects (section 4.0 above), assess the actual and potential effects of the proposed marine farm on the life supporting capacity of the coastal environment as being minor.

**Section 8** identifies management objectives. These relate to a range of environmental, Maori and community matters, and have been addressed in this AEE. The protection of kaimoana is one objective, and based on the assessments referred to in this AEE, there will be no adverse effects on this resource as a result of this application, due to the distance from shore, the nature of the seabed in the vicinity of the proposed farm and the negligible impact on nutrients in the water column. Sub-section 8(e) recognises the importance of the social and economic well-being of the people and communities of the Hauraki Gulf, and it is considered this application meets this policy directive.

It is considered that the proposed marine farm area is consistent with the HGMPA NZCPS directives and would meet the purpose of the Hauraki Gulf Marine Park Act. The NZCPS provisions of the HGMPA also directly reflect Policy 8 of the NZCPS 2010.

#### 5.4.2 Sea Change – Tai Timu Tai Pari

The Hauraki Gulf Forum (constituted under the HGMPA) has produced a non-statutory marine spatial plan entitled “Sea Change – Tai Timu Tai Pari” (*Sea Change*). *Sea Change* focuses on securing a healthy, productive and sustainable resource for all users of the Hauraki Gulf, and was written by a Stakeholder Working Group comprising 14 members reflecting a diverse range of interests including mana whenua, environmental and conservation, commercial and recreational fishing, aquaculture, land use, farming and infrastructure.

*Sea Change* was released in December 2016. The importance of the Hauraki Gulf is recognised in the foreword, along with the importance of kaitiakitanga for mana whenua. This application meets the vision of *Sea Change*, which in brief states:

*“Tikapa Moana/ Te Moananui a Toi - the Hauraki Gulf Marine park is vibrant with life, its mauri strong, productive, and supporting healthy and prosperous communities”.*

*Sea Change* identifies aquaculture as a key industry sector, which “provides a number of social and economic benefits, including creating wealth and employment, supporting Maori development, providing for research and development, and supporting other sectors such as charter fishing and tourism”. (Part One: Aquaculture). *Sea Change* states the overall vision for aquaculture as being: “prosperous aquaculture positively contributes to the health and well-being of the people and environment of the Hauraki Gulf”.

The stated intention of *Sea Change* in respect of aquaculture is:

*“By 2018, have a ‘three tiered’ regulatory regime in place for aquaculture that:*

- *Specifically enables aquaculture in identified areas where the overall social, economic and environmental benefits of aquaculture to the Hauraki Gulf Marine Park are maximised.*

- *Allows case-by-case consideration of aquaculture in areas which may be suitable but which have not been identified as an area where benefits will be maximised.*
- *Restricts aquaculture in areas which are not suitable for aquaculture.”*

*Sea Change* outlines the positive and potential adverse effects of aquaculture (which have been addressed throughout this AEE) and sets a range of objectives to meet the above goals including locating farms in appropriate places.

*Sea Change* has identified the area east of Ponui Island as an appropriate area for further aquaculture growth (refer Appendix 6). It is also noted that *Sea Change* underwent significant community consultation, and involved central government, local government and mana whenua.

To guide areas of development, the Sea Change Aquaculture Roundtable Technical Report 2 (which contributed to the development of *Sea Change*), set out some principles for identifying suitable sites, which included:

- benefits are maximised (ecological and socio-economic benefits; enabling hapu and iwi);
- biophysical environments are suitable (good flushing/ phytoplankton available);
- does not impact on ecologically significant areas (eg reefs, sea grass beds, significant benthic habitat, feeding grounds);
- avoids disruption on the swell corridor (effects on popular surf breaks);
- located away from areas where they will adversely impact on the outstanding natural; character of the area or degrade the values of outstanding natural landscapes; and
- located in areas that are not subject to high levels of other uses, not on popular cruising routes or will restrict passage ways for recreational and commercial boating traffic and not popular or safe anchorages.

Based on the information provided in section 4.0, the proposed farm site meets the criteria used in *Sea Change* to determine appropriate locations for aquaculture growth. The proposed site is also identified in *Sea Change* as being appropriate for future growth and development.

Overall, it is considered that the appropriateness of the farm in the proposed location is supported by *Sea Change* and that the proposed location is consistent with the criteria and intentions of *Sea Change*.

## **5.5 Auckland Unitary Plan (AUP) (operative in part - updated 28 September 2018)**

### **5.5.1 Relevant zone**

The AUP maps show that the proposed application area falls within the general coastal marine zone (CMA) which comprises the majority of the CMA outside other specified zones. There are no overlays covering or adjoining the proposed area. The site is not identified as

being an area of outstanding natural character or of outstanding natural features or landscapes.

