

original

10 October 2018

Consent Applicant: Pakihi Marine Farms Limited.
Applicant's Agent: HRM Ltd., attn. Tom Hollings
PO Box 104016, Auckland 0654.
Phone; 09 378 7001 & 027 495 3957
Email; tom@hrm.co.nz

Coastal Consents Manager
Auckland Council
Private Bag 92 300
Auckland 1142

Dear Auckland Council

Application Key Points

1.0 Introduction

This Application is for a coastal permit for Pacific Oyster marine farming and spat catching with structures as per a standard intertidal Oyster farm. The Applicant is Pakihi Marine Farms Limited (PMF). PMF has an existing Oyster farm at the locality of the Site sought (14ha) and more ha in the wider locality at Waiheke and at Waikare Inlet in the Bay of Islands, plus an immediately adjacent onshore shore-base for farming support and for processing plus retail facilities, all of which can handle the proposed expansion of activity/thru-put at the Site sought. PMF is generally better known under the Brand name for its products, which is Clevedon Coast Oysters.

The proposed 13 hectare Aquaculture Site (henceforth, the Site) that is sought by this application, is located adjacent to the existing 'parent' marine farm Coastal Permit Number 33622, (and former Lease Number 148 and with deemed permit 31660) and the location is Kauri Bay, Clevedon. The location of the Site and the existing farm is as per the attached Survey Plan (Appendix 1A). The existing 'parent' farm site has been farmed much as now since prior to the commencement of the RMA1991, that is from mid-1986.

The consent as sought will have valuable socio-economic benefits in the Clevedon/Kawakawa Bay locality and no more than minor effects ecologically. It will avoid, remedy and/or mitigate adverse effects on the environment including by way of its modest nature/activity, locality and by it effectively being a moderate extension to an existing proven-sustainable farm.

This application has been prepared and lodged by HRM on behalf of the Applicant. All relevant information is supplied. There are 3 paper copies of all documents plus a digital (pdf) copy.

For any queries on this please call Tom Hollings in the first instance.

2.0 Structures

2.1 Orientation, Current & Proposed

The current; type, orientation and manner of utilization of structures, at the existing parent farm will also be followed at the Site.

The Site would use conventional NZ inter-tidal Oyster farming rack and line structures, fixed by posts to the seabed. The Site would solely be used for the farming including relay and harvest, of Pacific Oysters, and also for some Spat-catching of Pacific Oysters.

2.2 Marking, Current & Proposed

The site would be marked like the existing farm at the locality and thus like other standard intertidal Oyster farms. That is by white poles as navigation marks at regulation spacings around 3 boundaries of each of the 2 blocks, but not on the 4th western boundary of the eastern block and not on the 4th eastern boundary of the western block. That is to avoid confusion as these 2 boundaries are only a short distance apart (~ 11m) at their nearest points.

3.0 Activity

3.1 Marine Farming

The Site is applied for to allow Oyster farming activities there, to complement the existing farm of similar size alongside.

3.2 Spat Catching

Also explicit approval to catch Oyster Spat is being sought since Oyster spat catching is almost invariably an incidental and unavoidable part of Oyster farming.

Spat is increasingly at a premium across NZ's Shellfish farming/fishing industries. Oyster Spat is scarce since the occurrence of the JOM (Juvenile Oyster Mortality) Virus in 2010. The quality of Spat is important for the usual commercial reasons (growth, size, shape, colour) and also since JOM, for exposure and/or resistance to JOM as "JOM-naïve" spat may be a financial liability throughout their time on the farm (up to 18-24 months) if they should die suddenly due to JOM infection. Locally caught spat at this site have been proven to have good JOM resistance.

4.0 Effects

4.1 Summary Points of this Application

The key points of this proposed application are:

- The application is made in respect of an area that is alongside of existing aquaculture with coastal permit number 33622 & deemed permit 31660. The application Site covers an area that is in effect an extension to an existing consented marine farm.
- The application is for 13 ha of marine (Pacific Oyster) farming, for a period of 35 years.
- This application Site is from ~900m to ~ 1,200m offshore altho closer to the two headlands, to the east and south west.
- The activity requires a marine location and the Site will efficiently use the coastal space, including by subsurface use of the area. However as for all other intertidal Oyster farms approximately 20% of the Site is used by structures (~ 1.8m wide rows at 10m spacings = ~ 9m gaps) so as to allow access and also crop spacing.
- The Unitary Plan zones the land around the Site as Rural Coastal and the marine area of the Site as SEA2.

4.2 Summary of Potential Effects

The potential effects of this proposed Oyster farm activity at the Site are:

- The marine area seaward of the Site's seaward boundary (at 1.2km offshore) is zoned General Coastal Marine Zone however out to ~ 1.2km offshore, the locality has a Significant Ecological Area (SEA) Marine 2 Overlay as it is recorded in the Unitary Plan as ecologically sensitive, with particular regard to intertidal seabirds. Thus the proposed Oyster farm at the Site sought has non-complying status for ecological reasons re intertidal seabirds. Pakihi Marine Farms Limited has provided independent assessment information for this application to show that any adverse ecological effects of this proposal would not be more than minor, and which also shows that the existing marine farming in the area has ecological effects which if adverse are no more than minor.
- Other potential adverse environmental effects from this Site including re; navigation and marine-safety, natural character and landscape and visual amenity, public access and coastal processes, and fishing are all assessed to be not more than minor and thus acceptable.
- The application area is consistent with the applicable legislation and the relevant policy and other directives and criteria of the planning documents (NB Hauraki Gulf Marine Park Act, RM Act including NZCPS & Auckland Plan, MACA Act).
- The application will sustainably provide for the local aquaculture industry's further contribution, with resultant positive effects on the economic and social wellbeing of the local communities.

4.3 Socioeconomic Effects

The socio-economic benefits of this application represent a very important component of the Oyster production operations under the Clevedon Coast Oysters (CCO) Brand and that already directly supports some 35 to 40 fulltime jobs in the Clevedon area. The business also brings in both multimillion \$ income and also business expenditure to the areas of Clevedon, Papapakura, Takanini and Manurewa. It also produces quality health-promoting seafood and has export benefits. As well as labour the farm and its associated processing/sales facility purchases mostly

locally their requirements, such as for; timber, nails, fuel, PPE gear, cleaning products, maintenance products, transport and more.

The Site is nearly a doubling at that locality. However as the Company has a similar hectareage of farms at Waiheke and in Northland and so it is estimated that the Site as sought will allow a 33 % increase in the Company's farm area and production and thru-put at the Clevedon processing facility. It is estimated that a further 10 and up to 15 workers more will be employed in order to farm the 13 ha Site sought. Granting the consent will also have further socioeconomic effects for local wages and for supporting businesses and suppliers.

5.0 Consultation

5.1 Consultation Overview

Iwi consultation is yet to be carried out on this application, as directed by Auckland Council, including because of the MACA Act provisions. Council is best placed to identify the relevant parties.

No direct general public consultation re this application has been undertaken to date.

5.2 Consultation by Plans

The locality of the Site has long been identified as suitable for Oysters farming including by the;

- MFish 1984 marine farm planning study (and associated Gazette closure of most of the Gulf) that resulted in allowing the existing 14ha Oyster farm
- the ARC October 2002 Notified Proposed AMA for this area in (as shown on the Appendix 1E map), and when they consulted on that, no submissions at all (of the many ARC received re other provisions) opposed a proposed AMA in the locality of this application site, as is now sought.
- The ~ 2016 Hauraki Marine Spatial Plan / Sea-Change Project that identified this wider Wairoa River embayment as being suitable for more Oyster farming.
- The Unitary Plan identifies no sites for Aquaculture expansion but provides a framework to allow that.

6.0 In Summary

This Application is for a 13 ha coastal permit for marine Aquaculture (Oyster farming and Oyster spat catching) with structures as per a standard intertidal Oyster farm, adjacent to Farm Coastal Permit Number 33622 (former Lease Number 148, & deemed CP 31660) and the location is Kauri Bay, Clevedon.

The Applicant is Pakihi Marine Farms Limited. The consent as sought will have considerable socioeconomic benefits and is assessed as promoting sustainable management and that with standard Consent conditions as well as for the timing of construction, it will avoid, remedy and mitigate adverse effects on the environment. There has not been direct consultation and the applicant is willing to undertake Iwi consultation. It is submitted that the application need not be notified.

