



NORTH WESTERN MUSSELS LIMITED

**WAIKATO REGIONAL COASTAL
PLAN – PROPOSED PLAN
CHANGE**

Proposed Plan Change and Section 32
Evaluation Report

May 2023

TABLE OF CONTENTS

1.	Proposed Plan Change	1
1.1	Introduction	1
1.2	Purpose and Reasons for the Proposed Plan Change	1
1.3	Plan Change – Sections 6 and 16 and Appendix III of the Waikato Regional Coastal Plan	3
2.	Section 32 Analysis	12
2.1	Overview	12
2.2	Structure of the Report	12
3.	Issue Identification	14
3.1	Section 32 Requirements	14
3.2	Description of The Resource Management Issue	15
3.3	Plan Change Objective	17
3.4	Proposal	17
3.5	The Applicant – North Western Mussels Limited	17
3.6	Background	20
3.7	Existing Environment	21
3.8	Proposed Changes to WRCP Plan Provisions	27
4.	Statutory Considerations	28
4.1	Introduction	28
4.2	New Zealand Coastal Policy Statement 2010	30
4.3	Waikato Regional Policy Statement	34
4.4	Waikato Regional Coastal Plan	38
4.5	National Environmental Standards for Marine Aquaculture 2020	40
4.6	Resource Management Act 1991	41
4.7	Marine and Coastal Area Act 2011	43
4.8	Iwi Management Plans	43
5.	Assessment of Environmental Effects	45
5.1	Introduction	45
5.2	Environmental Effects	45
6.	Consultation	48
7.	Options and Evaluation	49
7.1	Options	49
7.2	Evaluation of Options	51
8.	Evaluation of The Plan Change	2
8.1	Evaluation of Plan Change Objective	2
8.2	Evaluation of Plan Change Provisions	2
9.	Conclusion	1



LIST OF FIGURES

Figure 1	Greenshell Mussel Lifecycle	16
Figure 2	Typical Landscape Context	22
Figure 3	The Ecological Effects from Longline Mussel Farming	46

LIST OF TABLES

Table 1	Evaluation of Options	1
Table 2	Assessment of Options	1



1. PROPOSED PLAN CHANGE

1.1 INTRODUCTION

North Western Mussels Limited (“**NWML**”) is applying to the Waikato Regional Council (“**WRC**”) for a plan change to the Waikato Regional Coastal Plan (“**WRCP**” or “the **Plan**”).

The proposed plan change seeks to introduce:

- A new zone (Raglan Mussel Spat Catching and Holding Zone) specifically to enable mussel spat¹ catching and mussel spat holding activities over an area of approximately 700 ha off the west coast of the Waikato Region, near Raglan - mapped and scheduled as an addition to Appendix 3 of the WRCP;
- A new policy in Chapter 6 of the WRCP;
- A new rule in Chapter 16 of the WRCP to provide for mussel spat catching and mussel spat holding activities in the new zone as a **discretionary activity**; and
- Consequential changes to Rules 16.5.1, 16.5.5B, 16.5.5.C and 16.5.6 of the WRCP.

An evaluation in accordance with section 32 of the Resource Management Act 1991 (“**RMA**”) has been undertaken and concludes that the proposal will more effectively and efficiently achieve the objectives of the WRCP. The section 32 evaluation is also presented in this report.

Pursuant to section 165ZO of the RMA, NWML is also making a concurrent application for a coastal permit for mussel spat catching and mussel spat holding activities in the Raglan Mussel Spat Catching and Holding Zone under the proposed new provisions in the WRCP.

1.2 PURPOSE AND REASONS FOR THE PROPOSED PLAN CHANGE

The WRCP acknowledges the significance of marine farming, including mussel farming, as *“an important industry within the Waikato Region, contributing social and economic benefits to the local, regional and national economy”*.²

Spat on-growing and nursery activities are a critical element of the mussel farming industry’s operational resilience. At present 65 - 80% of the industry’s spat is collected from seaweed at Te Oneroa-a-Tōhē (90 Mile Beach).³ Other wild catch sites around New Zealand including areas on the west and east coasts of the North Island, Banks Peninsula,

¹ Spat refers to the juvenile (post-larvae) growth stage of mussels.

² WRCP 6.1

³ Aquaculture New Zealand (2020). New Zealand Greenshell Mussel Spat Strategy. <https://www.aquaculture.org.nz/resources/general>

Marlborough Sounds and Golden Bay – which collectively provide around a further 20 - 30% of the industry's spat supply. The remaining supply comes from a spat hatchery and nursery in Nelson. Changing environmental conditions and quota controls are impacting the resilience and accessibility of this existing spat supply.

In addition, the mussel farming industry has a sustainable growth goal that could contribute up to a third of the Government's goal for aquaculture to be a \$3 billion industry by 2035.⁴ To enable this the industry, through its Spat Strategy, is projected to require a 40% increase in spat supply by 2025 and a 70% increase by 2035 - as well as better retain the existing spat supply on the mussel farms.

It is common practice in the mussel industry to 'hold' the spat that is caught on a spat farm until the optimum conditions have been reached for it to be transferred to the grow out site. Mussel farmers often undertake an intermediate seeding process where they strip the spat from the lines then 'reseed' at the same site, or a site better conditioned for juvenile mussels, prior to the grow out phase. This is called the nursery phase.

Depending on a range of conditions it may be beneficial to hold spat up to a maximum of 90 mm (average 50 – 70 mm) in size prior to final seeding on other farms. This optimises resilience and survival rates in transfer to the final growing environment.

NWML have invested significant time and resource into progressing a more sustainable source of wild mussel spat. They have monitored spat availability through research permits in the Northland, Auckland and Waikato Regions over the last ten years and have confirmed that the west coast of the Waikato Region is unprecedented for the ability to catch and hold plentiful and resilient spat. The characteristics of the proposed zone, being the clear, cool, nutrient rich waters of the Tasman Sea, mean that the spat can build up their food sources and increase resilience, effectively fattening them up, so they have much better survival or 'retention' rate when introduced to farming areas.

The proposed zone offers the mussel farming industry a unique and critical opportunity to access a secure, diverse and resilient spat supply, directly in keeping with the Government's Aquaculture Strategy and the Spat Strategy. Providing for the location as a spat nursery, as well as catch area, will enable the holding of spat in cooler west coast waters over the summer periods so that it can be introduced onto other mussel farms in optimal health and at optimal times for on growing. This will enable year-round productivity and employment.