## **5.6 Regional Policy Statement (RPS)**

**5.6.1 Overview:** The Auckland RPS forms Chapter B of the AUP. Section B1.4 of the AUP identifies nine issues of regional significance. **Issue 8** relates to the coastal environment, and is particularly relevant for aquaculture. Other issues of relevance include **Issue 4** which relates to natural heritage (landscapes, natural features, volcanic viewshafts and trees), **Issue 5** which relates to issues of significance to Mana Whenua and **Issue 7** which relates to water quality. These issues are considered below.

### **5.6.2 B8: Toitu te taiwhenua - Coastal environment**

Section B8 addresses the coastal environment and as such is the most relevant to consider in terms of marine farming. This issue (B8.1) identifies that some activities (such as aquaculture) require a coastal location and that provision needs to be made for these activities in appropriate locations and be of appropriate forms.

#### **B8.2 Natural character**

There are 2 objectives particularly relevant to aquaculture:

- (1) *Areas of the coastal environment with outstanding and high natural character are preserved and protected from inappropriate subdivision, use and development.*
- (2) *Subdivision, use and development in the coastal environment are designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.*

These objectives are supported in particular by policies B8.2.2 (3(b)) & (4) - which guides that for areas which are not identified as outstanding or high natural character, significant adverse effects on natural character should be avoided and adverse effects should be avoided, remedied or mitigated, and that subdivision, use and development should be appropriate.

The proposed area is not located within any area identified in the planning maps as having outstanding or high natural character. The proposed farm has also been specifically located approximately 3.6 km off-shore, to avoid and minimise impacts on landward areas and on natural character.

The closest area of high natural character is located on the eastern side of Ponui Island (including an area of approximately 1km offshore). The boundary of this overlay is approximately 2.6 km from the proposed marine farm site. Drawing on the expertise of Hudson Associates in **Appendix 3**, this area of natural character and landscape will not be altered by the proposed marine farm and therefore the effects on these values will low and low-moderate. Any adverse effects are adequately mitigated by the nature of the structures being low lying in the water and by the distance from shore.

Therefore it is considered that the proposed marine farm is located in an appropriate area, whereby natural character will be preserved.

### **B8.3 Subdivision, use and development**

There are seven objectives:

B8.3.1(1) requires that use and development is in appropriate places and are of an appropriate form and within appropriate limits. The proposed site has been carefully selected to avoid conflict with other uses in the CMA and as identified in *Sea Change* the Hauraki Gulf marine spatial plan, it is considered to be an appropriate activity in the Hauraki Gulf, in this location.

B8.3.1(2) requires that the adverse effects of use and development on the values of the coastal environment are avoided, remedied or mitigated. This application meets this policy directive and it is considered that the supporting expert reports endorse this view.

B8.3.1(3) focuses on efficient use and that activities (such as marine farming) are provided for in appropriate locations. The proposed layout seeks to maximise the efficient use of the space being applied for, while recognising the need to ensure phytoplankton is available for marine farming purposes, and providing accessways for other users. Based on the discussion of this matter above, this area is an appropriate location for marine farming.

B8.3.1(4) addresses functional and operational need to locate in the CMA. The proposed marine farm has a clear functional and operational need to locate within the CMA.

B8.3.1(5) addresses integrated management with land based requirements. As discussed in this AEE, the applicant has an established land based operation in Coromandel which provides for storage and servicing of equipment. Use will also be made of existing mussel barges, moorings and access to the Sugarloaf boat ramp and wharf facility (for loading and unloading equipment and product). The applicant considers that existing facilities are sufficient to accommodate the operation of the proposed farm.

B8.3.1(6) requires conflicts between activities to be avoided, remedied or mitigated. The location of this farm is such that any conflicts arising would only be from a limited number of other vessels wishing to access this area. The potential for this conflict is mitigated by the overall layout of the proposed farm and the navigation safety requirements, such as lighting and use of coloured floats.

B8.3.1(7) is concerned with coastal hazards and avoiding any increase in the risk of harm. The engineering design of the structures is such that it should ensure the structures remain in place in all weather conditions, especially stormy weather. The proposed farm would be well maintained and monitored to ensure that any equipment failures were rapidly remedied.

In the context of these objectives, the **policies in B8.3.2** which are most relevant include:



B8.3.2(1) recognises the contribution that use and development makes to the social, economic and cultural wellbeing of people and communities. The proposed marine farm would make a significant contribution to the social, economic and cultural well-beings as has been outlined in section 4.0 above.

B8.3.2(3) is an enabling policy to provide for use and development in the coastal marine area, including in particular for those activities that have a functional need and require the use of the natural and physical resources of the coastal marine area, that are for public benefit or recreation, have an operational need making a location in the coastal marine area appropriate and that cannot practicably be located outside the coastal marine area, or enable the use of the coastal marine area by Mana Whenua for Maori cultural values and customary uses. The proposed marine farming activity meets this policy as it has a clear functional and operational need to locate in the coastal marine area and cannot practically be located outside of that environment, and has the potential for positive effects for recreational fishers. It is also enabling the aquaculture aspirations of Ngai Tai ki Tamaki.