The Contact person, ie the Applicant's Agent, re correspondence on this application, is;
Tom Hollings, Hollings Resource Management
PO Box 104016, Auckland 0654.
Phone; 09 378 7001 & 027 495 3957, Email; tom@hrm.co.nz

The Consent Applicant is; Pakihi Marine Farms Limited
Attention; Callum McCallum, CEO, Pakihi Marine Farms Limited (& Clevedon Coast Oysters).
Mobile 021 786 113. Mail is c/- Clevedon Coast Oysters, 914 Clevedon-Kawakawa Road, RD 5, Papakura, Auckland 2585. Email callum@clevedonoysters.co.nz

I hereby certify that, to the best of my knowledge and belief, the information given in this application is true and correct. I/we also undertake to pay all actual and reasonable costs incurred by Auckland Council in the processing of the applicant's applications.

Date:

10 October 2018

Signature of Applicant's Agent:



Tom Hollings, Hollings Resource Management, Applicant's Agent.
PO Box 104016, Auckland 0654.
Phone; 09 378 7001 & 027 495 3957
Email; tom@hrm.co.nz

List of Appendices to this Application Summary and AEE Report;

- 1 Site Surveys & Diagrams
 - A. Survey Plan of the Proposed Aquaculture Site
 - B. Diagram of the Site, from Coast & Catchment
 - C. Diagram of the Site Locality, from the Auckland Unitary Plan, with zone/s and overlays
 - D. Locality re Map 260-S11
 - E. Map of the ARC's 2002 Proposed AMA at the locality
 - F. Locations of proposed aquaculture areas from Sea-Change, the Hauraki Spatial Plan
- 2 Structures; Photo-Diagram/s
- 3 AEE Report re Ecology (by Coast and Catchment Ltd) 2018
- 4 DJ Scott Landscape Assessment of Locality, 2011
- 5 List of Activities that are of Permitted Status, in a SEA-M2 area
- 6 Auckland Council Form A
- 7 Auckland Council Checklist 4

Also;

- 3 copies in total of every document (one for MPI re Fisheries)
- 1 Memory Stick, with all the above, as PDF file/s.
- Payment of \$4,000 deposit to Auckland Council as Application Fee.

Assessment of Effects on the Environment

**Coastal Permit Application, by
Pakihi Marine Farms Limited, at
Kauri Bay, Clevedon.**

Adjacent to Coastal Permit No: 33 622 & 31660

Prepared By:

Tom Hollings

Hollings Resource Management

Agent for the Applicant.

PO Box 104 016

Auckland 0654

Phone; 09 378 7001 & 027 495 3957

Email; tom@hrm.co.nz

Contents

1. Introduction	8
2. Application Description	9
3. Assessment of actual or potential effects	11
3.1 Introduction	11
3.2 Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects.....	12
3.3 Any physical effect on the locality, including any landscape and visual effects.....	14
3.4 Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity	15
3.5 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations	16
3.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants.....	17
3.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations	17
4. Description of mitigation measures.....	17
5. Consultation	18
6. Monitoring	18
7. Relevant Planning Provisions	18
7.1 Introduction	18
7.2 Regulations	18
7.3 Transitional Regional Coastal Plan	18
7.4 New Zealand Coastal Policy Statement (2010)	19
7.5 Hauraki Gulf Marine Park Act (2000).....	20
7.6 Regional Policy Statement	21
7.7 Auckland Unitary Plan, Introduction:	21
7.8 Auckland Unitary Plan	22
7.9 Overview of Statutory Provisions.....	27
7.10 Notification.....	27
8. Consent Conditions.....	28
9. Conclusions	28
Appendices	29
References.....	29

List of Appendices to this Application Summary and AEE Report;

1. Site Surveys & Diagrams
 - A. Survey Plan of the Proposed Aquaculture Site
 - B. Diagram of the Site, from Coast & Catchment
 - C. Diagram of the Site Locality, from the Auckland Unitary Plan, with zone/s and overlays
 - D. Locality re Map 260-S11
 - E. Map of the ARC's 2002 Proposed AMA at the locality
 - F. Locations of proposed aquaculture areas from Sea-Change, the Hauraki Spatial Plan
2. Structures; Photo-Diagram/s
3. AEE Report re Ecology (by Coast and Catchment Ltd) 2018
4. DJ Scott Landscape Assessment of Locality, 2011
5. List of Activities that are of Permitted Status, in a SEA-M2 area
6. Auckland Council Form A
7. Auckland Council Checklist 4

Also;

- 3 copies in total of every document (one for MPI re Fisheries)
- 1 Memory Stick, with all the above, as PDF file/s.
- Payment of \$4,000 deposit to Auckland Council as Application Fee.

Pakihi Marine Farms Ltd.

Coastal Permit Application at Kauri Bay

Assessment of Effects on the Environment, 2018

Prepared in accordance with RMA; Part 2 & 3, Sections 88 & 104 & Schedule 4 of the RM Act & Auckland Council Checklist 4.

1. Introduction

- 1.1 This assessment of effects on the environment ('AEE') is in respect of the application by Pakihi Marine Farms Limited (PMF), for consent for a 13 hectare area at Kauri Bay, adjacent to the existing marine farm (Coastal Permit No. 33 622 & 31660). The Company (PMF), has been farming this adjacent existing marine farm for over 30 years, fully sustainably and which is socio-economically important, for jobs and income, and quality nutritious seafood.
- 1.2 This application relates to an additional area of ~ 13 hectares as shown on the attached survey plan (Appendix 1A). The application area is inclusive of all structures. This Application is for a coastal permit for Marine Farming and Spat Catching of Pacific Oysters with structures as per a standard intertidal Oyster farm. The Applicant is Pakihi Marine Farms Limited. The activity is classified essentially as a non-complying activity, as it lies within the outermost part of an area extending to ~ 1.2 km offshore, that the AUP makes an area of "SEA 2" (Significant Ecological Area).

This application has been prepared and lodged by HRM on behalf of the Applicant. All relevant information is supplied. There are paper copies attached of all documents plus a digital copy. For any queries on this application please call Tom Hollings in the first instance.

Summary of Effects

The key points of this proposed application are:

- The application is made in respect of an area that is alongside an existing aquaculture coastal permit number 33 622 and 31 660. Effectively, the application area covers an area that is an extension to an existing consented marine farm.
- The application is for Pacific Oyster marine farming and spat catching, for a period of 35 years.
- The activity is classified essentially as a non-complying activity, as it lies within the outermost part of an area extending to ~ 1.2 km offshore, that the AUP makes an area of "SEA 2"
- The application area is otherwise consistent with the relevant policy directives and meets the relevant criteria of the planning documents discussed above.
- Based on the scientific information already collected, the ecological effects of undertaking marine farming and spat catching at the site are assessed to be not more than minor ie acceptable.
- Any other adverse environmental effects from this Site are assessed to be not more than minor and/or will be; avoided, remedied and/or mitigated
- The application reflects the necessary and efficient use (small < 13 ha of surface and with more subsurface use) of the Coastal Marine area including as this development as proposed would be located as effectively being an extension to an existing farm, thus minimising "sprawl".
- The consent as sought will have valuable socio-economic benefits in the Clevedon/Kawakawa Bay and Papakura localities. The application will positively provide for the local aquaculture industry's further contribution, with resultant positive effects on the economic and social wellbeing of the local communities

- The Planning and legislative requirements will be upheld by this application, including by avoiding the bird wading area 41w2.

1.3 The area being applied for is to be operated as an intertidal Pacific Oyster Marine Farming and Spat Catching area.

1.4 This AEE is structured using the headings of the Fourth Schedule to the Resource Management Act.

2. Application Description

Description of the Activity

2.1 Resource consent (that is, a coastal permit) is sought to use and occupy space in the CMA for conventional intertidal oyster farm activities with structures (being; racks and associated growing gear, fixed to the seabed, with associated bags, sticks and trays for the catching and on-growing of oysters. Also approval is sought for the associated discharges to the sea (such as by washing at harvest) and for disturbance to and deposition on the seabed. The Site being applied for is to be essentially the same in size and manner of operations as for the current Oyster farm at the locality.

2.2 No other resource consents are required for this activity, although a Fisheries Act UAE is also required.

2.3 The proposed Aquaculture Site / area would consist of:

Orientation, Current & Proposed

The current type, orientation and manner of utilization of structures will be followed at the Site.

The Site would use conventional NZ inter-tidal Oyster farming rack and line structures, fixed by posts to the seabed. The Site would be used for some Spat-catching of Pacific Oysters and primarily would be used for the farming including relay, and the harvest, of Pacific Oysters.

