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## Document History and Status

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1	09/08/2019	C. Gonzales Pino	M. Letica	M. Letica	Draft for client review
2	15/08/2019	C. Gonzales Pino	M. Letica	Geraldine Baker	FINAL

## Limitations

This Assessment of Environmental Effects ('Report') has been prepared by WSP Opus exclusively for the benefit of the Te Aupouri Commercial Development Limited in relation to an application to change condition of consent AUT.007326 ('Purpose'). WSP Opus accepts no liability or responsibility for any costs, losses, damages, liability or claims (or any basis whatsoever) arising from the client's reliance on or use of the Report for any use or purpose other than the Purpose or its disclosure of the Report (in whole or in part) to any third party.

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# 1 Introduction

Te Aupouri Commercial Development Limited (the applicant) are the consent holders of the following Coastal Permits,

- AUT.007326.02.03
- AUT.007326.03.01
- AUT.007326.04.01
- AUT.007326.05.01

Condition 1 of these consents requires the activities to be restricted to the Approved Area identified on Northland Regional Council Plan Number 4875 (attached). The consent holder wishes to amend their consent in accordance with the new Site Plan layout also attached.

This application is being made in accordance with Section 127(1) of the Resource Management Act 1991 (the Act).

## 1.1 Purpose of Application

Pursuant to Section 88 of the Act, this report and attachments provide an assessment of the activities effects on the environment as required by Schedule 4 of the Act.

## 1.2 Applicant Details

<b>Applicant Postal Address:</b>	Te Aupouri Commercial Development Limited 24 Te Ahu Road RD 4 KAITAIA 0484
<b>Consent Address for Service:</b>	WSP Opus International Consultants Limited PO BOX 553 Whangarei 0140
<b>Post-consent processing Address for Service</b>	See Applicant Postal Address above

## 1.3 Site Description

The activities proposed will take place in Houhora Bay on the eastern side of Ruakoura/Perpendicular Point in the Far North.

Houhora Bay is located within the Marine 2 (Conservative) Management Area under the Regional Coastal Plan for Northland. Under the Proposed Regional Plan for Northland 2017 (appeal version, 29 July 2019), Houhora Bay locality is in the General Coastal Zone.

## 2 Description of the Proposal

The applicant is the consent holder of the following Coastal Permits,

AUT.007326.02.03	Place, use and occupy 11.0 hectares of space in the coastal marine area with conventional long line marine farming structures, including navigation aids.
AUT.007326.03.01	Disturb the seabed in the coastal marine area to place marine farm structures and navigation aids.
AUT.007326.04.01	Discharge contaminants to water in the coastal marine area from marine farming activities.
AUT.007326.05.01	Deposit matter on the seabed from activities associated with marine farm operations in the coastal marine area.

These activities are described in the consent as being at or about NZTM co-ordinates 1615400E 6147950N.

Condition 1 of these consents requires that;

1. *These consents apply only to the Approved Area identified on Northland Regional Council Plan Number 4875 (attached) and navigation aids required by a certified Marine Farm Navigation and Lighting Plan.*

The consent holder has been advised by the lessee that the western most extents of the farm site will end up in the surf zone just off-of Houhora Bay under the consented plan layout (Plan Number 4875). A mussel farm in the surf zone is both dangerous and unsustainable.

The consent holder wishes to amend their consent to adopt the proposed realignment as per the new Site Plan layout attached and as per Figure 1 below.



Figure 1: Proposed change of location of the marine farm (pink line shows consented mussel farm outline while black line shows proposed mussel farm outline) [Source: WSP Opus, July 2019].

We note that the current map coordinate specified on the consent still remains within the mussel farm extent. However, Council may wish to amend the grid coordinate to a more central location within the mussel farm. If this is the case, we would suggest that the following map coordinate would be appropriate; NZTM 1615577E 6147866N.

The proposal makes no provision for any other changes to the marine farm as currently consented including that it will still occupy an area of 11 hectares and that this 11 hectares still remains generally within the same alignment currently, just shifted back from the beach and surf zone.

No other conditions or changes are sought or necessary to give effect to the proposed change.

### 3 Activity Classification

There is ability for an application to be made for a restricted discretionary activity under Rule C.1.3.3 of the Proposed Regional Plan for Northland 2017 (appeal version, 29 July 2019), subject to certain performance standards. However, an application for a discretionary activity change of consent condition is being made in accordance with Section 127(1) of the Act because the issue of a new consent for a realignment activity adds no value to the consent holder in administering the consent.