B8.3.2(4) requires effects from above and below MHWS to be avoided, remedied or mitigated. This management of activities across MHWS is discussed under B8.3.1(5) above and in section 4.0.

B8.3.2(7) supports setbacks to protect natural character and amenity values. The proposed marine farm is located approximately 3.6km off-shore, providing a significant setback for coastal edge amenity and natural character.

B8.3.2(10) specifically addresses aquaculture. Aquaculture is to be provided for in appropriate places, forms and within appropriate limits, taking into account the quality of water required for the aquaculture activity, land-based facilities and infrastructure required to support the activities and the potential social, economic and cultural benefits associated with the activities. The application is consistent with these policy directives and drawing on the information provided in this AEE, it is appropriately located, of an appropriate form and is within appropriate limits. The quality of the water in the proposed area is high and is suitable for marine farming. Land based facilities and infrastructure have been discussed above. The application is a joint application with Ngatia-ki-Tamaki. There are potentially significant benefits socially, economically and culturally for marine farming to expand in the Hauraki Gulf/ Firth of Thames (refer section 4.0).

#### **B8.4 Public access and open space**

There are 3 objectives in B8.4, which seek to maintain and enhance public access; restrict access only where necessary; and maintain and enhance open space, recreation and amenity values. The proposed marine farm is located approximately 3.6km from shore and as such does not restrict access to and along the CMA. The applicant is not seeking exclusive occupation of space in the CMA. Other users of the area will be free to navigate through and around the marine farm. It is acknowledged that the presence of a farm will attract fish to the area, and by association recreational fishers, who will not be restricted from fishing around and within the farm. All vessels will be able to navigate safely around the farm, as it

will be marked appropriately and in accordance with the Maritime New Zealand guidelines. Coastal processes and climate change effects were addressed in section 4.0 and are addressed in the engineering design of the structures.

Based on the above, it is considered that the proposed marine farm is consistent with the policy directives in B8.4.

#### **B8.5 Managing the Hauraki Gulf/ Te Moana Nui o Toi/ Tikapa Moana**

There are 3 objectives which require sections 7 and 8 of the HGMPA to be given effect to; that use and development supports the social and economic well-beings of Waiheke and Great Barrier islands' communities; and that economic well-being is enabled from the use of natural and physical resources, without further degradation or adverse effects on life-supporting capacity of marine ecosystems.

The importance of the Hauraki Marine Park Act is discussed in section 5.4 above. The location and aquaculture activity is supported by the Hauraki Gulf marine spatial plan- *Sea Change - Tai Timu Tai Pari*.

Marine farming is clearly an activity which would utilise natural resources for economic well-being and without further degrading the marine ecosystems. Policy 3 in particular, focuses on cumulative effects on ecological and amenity values. For the reasons given in section 4.0, the cumulative effects of the application and the other existing mussel and spat catching farms in the Hauraki Gulf/ Firth of Thames will be less than minor. This proposed farm is located at a significant distance from existing farms, and the cumulative effect on ecological values would be minimal. In terms of amenity values the farm is clearly adding new structures into the CMA, but the farm is well-distanced from land and from other farms. It is acknowledged that the coastal waters of the Hauraki Gulf are well used by recreational boats, however it is considered that the proposed location of the farm and the navigation safety requirements, would enable the area to be navigated through/ around safely by vessels.

Policy 13 emphasises management and decision-making that takes into account relationships of mana whenua with the Hauraki Gulf. Ngatai-ki-Tamaki are supporting this application and are party to the future development of aquaculture in this area.

Policies 17 and 19 seek to provide for commercial activities and economic development that avoids degradation and complements the values of the Hauraki Gulf. The proposed farm site and activity are strongly aligned with these policies. High water quality is a requirement for marine farming. The proposed farm is not located over any sensitive ecological areas.

#### **5.6.3 B.4: Te tiaki taonga tuku iho - Natural heritage**

Natural heritage is described as being made up of natural landscape and natural features which together create natural character and environmental quality. The need to protect outstanding matters in the coastal environment from inappropriate subdivision, use and development is noted.

Of particular relevance, there are 3 objectives under B4.2.1 - outstanding natural features and landscapes. Outstanding natural features and landscapes are to be identified; the ancestral relationship of mana whenua with landscapes and features and to be recognised and provided for; and the visual and physical integrity of volcanic features are to be protected.

The proposed marine farm area is not located in or near any area of outstanding natural landscapes/ features or of outstanding natural character. The applicant recognises the importance of the ancestral relationship of mana whenua with the landscapes and features of the Hauraki Gulf and the joint venture nature of this application and location decisions have been considered in light of this policy directive (refer section 4.0). It is considered that the proposed marine farm is aligned with this section of the RPS.

#### **5.6.4 B6: Mana Whenua**

This issue seeks to enable development that contributes to lifting Maori social, cultural and economic well-being and recognising the interests, values and customary rights of Mana Whenua in sustainable management of resources.