Spat catching in the coastal marine area is a discretionary activity (Rule 16.5.1) under the WRCP, while nursery (on-growing) activities are a prohibited activity under Rule 16.5.6 - as

⁴ <https://www.mpi.govt.nz/dmsdocument/15895-The-Governments-Aquaculture-Strategy-to-2025>

the mussels will be allowed to grow on the marine farming structures beyond the accepted 20 mm size limit for spat.

The size limit for what can be defined as ‘spat’ is not set out in the WRCP (nor any of the higher-order planning instruments), but was addressed by the Environment Court in *Wilson v. Waikato Regional Council (2021-NZEnvC-131)*. There, in considering an appeal in relation a mussel spat farm proposed in Mercury Bay / Te Whanganui o Hei in the Coromandel, the Court found a 20mm size limit for “spat” to be appropriate in determining the scope of WCRP Policy 16.5.1.

Rule 16.5.6 of the WRCP is identified as embodying a precautionary approach, which is consistent with Policy 3 of the New Zealand Coastal Policy Statement (“**NZCPS**”). The rule is intended to restrict marine farming outside specified zones in order to “*allow Environment Waikato to take a precautionary approach to the use and development of the CMA*” (WRCP 6.1). This is in a context of ‘high demand’ for new marine farming activities and a general lack of detailed information regarding coastal processes and the cumulative effects of marine farming (WRCP Chapter 6).

The overall construct of the WRCP is, therefore, to direct aquaculture activities to specific areas (zones) whilst applying a high level of protection to the coastal marine area. The WRCP is explicit that: “*If, in the future, further development is required, a plan change (as per the First Schedule of the RMA) will need to be made. This will mean that future marine farm development, such as the development of any additional marine farming zones, would be the subject of wide public consultation.*” (WRCP 16.5.6).

This plan change request is intended to respect the existing architecture of the WRCP whilst providing for an essential element of the mussel farming industry (spat collection and nursery care). It does so by proposing a specific zone for spat collection and nursery activities, akin to the approach taken for the existing aquaculture in the Hauraki Gulf / Firth of Thames. This will allow for sustainable growth of the industry, whilst maintaining the level of protection for the wider coastal marine area.

1.3 PLAN CHANGE – SECTIONS 6 AND 16 AND APPENDIX III OF THE WAIKATO REGIONAL COASTAL PLAN

The amendments sought to the WRCP are:

- A new zone (Raglan Mussel Spat Catching and Holding Zone) specifically to enable mussel spat catching and mussel spat holding activities on the west coast of the Waikato Region, near Raglan - mapped and scheduled as an addition to Appendix 3 of the WRCP;
- A new policy (6.1.1E) in Chapter 6 of the WRCP;



- A new rule (16.5.5F) to be inserted into Chapter 16 of the WRCP to provide for mussel spat catching and mussel spat holding activities in the new zone as a discretionary activity; and
- Consequential changes to Rules 16.5.1, 16.5.5B, 16.5.5C and 16.5.6 of the WRCP.

These changes are presented as follows.

1.3.1 Raglan Mussel Spat Catching and Holding Zone

Appendix III, Schedule 6: Marine Farming Zones

[insert as below]

Raglan Mussel Spat Catching and Holding Zone Corner Point Co-ordinates:

<i>Area</i>	<i>Corner</i>	<i>Northing (NZTM)</i>	<i>Easting (NZTM)</i>
A	NW	1749789	5839373
	NE	1751690	5839995
	SE	1752156	5838570
	SW	1750255	5837948
B	NW	1753370	5830665
	NE	1755282	5831252
	SE	1755722	5829818
	SW	1753810	5829231
C	NW	1754536	5826283
	NE	1756486	5826724
	SE	1756817	5825260
	SW	1754866	5824820
D	NW	1748519	5806011
	NE	1750019	5806007
	SE	1751017	5804807
	SW	1748517	5804811

1.3.2 Chapter 6 New Policy insertion

6.1 Development of Marine Farming

[Insert new policy as below]

6.1.1E Policy – Establishment and Management of the Raglan Mussel Spat Catching and Holding Zone

Provide for mussel spat catching, holding and on-growing in the Raglan Mussel Spat Catching and Holding Zone, while avoiding adverse effects on significant ecological values and significant adverse effects on other users and values of the coastal marine area.

Explanation and Principal Reasons for Adopting: *There is a demand for additional sources of spat to service the mussel farming industry. In particular, there is a need to identify suitable locations to enable the on-growing of spat beyond initial capture to a size suitable for translocation to final growing areas.*

The Raglan Mussel Spat Catching and Holding Zone, located on the West Coast of the Waikato Region, is considered particularly suitable for mussel spat catching and on-growing in terms of accessibility, productivity and compatibility with marine values.

1.3.3 Chapter 16 Rule insertion

16 Implementation Methods – Rules

[insert new Rule 16.5.5F as below]

16.5.5F Mussel Spat Catching and Nursery Structures in the Raglan Mussel Spat Catching and Holding Zone (Discretionary Activity)

The erection, placement, use of, or occupation of space by, any structure for mussel spat catching, holding and on-growing within the marine farming zone as shown on Maps 26A and 26B in Appendix III of this Plan and associated discharges to water and air and disturbance of and deposition on the seabed for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

Standards and Terms

- i. The activity uses longline structures, including surface backbone lines, warp lines, anchors and floats.*



- ii. *The structure shall not be located on, or adversely affect, any benthic reef community.⁵*
- iii. *The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.*
- iv. *The structure shall be clearly marked with the owner's name and coastal permit number.*
- v. *The structure shall not cause a navigation hazard.*
- vi. *The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.*
- vii. *The Hydrographic Office of the Royal New Zealand Navy and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.*
- viii. *The owner of the structure shall provide the map reference of the corner points of the structure (to an accuracy of at least plus or minus 10 metres) to confirm the structure is located in its approved location, as directed from time to time by Environment Waikato.*
- ix. *The owner of the structure shall maintain all buoyage and beaconage requirements.*
- x. *The structure shall be completely removed by the owner at the expiration of the resource consent.*
- xi. *The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.*
- xii. *Mussel spat shall not be grown beyond a maximum size of 90mm.*
- xiii. *No feed, medicine or therapeutic compound shall be added to the water.*
- xiv. *The applicant shall undertake an ecological investigation of the proposed area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.*
- xv. *The applicant shall submit, as part of the resource consent application for this activity, a baseline survey and a proposed monitoring programme that addresses the matters set out in Appendix IA of this Plan.*
- xvi. *The owner of the structure shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of any adverse effects of the structures on the environment. In addition, the owner of the structures shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.*

⁵ For the purposes of clarification, this standard and term relates to benthic reef communities which may exist prior to any marine farming structure being erected, and does not include any benthic reef community that may have developed at the particular site since the initial establishment of the structure.

