

Response ID ANON-URZ4-5FMM-A

Submitted to Fast-track approval applications
Submitted on 2024-04-30 12:12:02

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:
Whakatōhea Māori Trust Board

2 Contact person

Contact person name:
Mike Scott

3 What is your job title

Job title:
Principal Planner

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:

1 Queens Wharf, PO Box 1048, Wellington

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

Yes

Organisation:
The Catalyst Group

Contact person:
Fleur Maseyk

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
General Manager

Please enter your service address:

Ground Floor, Queens Wharf Business Centre

Section 1: Project location

Site address or location

Add the address or describe the location:

The areas relevant to this application are Areas B and C on the uploaded image

File upload:

Whakatohea Aquaculture Areas B and C - Image.png was uploaded

Upload file here:

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

No

upload file:

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Who are the registered legal land owner(s)?

Please write your answer here:

The area is in the coastal marine area, approximately 5km offshore

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:

The area has been the subject of treaty settlement negotiations and is recognised in documents in the deed of settlement of Whakatōhea.

Section 2: Project details

What is the project name?

Please write your answer here:

Whakatōhea Aquaculture Farm

What is the project summary?

Please write your answer here:

The proposed project is for two low-density marine farms for mussel and oyster production, including spat catching.

What are the project details?

Please write your answer here:

The purpose of the proposal is to farm shellfish in an area in the Bay of Plenty out from Ōpōtiki. This farm compliments the work to upgrade the Ōpōtiki Harbour Development and help aquaculture become a key contributor to employment in the town. The proposed aquaculture activity involves the establishment, operation, and maintenance of two marine farms, 4,034 hectares and 1,000 hectares respectively, at lower than usual density. The application area is inclusive of all structures (including anchors, lines, ropes, baskets, floats and navigational aids) and accessways.

Each farm block would consist of anchors, warp lines, backbone lines (which would support catching, seeding or growing lines), and floats. Oyster baskets may also be attached to some of the longlines. The overall area would be marked with navigation lighting and radar reflectors. While some floats will be at the surface, most of the structure and all of the baskets and lines will be submerged.

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

Please write your answer here:

The marine farms will be developed in two stages each. In both cases 50% of the farm will be developed and monitored and then, based on the results of monitoring, the remaining 50% will be developed.

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

Please write your answer here:

Resource Management Act 1991

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 (BOPRC)

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

Please write your answer here:

Approval has already been given by BOPRC for two other marine farms in the area, one of which is now in operation.

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

No

Please explain your answer here:

The area is in the CMA in the area recognised by Treaty settlement legislation as pertaining to Whakatōhea.

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

Please write your answer here:

Once issued, the work to begin stage 1 of the project will likely begin within a year, depending on the season and timing for spat-catching.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

MACA applicants:

- Te Whakatōhea;
- Whakatōhea whānau, hapū, iwi;
- Te Uri a Tehapu;
- Te Runanga o Ngati Awa;
- Ririwhenua hapū;
- Ngāi Tai iwi;
- Ngāi Tamahaua hapū;
- Te Whānau a Mokomoko;
- Te Hapū o Titoko Ngai Tama;
- Te Upokorehe Iwi;
- Ngāi Taiwhakaea Hapū;
- Ngāti Patumoana;
- Ngā hapū ō Ngāti Ira o Waioweka Rohe;
- Manu Paora whānau;
- Hiwarau, Turangaoikitoi and Ōhiwa of Whakatōhea;
- Whakatōhea Pakowhai hapū;
- Ngāti Muriwai hapū;
- New Zealand Māori Council; and
- New Zealand Māori.

Iwi groups:

- Ngāti Awa;
- Ngāi Tai;
- Te Whānau a Apanui;
- Ngāi Tūhoe; and
- Te Whakatōhea.

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:

Consultation with neighbouring iwi authorities was undertaken and has been ongoing through Treaty Settlement discussions. More in-depth discussions on the proposed aquaculture activity have been undertaken with Ngāti Awa.

In addition, the applicant has also notified all applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 ("MACA Act") of their intention to apply for a coastal permit. However, it also noted that section 62 of the MACA Act only requires the applicant to notify the applicant groups and "seek the views" on the application.

No views from the applicant groups listed below have been forthcoming at this stage.

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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: Iwi authorities and Treaty settlements

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

Please write your answer here:

The area is within the statutory acknowledgement area in Te Mākeotanga - Deed of Settlement - Attachment 4: Marine Space for Aquaculture for Whakatōhea and Te Tāwharau o te Whakatōhea.

The area is also subject to an MPI Fisheries protocol for Ngāti Awa down to the Nukuhou River.

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?

Yes

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?:

See Section 3

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

No

If yes, please explain:

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:

Benthic (seabed) effects: several studies have been undertaken to understand the state of the seabed and potential effects on it. Results of the biological, chemical, and physical analyses of the seabed beneath and adjacent to the proposed farm indicated the following:

- The proposed site is situated over relatively deep water in a relatively exposed location.
- It is located over a flat and relatively homogeneous muddy seabed with a low-medium organic matter content.
- There is a relatively diverse ecology of animals spread across a wide area of homogenous terrain living both on and within the sediment.
- The survey did not identify any species, communities or habitats of particular scientific and ecological importance or any species that exceeded the trigger levels outlined in the DOC site assessment guidelines.

Water column: Phytoplankton levels are expected to reduce, as that is the food source for the shellfish. . Wider scale effects on the water column were

deemed to be small and short-lived.