Specifically focusing on B6.4 Maori economic, social and cultural development, there are 2 objectives: support for Maori economic, social and cultural wellbeing; and mana whenua able to use their land within their ancestral rohe. These objectives are supported by Policy B6.4.2 in particular, which is about enabling opportunities for Mana Whenua to use and development the coastal environment, provided adverse effects are avoided, remedied or mitigated.

This has been given effect to by the joint partnership nature of this application and consultation undertaken through decisions on location of farm and the development of this consent application. Recognising Mana Whenua values and protecting cultural heritage have also been addressed within the discussions held as a part of the consultation and application development. The environmental effects of the proposed farm are set out in section 4.0 and it is considered that adverse effects have been avoided, remedied or mitigated.

#### **5.6.5 B7. Toitū te whenua, toitū te taiao – Natural resources**

Chapter B7 addresses natural resources, and the need to manage pressures on (among other matters) coastal water resources.

Objective 7.2.1 (1) requires protection of significant indigenous biodiversity in coastal marine areas, and (2) to maintain indigenous biodiversity through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring. The AUP does not identify the proposed farm area as an area of significant indigenous biodiversity. The proposed farm area is not located over any area of significant biodiversity, as identified by 4Sight in **Appendix 2**.

B7.4 addresses coastal water, fresh water and geothermal water. There are 6 objectives, of which the following are particularly relevant. Objective B7.4.1(1) requires coastal waters to be used within identified limits while safeguarding their life-supporting capacity and values. Objective B7.4.1(2) requires the quality of coastal water to be maintained where it is excellent or good and progressively improved over time where it is degraded. Objective B7.4.1(6) requires Mana Whenua values, matauranga and tikanga associated with coastal water, to be recognised and provided for, including their traditional and cultural uses and values.

The presence of the proposed marine farm will be consistent with these objectives. The farm will not adversely affect the water quality in the Hauraki Gulf, rather filter feeders have a positive impact on water quality. Marine farms require high water quality, in order to meet healthy growing conditions and food safety standards. In addition, a regular water quality monitoring program is undertaken by marine farmers, in accordance with District Health Board requirements. Mana whenua values have been considered and incorporated into the decision-making process for the location of the proposed marine farm.

#### **5.6.6 Summary of RPS Provisions**

Taking into account the objectives and supporting policies of the RPS, in the context of the environmental effects identified in section 4.0, it is considered that the proposed marine farm is consistent with the RPS.

### **5.7 Regional Coastal Plan Provisions of the AUP**

#### **5.7.1 Introduction**

The Regional Plan provisions which are relevant to the assessment of the proposed marine farm include:

Chapter D - Overlays

Chapter E – District wide provisions

Chapter F - Regional Coastal Plan.

#### **5.7.2 Chapter D - Overlays**

The proposed site is located in the **general coastal marine zone** which comprises the majority of the CMA outside other specified zones. There are no overlays covering the proposed area and the proposed activity would have no impact on any identified sites, due to distance from shore.

#### **5.7.3 Chapter E – District wide provisions**

Chapter E18 applies to **natural character** areas that are not scheduled in the outstanding natural character and high natural character overlay. E18.2(1) sets out the Regional Plan objective of maintaining the characteristics and qualities that contribute to natural character, while providing for use and development. This is supported by the policies in E18.3. The effect of the proposed farm area on natural character is addressed in **Appendix 3** and Hudson Associates concludes that any adverse effects associated with the proposed marine farm would be low-moderate.

The location, scale and design of the marine farm is such that the structures are low-lying in the water, are well distanced from shore and do not adversely impact on any landward features, landforms or other landward characteristics. It is acknowledged that there are no structures in this part of the Hauraki Gulf at present, and that there would be a change in the nature of the proposed area by the presence of a new farm. However, there would be no adverse effects on the natural processes of the area.

The farm has a functional and operational need to be located in the CMA and it would contribute to recreational opportunities for fishers (Refer to E18.3(3) in particular). It is considered that the proposed farm is aligned with these policy directives.

Chapter E19 provides objectives and policies related to activities in areas which are not scheduled as being **outstanding natural features nor outstanding natural landscapes**. Objective E19.2 seeks to maintain the characteristics and qualities of the area, while providing for use and development.

Policy E19.3(2) is relevant to this application site. The location, scale and design of this marine farm has taken into account the effects on landscape and natural features. This has been addressed in the expert report in **Appendix 3** which concludes that the location of the proposed marine farm and its distance from the shore means any effects of the proposed marine farm on the landscape, natural character and visual amenity would be respectively low-moderate and low. While there will be a change in the environment due to the presence of the structures, any adverse effects on marine landscape and features are considered to be minimal. The marine farm has a functional and operational requirement to be located in the CMA.

#### **5.7.4 Summary of District-wide Provisions**

It is considered that the proposed marine farm meets the objectives and policies of these sections of the Plan. There are no rules arising from these two chapters.