Assessment Criteria

In assessing any application, regard shall be had to:

- i. Whether the structure avoids any area identified by tangata whenua as waahi tapu;*
- ii. The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity;*
- iii. The potential for parasites and/or diseases to be introduced and their potential transmission between farmed stock and wild populations;*
- iv. The extent to which the activity will affect indigenous biodiversity, including any area of significant indigenous vegetation or significant habitat of indigenous fauna;*
- v. The extent to which the baseline survey and proposed environmental monitoring programme meet or exceed the guidance provided in Appendix IA, including consistency of approach with other consent holders in relation to addressing potential cumulative effects within the zone;*
- vi. The adequacy of the proposed marine mammal and bird interaction management plan, and disease management plan required under Appendix I of this Plan; and*
- vii. The adequacy of any development plan, including proposals for staged and/or adaptive development.*

Conditions will be imposed in respect of, but not limited to, the following matters:

- i. Integrity of the structure and associated anchoring and mooring systems;*
- ii. Navigation lighting, buoyage and beaconage requirements;*
- iii. Provision of written notice to Land Information New Zealand and Maritime New Zealand;*
- iv. Provision of bonds or other suitable security in favour of Waikato Regional Council in respect of the likely costs of removal of the structure;*
- v. Removal of the structure on expiry of the consent (if no further consent has been applied for or granted);*
- vi. Provision of information to the Waikato Regional Council with respect to the final location of the structure;*
- vii. Environmental monitoring to be undertaken sufficient to demonstrate the environmental effects associated with the use of the structure;*
- viii. Reporting of pest or disease outbreaks and measures taken to control them;*
- ix. Interactions with or entanglements of marine mammals and seabird mortalities;*
- x. Location of landing, loading and unloading activities associated with the operation of the marine farm; and*
- xi. Adaptive management in order to address adverse effects on the environment;*
- xii. Timing and purpose of reviews of any or all conditions in accordance with section 128 of the Resource Management Act 1991.*



Reasons for Adopting: Rule 16.5.5F provides for the establishment of mussel spat catching, holding and on-growing activities within the Raglan Mussel Spat Catching and Holding Zone further to the provisions of Policy 6.1.1E.

1.3.4 Consequential Amendments

The consequential amendments sought to the WRCP are shown below as markup with additions in red underline and deletions in red ~~strikethrough~~.

16.5 Marine Farming

16.5.1 Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)^{NB}

The erection, placement, use of, or occupation of space by any structure in the CMA for operation as:

- I. a fish aggregation device; or*
- II. buoys and lines for spat collection purposes outside of the Wilson Bay marine farming zone as identified in Map 11 in Appendix III of the Plan, and the Raglan Mussel Spat Catching and Holding Zone as identified in Maps 26A and 26B in Appendix III of the Plan;*

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

Principal Reasons for Adopting: *This Rule provides for the establishment of fish aggregation devices and spat catching buoys and lines within the coastal marine area. NB: this Rule does not relate to longline spat catching structures located within the Wilsons Bay marine farming zone, or Raglan Mussel Spat Catching and Holding Zone - these structures are provided for under Rule 16.5.4 and Rule 16.5.5F as part of the activity of marine farming. It is recognised that structures used as fish aggregation devices and spat catching buoys and lines can have adverse effects (including cumulative effects) on the environment. These include, for example, cumulative effects on recreation, natural character, amenity, landscape and seascape, cultural and ecological values, and navigation safety. By providing for these structures as discretionary activities, and specifying standards and terms that must be met, the effects of these structures on the values identified can be avoided as far as practicable. It also allows for the effects of these activities to be assessed on a case-by-case basis. The maintenance, repair, replacement and removal of structures are controlled under Rules 16.4.20 - 16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned or derelict structures.*



Advisory Notes:

- This Rule does not apply to longline spat catching structures located within the Wilson Bay marine farming zone, as identified in Map 11 in Appendix III of the Plan, or the Raglan Mussel Spat Catching and Holding Zone as identified in Maps 26A and 26B in Appendix III of the Plan. These structures are provided for under Rule 16.1.4 and Rule 16.5.5F.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Any person carrying out aquaculture must register with the Ministry of Fisheries.

16.5.5B**Marine Farming Structures (Discretionary Activity)^{NB}**

The erection, placement, use of, and occupation of space by any marine farming structure not provided for by Rules 16.5.1 – 16.5.5A, and Rule 16.5.5D, and Rule 16.5.5F and any associated discharges to water and air (but excluding the discharge of feed and medicinal or therapeutic compounds), and disturbance of and deposition on the seabed, for the purpose of marine farming, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

NB: Discharges of feed, medicinal or therapeutic compounds require a separate consent under Rule 16.5.5C.

Standards and Terms

The activity is not located in the Wilson Bay Marine Farming Zone as shown on Map 11 in Appendix III of the Plan, or the Raglan Mussel Spat Catching and Holding Zone as shown on Maps 26A and 26B in Appendix III of the Plan.

16.5.5C**Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming outside the Wilson Bay Zone (Discretionary Activity)^{NB}**

The discharge of any feed, medicine or therapeutic compound into the CMA associated with marine farming activities (excluding discharges



provided for by Rules 16.5.4C and 16.5.5E) is a discretionary activity provided it complies with the standards and terms stated in this Rule.

Standards and Terms

The discharge is not located in the Wilson Bay Marine Farming Zone as shown on Map 11 in Appendix III of the Plan, or the Raglan Mussel Spat Catching and Holding Zone as shown on Maps 26A and 26B in Appendix III of the Plan.

16.5.6

Marine Farming Structures (Prohibited Activity)^{NB}

The erection, placement, use of, or occupation of space by any marine farming structure that does not comply with the standards and terms for an activity in Rules 16.5.3, 16.5.4, 16.5.4A, 16.5.4B, 16.5.5A, 16.5.5B, ~~or 16.5.5D,~~ or 16.5.5F is a prohibited activity for which no resource consent shall be granted.