Marking, Current & Proposed

The site would be marked like the existing farm at the locality and thus like other standard intertidal Oyster farms. That is by white poles as navigation marks 1m+ above MHWs at <50m spacings and at all corners and around 3 boundaries of each of the 2 blocks, but it is proposed not on the 4th western boundary of the eastern block and not on the 4th eastern boundary of the western block. That is to avoid confusion as these 2 boundaries are only a short distance apart (~ 11m) at their nearest points.

Spat Catching

Spat is increasingly at a premium across NZ's Shellfish farming/fishing industries. Oyster Spat is scarce since the JOM (Juvenile Oyster Mortality) Virus in 2010. The quality of Spat is important for the usual commercial reasons (growth, size, shape, colour) and also since JOM for exposure and/or resistance to JOM as "JOM-naïve" spat may be a financial liability thru-out their time on the farm (up to 18-24 months) if they should die suddenly due to JOM infection. Locally caught spat at this site have been proven to have good JOM resistance.

Also explicit approval to catch Oyster Spat is being sought since Oyster spat catching is almost invariably an incidental and unavoidable part of Oyster farming.

Spat is microscopic when spawned and floats in the current until eventually alighting on suitable substrates. Spat is not visible to the “naked eye” until it has grown from its initial microscopic stage. The MPI/Fisheries definition for Shellfish Spat is less than 37mm for Pacific Oyster.

Spat catching culture gear is placed in the water when it is estimated that a spawning event may occur, and typically over summer. However, if the gear does not catch any spat it is removed from the water and re-set again. The reason for this is to avoid as much as practical the fouling of the gear by other marine species. Fouled gear makes it harder to catch spat.

Due to the recent serious losses due to JOM (production being half what it was several years ago primarily due to Spat shortage), the applicant may seek to catch Oyster (Pacific) spat locally for the Hauraki Gulf industry and for its own farms. This would provide a more certain supply of spat for the future of their farms and provide for more commercial certainty.

Description of the Site

Appendix 1A provides a survey plan of the application site, within the Coastal Marine Area.

The Site area subject to this application:

- is located in waters (refer chart and diagram1B) that are approximately (Ak. Data);
 - ~ 0.0m = awash at Chart Datum LW
 - ~ 0.5m at MLWS
 - ~ 0.9m deep at MLWN
 - ~ 1.8m mean depth and a tidal range of ~ 1.9m (neap) to 2.6m (spring).
- is located over a muddy substrate
- has a weak tidal flow that is ~parallel to the shoreline
- at the closest point, the Site is approximately 300m from the shore to the east (Kahuru Point) and ~ 900 m from the shore to the south and ~ 500m from the shore to the south-west (Pouto Point)
- is co-located with an approved marine farm.

Under the Auckland Unitary Plan (AUP) the land adjacent to this application (ie the whole shoreline) is “Rural Coastal Zone” without special heritage or other overlays. There are some small areas of Terrestrial SEA notably on the 2 headlands to the east and west and also all the sandspit to the south, some ~ 600m away.

The AUP makes the nearshore marine areas around the Site to ~ 200m offshore as Special Ecological Areas Marine 1, and then out beyond the SEA-M1, in all the SW part of the embayment out to ~ 1.2 km offshore as Special Ecological Areas Marine 2.

Infrastructure

2.4 The applicant currently uses and would continue to use the landing facilities at Clevedon Coast Oysters, at Kauri Bay near Clevedon, for unloading/loading product and equipment. The use of this wharf/landing is an authorised activity, and has more than enough capacity to provide for the additional usage, associated with this application. Such quality adjacent shore facilities allow maximum operations on-shore rather than at the marine farm which is practically and commercially desirable, and minimises time on the farm and related eg visual effects.

Why This Site

2.5 The Resource Management Act requires a description of any possible alternative locations or methods for undertaking the activity for which consent is sought, where it is likely that the activity will result in *any significant adverse effect* on the environment. No significant adverse effects will arise from this application however the question is addressed as follows.

- 2.6 The applicant's existing farms, which are located alongside at Kauri Bay and Waiheke, have proven to be appropriate locations for marine farming. However the adjacent farm at Kauri Bay that is consented is now restricting operations and lacks size now that the business is well established. It has proven to be a very successful Oyster farming site.
- 2.7 This Site would provide considerably more space (ie double at this location and 33% more for the Company altogether) for expanded Oyster farming operations. This site has proven effective and an alternative site would offer no significant advantages re adverse effects (they are not more than minor at this site) and the certain disadvantage of being commercially more distant / difficult (commercially inefficient by comparison) and expensive (travel costs) plus likely require a new activity at a new site, with attendant conflicts. The area being applied for is immediately adjacent to the shore-base minimising vessel movements out into the wider Tamaki Strait environment. It will not significantly exacerbate sprawling or sporadic development, since this site already has an approved marine farm. The application Site as sought is drawn so as to "square-up" (regular-ise) the existing farm's boundaries while continuing to be orientated as rectangular blocks along-shore, and of similar depth. Thus the existing western block is proposed to be 15% extended seaward/landward (average) and 42% alongshore, and the eastern block is proposed to be 14% (average) extended seaward/landward and 100% alongshore. The other reason for seeking to extend the farm Site alongshore and within the SEA M2 (wherein the existing farm also is almost entirely located) is because the depths as per the existing farm are by far the most suitable for working the intertidal farm. That is done by workers standing on the seabed and working the farm and loading gear and crop to and from the farm-racks and the barge. The higher the barge floats the more work there is to be done. The mean sea-level depth is ~ 1.8m above Chart Datum and the preferred depths at LW are ~ 0.3m so the barge can float and workers can move around easily. Work has to be done ~ 2 hours around either side of LW as by half tide the farm is underwater and unworkable. The racks are set at a height whereby they come dry for a brief period on a Neap tide and a longer period on a Spring tide and that provides the optimal balance of getting good growth in the Oysters by them being submerged but balanced against the need to expose the Oysters above the sea-level daily so as to control commensals and general fouling species. Deeper water with taller racks would give the same theoretical time balance however not in respect of the other factor of working the farm in practice as the farm-worker standing on the seabed has less time in workable standing-depths of water if the farm is set-up deeper.
- 2.8 The Council's RMA plan provisions (discussed below) and the experience of the applicant in undertaking existing farming operations, as well as catching spat on existing gear, indicate that the existing site is appropriate for intertidal Oyster farming and the catching of spat.
- 2.9 There is a functional need for the activity to be located in the coastal marine area and the space will be used fully and efficiently.

3. Assessment of actual or potential effects

3.1 Introduction

- 3.1.1 This part of the AEE deals in detail with the actual or potential effects of the proposed activity, on the environment, and addresses the relevant matters, outlined in the Fourth Schedule (notably clause 7) to the Resource Management Act.

The socio-economic benefits of this application represent a very important component of the Oyster production operations under the Clevedon Coast Oysters (CCO) Brand and that already directly supports some 35 to 40 fulltime jobs in the Clevedon area. The business also brings in both multimillion \$ income and also business expenditure to the areas of Clevedon, Papakura, Takanini and Manurewa. It also produces quality health-promoting seafood and has export benefits. As well as labour the farm and its associated processing/sales facility purchases mostly locally their requirements, such as for; timber, nails, fuel, PPE gear, cleaning products, maintenance products, transport and more.

The Site is nearly a doubling at that locality. However as the Company has a similar hectareage of farms at Waiheke and in Northland and so it is estimated that the Site as sought will allow a 33 % increase in the Company's farm area and production and thru-put at the Clevedon processing facility. It is estimated that a further 10 and up to 15 workers more will be employed in order to farm the 13. ha Site sought. Granting the consent will also have further socioeconomic effects for local wages and for supporting businesses and suppliers.

PMF/CCO has provided independent biological assessment information for this application to show that any adverse ecological effects of this proposal would not be more than minor, and which also shows that the existing marine farming in the area has ecological effects which (if adverse) are no more than minor.

3.2 Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects

3.2.1 **Introduction**

The marine farming industry creates and supports direct employment opportunities and also income for the locality and regions, and requires a marine location. This is desirable in the Coastal Chapter F2 of the Auckland Unitary Plan (UP), and indeed is the Purpose of the applicable General Coastal Marine Zone (providing for use and development especially for marine activities) as long as ie while being sustainable including ecologically and socially. In respect of this application, potential socio-economic effects include the further support for local employment used for operating the farm, along with the processing and distributing of the products and attendant local and export income. A marine location is required.