#### **5.7.5 Regional Coastal Plan**

##### **5.7.5.1 General Coastal Marine Zone**

The Regional Coastal Plan is provided for in Chapter F of the AUP. The proposed marine farm is located in the Coastal – General Coastal Marine Zone. The purpose of this zone is stated as being to provide for use and development in the CMA, while (among a wide range of matters) enabling economic well-being through appropriate use and development.

##### **5.7.5.2 Aquaculture**

Aquaculture is specifically addressed in chapter F2.15. This chapter envisages new aquaculture development, and notes that it needs to be located in appropriate locations, and that the relationship of Mana Whenua with their ancestral waters needs to be respected.

There are four objectives, of which the following three topic areas are relevant (note: Objective 3 relates to existing aquaculture):

- F2.15(1) recognition of the cultural, social and economic benefits of aquaculture;
- F2.15(2) new aquaculture should occur in appropriate locations and at appropriate scales that avoid, or where appropriate minimise conflicts with ecological, social and cultural values and other uses.
- F2.15(4) managing aquaculture activities to minimise biosecurity risks.

It is considered that this application has addressed all these matters in section 4.0 above and as supported by the attached expert reports. The proposed farm would bring cultural, social and economic benefits to the applicants and to the wider region. As discussed above, it is considered that the proposed farm is situated in an appropriate location and is of an appropriate scale. The management of biosecurity risk is an evolving area, and subject to the outcome of this application, a biosecurity management plan (as a requirement of a consent condition) would be prepared, in accordance with guidance from Fisheries NZ, Aquaculture NZ and Auckland Council. By preparing this separately would enable it to be reviewed and updated regularly. It is also noted that in respect to F2.13 Discharges from bio-fouling and vessel maintenance, no biofouling or vessel maintenance would occur at the site of the proposed marine farm (refer discussion in section 5.0).

There are 12 policies for aquaculture which are set out in F2.15.3. Each policy is addressed below.

- F2.15.3(1)(overlays) is not relevant to this application as the proposed area is not located within any overlays.
- F2.15.3(2) requires that new aquaculture activities are designed and located to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the characteristics and qualities that contribute to: the values of the Coastal – Mooring Zone, popular and safe navigation routes and anchorages, areas with high recreational use or amenity value; and public access, particularly to highly used areas.  
The proposed farm is not located in an area that would compromise any mooring zone; it is located and would be marked in accordance with Maritime NZ guidelines for aquaculture. Public access and recreational use will not be excluded (and from a fishing perspective would be enhanced). The proposed area is approximately 3.6km off-shore.
- F2.15.3(3) and (4) relate to established aquaculture activities and minor extensions or realignment of established aquaculture activities and are not relevant to this application.
- F2.15.3(5) requires that structures used for aquaculture, or the introduction or relocation of equipment or stock, are managed to avoid, as far as practicable, the release or spread of harmful aquatic organisms. As set out in section 4.0 all equipment to be used on this farm would be new equipment, however there may also be some use of floats and ropes from the applicant's existing farms in the Firth of Thames. Existing floats and ropes are cleaned at sea before being returned to land for further cleaning and storage in the open air prior to re-deployment. Therefore, the release or spread of any new organisms or pest species from equipment imported into the area is unlikely to occur. The risks associated with pest species will be appropriately managed in accordance with current

best practice on identification and reporting. The proposed area would be serviced by existing vessels.

- F2.15.3(6) relates to research activities and is not relevant to this application.
- F2.15.3(7) requires a precautionary approach to be applied for applications for aquaculture activities that propose using species, techniques or locations not previously used for aquaculture and where the adverse effects are uncertain, unknown or little understood but are potentially significant. This policy does not apply as the mussel farming and spat catching proposed in this application relate to a known species, the techniques for the farm are based on current good practice, and the general location of the Firth of Thames is currently used for marine farming. While the specific location is not currently used for mussel farming, it is considered that the effects of mussel farming in the Firth of Thames are well understood, and are minor. On this basis it is not considered necessary to apply an adaptive management approach.
- F2.15.3(8) requires reverse sensitivity issues to be avoided and is not relevant to this application, due to the distance from shore and from other activities that could impact on the marine farm.
- F2.15.3(9) seeks integration and consolidation of land-based facilities required for new aquaculture activities. As discussed in section 4.0, this is provided by access at the Sugar Loaf wharf and use of existing land-based storage areas.
- F2.15.3(10) provides a method for addressing areas where there is high and competing demand for space, or where tendering (or similar) could be applied. This policy is not considered to be relevant to this application.
- F2.15.3(11) requires aquaculture to generally be more appropriate when it is located in areas where it consolidates existing aquaculture activities. It is considered that this proposed farm would consolidate marine farming activities in the Firth of Thames, and that this is an appropriate location for achieving this policy. The area is also supported by the Hauraki Gulf Marine Spatial Plan - Sea Change - Tai Timu Tai Pari.
- F2.15.3(12) relates to Mahurangi Harbour and is not relevant to this application.