Section 127(1) of the Act states;

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
- (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
  - (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*

### 4 Non-notification of Affected Persons

#### 4.1 Non-notification assessment

This application is not obligated to be notified under s95A as notification has not been requested by the applicant, public notification is not required under any relevant rule and there are no special circumstances.

#### 4.2 Affected Persons

Pursuant to Section 127(4) of the Act, when determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who—

- (a) made a submission on the original application; and
- (b) may be affected by the change or cancellation.

The consent for which a change of condition is sought was non-notified with no affected persons identified.

Consequently, no persons are considered adversely affected in a minor or more than minor manner in accordance with the conclusions made in the assessment below.

#### 4.3 Customary Marine Title Applicants

A copy of the application has been issued to the following Customary Marine Title applicants;



CMT Applicant	Contact address and email for service of Notice	CMT Application Area
Ngā Uri o Ngāti Kurī	C/- H Burkhardt 5399 Main North Road Ngataki RD 4 Kaitāia 0440	From Houhora Heads around to Hukatere.
Marsden on behalf of Ngāi Takoto Iwi	R Marsden PO Box 262 Kaitāia Email: <a href="mailto:rangitane@ngaitakotoiwi.co.nz">rangitane@ngaitakotoiwi.co.nz</a>	Ahipara around to Karikari Peninsula
Trustees of the Te Rūnanga Nui o Te Aupōuri Trust	PDC Te Kao RD 4 Kaitāia 0484 Email: <a href="mailto:ceo@teaupouri.iwi.nz">ceo@teaupouri.iwi.nz</a>	Ahipara to Cape Reinga and around to Rangaunu Harbour. Includes the Three Kings Islands
Te Aupōuri	C/- J Braithwaite Email: <a href="mailto:jennifer@braithwaitesmail.co.nz">jennifer@braithwaitesmail.co.nz</a>	On the landward side, by the line of mean high-water springs and on the seaward side, by the outer limits of the territorial sea from Waimimiha in the south-west, east to Ngātū and Waipapakauri Stream, north to the mouth of the Rangaunu Harbour, and north to Muri-motu (North Cape), west to Te Rerenga Wairua (Cape Rēinga), south to Motu-o-Pao (Cape Maria van Diemen), to Kahokawa (Scotts Point), Waka-te-hāua (the Bluff), Hukatere and back to Waimimiha including off shore islands.
Trustees of the Ngāti Kurī Trust Board Incorporated	C/- S Wroe Barrister Eldon Chambers PO Box 4472 Shortland Street Auckland 1140 Email: <a href="mailto:sarah@sarahwroe.co.nz">sarah@sarahwroe.co.nz</a>	Muriwhenua, the Three Kings Islands, Kermadecs
Busby on behalf of Ngāti Kahu, Te Uriohina & Te Rarawa	C/- C Hirschfeld Ranfurly Chambers Barristers-at-Law 10 Kaihu Street Northcote Auckland 0627 Email: <a href="mailto:charl@ranfurlychambers.co.nz">charl@ranfurlychambers.co.nz</a>	Houhora to Whangaroa Harbour, Ninety Mile Beach to Hokianga Harbour
Ngāti Kahu, Te Rarawa, Te Uriohina	C/- Hekenukumai (Hector) Busby Email: <a href="mailto:hekenukumai-maca@ranfurlychambers.co.nz">hekenukumai-maca@ranfurlychambers.co.nz</a>	On the East coast from Houhora in the north to Whangaroa Bay in the south. On the West coast from Hukatere in the north to Hokianga Harbour in the South.
Ngāpuhi Nui Tonu (Te Hāpua Marae)	C/- J R Kingi Email: <a href="mailto:jrrk999@yahoo.com">jrrk999@yahoo.com</a>	Mangonui (long: 173.5289 E Lat: 34.9941 S) to Cape Reinga (Long: 172.8605 E Lat: 32.4882 S).