3.2.2 No general/public consultation has been directly undertaken however when the ARC Notified a Proposed AMA for this area in October 2002 (as shown on the Appendix 1E map), and when they consulted on that, no submissions (despite the many ARC received re other provisions) opposed the Plan's proposal for a ~ 28ha AMA in the locality of this application site, as is now sought. The Spatial Plan also supported Oyster Farming at this locality (Wairoa embayment).

3.2.3 **Iwi / Tangata Whenua**

Iwi consultation prior to lodging this application has not yet been carried-out, formally. The MACA Act makes this especially important. However Auckland Council direction on this is sought.

In March 2015 Pakihi MF consulted Iwi about a 2ha marine farm application at Awaawaroa Bay at Waiheke Island. Based on the requirements of the Proposed Auckland Unitary Plan (PAUP) eg section G 2.7.4, the applicant wrote to 7 Iwi to ask;

- whether this proposal will have adverse effects on your Iwi's values
- whether a Cultural Impact Assessment (CIA) may be required.

The 7 Iwi consulted, based on Auckland Council advice, were;

- Ngai Ta Ki Tamaki
- Ngati Te Ata Waiohua
- Ngati Paoa
- Ngati Maru
- Ngati Whanaunga
- Ngati Tamatera
- Te Patukirikiri

The Iwi were sent a summary of the application including a survey diagram and a survey photo-diagram of the proposed application site. The information sent included the offer to supply

further information on request, eg a full Draft copy of the AEE. Responses were received from two of the 7 Iwi, Ngati Maru and Ngati Tamatera. In response Pakihi supported preparation of a CIA.

3.2.4 **Fishing**

The potential for effects on fishing (which is an activity managed under the Fisheries Act 1996) and is also considered under the RMA, is a generally important consideration re new mariculture, ultimately requiring a UAE test under the Fisheries Act. Considering the relatively small amount (13 ha) of structures being proposed, around the existing area of structures, means that a relatively very small area of fisheries water is being sought to be occupied with further mariculture structures. The area sought is not available now, and is a considerable distance away from, any areas for mobile commercial fishing methods eg trawling and seining.

It is understood by the applicant that the area sought is not of importance for fishing. Being at or near LW the available information is that the Site is of very little interest for recreational fishers, as referred to in the Coast & Catchment Report, Appendix 3. The existing marine farm has open public access through it, and recreational fishermen may fish within the area. The Cockles at the Site are small.

It is understood that much Customary fishing is under recreational or commercial regimes and these are addressed above, as are the question of whether the area has any special attractions for fishing (apparently not). From the applicant's experience of farming on the adjacent site to that in this application, the applicant is not aware of any significant customary activity (including kaimoana gathering) at this site, and thus it appears unlikely to have the potential to be negatively affected by this application.

Appendix 3 to this application provides data on the limited use of the Site, for recreational fishing.

It is concluded that the proposed extension will not create an undue adverse effect on fishing (re Fisheries Act) nor an adverse effect on fishing that is more than minor, in RMA terms.

3.2.5 **Navigation & Marine-Safety**

The potential for effects of the Site on navigation and marine-safety are very limited.

The "Coastal Cruising Handbook" p57 states re the environs of the Site that "... the S shore of Tamaki Strait has so little to interest the cruising yachtsman and may well be dangerous for deep-drafted yachts...".

The Hauraki Gulf Marine Farming Planning Study of 1984 in conclusions re the suitability of the existing 14ha Oyster farm now in existence at the locality stated in para 5.4.7 that "It is considered that any interference with recreational pursuits or navigation would be minimal. The area is relatively inaccessible except to small boats at high tide and is located some distance from the road across soft tidal flats. The Ministry of Transport have no objection to this area provided it is kept clear of the river channel."

It is important to note that adjacent to this Site there is now established a 14ha intertidal Oyster farm and that it lies largely within an embayment with tidal flats out to the west, and thus the further potential navigation effects due to this Site application seem thus relatively minor.

The Hauraki Spatial Plan / SeaChange 2017 in the Aquaculture Chapter Appendix 2 in referring to a "Maraetai" (sic, actually west of Kauri Bay) "indicative aquaculture area" stated that it would have "No conflict (inter-tidal)" re all three possible activities of;

- Recreational Fishing

- Commercial Boat-Traffic
- Yachting Routes and Anchorages

It is concluded that the proposed extension will not create an undue adverse effect on Navigation and Marine Safety that is more than minor.

3.3 Any physical effect on the locality, including any landscape and visual effects

- 3.3.1 The proposed Site is adjacent to an existing farm and at its closest boundary would be ~ 300m from shore to the east and ~ 900 m from the coastline to the south. The proposed Site would be directly adjacent to the existing marine farm. It is noteworthy that the adjacent land is private and thus views from it are limited and views of it are inevitably at some considerable distance.
- 3.3.2 The natural character and landscape values at the area of the proposed farm have already been affected by the existing use in the immediate vicinity by an existing marine farm. The overall impact of the proposed extension on the natural character and landscape of the area is mitigated by; the existing marine farm use right alongside, the compact nature of the proposed mariculture operation with the low and uniform profile of the structures in the water and its modest proposed size at ~ 2 x existing, the fact that it is tidal and is to be underwater apart from marker stakes for ~ 2/3 of the time and not visible at night, the lack of landward general public access (including from a scenic perspective) excepting the road, and the existing degree of modification of the landward area (eg grass lands) and some buildings on the nearby shores/environs. Because of the nearby shore base there is no need to work on permanently located barges at the Site. Thus barges will be visible at the Site only for some hours around LW thus lessening the period of their presence and visibility there. Also there will be typically be limited work at the Site on weekends.
- 3.3.3 DJ Scott in late 2011 reviewed the existing location of the current 14ha marine farm at this locality, from a land-based landscape and visual effects perspective. Such a land-based restriction seems appropriate given the few recreational nor commercial vessels in the broader locality. Public viewpoints were notably from vehicles on the Clevedon to Kawakawa Bay Road. The study noted screening by vegetation and a shell bank and by distance of over 1km. Private viewpoints were from potentially up to 6 houses and from general farmland and open spaces. The study noted distances were between 700 and 1,300m and for some dwellings ~ 2km. The study noted the structures would be submerged for ~2/3 of the day, the context of a production farm landscape and that weather conditions can also reduce visibility. The study notes that the area does not have Regionally Significant nor Outstanding Landscape values. The study concluded that that 14ha was sited in an appropriate location in the context of an offsite approval process. DJ Scott quoted from a "Natural Character Assessment – Eastern Tamaki Strait / Waiheke Channel" by Boffa Miskell in Oct. 2004 and noted that para 6.7 of it concludes (and note that the existing Kauri Bay 14ha Oyster farm was fully established at the time of this study) that "Kauri Bay ... provides opportunities for the siting of marine farms within this shallow tidal bay. Modified, reclaimed cultivated land, along with development has lowered existing natural character values, with limited elevated viewpoints available across the bay."

The ~2002 (AMA) and 2017 (Hauraki Spatial) Plans both proposed the wider Wairoa embayment as an area for further Aquaculture.

The regular and repetitive nature and the relatively small scale of the structures proposed (racks) relative to typical viewing points mitigates their visual presence and they are consistent with other human features of the bay including land-farming, housing, buildings and (former) forestry. In the consent process for the existing Oyster farm at the locality notes some high land-based "Regionally Significant" visual values via the Regional Plan were noted, however

this is no longer the case, with the Unitary Plan now being Operative and having no such values as shown in Appendix 1C. Thus the adjacent land has no special landscape values.