### **5.7.5.3 Use, development and occupation**

Chapter F2.14 addresses a range of matters related to the use, development and occupation of the coastal marine area. There are nine objectives:

- F2.14.2(1): High public value of open space and public access maintained. The open space and public access values are balanced with the use of the area for social, cultural and economic well- beings. The proposed area will not exclude public access, and will enhance recreational opportunities for fishers. It also enables Ngatai-ki-Tamaki to meet their aquaculture aspirations.
- F2.14.2(2): occupation in appropriate locations/ functional need/operational need. The proposed farm clearly has a functional and operational need to locate in the coastal marine area. This application has identified the appropriateness of the farm in this location.
- F2.14.2(3): Limit exclusive occupation: the applicant is not seeking exclusive occupation of the proposed site.

- F2.14.2(4): efficient use by consolidating use and development: The proposed farm is set out in a manner to ensure efficient use of the area, in accordance with industry best practice. The proposed area is supported by the Hauraki Gulf Marine Spatial Plan.
- F2.14.2(5) & (6): activities that do not have a functional need. These objectives are not relevant to the application.
- F2.14.2(7): Activities supported by land-based access and infrastructure: As discussed above the applicant will utilise the Sugar Loaf wharf, and an existing land-based storage area.
- F2.14.2(8) & (9): short –term occupation for events and marinas: are not relevant to this application.

The most relevant policies as set out in F2.14.3 include:

- F2.14.3(1) which seeks to enable use and occupation with a functional and operational need to locate in the coastal marine area; is necessary to provide for use by Mana Whenua for cultural and customary uses; and will not compromise or limit existing activities. As discussed above and in section 4.0, it is considered that this application meets all these policy directives.
- F2.14.3(10) which requires any use and development to demonstrate land based access and infrastructure has been appropriately provided for. As discussed above and in section 4.0, it is considered that this application meets this policy directive.
- F2.14.3(11) addresses duration of consent, including taking into account the investment in the development and the need for security of tenure. As stated in section 3.3, a consent duration of 35 years is sought, as this recognises the investment required to develop this area and the need for security of tenure, to support that level of investment.

#### **5.7.6 Proposed Plan Change 15 (Notified Nov 2018)**

The purpose of the proposed change is *“to improve the consistency of provisions in Chapter F Coastal, Chapter J Definitions, Appendix 7 and the viewer of the Auckland Unitary Plan (Operative in part).”*

The proposed changes to the Aquaculture provisions do not change the assessment of the provisions, as detailed above. They do however clarify that the aquaculture activity includes all related matters, including the following, and that this proposed change would have immediate effect:

- *Construction, placement, alteration, removal or demolition of structures used for aquaculture activities (RMA s12(1)(b))*
- *Disturbance of the foreshore and seabed, incidental to the aquaculture activities (RMA s12(1)(c), (e), (g))*
- *Deposition of material in, on or under the foreshore or seabed, incidental to the aquaculture activities (RMA s12(1)(d))*
- *Occupation of the common marine and coastal area by the aquaculture activities (RMA s12(2)(a))*



- *Activities that contravene a rule in the regional coastal plan (RMA s12(3))*
- *Discharge of contaminants or water into water, incidental to the aquaculture activities (RMA s15).*

### 5.7.7 Overall Summary of Planning Provisions

Based on the above analysis of the NZCPS, HGMPA, and AUP, it is considered that the application is consistent with the objectives and policies of these documents.

It is considered that the proposed farm in this location is an appropriate use of the coastal marine area.

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

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

Applications for Crown engagement in the Auckland region are listed on the following website: <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/applications/auckland-region/>

The groups notified of this application in accordance with s62 MACAA, are shown in **Appendix 4**. One response was received and is also attached in **Appendix 4**.

### 5.9 Part 2 RMA Matters

The provisions of section 104 RMA are subject to Part 2 RMA. Therefore this section of the document discusses the matters in Part 2 RMA, in respect to the proposed marine farm application.

#### 5.9.1 Section 5 of the RMA

The purpose of the RMA as set out in Section 5, is to promote the sustainable management of natural and physical resources.

Section 5 (2) enables the provision of social, economic and cultural well-being, while meeting certain thresholds:

- S5(2)(a): The proposed marine farm will not cause the loss of any natural or physical resources. The water quality and ecosystem within the proposed marine farm site is of high quality suitable for growing mussels for export and local market, generating foreign earnings and creating employment.
- S5(2)(b) The proposed mussel farming at this site will safeguard the life-supporting capacity of the coastal waters, air and ecosystems. As noted above the proposed marine farm requires a high quality environment. Phytoplankton (as extracted by the activity) is a renewable resource and is influenced by deep sea currents.
- Section 5(2)(c): requires that any adverse effects of activities on the environment be avoided, remedied or mitigated. The proposed marine farm location, layout and

distance offshore are considered appropriate in managing the adverse effects of the proposed marine farm. The site is an area indicated in the Sea Change Marine Spatial Plan, as appropriate for marine farming in the Hauraki Gulf. The layout is such that adequate space is provided between longlines and around the overall farm for boat navigation and recreational use. The area will be publically accessible. As supported by the expert reports (**Appendices 2 & 3**) and this accompanying AEE, in my opinion, the location of the site offshore from Ponui Island will have less than minor effects on ecological biodiversity, natural landscapes, features or character values of the surrounding coastal environment.