Wharemaru Whānau (Ngāi Takoto)	C/- R Tamati Email: <a href="mailto:roberttamati@hotmail.com">roberttamati@hotmail.com</a>	On Whitireia (East Coast) from Rarawa Beach in the north, south to Knuckle Point. On Rehua (West Coast) from Huakaterere in the north, south to Wharo te Awa (Ahipara). Out to 12 nautical miles on both coasts.
Te Iwi o Ngāi Takoto	C/- R Marsden Email: <a href="mailto:rangitane.ngaitakoto@hotmail.com">rangitane.ngaitakoto@hotmail.com</a>	The coastline from Wharo River (Ahipara) to Hukatere (Utea Pā). The coastline from Rarawa Beach to Houhora Harbour. From Houhora Harbour to Ngāruai o Te Marangai to Unahi (Rangaunu Harbour).
Te Whanau Whero	C/- Richard Harrison Harrison Stone Suite 412, Level 4 35 High Street, Auckland Email: <a href="mailto:richard@harrisonstone.co.nz">richard@harrisonstone.co.nz</a>	Northland
C M Paul	C/- Janet Mason Phoenix Law Limited PO Box 27400 Wellington 6141 Email: <a href="mailto:mason@phoenixlaw.expert">mason@phoenixlaw.expert</a>	Entire area of the MCA of New Zealand. Includes all islands to outer limits of territorial sea, and MCA surrounding all islands and reefs lying offshore from the coastline to a distance of 12 nautical miles and the entire foreshore and territorial waters of New Zealand
Collier on behalf of Ngāti Kawau & Te Waiariki Kororā	C/- Janet Mason Phoenix Law Limited PO Box 27400 Wellington 6141 Email: <a href="mailto:mason@phoenixlaw.expert">mason@phoenixlaw.expert</a>	Cape Reinga to Bombay Hills
Ngāti Kawau te Kōtuku, Te Uri o Te Aho, Ngāti Kurī, Te Waiariki Kororā ngā Hapū o Ngāpuhi-Nui-Tonu	C/- Y Rigby Email: <a href="mailto:rigby@phoenixlaw.expert">rigby@phoenixlaw.expert</a> Email: <a href="mailto:mason@phoenixlaw.expert">mason@phoenixlaw.expert</a>	Bombay Hills to Cape Reinga
Kingi on behalf of Ngā Puhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngā Tahuhu and Ngaitawake	C/- G Sharrock RightLaw Limited Barristers & Solicitors 11 Kaihu Street Northcote Auckland 0627 Email: <a href="mailto:gesharrock@rightlaw.nz">gesharrock@rightlaw.nz</a>	Miranda to Waikato Heads to Cape Reinga to Miranda. Appears to include the Three Kings and Kermadec Islands
Ngāpuhi Nui Tonu (Te Kotahitanga Marae)	C/- Joseph Robert Kingi Email: <a href="mailto:jrk999@yahoo.com">jrk999@yahoo.com</a>	From Miranda the firth of Thames HAURAKI on the east coast to Cape Reinga far north Muriwhenua at the top of the North island and then down west to Port Waikato/Waikato River.
R Dargaville	C/- G Sharrock RightLaw Limited Barristers & Solicitors 11 Kaihu Street Northcote Auckland 0627 Email: <a href="mailto:gesharrock@rightlaw.nz">gesharrock@rightlaw.nz</a>	All of New Zealand including offshore islands

Ngāpuhi Nui Tonu-Kota-toka-tutaha-moana o Whāingaroa	C/- Jack Ralston Wyllie Email: <a href="mailto:info@bekindbeauty.co.nz">info@bekindbeauty.co.nz</a>	All of Auckland, Northland and Far North
Kira on behalf of the Whakarara Māori Committee	C/- R Zwaan Zwaan Legal Barristers & Solicitors PO Box 11277 Wellington 6011 Email: <a href="mailto:robyn@zwaanlegal.com">robyn@zwaanlegal.com</a>	Northland

## 5 Assessment of Environmental Effects

The assessment of environmental effects of the proposal have been made in consideration of the assessment criteria for realignment of aquaculture areas, Rule C.1.3.3 of the PRP,

- 1) *Effects on the characteristics, qualities and values that contribute to make any of the following mapped (refer I Maps, Ngā mahere matawhenua) places outstanding or significant:*
  - a) *Areas of Outstanding Natural Character.*
  - b) *Outstanding Natural Features.*
  - c) *Significant Ecological Areas.*
  - d) *Sites and Areas of Significance to tangata whenua.*
  - e) *Regionally Significant Anchorages.*

Both the original and proposed mussel farm locations are located within a Significant Ecological Area. To this end, conditions of consent 27 to 30 require monitoring of the seabed to ensure that effects on benthic ecology is not more than minor.