- 3.3.4 The harvesting/servicing vessels used for the aquaculture operation would be visible from sea and land. They do not spend a lot of time at the site however, as the farm is worked for the several hours around LW. The vessels have authorised landing/shore facilities immediately to the shoreward, at Kauri Bay near Clevedon.
- 3.3.5 In my opinion and by reference to previous work including by DJ Scott, the nett visual impact of the proposed Site on landward properties and on visual; amenity, landscape and natural character values of the application area, over and above the effects from the existing approved farm, would be an increase but not a doubling (as per area) of the visibility, at a locality where there is already an Oyster farm and this does not amount to a significant adverse effect, ie would be an effect that is not more than minor.
- 3.4 ~~Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity~~
- 3.4.1 The attached scientific Report (Appendix 3) re potential for bird impacts and re benthic ecology, addresses this matter in more detail. The conclusions from this report are that any effect on the ecosystem especially on birds, from granting the consent sought will be of minor potential impact and that any effects on the benthic communities would be minor and reversible. The planktonic/water-column effects of the activity sought are assessed to be no more than minor due to the modest scale and extent of activity (~13 ha) and due to the tidal and wind-driven currents which flush through the area.
- 3.4.2 The Site is identified in the Unitary Plan as a Significant Ecological Area (SEA M2), and the Site lies along the outer boundary of this SEA M2 area beyond which to seaward it transitions into simply General Coastal marine Zone. SEA M2 is considered ecologically less sensitive than SEA M1 zoning which is applied to nearshore areas in the locality. The particular values of this SEA M2 zone at the Site are in relation to seabirds, notably intertidal birds. Cockles are identified in the Appendix 3 report as being likely reduced in abundance at the Site if with Oyster farming. However that would be; in a relatively very small subsection (<5%) of the wider SEA-M2 habitat, and at its outer edge/boundary thus not being (internal) fragmentation, and does not indicate other effects on the feeding of wading birds. Section 7.8.9-11 of this AEE further considers the SEA-M2 issues as per the Unitary Plan.
- 3.4.3 It is noteworthy that the Hauraki Spatial Plan / SeaChange 2017 in the Aquaculture Chapter Appendix 2 in referring to its "Maraetai" (actually west of Kauri Bay) records that this "proposed aquaculture area" also lies within a SEA M2, thus it contemplates that an SEAM2 and an Oyster farming area can be compatible.
- 3.4.4 The Shellfish Farming industry in New Zealand is subject to various stringent requirements in respect of the high quality of the marine waters in which shellfish farms are located (including food and health standards analogous to the United States Food and Drug Authority systems and implemented by NZ's Food Authorities). Therefore these industry systems will also result in the on-going monitoring and up-holding of water quality standards within the Aquaculture area. The applicant would comply with all relevant Industry best practice guidelines when exercising the consent sought.
- 3.4.5 Physical disturbance to the benthic area would result from the insertion of structures (temporary disturbance) and the farm workers servicing the farm plus from shell drop and pseudo-faeces as referred to in Appendix 3. The advice is that if it is constructed at the right time of year/season, then the effects of the new Site and its activities will be not more than minor.

- 3.4.6 The proposed rack and line layouts for the area meet industry standards and will serve to ensure sufficient water flow to the crop to provide adequate exposure to plankton, re catching/settlement and holding and subsequent farming and wellbeing.
- 3.4.7 Based on the information in Appendix 3 it is considered that the cumulative ecological effects of the proposed Site of this application together with the effects from the existing farm, on the ecosystem would not be more than minor.**
- 3.4.8 In relation to biosecurity issues, the gear to be used is to be local or new. The vessel servicing the farm would be from Clevedon. The operations will be exactly as per the existing farming there. The great bulk of the Oysters moved around the Site and other areas will be from other parts of the Tamaki Strait. The Site will be managed exactly re Biosecurity as per the existing 14ha farm, therefore the Biosecurity and pest controls for the new Site/farm should be as per the existing farm. In addition, staff servicing the area will have been trained in identifying any new or unusual species appearing on the spat gear. Any such biosecurity risk would be notified to the Council and to Ministry of Primary Industry (Biosecurity). Aquaculture NZ (and MPI) are also developing further procedures and documentation to address such risks, such as through the AQNZ A+ system and by MPI thru drafting a National Environmental Standard (NES) for aquaculture.
- 3.5 ~~Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations~~
- 3.5.1 During the 2001 and subsequent process involving the aquaculture variations to the coastal plan, the area subject to the existing farm and the proposed application site was considered to be an appropriate area for an "Aquaculture Management Area", and a map of the AMA area (Appendix 1E) was drawn which approximately doubled the 14ha extent of the farm there at that time. That site was formally proposed as an AMA. The supporting documentation did not give support to any Oyster AMA to the west of the wider Wairoa embayment (ie seaward of the Wairoa River) and stated "... a number of potential effects of increased marine farming activity are considered to be less likely where the expansion is contiguous with existing operations, rather than establishing a new location in a previously undeveloped area. The constraints mapping process identified (the wider locality of) Wairoa Bay as having a moderate to low level of constraint".
- 3.5.2 It is acknowledged that, as with all parts of the coastal marine area, there are some recreational values in this area. As discussed above, the use of appropriate navigation markers will ensure that recreational and other marine navigational users will have sufficient warning of the location of the farm. Public access through the farm seems inadvisable such as re navigation safety but will not be restricted.
- 3.5.3 **Heritage Values:** The AUP does not list the application Site in;

Schedule 12 "Sites and Places of Significance to Mana Whenua Schedule" in Chapter L Schedules of the AUP.

Schedule 13 "Historic Heritage Schedule" in Chapter L Schedules of the AUP.

The application site at ~ 300m closest distance to shore is beyond a criterion of within 50m re such sites.

3.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants

3.6.1 The discharges associated with Oyster farming include pseudo-faeces and "drop-off" (of; encrusting shells, settling-out of sediment and fall-off of other marine life) resulting from the farming, spat catching, and harvesting processes. The effects of the discharges on the benthic ecosystem is covered above and in the attached scientific report (Appendix 3).

3.6.2 Operations will be in accordance with the Aquaculture New Zealand's A+ Environmental Standard, including re farming the racks and operating farm barges at the site, including to ensure that there is minimal overboard loss of non-degradable materials. Regular maintenance checks of the racks are undertaken (when harvesting, as well as after a storm event). Checks are undertaken also to ensure security of the high economic investment in the structures. Any waste shellfish catch and any rubbish (including all forms of man-made gear) will be taken to shore for land disposal.

3.6.3 There will be no undue/unreasonable emissions of noise from the proposed activity. The only noise resulting from the activity would be from the engines on the barges and the harvesting and washing equipment (altho washing will mostly be done onshore) and nailing out of sticks, and will therefore be intermittent, occasional, day-time only and not overly loud. Radios and stereos will be low volume or turned off.

3.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations

3.7.1 There are no perceived risks arising from the above matters in relation to this application.

3.7.2 While there is sufficient room between lines to provide navigable channels for small vessels and service vessels, it is predicted that prudent Skippers will keep out of the farm area due to shallowness and lack of manoeuvre-ability. Therefore, in my view commercial and recreational vessels that are under competent control will legally be allowed to but will choose to keep clear. The site will be well marked, for daytime navigation, to that effect. At night, navigational safety would be best served if all vessels kept clear of the entire area as it is shallow and tidal. It is the opinion of the applicant's agent (qualified NZ Yachtmaster Coastal) that the additional effects on navigation of this application are no more than minor.

3.7.3 In terms of any storm events that may cause damage to the operation, the applicant has very considerable experience and success at the site locality in dealing with this. The racks will be regularly maintained to ensure security of lines and racks. As the structures are maintained regularly (daily &/or weekly &/or monthly) and refurbished as required, and cope with two tides per day plus waves, the effects of sea level rise will be negligible.

3.7.4 There will be no hazardous substances used by the farmers in exercising the consent applied for by this application.

4. Description of mitigation measures

4.1 A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects of the proposed activity is required by the Resource Management Act. The applicant has demonstrated through past practices that the existing farms structures have been operated in a sound commercial manner and in compliance with the industry standards that are designed to ensure efficient management of 'farms' and the production of high quality stock, to ensure long term financial viability and environmental sustainability.

- 4.2 The applicant does and will comply with the A+ IAS of AQNZ. This code promotes good practice for mariculture site management and identifies various mitigation measures to be undertaken in the event of accidents or disease. Farmers are supported by Aquaculture New Zealand in respect of implementing this Code.
- 4.3 A rigorous maintenance regime is undertaken to ensure the security of the structures including because the cost of lost and damaged racks and product is economically significant.
- 4.4 The visual effects will be mitigated by ensuring a regular arrangement of racks is maintained, with regular arrangement and colours.

5. Consultation

- 5.1 Please refer sections 3.2.2 and 3.2.3.

6. Monitoring

- 6.1 The Resource Management Act requires a description of the monitoring that would be undertaken, where the scale or significance of effects are such that monitoring is required.
- 6.2 The applicant seeks that nil ecological monitoring requirements be applied, as has long been the case and remains so, for the adjacent marine farm consent. The applicant in regard to monitoring, and also more generally, seeks consent conditions that are the same as now applied to the adjacent marine farm coastal permit 33 622 & 31 660, apart from re duration wherein 35 years is sought.
- 6.3 The applicant will regularly monitor structures and all other gear for safe and efficient operations.

7. Relevant Planning Provisions

7.1 Introduction

In accordance with s104(1)(b) of the Resource Management Act, this part of the application sets out the relevant planning framework.

