

Response ID ANON-URZ4-5F1N-F

Submitted to Fast-track approval applications  
Submitted on 2024-05-03 11:44:23

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:  
on behalf of Moana a Toi Iwi - Aquaculture Settlement

2 Contact person

Contact person name:  
Rikirangi Gage

3 What is your job title

Job title:  
CEO - Te Rununga o te Whanau

4 What is your contact email address?

Email:  
s 9(2)(a)

5 What is your phone number?

Phone number:  
s 9(2)(a)

6 What is your postal address?

Postal address:  
s 9(2)(a)

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

The area is gazetted by the Crown - Site map attached.

Notice Declaring Removal and Addition Aquaculture Settlement Areas in the Eastern Bay of Plenty (Bay of Plenty Region) for the Purposes of the Māori Commercial Aquaculture Claims Settlement Act 2004 (Notice No. MPI 1806)

<https://gazette.govt.nz/notice/id/2024-go1459>

Aquaculture Settlement Area – Eastern Bay of Plenty (Site 1)

5,229 ha

The area enclosed by a line:

- a. Starting at point 177°22.580'E and 37°53.389'S; then
- b. Proceeding in a Northwest direction to point 177°20.173'E and 37°51.115'S; then
- c. Proceeding in an Easterly direction to point 177°25.067'E and 37°47.764'S; then
- d. Proceeding in a Southeast direction to point 177°27.482'E and 37°50.032'S; then
- e. Proceeding in a Southwest direction to the point of commencement

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MAP - SEAWATER Space Initiative - Aquaculture Settlement.docx was uploaded

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Do you have a current copy of the relevant Record(s) of Title?

No

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Who are the registered legal land owner(s)?

Please write your answer here:

Moana a Toi Aquaculture Settlement asset (moana asset) [Negotiated - See Gazette notice.

<https://gazette.govt.nz/notice/id/2024-go1459>

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Negotiating Moana a Toi Aquaculture settlement asset.

## Section 2: Project details

What is the project name?

Please write your answer here:

Moana a Toi - Aquaculture Settlement - SEAWATER Space Initiative

What is the project summary?

Please write your answer here:

The project involves the staged development of an offshore marine farm off the coast of the tribal lands of the Moana a Toi Iwi in the Eastern Bay of Plenty. The project is a significant contributor towards achieving a Moana a Toi vision. One that ensures sustainable employment and economic independence for its people. And, is part of a wider package of interrelated projects designed to deliver transformational change for the Bay of Plenty Iwi and the communities they are part of.

Construction of an open ocean sea farm will complement the current development proposals to extend aquaculture infrastructure initiatives currently underway, for example but not limited to, the Opotiiki Harbour development, the Whakatohea Mussel processing plant, and the Te Huata Mussel Spat Hatchery (Te Whanau-a-Apanui).

What are the project details?

Please write your answer here:

The proposal is reflective of the kawa and tikanga of an Iwi who have a deep connection and contract with Tangaroa. This coupled with new and progressive legislative circumstances surrounding an Iwi settling with the Crown provides an opportunity to find a different and more collaborative way forward in an environment struggling to find the outcomes being sought by all parties. An opportunity to pursue a new approach is being offered here, in support and harmony with the intent of the 'Fast Track Approval Legislation'. This suggested approach is underpinned by three key considerations to the

current circumstances which highlight the opportunities the Bill will provide.

1. The first is the need to find improved and innovative ways to support similarly innovative consenting practices in our aquaculture industry. Pushing the boundaries of current conventions where science, commerce, sustainable environmental practices, and regulation can sit comfortably at the same table is a must. We all already understand the nature of systems and ecosystems. We are keen to pursue an agile adaptive aquaculture management planning approach in this consent to achieve the outcomes we all seek. One that develops our aquaculture activities, with others, based on a developing knowledge economy we can all participate in. We see the Bill as an enable to be able to do that.