- 2) *Effects on reefs and biogenic habitat.*

The original survey of the biogenic habitat in the Houhora Bay environment did not identify sensitive environments to mussel farming. Monitoring of the seabed is required under the current consent conditions.

- 3) *Marine mammal and seabird interactions with the marine farm, including entanglement.*

In accordance with the original AEE report the potential effects on plants and animal communities is likely to be minimal and more likely to be beneficial because,

- The likelihood of a small increase in the organic content of the sediment within the farm footprint.
- It is more likely that any shell litter would become a substrate for epifaunal animals given the low levels of mud/sediment in Houhora Bay.
- The increase in physical and biological diversity that occurs around mussel's farms generates an aggregation of fish within and around farm areas.

- 4) *The risk of introducing or spreading marine pests.*

The risk of introducing or spreading marine pests will not be affected by the current proposal. The operation of the mussel farm will continue to be subject to the implementation of a Biosecurity Risk Management Plan.

- 5) *Noise.*

The potential noise effects of the consented location would not differ from the current proposal. Furthermore, the proposed new location would be further from the shore and land, providing a

buffer to potential adverse effects of the proposed farm on sensitive receiving environment on land.

6) *Integrity of the structure.*

The consented application allowed for the installation of a new structure, no changes are proposed in relation to the structure. Conditions of consent related to ongoing monitoring and repair are not to be affected by the current proposal.

7) *Navigation safety, including the provision of navigation warning devices and signs in accordance with maritime transport legislation.*

Conditions 9 to 16 of the Coastal Permits refer to navigation and safety of the proposed structure. In summary, the marine farm will be marked in accordance of the standard marking given in the Maritime New Zealand "Marine Farm Guidelines: Navigational Safety" and "New Zealand's System of Buoys and Beacons". A Marine Farm Navigation and Lighting Plan (MFNLP) will be provided by the consent holder.

8) *Effects on existing recreational activities.*

In accordance with condition 7 of the Coastal Permits, the consented activities are not to be undertaken in such a way that would exclude the public from accessing the Approved Area for the purposes of public Access to and along the coastal marine area.

9) *The need to upgrade, replace or remove any derelict or disused structures.*

The consented approval relates to a new structure. Conditions 18 and 19 refer to the procedures to follow at the time of the removal of the consented marine farm.

10) *The mechanism to recover the full cost of the repair or removal of abandoned or derelict farms and reinstatement of the environment.*

No changes are sought in relation to the existing bond and alternative bond condition.

11) *Effects on historic heritage in the coastal marine area.*

There are no historic heritage sites in the proposed location of the marine farm.

12) *Effects associated with the realignment and operation of the marine farm on public facilities and infrastructure.*

There are no public facilities or infrastructure in the application site.

13) *The positive effects of the activity.*

The proposed changes to the marine farm location is necessary to avoid the effects of surf surcharge on structure integrity, waste dispersal due to strong sea current, etc. There are no changes from the previous assessment in relation to the positive effects of the consented activity.

14) *The value of the investment in the existing aquaculture activity.*

No changes are anticipated from the previous assessment in relation to the value of the investment in the existing aquaculture activity.

Overall, the effects of the proposed change of condition 1 of the Coastal Permits will not be over or above the effects assessed under the consented Coastal Permits and the proposed new location of the marine farm maintains the intended outcome detailed in the original application.

## 6 Statutory Considerations

Schedule 4 of the Act requires that an assessment of the activity against any relevant provisions of a document referred to in Section 104(1)(b) of the Act is made.

The following provides this assessment in relation to the proposed change to consent condition.

### 6.1 New Zealand Coastal Policy Statement 2010

*Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:*

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

*Objective 3 To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- incorporating mātauranga Māori into sustainable management practices; and*
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

*Objective 6 To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- the coastal environment contains renewable energy resources of significant value;*

- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

*Policy 1 Extent and characteristics of the coastal environment*

1. *Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*
2. *Recognise that the coastal environment includes:*
  - a. *the coastal marine area;*
  - b. *islands within the coastal marine area;*
  - c. *areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
  - d. *areas at risk from coastal hazards;*
  - e. *coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
  - f. *elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
  - g. *items of cultural and historic heritage in the coastal marine area or on the coast;*
  - h. *inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
  - i. *physical resources and built facilities, including infrastructure, that have modified the coastal environment.*

*Policy 6 Activities in the coastal environment*

2. *Additionally, in relation to the coastal marine area:*
  - a. *recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;*
  - c. *recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;*

*Policy 8 Aquaculture*

*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.*

The realignment removes the facility from a high energy environment where structural integrity would be affected. The move recognises that dynamisms of the coastal environment and the need to change the activity to suit.