Biosecurity: A report commissioned to look at biosecurity risks noted that if standard operating procedures for biosecure marine farming are implemented, vector movements associated with day-to-day farm operations are unlikely to pose an unacceptably high level of risk. While the proposed development will create substantial new habitat, data from the existing marine farm and structures near this site show that biofouling has not been problematic previously and the new installations are unlikely to present unacceptable levels of additional marine pest risk. Compared to traditional shellfish aquaculture in New Zealand, where farms are located tens of metres from shore, the proposed development is much better from a biosecurity perspective based on horizontal and vertical distance from wild species populations.

Marine mammals: Aquaculture impacts on marine mammals result from an overlap between the footprint of the activity and the habitat use and / or migration routes of the species. The potential effects of the current proposal are possible displacement or avoidance by cooperatively foraging common dolphins, and a risk of whale entanglement. While the overall likelihoods of these effects are low given the relatively small size of the proposed farm, the consequences of a rare event such as the death of an endangered species warrants appropriate mitigation actions.

Fisheries: The Bay of Plenty supports a variety of finfish fisheries, with trawl, bottom longline and Danish seine fisheries being the most active (i.e., in terms of fishing effort). Bottom long-line and Danish seine show little or no overlap with the proposed application area, however trawl fisheries occur within the area.

Discharge of contaminants: Any discharge of contaminants associated with mussel/ oyster farming are considered to be minimal, i.e. "drop-off" of mussels, sediment that has settled over the growing period and other marine life, resulting from the harvesting processes. Appropriate housekeeping in accordance with the Mussel Industry's A+ Sustainable Framework would ensure that there is minimal overboard loss of non-biodegradable materials. Any such waste materials would be taken to shore for land disposal. There would be no unreasonable emissions of noise from the proposed activity. The only noise resulting from the activity would be from the barges and would be intermittent. There would be no hazardous substances used in exercising the consent applied for by the application.

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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:

NZCPS:

The proposal is relevant to NZCPS Objective 6, which provides for aquaculture 'in appropriate places and forms, and within appropriate limits' and allows for people and communities to provide for their social, economic and cultural wellbeing, through use of the natural and physical resources in the coastal environment.

Policies 6 & 8 refer specifically to activities in the coastal environment and aquaculture, respectively. Key directives of these provisions when considering these applications for the proposed marine farm include:

- The social and economic benefits of the proposed marine farm are to be recognised and taken into account;
- The functional need of the proposed marine farm to locate in the coastal environment is to be recognised; and
- The protection of the values of the coastal environment does not preclude use and development where it is located in an appropriate place and form, and within appropriate limits.

The proposed marine farm will provide social and economic benefits through the provision of additional domestic and export revenue, and will assist in the objective of growing the economic value of the aquaculture industry in the Bay of Plenty. In addition, the proposed marine farm will provide direct and indirect job opportunities in the Bay of Plenty region. These jobs will be associated with farming and processing activities, and the employment of people in supporting services (e.g. transport and logistics).

It is also considered that the proposed marine farm aligns with the direction provided in the NZCPS with respect to recognising that there are activities that have a functional need to be located in the CMA, and to provide for those activities in appropriate places. Off shore of Ohiwa Harbour is considered to an appropriate location for a marine farm because of its good water quality, and water depth.

The proposal is also consistent with the precautionary approach (policy 3 of the NZCPS). It is not considered that there will be any significant adverse effects generated by the proposed marine farm, however, it is recognised that there can potentially be unexpected effects when undertaking an activity in the coastal environment. For this reason, the development of a number of marine farms around New Zealand has involved a staged development and a concurrent monitoring programme in order to ensure a precautionary approach is followed.

Other relevant section of the NZCPS relate to indigenous biodiversity (Objective 1 and Policy 11), natural features and landscapes (Objective 2 and Policies 13 & 15), amenity and access (Objective 4 and Policy 6). Due to the location well off-shore and the much wider spacing than in-shore aquaculture, any effects of the proposed activity on those matters are anticipated to be less than minor.

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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:

This location has been identified in the deed of settlement for Whakatōhea to give them exclusive rights to apply for consents to undertake aquaculture activities specifically. It is also within the same area as other low-density aquaculture farms, also owned and operated by the applicant with no identified adverse effects. Processing the application under the fast-track process will prevent vexatious submissions slowing down an otherwise straight-forward and economically beneficial proposal from advancing quickly.

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

Please write your answer here:

This proposal will provide considerable benefits to the economy, employment and livelihoods of the Ōpōtiki community, but is otherwise a straight-forward application. This proposal is a very appropriate use of the efficient fast-track process to progress an activity with a low risk and considerable benefits.

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

Not Answered

Please explain your answer here:

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

Will the project:

Please explain your answer here:

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The recent Ōpōtiki Harbour Development was developed to provide for economic and employment benefits to Ōpōtiki and the wider region through fishing and aquaculture. This is the activity that the harbour development was predicated upon.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

As mentioned elsewhere, this proposal is recognised in the deed of settlement for Whakatōhea.

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?

No

Please explain your answer here:

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

No

Please explain your answer here:

Will the project address significant environmental issues?

No

Please explain your answer here:

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

Yes

Please explain your answer here:

The area is appropriate for the location and is consistent with all areas in the coastal marine area identified by the BOPRC.

Section 159 of the Whakatohea Settlement Act directs that the Bay of Plenty Bay Regional Council must amend its regional coastal plan to identify the aquaculture settlement area for Whakatohea and record their exclusive right to apply for coastal permits for aquaculture activities in the reserved area.

Anything else?

Please write your answer here:

Does the project includes 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?

No

If yes, please explain:

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:

The applicant is currently operating another aquaculture farm in the Bay of Plenty. There have been no compliance or enforcement actions against the applicant in relation to the current operations.

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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:

Michael John Scott

Important notes