Part of the rationale is based on a wider imperative. Understanding the shifting global circumstances of global warming, seawater acidification and the consequences on our marine environment require a similar approach those who can influence the outcomes the proposed Bill will enable. Supporting this 'fast track' consent and associated, our endeavours, and a learning heuristic with others must be the way we approach all aquaculture opportunities of this nature in the future.

2. The second consideration is tightly bound to how little we know of the environment we seek a consent in – in a scientific sense. Making long term 'static' decisions about the moana in circumstances like this is inadequate. The nature of the current Resource Management Act settings makes the development of aquaculture activities difficult – there is simply never enough science to make a genuinely informed decision. This doesn't mean we should shy away from decisions we require, like this consent. We just need to find a new approach where we can collectively build an aquaculture knowledge economy fit for a long-term sustainable aquaculture industry while simultaneously managing, in an informed way, the dynamic nature of the environment we seek to undertake activities in.

3. The third consideration is a recognition of the existing consented and operating marine farming activities within the area. These existing activities provide monitoring data that can be used to validate predicted environmental impacts from offshore marine farming in this area and resource consent conditions which can be applied to additional aquaculture areas to provide consistency with refinements where appropriate. In this case, the most significant change proposed is the adoption of an agile adaptive aquaculture management planning approach developed for the purposes indicated above.

In summary, the premise is that the resource consent application be granted in a timely manner with similar conditions to those applying to existing marine farms in the area with the addition of a new agile adaptive aquaculture management planning approach to guide the detailed design, operation and monitoring of the marine farm.

Alongside the obvious commercial outcomes sought, Moana a Toi Iwi are a people of the seas. This opportunity for seawater space offers a significant opportunity to strengthen those historical relationships with the moana with a Te Ao Māori world view in the context of the 21st Century's circumstances.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Subject to decisions post settlement, the proposed development below is a draft for discussion with the post settlement entity the Iwi will develop a plan that suits their needs. this 'placeholder' gives an insight into the type of development profile in the Aquaculture Sector looks like with open ocean sea farming.

This is likely to be a 10+-year project.

Phase 1 Q4 2026

Phase 2 Q4 2028

Phase 3 Q4 2030

Phase 4 Q4 2032

Phase 5 Q4 2034

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991

resource consent

notice of requirement

certificate of compliance

coastal permit that authorises aquaculture activities to be undertaken in the coastal marine area and requires decisions under Part 9A of the Fisheries Act 1996

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Bay of Plenty Regional Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Construction of an open ocean sea farm will complement the current development proposals to extend aquaculture infrastructure initiatives currently underway across Toi Rawhiti (the Eastern Bay of Plenty). This initiative will complement a number of other sea farms being considered for development for a new aquaculture sector focusing on things like mussels, oysters, and seaweed. All are 'lwi led'. This farm will form part of an 'at scale regional initiative' with lwi to secure international markets requiring significant biomass (products) to be able to participate in these in places like, but not limited to, Japan, China, Korea.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

This is gazetted treaty settlement seawater space negotiated for this purpose.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

This is proposed to be a 10+ year Project

Detailed design - Q3 / Q4 2025

Capital Raise - Q1 / Q2 2026

Procurement Q3 2026

Construction / Installation Q4 2026

Phased Completion

Phase 1 Q4 2026

Phase 2 Q4 2028

Phase 3 Q4 2030

Phase 4 Q4 2032

Phase 5 Q4 2034

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Relevant lwi authorities are the applicants (Moana a Toi lwi)

Relevant Treaty settlement entities are the applicants (Moana a Toi lwi)

Relevant protected customary rights groups are the applicants (Moana a Toi lwi)

Relevant customary marine title groups are the applicants (Moana a Toi lwi)

Relevant applicant groups under the Marine and Coastal (Takutai Moana) Act 2011 are the applicants (Moana a Toi lwi)

This is not an application about land, therefore any person with a registered interest in land that may need to be acquired under the Public Works Act 1981 is 'irrelevant'.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

The persons referred to above are the applicants... as noted above.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

n/a

### Section 4: lwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Māori Commercial Aquaculture Claims Settlement Act 2004 (Settlement Act) provides for the full and final settlement of Māori commercial aquaculture claims since 21 September 1992. The Settlement Act requires the Crown to provide settlement assets to Te Ohu Kaimoana Trustee Limited (the Trustee) for distribution to lwi Aquaculture Organisations (which are defined in section 33 of the Settlement Act).