Principal Reasons for Adopting: This Rule prohibits the location of any other marine farm structures in the coastal marine area of the Waikato Region that are not specifically provided for, and which do not meet the standards and terms for Rules 16.5.3 (Current Farms) 16.5.4, 16.5.4A, 16.5.4B (Wilson Bay Zone), 16.5.5A (Extensions to Marine Farms) or 16.5.5B (Marine Farming Structures Outside Wilson Bay Zone) or 16.5.5D (Marine Farm Structures within the Coromandel marine farming zone) or 16.5.5F (Mussel Spat Catching and Nursery Structures in the Raglan Mussel Spat Catching and Holding Zone). It does not apply to those structures which meet the standards and terms for a discretionary activity in Rules 16.5.1 (FADs and Spat Catching), 16.5.2 (Structures for Research Purposes), or 16.5.5 (Oyster Farms). (NB: Structures which do not meet the standards and terms for a discretionary activity under Rules 16.5.1, 16.5.2 and 16.5.5 are non-complying activities under rule 16.1.2).



2. SECTION 32 ANALYSIS

2.1 OVERVIEW

This report presents an evaluation on behalf of NWML in accordance with section 32 of the RMA. The report examines the extent to which the plan change objectives are the most appropriate way to promote the sustainable management of natural and physical resources in the coastal marine area, evaluates the related and proposed provisions and assesses the scale and significance of the effects anticipated from implementing the proposed plan change.

This report forms part of a proposed plan change to the WRCP. The proposed plan change seeks to introduce a new zone and policy to Chapter 6 of the WRCP specifically to enable mussel spat catching and mussel spat holding activities. Implementation rules are proposed to be inserted into Chapter 16 of the WRCP to provide for mussel spat catching and mussel spat holding activities as a discretionary activity.

2.2 STRUCTURE OF THE REPORT

This section 32 report is set out as follows:

- | | |
|-------------------|--|
| Section 2: | Introduction and structure of the report. |
| Section 3: | Provides a description of the issue and details the background and context of the proposed plan change which is the subject of this report. This section also provides an overview of the background and serves as context to the issues with the current planning framework (the resource management issue) applying to the area. |
| Section 4: | Provides the assessment of the proposed plan change in relation the applicable statutory documents, including national policy statements, national environmental standards, and regional planning documents. |
| Section 5: | Summarises the assessment of environmental, social, economic and cultural effects likely to arise from the proposed plan change. |
| Section 6: | Provides details of the options identified as part of the development of the proposed plan change and sets out an evaluation of those options to confirm that the plan change is the most appropriate option to achieve the objective. |
| Section 7: | This section provides the evaluation of the provisions of the proposed plan change, and provides an assessment of the costs and benefits of the options. |



Section 8: Provides a conclusion on whether the proposed plan change is the most appropriate option to achieve the relevant objectives and policies of the WRCP.

3. ISSUE IDENTIFICATION

3.1 SECTION 32 REQUIREMENTS

This section 32 evaluation is part of ensuring clear and robust decision making in the context of plan preparation and plan changes. It provides a process for evaluating the proposal, and a transparent way to assess the risks, cost and benefits of new and amended planning provisions.

Section 32 of the RMA states:

- (1) An evaluation report required under this Act must—*
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) An assessment under subsection (1)(b)(ii) must—*
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) the provisions and objectives of the amending proposal; and*
 - (b) the objectives of the existing proposal to the extent that those*



objectives—

- (i) are relevant to the objectives of the amending proposal; and*
- (ii) would remain if the amending proposal were to take effect.*

...

(6) In this section,—

objectives means,

- (a) for a proposal that contains or states objectives, those objectives:*
- (b) for all other proposals, the purpose of the proposal*

proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

The evaluation, therefore, must:

- Assess the scale and significance of the problem or issue;
- Examine whether the objectives of the proposed plan change are the most appropriate way to achieve the sustainable management of natural and physical resources in the coastal marine area;
- Examine whether the proposed approach is the most appropriate way of achieving the objective;
- Identify and assess the benefits and costs of new provisions, including identifying any assumptions and risks; and
- Assess the risks of acting or not acting if there is uncertain or insufficient information.

In addition to the section 32 requirements, this report sets out the process undertaken to prepare the proposed plan change.

3.2 DESCRIPTION OF THE RESOURCE MANAGEMENT ISSUE

The resource management issue to be addressed by the proposed plan change relates to the efficient and effective operation of the New Zealand mussel farming industry. More specifically, the proposed plan change seeks to enable resource consent applications to be made for the catching and propagation of mussel spat beyond the established 20 mm size limit.



The Government Aquaculture Strategy aims to help sustainably grow the industry in New Zealand, noting that “*aquaculture is the proven way to increase sustainable seafood production within the earth’s environmental limits*”. At the same time, the mussel industry has identified a need for enhanced and diversified sources of spat to enable future growth,⁶ with the existing supplies being unreliable and constrained.

It is also becoming evident that sustainable mussel spat harvesting needs to allow for secondary growth of spat beyond the initial settlement phase, but prior to final seeding for production farms. This growth cycle is illustrated in Figure 1.

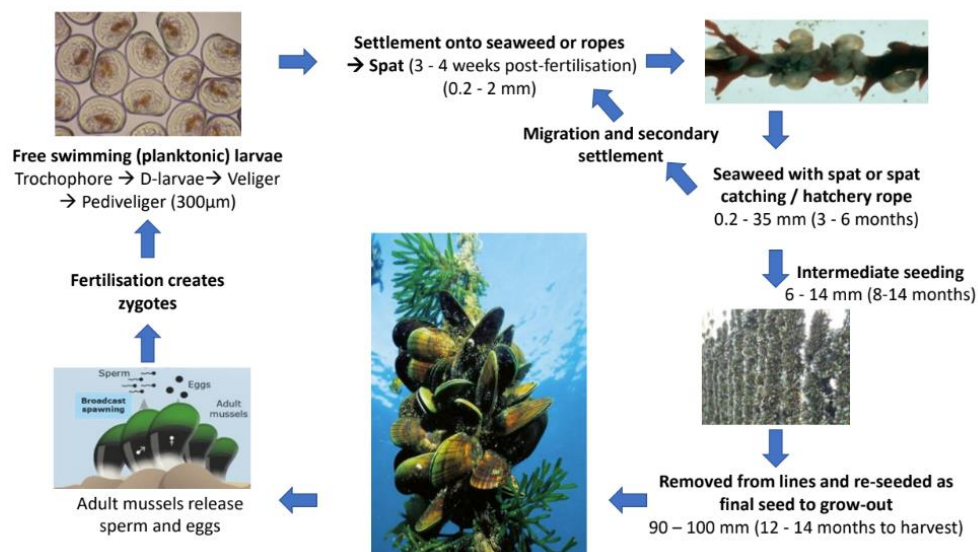


Figure 1 Greenshell mussel lifecycle from spawning through to harvest

Spat catching in the general coastal marine area is a discretionary activity (Rule 16.5.1) under the WRCP. However, nursery (on-growing) activities are a prohibited activity under Rule 16.5.6 as the mussels in the ‘secondary’ or juvenile spat stage will grow beyond the 20 mm size limit for spat.