Therefore it is considered that this proposed marine farm would meet the requirements of Section 5 of the Resource Management Act.

#### **5.10.2 Section 6 of the RMA**

S6 RMA requires that matters of national importance shall be recognised and provided for. These matters of national importance were also required to be assessed in the preparation of the Auckland Unitary Plan (operative in part).

- s6(a) natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision use, and development:*
- s6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- s6(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

With respect to these three s6 matters, the proposed marine farm is not located in any area identified in the Auckland Unitary Plan as being of high or outstanding natural character, nor of outstanding natural features and landscapes, nor of any significant biodiversity value. The proposed marine farm would not adversely affect the existing natural features and landscapes, to any significant degree. It is located approximately 3.6 km from shore, in an area that has been identified in the Sea Change Marine Spatial Plan as being appropriate for aquaculture developments. The effects of the proposed marine farm on natural character and landscape were assessed by Hudson Associates and the ecological effects assessed by 4Sight (refer **Appendices 2 & 3**). In my opinion, this application is an appropriate use in this proposed area.

- s6(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

Section 4.0 above identified that the proposed marine farm would have limited (if any) adverse effects on public access and navigation. Based on current common practice, public use of the area for recreational fishing is expected to be enhanced. The proposed marine farm will be lit and marked with required navigational aids. The off-shore location of the proposed site (approximately 3.6 km offshore from Ponui Island) would allow access along the eastern shoreline of the island without impediment, for non-powered or low-powered recreational activities occurring from the Island.

- s6(e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- s6(g) *The protection of protected customary rights.*

This application is a joint partnership between Mr Bull and Ngai Tai ki Tamaki. The development of this proposal over time has enabled these matters to be considered and addressed. This is supported in section 4.0 above and the attached letter of support from the Ngai Tai ki Tamaki Tribal Trust (**Appendix 4**). Ngai Tai ki Tamaki Tribal Trust currently have an application lodged with the Justice Department in respect to customary areas.

- s6(f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- s6(h) *The management of significant risks from natural hazards.*

With respect to these two matters, no historic heritage values were identified in the Auckland Unitary Plan. Management of the risks from natural hazards relate primarily to the robustness of structures to withstand storm events. As outlined in section 4.0 best industry practices will be used to ensure that the structures will withstand storm events.

### 5.10.3 Section 7 Other Matters

Section 7 RMA sets out matters which consent authorities “shall have particular regard to”:

- (a) *Kaitiakitanga:*
- (aa) *the ethic of stewardship*
- (b) *the efficient use and development of natural and physical resources*
- (ba) *the efficiency of the end use of energy*
- (c) *the maintenance and enhancement of amenity values*
- (d) *intrinsic values of ecosystems*
- (e) *[repealed]*
- (f) *the maintenance and enhancement of the quality of the environment*
- (g) *any finite characteristics of natural and physical resources*
- (h) *the protection of the habitat of trout and salmon*
- (i) *the effects of climate change*
- (j) *the benefits to be derived from the use and development of renewable energy.*

Matters (ba), (h) and (j) are not relevant to the proposed marine farm.

It is acknowledged that the remaining matters identified above have been considered in the development of the Objectives, Policies and Methods of the NZCPS and the Auckland Unitary Plan (operative in part). These matters have also been addressed in this application.

- s7(a) the marine farm area will not affect any sites of significance to iwi or preclude access or ability to exercise kaitiakitanga
- s7(aa) the ethic of stewardship is fundamental to the proposed farm as it requires high water quality and is reliant on a healthy operating ecosystem
- s7(b) the proposed marine farm layout and activities are an efficient use of natural and physical resources, including space, requiring high water quality to support mussel growth, and located and laid out to enable other users to access the area

- s7(c) amenity values are maintained or enhanced through the location of the proposed site off-shore, enabling shoreward areas to be available for recreational purposes; and through the low-lying nature of the structures.
- S7(d) this location is in an area which will not adversely affect benthic ecology or reef ecosystems. The structures will provide a sheltered floating raft of longlines as habitat that attracts fish which in turn would enhance amenity values for recreational fishing.
- S7(f) the proposed marine farming activity requires a high quality environment, and this environment would be maintained and enhanced, through industry best practice approaches.
- S7(g) there are no finite characteristics of natural and physical resources, that are under pressure or threat from the proposed marine farming activity.
- S7(i) as noted above the effects of climate change would be minimal on a floating structure. The structural requirements for withstanding storm events are incorporated into the engineering design of the structures.