7.2 Regulations

- 7.2.1 The Fisheries (Commercial Fishing) Regulations 2001 defines spat as meaning:

...a lifecycle stage or size range of fish, aquatic life, or seaweed that is declared by the chief executive by notice in the Gazette to be spat

- 7.2.2 Oyster Spat is so defined.

7.3 Transitional Regional Coastal Plan

- 7.3.1 The NZ Gazette Notice: 8 November, 1984 No 204 p4796 forms a part of the Transitional Regional Coastal Plan. This Gazette notice determined that certain areas of the Hauraki Gulf were not available for marine farming leasing or licensing and therefore marine farming was prohibited. This "prohibition" did not affect existing leases and did not affect spat catching.

7.3.2 However now that the Unitary Plan is Operative, this Transitional Rule has expired. This transitional provision has been super-ceded by the Unitary Plan. as below.

7.4 New Zealand Coastal Policy Statement (2010)

7.4.1 The operative New Zealand Coastal Policy Statement (NZCPS) (2010) includes a strong management directive for Aquaculture, in Objective 6 (enable wellbeing by use and development) and Policy 8 (Aquaculture) in particular. Together these policy directives recognise that marine farming (such as envisaged by this application) is an appropriate use of the coastal marine area and they recognise the important value aquaculture can provide for social and economic well-being.

7.4.2 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.*

7.4.3 The NZCPS states in Policy 8:

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.*

7.4.4 In addition, Objective 2 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). The recent King Salmon Supreme Court decision is important in this regard. In that case a (visually obtrusive) Salmon farm application was

determined to be effectively Prohibited from consent in an Operative area of Outstanding Natural Character due to application in particular of Policies 13 & 15 of the NZCPS. However importantly among other matters that case related to an Operative Outstanding Natural Character area. This area is not such nor are there such ONC nor HNC nor ONL/F areas immediately nearby. In light of the fact that the site being applied for is alongside an existing marine farm, it is considered that the proposed site is consistent with these policies and objectives.

- 7.4.5 F2.1 of the AUP notes the importance of NZCPS Policy 11, re Indigenous Biological Diversity. With regard to Policy sub-part 11(a), by avoiding the bird wading area (41w2) and by following the report of Coast & Catchment (Appendix 3), adverse effects more than minor are avoided. With regard to Policy sub-part 11(b), there are not significant adverse effects (Appendix 3) and adverse effects will be avoided, remedied and mitigated.

Other NZCPS policies or particular relevance to this application include: Policies 4 & 6 (in relation to the integration of land and water activities of marine farming and use of renewable resources); and Policies 21 & 23 (in relation to water quality).

- 7.4.6 In considering the above objectives and policies, it is clear that the Site of this application is consistent with the directions of the New Zealand Coastal Policy Statement and would meet the purpose of the Act. It is considered that in respect of the New Zealand Coastal Policy Statement this proposed activity is an appropriate use of the area.

7.5 Hauraki Gulf Marine Park Act (2000)

- 7.5.1 Sections 7 and 8 of the Hauraki Gulf Marine Park Act (2000) 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.

- 7.5.2 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 ... well-being 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".*

- 7.5.3 In relation to the Hauraki Gulf area, it is considered that the application is consistent with these NZCPS-type directives and would meet the purpose of the Hauraki Gulf Marine Park Act.

- 7.5.4 Section 8 identifies management objectives. These relate to a range of environmental, Maori and community matters. Environmental and community matters have been addressed in this application. The protection of kaimoana is one objective, and based on the assessments referred to in this AEE, there will be no effects more than minor on this resource as a result of the application. Sub-section 8(e) states:

"the maintenance and, where appropriate, the enhancement of the contribution of the ...physical resources of the Hauraki Gulf...to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand".

Mariculture provides an opportunity to enhance the social and economic wellbeing of people and communities of the Hauraki Gulf (as is addressed further in this application).

7.5.5 It is considered that the application is consistent with the directions of this NZCPS provision, as set out in the Hauraki Gulf Marine Park Act.

7.6 Regional Policy Statement

7.6.1 The former Auckland Regional Policy Statement (RPS) provides overarching regional policy. It has been incorporated into the Auckland Unitary Plan, and is considered in that analysis (7.8.2).

7.7 Auckland Unitary Plan, Introduction:

7.7.1 The Auckland Unitary Plan is effectively, re this site, fully Operative. It is noted that (i) while aquaculture-related AMA variations were proposed to this plan in October 2002, Auckland's statutory Aquaculture Plan process was then put on hold; and (ii) the aquaculture AMA legislation was amended again from 1 October, 2011. Since then the PAUP was proposed in late 2013, and is now Operative.

This section of the AEE addresses the Operative Unitary Plan.

Introduction

7.7.2 Chapter F of the Unitary Plan addresses Coastal matters including aquaculture. The Purpose of the General Coastal Marine Zone within which this proposed Site is located, is to provide for use and development, especially those activities that require a coastal location, while; avoiding, remedying or mitigating the adverse effects. The Issues, Objective and Policies in Chapter F of the plan recognise the importance of and support marine farming within the Auckland coastal marine area. However the Site and existing farms are now in the outer part of a SEA-M2 area, notably re values for intertidal seabirds.

There has been an Oyster farm at this locality for many (30+) years (since ~ 1986) and that has proved to be a sustainable and socio-economically positive use of that 14ha area. The previously proposed plan (~ 2002) had sought to be enabling of aquaculture in "Aquaculture Management Areas" (AMAs). While it is noted that the requirement for AMAs is no longer in legislation, the underlying intent of these objectives was to ensure farms are "co-located" and to enable them to occur where appropriate. This application Site was proposed as an AMA in 2002 (Appendix 1E), thus this application's Site was then identified as appropriate for aquaculture. The environmental effects of the farm in this area have been discussed in further detail above.

7.7.3 Notably, in accordance with rule F2.19.9 A117 the application for the Site is classified as a non-complying activity, notably re wading seabirds, as it is in the outer part of a SEA-M2 area. It is important re section 104 for a noncomplying activity, that the application is consistent with the objectives and policies of the Unitary Plan and would meet the purpose of the Act.

7.7.4 Later sections of this AEE, consider this application in more detail, with regard to the Auckland Unitary Plan and its applicable Objectives and Policies.

Relevant Rules

7.7.5 A coastal permit is required to cover the following s12 & s 15 activities:

- Occupation of coastal space
- On-going use of structures on the seabed
- Disturbance of the foreshore or seabed, by rack posts and rows in particular
- Activity

- Deposition of material on the seabed or into coastal waters, from especially extraneous biota, and associated discharges notably occurring harvesting and from associated washing.

Taking of water (re RMA s14) for the operational needs of an Oyster vessel at the Site sought is in table F2.19.6 in A54, is a permitted activity including in a SEA-M2 overlay.

7.8 Auckland Unitary Plan

7.8.1 The Auckland Unitary Plan (AUP) is Operative regarding this application Site. The mariculture site as sought lies alongside the general coastal marine zone and within the outer approximately 300m of a ~1km offshore SEA M2 marine zone. A mariculture extension to an existing farm at the Site would be classified as a Discretionary activity, under rule F 2.19.9 A117 if the extension was up to 25% of the original size ie was 3.5ha but at 13 ha, the application is non-complying re the SEAM2 status notably re intertidal seabirds.