The realignment does not cause the farm to enter into a different ecosystem environment and therefore the effects on natural ecosystems and sites of biological importance will be maintained as per the current consent.

Consent Conditions 3, 4, and 17 establish the course of action for the prevention, mitigation and/or remediation of the adverse effects of any discharges of the proposed activity.

As stated in the 2018 Annual Report of Te Rūnanga Nui o Te Aupouri Trust<sup>1</sup>, the development of the proposed mussel farm extension in Houhora Bay is part of Te Aupouri's key investment areas. Aquaculture is an important industry in the region, as it provides for the social and economic wellbeing of people and communities by creating jobs, contributing directly and indirectly to the regional economy. More specifically, the proposed extension will create employment opportunities for 2 full time and several part time people.

Houhora Bay lies on the seaward side of Mt Camel, in the Mt Camel peninsula, a privately-owned peninsula. No public road provides access to Houhora Bay, which is accessed only by boat. The proposal would have nil effect on private access to land and water space, particularly as condition of consent requires that the facility does not have exclusive right of occupation of marine space and requires public navigability be provided.

Most of the elements that contribute to the natural character and landscape of the area will be maintained as there are existing mussel farms operating in the area and the proposed addition will not affect the recreational use of the area, and the visual impact would not be significant.

The proposal will not add any more farming in the area which has not already been consented, the effects of which have already been anticipated and taken into consideration.

## 6.2 Regional Policy Statement for Northland 2016

*Objective 3.5 Enabling economic wellbeing Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.*

*Objective 3.7 Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.*

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<sup>1</sup><http://www.teaupouri.iwi.nz/wp-content/uploads/Annual-Report-30-09-2017.pdf>

*Policy 4.1.1 (Method 4.1.2(2)(a) and (c), and (5); and Method 4.1.3(l)) Collaboratively: (a) Identify the values of water in catchments and receiving estuaries and harbours; (b) Provide for these values by establishing catchment-specific objectives and set water quality limits and environmental flows and / or levels, and where necessary targets; and (c) Establish methods to avoid, and where necessary phase out, overallocation.*

*Policy 5.2.3 (Method 5.2.5) Promote the provision of infrastructure as a means to shape, stimulate and direct opportunities for growth and economic development.*

*Policy 4.5.3 (Method 4.5.4(3) and 4.6.4) Historic heritage resources (areas, places, sites, buildings, or structures either individually or as a group) are identified taking into account one or more of the following criteria:*

- (a) Archaeological and / or scientific importance: the resource contributes significantly to our understanding of human history or archaeological research;*
- (b) Architecture and technology: the structure or building is significant due to design, form, scale, materials, style, period, craftsmanship, construction technique or other unique element / characteristic;*
- (c) Rarity: the resource or site is unique, uncommon or rare at a district, regional or national level;*
- (d) Representativeness: the resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic;*
- (e) Integrity: the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region;*
- (f) Context: the resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale;*
- (g) People and events: the resource is directly associated with the life or works of a well-known or important individual, group or organisation and / or is associated with locally, regionally or nationally significant historic events;*
- (h) Identity: the resource provides a sense of place, community identity or cultural or historical continuity;*
- (i) Tangata whenua: the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons; and*
- (j) Statutory: the resource or feature is recognised nationally or internationally, including: a World Heritage Site under the World Heritage Convention 1972; is registered under the Historic Places Act 1993; or is recognised as having significant heritage value under a statutory acknowledgement or other legislation.*

*Policy 8.1.4 (Methods 8.1.5 – 8.1.8) Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.*

*Objective 3.12 Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.*

*Policy 8.1.1 The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.*



*Policy 8.1.2 The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA): (c) Take into account the principles of the Treaty of Waitangi including partnership.*

*Policy 8.1.3 (Methods 8.1.5 – 8.1.8) The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.*

*Method 8.1.5 The regional and district councils shall: (b) Include an analysis of the effects of any resource consent application on tangata whenua and their taonga, including details of any proposed measures to avoid, remedy, or mitigate effects and consultation undertaken, in all regional and district council reports on resource consent applications.*

*Policy 8.3.1 The regional and district councils shall support tangata whenua to have a kaitiaki role in the management of their land, resources, and other taonga.*

The proposal is consistent with the Objectives and Policies of the Regional Policy Statement for Northland 2016, as:

- The proposal allows for the extension of the farming activities currently being developed in Houhora Bay, and an extension of the current use of the existing coastal farming infrastructure in place in Houhora Bay. The effects of the proposal have already been assessed and anticipated in the area;
- As highlighted before, the exercise of this consent will enhance the local and regional economy, through the provision of employment and the indirect benefits that employment brings;
- The assessment of the existing environment and ecological values of Houhora Bay were provided as part of the application for the consent this application seeks to change and as per the conclusions in that assessment, any anticipated effects will be no more than minor;
- The infrastructure proposed for the activity will not significantly affect the area in terms of visual amenity, but will provide for an opportunity of expansion of the economic activities currently being developed in the area;
- Houhora Bay is not located within a Significant Ecological Area or Outstanding Natural Feature or Character Area. Because it's particular characteristic, Houhora Bay is suitable for the extension of aquaculture activities;
- This application has been made in recognition of Māori values and their traditions and associations with the area. Customary Marine Title applicants of the area have received a copy of this application.
- As indicated before, the proposal provides for an opportunity to Te Aupouri to exercise their tino rangatiratanga over Houhora Bay while ensuring a sustainable use of the coastal environment and preservation of its ecological values.

Regional Coastal Plan for Northland 2004

*Objective 26.3.1 Subdivision, use and development occurring in such a way as to maintain, and where applicable, enhance, the existing natural, cultural and amenity values in the Marine 2 (Conservation) Management Area.*

*Objective 26.3.2 Involvement of local communities, and other agencies, in the awareness, maintenance and, where appropriate, enhancement of the values within the Marine 2 (Conservation) Management Area.*

*Policy 26.4.3 To provide for sustainable, use and development whilst ensuring that the intensity, character and scale of use and development is compatible in relation to the character (including natural character), heritage and amenity values of the adjoining coastal environment.*

*Policy 26.4.4 The Northland Regional Council will encourage communities to participate in the use, development and protection of the coastal marine area in the Marine 2 (Conservation) Management Area through the establishment of community-based cared programs.*

The natural character and amenity values of Houhora Bay will not be significantly affected as the proposed change maintains the existing number of buoys consented which would be visible on the sea surface. In addition, Houhora Bay is a relatively isolated bay and is observed principally from the ocean by passing boats as there are no residences overlooking the bay, nor public roads to the adjacent beaches.

As stated before Te Aupouri is a Mandated Iwi Organization pursuant to the Māori Fisheries Act 2004. The limits to wild catch of fisheries species are limited by sustainability requirements of the Quota Management System, and aquaculture provides the only opportunity to increase quantity of product beyond those limits. Investment in aquaculture space and aquaculture development therefore has strategic value for iwi.

As stated in the AEE, the proposed farm will exploit the presently unutilised potential of the southern half of Houhora Bay to grow mussels. There would be potential employment opportunities for 2 full time and several part time people, which will consolidate and expand the existing employment opportunities associated with the industry at Houhora.

### 6.3 Proposed Regional Plan for Northland 2017 (appeal version, 29 July 2019)

*Policy D.5.1 Aquaculture – benefits Recognise the significant benefits aquaculture can provide to local communities, Māori and the region.*

*Policy D.5.4 Aquaculture – general matters New aquaculture activities should:*

- 1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure where required, and*
- 2) provide for the integrated management of the associated activities, including any required land-based facilities and operations, and*
- 3) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing and/or harvesting of shellfish where the aquaculture is for the purpose of harvesting shellfish for human consumption, and*
- 4) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.*

The change to consent condition would be consistent with the policies of the PRP.

## 7 Conditions of Consent

No other changes beyond the proposed change to condition 1 of the Coastal Permits are sought.

## 8 Conclusions

In conclusion, a decision to grant consent to change condition 1 of Coastal Permits AUT.007326.02.03, AUT.007326.03.01, AUT.007326.04.01 and AUT.007326.05.01 pursuant to Section 104B, subject to conditions under Section 108 of the Act can be made under delegated authority as;

- (a) It is expected that the adverse effects on the change to condition of consent will not be over or above the effects assessed under the consented Coastal Permits;

- (b) The proposal meets the non-notification requirements of Section 95A of the Act;
- (c) The proposal is consistent with the requirements of the Act, Council policies and objectives and other relevant matters.

# Appendix A

## Marine Farm Layout Plan

Houhora Bay, Far North