To enable sustainable growth of the industry, it is desirable to allow for spat catching and propagation through the secondary growth phase to occur at the same location, thus maximising retention (survival) rates.

This plan change request therefore proposes discrete areas in which mussel spat may be grown up to 90 mm in size (as a discretionary activity) before relocation to the final production (farm) areas.

Overall, the key planning issues are as follows:

⁶ Aquaculture NZ, Greenshell Mussel Spat Strategy 2020 (<https://www.aquaculture.org.nz/resources/general>)



- The need to enable sustainable growth of the mussel industry, in line with Government and industry strategies;
- The ability to appropriately manage any actual and potential effects of spat catching and nursery activities;
- Whether the proposal gives effect applicable higher order planning documents, including the NZCPS and the Waikato Regional Policy Statement (“**RPS**”); and
- The consistency of the proposal with the existing objectives and policies of the WCRP.

3.3 PLAN CHANGE OBJECTIVE

Section 32(1)(a) of the RMA requires an examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA.

The proposed plan change does not include any new objectives to be inserted into the Plan. Under section 32(6)(b) of the RMA, therefore, the objective is considered to be the purpose of the proposed plan change, which is stated as follows:

To provide for the development of mussel spat catching and nursery operations at appropriate locations on the West Coast of Waikato Region in order to support the sustainable growth and resilience of the mussel farming industry.

3.4 PROPOSAL

In order to achieve the objective stated above, the purpose of the proposed plan change is to enable catching and propagation of mussel spat up to 90 mm in size in the discrete zone identified as a discretionary activity.

Although the capture of spat is already a discretionary activity in the general areas of the coastal marine area, the growth of spat beyond 20 mm is prohibited. This creates a significant impediment to development of the mussel farming industry.

The ability to grow spat beyond 20 mm in the proposed zone off the west coast of the Waikato Region will enable the industry to grow whilst maintaining the overall precautionary approach that applies generally to aquaculture development in the wider coastal marine area.

3.5 THE APPLICANT – NORTH WESTERN MUSSELS LIMITED

NWML is a joint venture company with common shareholders of Gulf Mussel Farms, OP Columbia and Vela Fishing. Together these companies cultivate, harvest, process and export New Zealand’s native Greenshell Mussels around the world. All three companies are based and operate in the Waikato Region and employ over 150 staff.



Gulf Mussel Farms

Gulf Mussel Farms is a family run mussel farming venture based in the Hauraki Gulf. Allan and Jane Bartrom first set up an experimental farm in 1988 and have been developing their operation ever since. Their son, Jake, now runs the day to day activities, having grown up around the aquaculture industry, and knows what goes into producing the world's best seafood – and the tremendous opportunity it offers New Zealand to generate export earnings and create green, Kiwi jobs.

Gulf Mussel Farms has four mussel farms and leases and manages several others in the Waikato and Auckland Regions, bringing economic value into the local community and employing up to 25 local residents. The Bartroms have made a substantial investment into the operation, returning a high proportion of the total value into the local economy.

Most of the mussels are processed locally, either for the export market or for direct sales into local shops. The mussels are showcased in the Bartroms' Coromandel Mussel Kitchen, which is an iconic local restaurant and events venue. The combined business provides the community with a range of positive benefits including supporting local hospitality and tourism as well as supporting community initiatives such as sponsoring the Westpac Rescue Helicopter.

Gulf Mussel Farms operate mussel farms for the Pare Hauraki Fishing Trust, with a long-term contract growing agreement to farm 126 ha in Area A, and 32 ha in Area B, in Wilson's Bay in the Firth of Thames.

Gulf Mussel Farms carries out their operation in accordance with environmental best practice, including the *A+ Sustainable Management Framework for Greenshell Mussels*.⁷ The A+ programme defines expected industry best management practices, and includes a cycle of continuous reporting, review, and improvement across a range of objectives, towards:

- Maintaining healthy ecosystems;
- Protecting our aquatic environment;
- Managing waste responsibly;
- Using resources efficiently;
- Safe and ethical seafood;
- Respecting iwi values; and
- Respect for our communities.

⁷ www.aplusaquaculture.nz



The A+ programme requires annual self-reporting and participation in three yearly independent verification.

O.P. Columbia

O.P. Columbia (“**OPC**”) is a vertically integrated aquaculture company based in Whitianga that grows, processes, packs and exports New Zealand Greenshell™ mussels. OPC has built a strong reputation producing high quality half shell mussels and mussel meat.

The company’s mission statement is ‘committed to providing quality sustainable seafood products through innovation and endeavour’. Their vision is:

- To grow a sustainable and profitable aquaculture business in Whitianga, in partnership with growers, employees, and the community;
- To protect and enhance our marine environment in a sustainable manner; and
- To supply safe food products to the international marketplace that will meet and exceed customers’ expectations.

Initially set up in 1979 as an inshore wet fish factory, OPC diversified into mussels in the mid-1980s. The inshore wet fish processing operation was sold in 2002 shifting the focus to aquaculture. The company target for the 2022 / 2023 season is to process 6,850 tonnes of mussels. OPC has consented space to grow 3,000 tonnes of mussels and purchases the balance from independent farmers.

The processing season runs from September to July with the company employing approximately 100 staff operating one day shift. They have the potential to operate two production shifts daily with an annual production of 12,000 tonnes but are unable to due to the current labour market shortage.

Vela Group

The Vela Group was established by Philip and Peter Vela in the 1980’s and today is the sixth largest owner of fishing quota in New Zealand in both the deep water and inshore fisheries. Vela markets frozen fish and also frozen halfshell and mussel meat for export to its established customer base all around the world.

Vela, in partnership with OPC, have consent for 62 ha of fully developed mussel farms in the Firth of Thames and undertakes toll processing of those and other brought in mussels at the OPC factory in Whitianga and at the North Island Mussels Limited factory in Tauranga.