7.8.2 Chapter B forms the Regional Policy Statement. Of particular relevance are the following provisions:

- i. Of the 9 significant Regional issues, Issue 4 relates to natural heritage, issue 5 to issues of significance to Mana Whenua, issue 6 is on natural resources, issue 7 is on the coastal environment and issue 9 covers environmental risk. The key objectives and policies follow the issues
- ii. Sub-Chapter B4 addresses Natural Heritage, including the natural character of the coastal environment, natural landscapes, natural features and biodiversity. The objectives & policies are to identify and protect such special features, and most especially those that are outstanding. There are no immediately adjacent Outstanding features. The proposed mariculture Site's effects in regard to Natural heritage are considered in this AEE. Other related factors are; a same sized area alongside of this application Site is already used for marine farming and the cumulative impact of the proposed site over and above the area that is already occupied by an existing marine farming operation is not considered as being more more than minor, and this mariculture proposal has a functional need to locate in the CMA, and alternative marine locations are not as appropriate.
- iii. Sub-Chapter B6 addresses Mana Whenua matters including objectives and policies for; Treaty recognition, participation in sustainable management, recognition of values including for socioeconomic well-being, protection of cultural heritage. Re this application, no important specific sites (ie more than the Tikapa moana itself) nor values for tangata whenua have been identified. Likewise customary and related fisheries are assessed as not being affected by this application, other than to a minor extent at most.
- iv. Sub-Chapter B7 addresses natural resources. The proposed mariculture extension is located in the outer part of a SEA M2 area, but the intertidal bird wading area is avoided by the application. That fits with Objective B7.2.1 wherein areas of significant indigenous are to be protected from adverse effects of use and development. Policy (3) is to identify and evaluate significant marine areas and this has now been done in the AUP. Policy (5) is to avoid adverse effects on SEA marine areas listed in the Schedule 4. We comment that the existing farm has not demonstrated any significant adverse effects on coastal ecosystems and the assessment is that the additional extension would not have any such effect either. The farm is located to avoid the sensitive part of the SEA2 (the identified wading area). Objectives and Policies under B7.4 are for Coastal (& other) water quality and these will be upheld by the Oyster farm which requires and maintains the highest quality of water.
- v. Sub-Chapter B8 specifically addresses the management of the coastal environment. B8.2; The 3 Objectives in B8.2 relate to "Natural Character". 6 Policies follow on. We comment that this application is in accordance. B8.3; The 7 Objectives in B8.3 relate to "Subdivision, use and development". The objectives are for; development appropriate to localities and values, avoid & remedy & mitigate

adverse effects and conflicts, efficient and functional-need only uses of the coast. 11 Policies follow on. These cover matters including; valuing the contribution from coastal space use, provision for associated infrastructure, functional need to be there, avoid/remedy/mitigate, precautionary approach where poorly understood if effects could be significantly adverse, protect areas enacted for conservation, ports & reclamations & minerals, and Policy 10 Aquaculture which states as follows;

Aquaculture (10) Provide for aquaculture activities in appropriate places and forms and within appropriate limits in the coastal environment, taking into account all of the following:

- (a) the quality of water required for the aquaculture activity;
- (b) land-based facilities and infrastructure required to support the operation of aquaculture activities; and
- (c) the potential social, economic and cultural benefits associated with the operation and development of aquaculture activities.

We comment that this application is in accordance with B8.3 Subdivision, use and development's Objectives & Policies, notably including Policy 10 Aquaculture.

B8.4; The 3 Objectives in B8.4 relate to "Public access and open space" and the maintenance and enhancement thereof. 3 Policies follow on. We comment that this application is in accordance.

B8.5; The 3 Objectives in B8.5 relate to "Managing the Hauraki Gulf ... Tikapa Moana" and doing so as per sections 7 & 8 of the Hauraki Gulf Marine Park Act 2000 and enabling economic well-being without environmental degradation. 20 Policies follow on. We comment that this application is in accordance. Section 7.5 of this report also further addresses the provisions of this Act.

- 7.8.3 In my opinion, for the reasons outlined in this AEE the proposed mariculture Site and its operations are consistent with the AUP RPS.

The Unitary Plan re Coastal

- 7.8.4 The Unitary Plan sets out the Regional (and District) Objectives and Policies. Of particular relevance is Chapter F2 General Coastal Marine Zone containing zone objectives and policies. The proposed farm is in the General Coastal Marine Zone, and is both inside and alongside the outer boundary of a SEA-M2 overlay.

- 7.8.5 Section F2.15 deals specifically with Aquaculture. There are 4 Objectives:

F2.15.2(1) is to recognise the cultural, social and economic benefits of aquaculture. Develop it in appropriate places that avoid or minimise conflicts with other uses and values.

Objective F2.15.2(2) is that new or expanded aquaculture occurs in/at appropriate locations/scales, that avoid, or where appropriate minimise, conflicts with ecological, social and other values and uses.

Objective F2.15.2(3) recognises the importance of high water quality and the need to manage other activities.

Objective F2.15.2(4) seeks to minimise the risk of introducing or spreading harmful aquatic organisms.

- 7.8.6 In my opinion, the application at this site is consistent with the above 4 Aquaculture objectives of the Unitary Plan. The one matter of sensitivity is the SEA-M2 overlay however the Appendix 3 finds that the effects in this regard including re wading birds, are not more than minor.

- 7.8.7 There are 12 supporting Policies in F2.15.3.

Policy (1) is to "Require new Aquaculture" – activities to be located and designed to avoid adverse effects on those characteristics and qualities that contribute to the identified values of:

1(a) D9 Significant Ecological Areas overlay – Marine 1 and 2:

I comment that Appendix 3 demonstrates that this is achieved by the current oyster farmer and will be likewise achieved by this application at the Site, for an extension. The ecological values and attributes (notably re wading seabirds) are not and will not be affected in a way that is more than minor, provided that there is a condition re timing of farm construction.

1 (b & c & d) Heritage, Mana Whenua, ONC & HNC, ONF & ONL values.

I comment that this AEE demonstrates that these values and attributes will not be affected in a way that is more than minor. The farm and site sought is a modest expansion that is many km away from such areas and values.

(2) Policy 2 requires also, that new aquaculture activities avoid significant adverse effects, and address other adverse effects on values of moorings, navigation and anchorages high recreational use or amenity and public access. I comment that the application Site and activity fully satisfies this policy as it is in a site remote from all such values and activities.

(3) Policy F2.15.3 is for the continued operation of established aquaculture activities. (I comment that this is not applicable (n/a)).

(4) Policy F2.15.3 is for minor extension or realignment of established aquaculture activities where:

(a) this improves their efficient use; (I Comment: Yes)

(b) the established marine farm is fully developed before a minor extension is sought; (I Comment: Yes)

(c) adverse effects on other values and uses are avoided, remedied or mitigated; (I Comment: Yes)

(d) adverse effect on those characteristics and qualities that contribute to the identified values set out as per Policy F2.15.3(1).

I Comment re (d) that this is met as per my comment on Policy One. However, I do note that as per Rule F2.19.9 A117 that a minor extension is of up to 25% of the original size whereas this application is to double the farm size.

(e) Policy F2.15.3(4) (e) supports a minor extension where there is an existing substantial level of economic investment in lawfully established aquaculture activities. My Comment is Yes, there is indeed a substantial investment in the adjacent existing farm and processing facilities.

(5) Require 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. My comment is Yes, and to be done as per other farms, by consent conditions.

(6) My comment is that Policy 6 is n/a.

(7) Apply a precautionary approach, such as adaptive management, re uncertain; species, techniques or locations. My comment is that Policy 7 is n/a.

(8) Avoid reverse sensitivity issues with other activities. My comment is that this is n/a.

- (9) Where facilities and infrastructure associated with new aquaculture activities are necessary. My comment is this is n/a.
- (10) Manage the allocation of space. My comment is that this is n/a.
- (11) Consider aquaculture to be generally more appropriate when located in areas where it consolidates existing aquaculture activities provided that potential opportunities to maintain biosecurity are not compromised. My comment is that this application fully upholds this.
- (12) Avoid the significant expansion of aquaculture in the Mahurangi Harbour. My comment is that Policy 12 is n/a.

7.8.8 In table F2.19.9 re Aquaculture Activities, their status is as follows:

- **New** is Discretionary in a GCM zone and non-complying in SEA-M2.
- **Existing** (reconsenting) is RD in a GCM zone and Discretionary in SEA-M2.
- **Extension** (up to 25%) is RD in a GCM zone and Discretionary in SEA-M2.

7.8.9 Chapter D Overlays, NB re D9 Significant Ecological Areas Overlay

D9.2 The three Objectives for the applicable SEA-M2 overlay re this GCM zone are:

1. Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision, use and development.
2. Indigenous biodiversity values of significant ecological areas are enhanced.
3. The relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.

My comment is that as per Appendix 3, the first objective is upheld and that 2 & 3 are not adversely affected due to the absence of effects that are more than minor.

In D9.3 there are 17 policies for SEA's.

Policy 1 is to address adverse effects by measures that; avoid, minimise, remedy, mitigate, offset.

Policy 2 lists the potential effects to be addressed as per Policy 1.

Policy 3 lists mechanisms to enhance indigenous biodiversity.

Policy 4 is re pests and disease.

Policy 5 & 6 relate to vegetation management.

Policy 7 is for the role of Mana Whenua.

Policy 8 is re infrastructure.

Policy 9 is to avoid activities with more than minor effects on especially rare or threatened species.

Policy 10 is to avoid activities with significant adverse effects on special coastal habitats.

Policy 11 is to avoid uses that significantly affect coastal environment SEA's.