It is considered that the proposed marine farm has been located in an appropriate location, and would be operated in accordance with industry best practices and therefore would satisfy the relevant Section 7 matters.

#### **5.10.4 Section 8 Treaty of Waitangi**

It is acknowledged that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) have been taken into account in the development of the NZCPS and the Auckland Unitary Plan.

As per sections in 5.0 above, the proposed marine farm has been assessed against the objectives and policies of these documents. This is a joint partnership application, that is supported by the Ngai Tai ki Tamaki Tribal Trust. It is therefore considered that the proposal is aligned with s8 RMA.

#### **5.10.5 Part 2 Summary**

Taking into account the matters in Part 2 of the RMA, as assessed above, it is considered that the proposed marine farm:

- is located in an appropriate area
- is a sustainable use of natural and physical resources
- will have positive effects and benefit to the social, economic and cultural wellbeing of iwi and the local and regional (Auckland and Waikato) communities
- avoids any actual and potential significant adverse or adverse effects on the environment through appropriate site selection, the farm layout and its distance offshore, and the provision for public access and safe navigation routes
- avoids, remedies or mitigates environmental effects, through the matters raised above as well as through the application of suitable resource consent conditions.

In my opinion the proposed marine farm is an appropriate activity in the location and is in accordance with Part 2 of the RMA.

## **6.0 Conclusions**

### **6.1 Consent Conditions**

As outlined in section 3.0 above the applicant seeks a 35 year consent term.

The applicant would prefer to work with the Council to develop a set of draft consent conditions, recognising that there is value in taking a consistent approach to marine farming consent conditions, and drawing on recent Auckland Council practice.

### **6.2 Notification**

It is considered that the application should be non-notified on the basis that:

- The applicant does not request notification
- There is no planning rule or NES requiring notification
- The effects are no more than minor
- Iwi have been consulted and have expressed their support of this application
- No persons would be adversely affected by the activity in a minor or more than minor way
- No special circumstances exist which would justify notification.

### **6.3 Key Conclusions**

In regard to consideration of the matters prescribed in the relevant provisions of Part 2 and with regard to matters in Section 104, 105 and 107 of the RMA, and with regard to the provisions of the NZCPS, HGMPA and AUP the proposed marine farm would be an appropriate use in an appropriate location, for the following reasons:

- The application is a joint venture between Mr Peter Bull and Ngai Tai ki Tamaki.
- The application is made in the general Coastal General Coastal Marine Zone that is located west of Ponui Island, in the southern Hauraki Gulf.
- The activity is mussel farming (including spat catching).
- The proposal will use natural resources (i.e. coastal waters and space) to grow mussels in a sustainable manner. This marine farming activity will not cause a loss of the natural resources.
- Ngai Tai ki Tamaki have consulted other iwi expressing interests in the proposed area, and are supported in this application.
- Based on the scientific report submitted in support of the application, the environmental effects of undertaking mussel farming at the proposed site is considered to be less than minor - minor and acceptable.
- Based on the natural character and landscape report submitted in support of the application, the adverse effects from the proposed area is considered to be low-moderate.
- The proposed farm would enable growth within the mussel farming industry, with the resultant positive effects on the economic, cultural and social wellbeing of the local communities.

- The site would be accessible to vessels and would meet appropriate navigation safety requirements.
- The proposed marine farming activities are consistent with the policy directives of the NZCPS, HGMPA, and AUP. This policy framework seeks to protect and/or limit the disturbance of natural environments while providing for development including reference to marine farming located in areas which are “appropriate” and which will not have significant adverse effects on areas with outstanding natural landscapes, natural features or natural character.
- The proposed area is supported by the Hauraki Gulf Sea Change Marine Spatial Plan.
- The proposed marine farm provides a means by which natural resources may be used in a sustainable manner that provides beneficial effects to the welfare of peoples and communities without any significant or permanent adverse environmental effects.

Given the assessment of environmental effects which concludes that overall the effects of the proposed marine farm are less than minor, as well as its consistency with the statutory requirements of Section 104 and Part 2 matters, it is my opinion that there is no reason that the application should not be granted, subject to conditions.

## Appendices

- Appendix 1:**
- A: Survey plan
  - B: Location of proposed new farm
  - C: Indicative layout & structure diagrams
  - D: Proposed lighting plan
- Appendix 2:** Bone, O., 2019. *Ecological Assessment of a Proposed Marine Farm Site North-Western Firth of Thames: For Takutai Ltd<sup>1</sup>. Application for Resource Consent: Ecological Report*. 4Sight Consulting.
- Appendix 3:** Hudson Associates Landscape Architects, 2019. *Firth of Thames: Ponui Marine Farm*. Hudson Associates Landscape Architects.
- Appendix 4:** Consultation / Written Approvals

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<sup>1</sup> NB: Any reference to Takutai Ltd or Paddy Bull Ltd in the material accompanying this resource consent application should be read as a reference to Ponui Aquaculture Ltd.