Overall, NWML have invested significant time and resource into progressing a more sustainable source of wild mussel spat, a critical component of the mussel industry. They have monitored spat availability through research permits in the Northland, Auckland and Waikato Regions over the last ten years and confirmed that the west coast of the Waikato Region is unsurpassed for the ability to catch and hold plentiful and resilient spat.

The proposed sites at Whāingaroa / Raglan are considered to be the best possible location in terms of accessibility and compatibility with marine values.

3.6 BACKGROUND

3.6.1 New Zealand's Greenshell Mussel Industry

The New Zealand mussel industry is the New Zealand's most valuable seafood export at over \$336M per annum in 2019 - 2020. It is acknowledged by Government as a sustainable opportunity to support economic and social wellbeing and provide an environmentally responsible source of food (a peer-reviewed life cycle analysis of New Zealand mussels has found they have the lowest carbon footprint of any animal protein source).⁸ The industry provides valuable employment opportunities and positive career pathways (including for Māori through the aquaculture settlement).

The mussel industry is spread across the country, but the primary farming regions at present are Marlborough and the Hauraki Gulf / Coromandel.

One of the most pressing challenges for the mussel industry is a sustainable and resilient source of mussel spat. At present 65 - 80% of the industry's spat is collected on seaweed from the beach at Te Oneroa-a-Tōhē (90 Mile Beach). Long-line wild catch sites, including areas on the west and east coasts of the North Island, Banks Peninsula, Marlborough Sounds, and Golden Bay provide around 20 - 30% of the current supply (with the remaining supply coming from a spat hatchery and nursery in Nelson⁹).

The New Zealand Greenshell Mussel Spat Strategy calls for an integrated approach to securing the spat supply required to enable sustainable growth of the industry, with three strategic objectives:

1. Securing and diversifying spat supplies;
2. Optimising spat use; and
3. Increasing hatchery production to increase spat retention, resilience, and value.

⁸ <https://www.thinkstep-anz.com/resrc/case-studies/a-life-cycle-assessment-of-nz-mussels-and-oysters-lca-aquaculture/>

⁹ Shellfish Production and Technology NZ Limited (SPATNZ)



The strategy involves maintenance of the Te Oneroa-a-Tōhē source (within acknowledged limits) whilst expanding supply from both long-line wild catch sites and hatcheries. It acknowledges that all three sources will need to contribute to future supply.

The strategy also calls for optimising spat use by minimising losses. One of the identified methods to achieve this is the growth of spat to larger sizes prior to relocation – as proposed in the concurrent resource consent application by NWML.

3.6.2 Site Selection

Selection of the proposed sites for rezoning has been informed by ten years of research along the west coast of the North Island - including in the Waikato, Auckland, and Northland Regions. The proposed location is particularly suited reliability, quantity and resilience of spat supply and conditioning. The locations also optimal for farming logistics due to calmer seas than those further north and the proximity to land-based infrastructure at Whāingaroa / Raglan.

3.7 EXISTING ENVIRONMENT

3.7.1 Landscape Context

The proposed spat catching / nursery zone covers areas from Whāingaroa / Raglan in the north to Te Hara Point in the south. In a general sense, the wider coastal margin context is a rolling rural landscape consisting of large tracts of pasture. Pasture areas are typically open, undulating and feature individual or small clusters of trees, post and wire fences and few buildings. Where residential buildings are located, they tend to be close to road access and set within landscape surrounds for shelter from prevailing winds.

The road network is limited, with access to Whāingaroa / Raglan from the east on State Highway 23. Activities are largely agriculture-based with associated residential buildings and farm structures, generally located close to the road and well-spaced. There is no public road access to the coast from Te Akau Coast Road, which is located in a valley inland from the coast. The coastal edge comprises stretches of beach intersected by headlands, with significant coastal cliff formations in many parts. The limited access and unpredictable sea conditions leave the beaches largely empty of visitors.



Viewpoint 1 - From Pukerewa Road looking W towards proposed Site A

Figure 2 Typical landscape context

The Te Uku Wind Farm, consisting of 28 wind turbines 130m high is an obvious element in the wider landscape, and is visible across a broad area. It is located inland from the coast to the east of Whāingaroa/Raglan, with the turbines located along a ridgeline.

The three northern sites are located adjacent to coastal cliffs and remote beaches which are only accessible through private property. Closer to Site A, Pukerewa Road branches off north of Te Akau Coast Road and continues parallel to the coast between 800 m and 1.8 km inland. Glimpses of the coast are visible at times but infrequently and generally peripheral to the direction of travel. Private dwellings are located close to the road, placing them well inland from the coastal edge and generally lower in the landscape. There are a small number of isolated dwellings close to the coastal edge.

There is limited public beach access along Waikorea Stream to access Waikorea Beach. Te Akau South Road is located low in the valley system, with the road sitting approximately 3 km inland with no visible connection to the coast. Public access to the coast in the vicinity of Site C is not available, as Te Akau South Road is located in a valley running parallel to the coast in this vicinity.

To the south of Whāingaroa / Raglan, Whaanga Road (south of Whale Bay) continues south inland from the coastal edge (approximately 500m) and is a largely unsealed, narrow, winding and undulating road.

The coastal edge is marked by steep cliffs in a number of places, notably from Woody Head to Papanui Point. There is limited public road access to the coastal edge off Whaanga Road from Neilsens Road and Ruapuke Beach Road.

In the south, close to Site D, the land rises up from the coast to the summit of Mount Karioi (756 m). The lower slopes and coastal edge have areas of pasture but the predominant cover is native vegetation, one of a few locations with an intact native forest cover from sea to summit. A number of watercourses radiate out from Mount Karioi to the coast in steep sided gully systems. The mountain has two walking tracks, one ascending from the north, Mount Karioi Track, and a second from the southeast, Waireke Track. The Mount Karioi Track from the north is steep and enclosed with native vegetation.

Buildings are located around the site and are well spaced and consist of residential dwellings and associated farm buildings. Dwellings are generally in close proximity to the road and not clearly visible, often set amongst vegetation. There are a small number of coastal edge properties.

3.7.2 Sites A, B and C

Sites A, B and C are located at least 3.1 km offshore and in open water. The sites are placed seaward of areas where there is a very low density of residential occupation and a significant separation from the only road access.