Policy 12 is to manage adverse effects in Marine SEA's taking into account; existing use effects, the extent of similar habitats in the vicinity, whether the viability of habitats are adversely affected.

Policy 13 & 14 are SEA-M1 areas.

Policy 15-17 are re mangrove matters.

I comment on these policies that the Oyster Site sought is:

- A same size extension (13 ha) of an existing 14ha Oyster Farm alongside.
- This application has been reduced subsequent to the assessment by Coast and Catchment (Appendix 3) which was at 13.744 ha in that this application is ~ 2/3 ha smaller by “cutting-off” the former SE corner so as to avoid altogether any overlap with the SEAM2 41w2 bird wading area and also by creating a 20+ metre buffer between 41w2 and the proposed Oyster Site's eastern boundary. That upholds and conforms with Objective 1 and Policies 1 & 9-11, (by avoiding 41w2)
- The Site sought extends along the outer boundary of the SEA-M2 at approximately 900m to 1,200m offshore at its central point.
- The Site, although in M2, is some 400m out offshore from the seaward boundary of the more sensitive inshore Sea-M1 zone.
- The Site sought is a relatively small (<5% at most) proportion of the SEA-M 1 & 2 areas at the Wairoa Rivermouth.
- The Site is SEA M2 ie more robust to external effects than SEA M1.
- Birds can and do operate eg feed and rest, within the existing Oyster Farm.
- The assessment in Appendix 3 is that the site sought and also that the existing oyster farm respectively will not and do not have more than minor effects on the SEA-M2 area's ecological values.

7.8.10 The most-landward SE corner of the Site is adjacent-to but beyond (as per Schedule 4 SEA Marine) to an area that is recorded as “41w2” being Named as “Wading bird habitat” and with Values of “(See 41a) Extensive areas of feeding habitat for waders along this coastline”. Then 41a is Named as “Wairoa River Estuary” and with Values of “Largest east coast river in the region with a complex of intertidal flats and shell banks that have accumulated at the mouth. These provide a varied habitat for a wide range of animal and plant communities. The intertidal banks are a very rich feeding ground and important mid tide roost for a few thousand international migratory and New Zealand endemic wading birds including a number of threatened species. Moderate numbers of wading birds feed on the mudflats including godwit, knot, whimbrel, variable oyster catcher, and banded dotterel. Banded rail and fern bird are associated with mangroves and vegetated margins of estuary. 55 bird species have been recorded from the estuary.”

My comment is that the effects on this wading subsection of the M2 areas, as per the Schedule 4 SEA Marine, are that the Site;

- would Occupy none of the specified bird wading habitat, and
- the application has been reduced subsequent to the assessment by Coast and Catchment (Appendix 3) at 13.744 ha in that this application is ~2/3 ha smaller by “cutting-off” the former SE corner so as to avoid altogether any overlap with the SEAM2 41w2 bird wading area and also by creating a 20+ m buffer between 41w2 and the proposed Oyster Site's SE boundary.
- is beyond 41w2's outer edge/boundary thus not being (internal) fragmentation, and
- is assessed re effects on birds especially the wading birds, that as per Coast & Catchment; 1/ some Cockle reduction is expected but that is beyond the sensitive specified bird wading area and 2/ provided farm construction is not in Autumn the effects are assessed to be not more than minor.

7.8.11 **Permitted Activities in SEA-M2** The Auckland Unitary Plan notes that the Permitted activities within/re a non-complying status area are a relevant consideration. These are listed in

Appendix 5 to this AEE. They show a wide range of activities with at times potentially considerable effects that are allowed, as Permitted, with examples being; reclamation repair, dredging, disturbance re science or prospecting, burying dead marine mammals, minor infrastructure upgrading, some livestock access, some mangrove removal, some discharges of vessel sewage, firefighting discharges including re hazardous substances, public access anchoring for up to 4 weeks, most marine and port activities, some passenger operations, some foreshore vehicles, temporary structures, navigation aids, maimai including extension, some infrastructure.

In my opinion, the Oyster Farm Site fits within and does not exceed the scope and extent of effects from among the wide range of activities that are Permitted in both the SEA-M2 and in the bird wading subpart of the SEA-M2.

7.9 Overview of Statutory Provisions

- 7.9.1 The area being applied for is adjacent to coastal permit 33 622 & 31 660, (as shown in Appendix 1).
- 7.9.2 The application is for intertidal Aquaculture (marine farming and spat catching) of Pacific Oysters.
- 7.9.3 It is considered that this application should be addressed as noncomplying due to the SEA-M2, under the Unitary Plan.
- 7.9.4 It is considered that the application is consistent with the planning provisions of all planning documents discussed above, and re Fisheries considerations as addressed in 3.2.4, and that it is an appropriate use in this location.

Re RMA Part 2 & 3

- 7.9.5 It is considered that the application upholds section 5. Re 5(2) the application promotes sustainable management and if activity was to cease with associated removal of the (temporary ie non-permanent) structures involved then the area would be immediately be as before and the seabed would revert in a short period to be as per adjacent areas. Re 5(2) the application will support the local and regional aquaculture industry's continuation, with resultant positive effects on the economic and social wellbeing of the local communities. Re 5(2) (a & b & c) the application is fully environmentally sustainable, relying on renewable resources including plankton and its adverse effects are avoided &/or remedied &/or mitigated.
- 7.9.6 It is considered that the application upholds section 6 re Matters of National Importance. Subsections 6 (a to g). That is, those that are applicable (which is most of them) have been considered in the body of this report and found to be upheld.
- 7.9.7 It is considered that the application upholds section 7 (Other Matters). Subsections 7 (a to j) are considered in the body of this report and found to be upheld, wherever applicable. Eg Subsection (h) of section 7 is considered to be not applicable.
- 7.9.8 It is considered that the application upholds section 8 re Treaty of Waitangi. The body of this report details willingness to engage with Iwi and for further engagement. Customary fishing interest/s have been considered.

7.10 Notification

- 7.10.1 The applicant requests that this application be processed as a non-notified application.
- 7.10.2 The Council must publicly notify an application if the effects will be or are likely to be more than minor, a rule in a National Environmental Standard ('NES') requires it to be publicly notified, or the applicant requests that it be publicly notified. In determining whether adverse effects are

likely to be more than minor, effects on owners or occupants of the subject or adjacent land must be disregarded.

- 7.10.3 The applicant notes that is willing to liaise with relevant Iwi including re an assessment of Cultural Impacts (CIA) re the site.
- 7.10.4 In this case, there is no NES which requires the application to be publicly notified and the applicant does not request that the application be notified. Based on the analysis of environmental effects in this AEE and in the attached scientific report, it is contended that the effects of the proposal will be no more than minor, and that no persons will be adversely affected to a degree that is more than minor.
- 7.10.5 It is considered that the Council has sufficient information regarding the effects of Oyster farming at the proposed Site of this application. Therefore, it is contended that public involvement is not warranted from either a public interest or information perspective.

8. Consent Conditions

- 8.1 The applicant seeks that the conditions of consent are commensurate with the relevant adjacent coastal permit No: 33622 & 31660, but that the term of the consent is issued for 35 years.

9. Conclusions

- 9.1 The key points of this application are:
- The application is for 13 ha of intertidal marine farming (& spat catching) of Pacific Oysters for a period of 35 years.
 - The application is made by application by Pakihi Marine Farms Limited, in respect of an area that is adjacent to an existing 14ha Oyster farm, coastal permit numbers 33 622 & 31 660 and in effect is analogous to an extension to an existing consented farm.
 - The activity is within the outer part of an area that the Auckland UP makes as a Marine 2: Significant Ecological Area.
 - The application Site is otherwise consistent with the relevant policy directives and meets the relevant criteria of the planning documents discussed above.
 - Any adverse environmental effects from this Site as sought have been assessed and will be not more than minor. Effects on the subpart of the SEA-M2 that is the wading bird area 41w2 will be avoided by nil overlaps plus by a 20+m separation gap.
 - Based on the scientific information in Appendix 3, the environmental effects of undertaking Oyster Aquaculture at the site are assessed to be not more than minor and acceptable. There are no existing significant adverse effects from the existing farm there.
 - The application reflects the efficient use of the area and will support the local and regional aquaculture industry's continuation and growth, with resultant positive effects on the economic and social wellbeing of the local communities.

Appendices
(refer Contents section)

References

- Coastal Cruising Handbook
- NZMS260-S22
- Auckland Unitary Plan
- Auckland Coastal Plan
- NZCPS