Assets provided under this settlement must be equivalent to 20% of aquaculture space. The settlement has been delivered in 3 parts:

The pre-commencement space settlement related to marine farming space applied for between 21 September 1992 and 31 December 2004, and involved the Crown paying cash settlement for growth that had occurred before the Settlement was decided.

Under an interim settlement phase from 2004 to 2011, iwi received a share of new aquaculture space within "aquaculture management areas" established by councils.

Under the current "new space" settlement regime, the Crown must provide iwi with settlement assets equivalent to 20% of the value of all new marine farming space created after 1 October 2011. This phase requires the Crown to deliver assets on an ongoing basis, ahead of growth occurring. It uses a forecast of anticipated growth so that iwi receive assets up front as a more usable package, rather than incrementally as growth occurs over time.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

Yes

If yes, what are they?:

Yes - Moana a Toi Iwi are the Claimants under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 and is also the applicants.

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

Yes

If yes, please explain:

A number of seawater areas in the Moana a Toi Rawhiti have had detailed assessment of any effects of the activity on the exercise of a protected customary right. Applications under the RMA (inside the Coastal Marine Area), and Gazetted Treaty Settlement Seawater Space Areas (Whakatohea and Te Whanau-a-Apanui) have required assessments as part of the allocations of those seawater spaces.

Upload your assessment if necessary:

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## Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

A draft consent document has been prepared for this seawater space consent Application.

Upload file:

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## Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

A draft consent document has been prepared for this seawater space consent application.

File upload:

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## Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

A consent for aquacultural activities (for example, marine farming) inside the Coastal Marine Area is problematic on many levels - a number of Iwi have in some cases waited for years before a consent was granted (for example Whakatohea Mussels). This process will cut through the various layers of regulation in an area that already has consents for these purposes, and the level of expertise and scientific support to support access to this seawater space for the purpose intended.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The impact of an opportunity for a Fast-track process is the government and applicant would achieve the following...

1. Exercise the government into considering how to manage aquaculture applications for consent in the coastal Marine Environment in an informed but efficient way - something that will be required in Aotearoa New Zealand's future.
2. Significantly reduce the time it will take to secure a consent with the commercial imperatives that come with developing marine aquaculture at 'pace and scale'...
3. It will speed up our understanding of the environmental and ecological circumstances of the Coastal marine Environment, riding on the back of the monitoring and management of seawater space that will come with the activities this consent will catalyse.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

Māori Economic Development focused - per Cabinet Paper 2024  
Central government plan or strategy - Yes, National Aquaculture Strategy - \$3b GDP by 2030  
Local government plan or strategy - Yes, Regional Aquaculture Strategy 2023 RAG  
Sector plan or strategy - Yes, National Aquaculture Strategy (Aquaculture NZ)  
Central government infrastructure priority list - Yes, Aquaculture

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Regional and National significant infrastructure

This project, alongside a number of related initiatives, form the basis of a new 'Primary Sector in the Bay of Plenty. And, when collectively considered, will generate \$2 - \$3b revenue [PwC Report - Economic Potential - Published in Jul-23]

Will the project:

contribute to a well-functioning urban environment

Please explain your answer here:

The project, alongside other initiatives in aquaculture is expected to generate 2,000 - 3,000 employment opportunities [PwC Report - Economic Potential - Published in Jul-23].

This will provide the economic potential for employees (whanau and hapu) to afford housing.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Per above, and...