The Natural Character Study of Waikato Coastal Environment (Boffa Miskell, 2016) identifies an area of about 2 km width offshore as having a Very High Coastal Natural Character rating, with an area of the coastal environment north of Site A extending that rating to 7.5 km offshore.

3.7.3 Site D

Site D is located to the southwest of Mount Karioi and south of Whāingaroa / Raglan Harbour in open water, approximately 3.5 km offshore. The site is located seaward of an area where there is a very low density of residential occupation and a significant separation from the only road access. Boffa Miskell (2016) identifies an extended offshore area of Very High Coastal Natural Character. The north-eastern corner of Site D sits close to the Very High Coastal Natural Character area, but the site has deliberately been placed outside of this area.

Further details and associated photos of the wider and site-specific environment can be found in the landscape and visual assessment by WSP Opus, attached to the resource consent application by NWML.

3.7.4 Water Context

The wider coastal environment has two main components, the coastal marine area from Mean High Water Springs (“**MHWS**”) to the 12 nautical mile limit off the coast (referred to as Zone A in Boffa Miskell (2016)) and the Coastal Significance Zone (“**CSZ**”) which extends inland from the MHWS to the first ridge / crest or escarpment (referred to as Zone B in Boffa Miskell (2016)). The width of Zone B varies depending on the topographic environment.

The coastal marine area is a seascape which has ever-changing characteristics based on the weather. The CSZ in turn, is made up of coastal cliffs, dunes and beaches (with intermittent streams). Beyond the initial coastal edge, the contour tends to vary between valleys and ridges that are predominantly in pasture.

Artificial lighting in the CSZ is limited to dwellings and buildings dotted around the landscape. Lights in the coastal marine area are not prevalent, other than around harbour mouths and reefs.

3.7.5 Ecology

The west coast of the Waikato Region is exposed to almost continuous onshore oceanic swells that cause turbulence, turbidity and sediment movement in shallow marine and intertidal habitats. There are some sections of reef, notably Jacksons' Reef in the south (located approximately 3 km from the shoreline and nearest to Site D). All four sites are located to avoid placement over or in close proximity to reefs.

NIWA prepared a baseline ecological survey for the proposed sites, which is attached to the concurrent resource consent application by NWML. This consisted of a field survey of the four sites in February 2017 during which they used a variety of sampling techniques, such as high-frequency sides-scan sonar, underwater video and drop camera, grabs and water quality.

The results of the survey indicate a featureless muddy sand sea floor with no sensitive habitats, reefs or rocky outcrops and very sparse (or non-existent) epifauna. The infauna was determined to be dominated by small mobile taxa that are common and widespread around the New Zealand coast and known to tolerate mobile sediments (and, therefore, resilient to minor changes to sediments).

The chlorophyll-*a* concentrations in water samples were lowest at Site D and greatest at Site A, and values ranged from 0.14 µg/L at station D4 to 0.63 µg/L at station A6.

The entire coastline subject to the proposal forms part of the West Coast North Island Marine Mammal Sanctuary. The sanctuary was established in 2008 as a part of the Hector's and Māui Dolphin Threat Management Plan 2020. Within the sanctuary boundaries restrictions are placed on seabed mining activities and acoustic seismic survey work, as well as on commercial and recreational set net fishing, commercial trawl fishing and commercial and recreational drift netting. The purpose of the sanctuary is to provide greater protection to Māui dolphin from the risks resulting from these activities.

Anenome Limited prepared a marine mammal assessment in 2022, which is included in the concurrent resource consent application by NWML. This assessment notes that marine mammal species that occur around the proposed sites include: Māui dolphin, common dolphin, orca / killer whale, southern right whale, and New Zealand fur seal. Humpback whale occur offshore of the proposed sites.

Of the above species, Māui dolphin, orca, and southern right whale are currently listed as 'Threatened' or 'At risk' by the New Zealand Threat Classification System.

Wildlands Consultants prepared a seabird assessment in 2022, which is also included as part of the resource consent application by NWML. This noted that the seabird community along the west coast of the North Island is diverse, comprising a combination of species nesting on the mainland, such as shags, gulls and terns. Species breeding on 'seabird islands', such as Karewa Gannet Island, and pelagic seabird species that breed as far away as the Subantarctic Islands and beyond, but forage in the region or pass through on route to different foraging grounds. These seabird species fall into three 'orders': albatrosses, shearwaters, petrels, and storm petrels, gannets and shags, and gulls and terns'.

3.7.6 Natural Character

Boffa Miskell (2016) identifies the natural character of the coastal marine area and CSZ in the Waikato Region. Boffa Miskell (2016) identifies 'natural character' as a:

'... term used to describe the natural elements of all coastal environments.

The degree or level of natural character within an environment depends on:

- 1. the extent to which the natural elements, patterns and processes occur and;*
- 2. the nature and extent of modification to the ecosystems and landscape/seascape. The degree of natural character is highest where there is least modification. The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.'*

In a basic sense, there are three attributes that make up the landscape:

- Abiotic: non-living (landform, soils, geology);
- Biotic: living (flora, fauna, habitat); and
- Experiential: perceptual (wild, scenic, transient).

The landscape component ratings in Boffa Miskell (2016) rate from Very Low to Very High. In the context of this proposal, the subject sites are located within Areas 16 and 18 and adjacent to two coastal terrestrial areas (being D and E) - as per Map 21 of Boffa Miskell (2016).

The landscape and visual assessment by WSP Opus identifies that the natural character varies between the various sites. In summary:

- **Surface cover:** terrestrial areas adjacent to Sites A to C are generally pasture all the way to the coastal edge. In the vicinity of Site D the vegetation cover is a mixture of pasture and native vegetation stemming from Mount Karioi. The sea surface is unmodified, constantly changing and highly transient. There are no islands, reefs or outcrops in close proximity to Sites A to C, with Jackson's Reef being located north of Site D.

- **Forms and patterns:** In the north, the coastal edge varies between steep cliffs, dunes, narrow sandy beaches and stream mouths. There is little or no built form on the coastal edge and access is very limited, usually only on private land. In the south, the coastal edge varies from rocky beaches to steep cliffs and sandy beaches. There are tracks to Te Toto Gorge and Mount Karioi and an inland coastal road (some 0.2 to 0.8 km from the coastline). Built form is scarce along the immediate coastal edge with most buildings located in closer proximity to the coastal roads.
- **Natural processes:** Streams running to the coast are likely to be highly modified due to the agricultural activities which take place in close proximity to the stream edge.
- **Level of naturalness:** The land adjacent to each site has largely been cleared for farming and is heavily modified for agricultural purposes. Mount Karioi is an Outstanding Natural Feature and Landscape (“**ONFL**”) and is visible from a wide area. Te Toto Gorge is a notable feature at the base of Mount Karioi with an occasional intact vegetation cover from the coast to the summit.