The project, alongside other initiatives in aquaculture is expected to generate \$2b - \$3b GDP [PwC Report - Economic Potential - Published in Jul-23].

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

Yes, per above, but not in conflict in a settlement area declared under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004. The Iwi holds the relevant gazetted authorisations.

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

One of the species (of a number proposed) the seawater space is being used for is seaweed.

The Iwi have the science and a research programme developed do two things for this seawater space.

1. Seaweed to capture carbon in seaweed through a process, then sequester the carbon in concrete for that purpose. The Iwi will be able to share the science underpinning this project - and the local and international partners and experts who have the expertise to utilise this seawater space for this purpose.

2. Seaweed to reduce methane in livestock through a process, using processed feed additives from seaweed extracts. The Iwi will also be able to share the science underpinning this project - and the local and international partners and experts who have the expertise to utilise this seawater space for this purpose.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The science supporting these seawater spaces includes species being selectively bred for seawater acidification and warmer seawater temperatures. This will create resilience for our taonga (native species) in the seawater space being sought for aquaculture activities.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Sea farming significantly increases the ecological and environmental biodiversity - this is well established in the literature. And, evidenced by open ocean aquaculture already established in the Easten Bay of Plenty (for example, Whakatohea Mussel Farms).

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

And, we are actively participating in a Regional Spatial Plan Review with the Bay of Plenty Regional Council, Whakatane District Council and Opotiki District Council.

Anything else?

Please write your answer here:

Yes.

Preamble

Due to the timeliness of the window for the Fast-track application process (closing on the 3rd May), the Moana a Toi Iwi have yet to have the opportunity

to discuss this application in the detail required - together. Albeit a number of the Iwi who make up the Moana a Toi Aquaculture Settlement Iwi are and have made applications through this process (and have agreed to support this application), those who have, also recognise a number of other Iwi across the Moana a Toi rohe (and across Aotearoa more generally) are less supportive of this process and the Bill it supports.

Echoing some of the concerns held by Iwi / Māori, we make the following observations with respect to this specific application only.

1. The area seeking fast-track consenting is on Gazetted seawater space for that purpose, by Iwi, with Iwi, for Iwi, signed off for that purpose.
2. The Gazetted area recognises the Rights & Interests and the Access & Use of that seawater space, for that purpose, in perpetuity.
3. The next step is to secure a consent of the exact type and nature being sought under the Fast-track consent process.
4. This Fast-track consent will significantly reduce the cost of the consent for the Iwi who seek to utilise the Aquaculture Settlement space as it intends.
5. In this 'rare' and 'specific Aquaculture Settlement circumstance', a Fast-track Consent process has the ability to empower Iwi (in this case as a tribal entity, and only if they [the Iwi] are the applicant). And, with the aspiration and purpose only an Aquaculture Settlement of seawater space for this specific purpose can provide.
6. In this rare and specific circumstance, the Iwi recognise, using these Crown initiated institutional arrangements, the Iwi can exercise a level of mana motuhake over their Moana and the rights that are attached to a Fast-track consent, in the outcome it provides.
7. Most importantly...

This circumstance should not reinforce a principle to be exemplified as a reason any non-Iwi led, and / or non-settlement initiated, and / or other Whenua-based (land-based), Fast-track consent process should be afforded the same rights... because it must not.

8. Restating the notes above, the Moana-a-Toi Iwi reserve the right to discuss this and amend / withdraw the application if we so wish to do so.

Does the project include an activity which would make it ineligible?

No

If yes, please explain:

## Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

Yes, but unclear as to how at this stage.

Part of the benefit of sea farming in the open ocean is developing a knowledge economy that will put NZ Inc. in a far better position to be able to answer the question posed here.

## Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

n/a

Load your file here:

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## Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.



Please write your name here:  
Moana-a-Toi Settlement Iwi representatives from Te Whanau-a-Apanui, Whakatohea and Te Arawa

Important notes