Boffa Miskell (2016) rates the overall natural character of the Waikato North terrestrial area (inland) as Moderate. The landscape has been modified for the use of agriculture and as such the land is in productive use. The underlying abiotic features remain largely intact, evident in the remnant natural landcover still present. The coastal marine area is rated Very High. The area is not, however, listed as having Outstanding Coastal Natural Character.

Boffa Miskell (2016) rates the overall natural character of the Mount Karioi terrestrial area (inland) as Moderate. The coastal marine area, extending 2 km offshore, is rated Very High and extends approximately 5 km off the coast in the vicinity of Mount Karioi (Map 24), which Site D has deliberately avoided. The area is not, however, considered to have Outstanding Coastal Natural Character.

3.7.7 Community

As outlined in Boffa Miskell (2016), this part of the west coast is very remote and largely inaccessible to the public. It further notes in relation to the northern area:

Public access is virtually impossible with no public access gained through private land. ... Settlement is restricted to small farmsteads and access predominantly is gained via private tracks. ...

There is a strong sense of remoteness along this coast with the natural processes dominating the experience.

Insofar as the southern area is concerned, Boffa Miskell (2016) makes the following observation in relation to settlement:

Residential and rural residential settlement are focused to the coastal edge near Whale Bay with some properties extending along the spurs and ridges of Mt Karioi



footslopes. ... Access to this area [being south] is limited to private access only with public access only to Ruapuke Beach.

In essence, the community consists of sporadic, small coastal settlements or individual dwellings otherwise associated with agriculture. As outlined above, most of the dwellings are situated close to local roads, which are usually located some distance away from the coastline.

The notable local townships are Whāingaroa / Raglan and Kawhia, both of which are harbour townships with no viewpoints over the proposed spat catching / nursery sites. Smaller townships include Waikaretu and Te Akau in the north (located approximately 6 km and 3.6 km from the coastal edge, respectively) and Wainui in the south (spreads out along Wainui Road from Whāingaroa / Raglan township in the north, to Whale Bay in the south).

3.8 PROPOSED CHANGES TO THE WAIKATO REGIONAL COASTAL PLAN

The proposed changes are fully addressed in the introductory sections of this report. In summary, this proposed plan change seeks to introduce the following provisions to the WRCP:

- A new Raglan Mussel Spat Catching and Holding Zone specifically to enable mussel spat catching and mussel spat holding activities on the west coast of the Waikato Region, near Raglan - mapped and scheduled as an addition to Appendix 3 of the WRCP;
- A new Policy 6.1.1E to be inserted into Chapter 6 of the WRCP;
- A new Rule 16.5.5F to be inserted into Chapter 16 of the WRCP to provide for mussel spat catching and mussel spat holding activities in the new zone as a **discretionary activity**; and
- Consequential changes to Rules 16.5.1, 16.5.5B, 16.5.5C and 16.5.6 of the WRCP.



4. STATUTORY CONSIDERATIONS

4.1 INTRODUCTION

Section 66(1) of the RMA sets out matters which are to be considered by the WRC when preparing or changing regional coastal plans. This section states that any change to regional coastal plans must be in accordance with the functions set out in section 30, the provisions of Part 2, a direction given under section 25A(1), and any regulations.

Section 66(2) of the RMA requires that when preparing or changing a regional coastal plan a Regional Council shall have regard to:

- (a) any proposed regional policy statement in respect of the region; and*
- (b) the Crown's interests in the coastal marine area; and*
- (c) any—*
 - (i) management plans and strategies prepared under other Acts; and*
 - (ii) [Repealed]*
 - (iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and*
 - (iv) [Repealed]*
 - (v) relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—*
to the extent that their content has a bearing on resource management issues of the region; and
- (d) the extent to which the regional plan needs to be consistent with the regional policy statements and plans, or proposed regional policy statements and proposed plans, of adjacent regional councils; and*
- (e) to the extent to which the regional plan needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and*
- (f) any emissions reduction plan made in accordance with section 5ZI of the Climate Change Response Act 2002; and*
- (g) any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002.*

Section 66(2A) of the RMA also requires that when changing any regional plan, it must consider:

- (a) *the council must take into account any relevant planning document recognised by an iwi authority; and*
- (b) *in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act,—*
 - (i) *recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and*
 - (ii) *take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.*

Section 67 of the RMA details the requirements for the content of regional plans. Section 67 of the Act states that:

- (3) *A regional plan must give effect to—*
 - (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *a national planning standard; and*
 - (d) *any regional policy statement*
- (4) *A regional plan must not be inconsistent with—*
 - (a) *a water conservation order; or*
 - (b) *any other regional plan for the region; or*
 - (c) *[Repealed]*

The following statutory planning documents are considered relevant to the proposed plan change and have been considered accordingly:

- NZCPS;
- RPS;
- WRCP; and
- National Environmental Standards for Marine Aquaculture 2020.

The provisions of the RMA are also considered in this report.

In addition, the following matters are also considered in this report:

- Iwi management plans

The following sections provide an analysis of the proposed plan change against the relevant statutory documents.

4.2 NEW ZEALAND COASTAL POLICY STATEMENT 2010

The NZCPS came into effect in 2010 and its purpose is to state policies in order to achieve the sustainable management of natural and physical resource in relation to the coastal environment of New Zealand.

Whilst the RPS was been prepared subsequent to the NZCPS coming into effect, consideration has still been given to the overarching directives of the NZCPS for context and recognition that the proposed plan change is required to give effect to the NZCPS.

The NZCPS contains provisions which address the following matters of relevance to the proposed plan change:

- Ecosystem values and coastal water quality (Objective 1 and its associated policies);
- Natural character and landscape values of the coastal environment (Objective 2 and its associated policies);
- Tangata whenua values and interests (Objective 3 and its associated policies);
- Public access and recreational opportunities in the coastal environment (Objective 4 and its associated policies); and
- Enabling social, economic and cultural wellbeing (Objective 6 and its associated policies).

An assessment of the relevant provisions is provided in the sub-sections below.

4.2.1 Ecosystem Values and Coastal Water Quality

Objective 1 seeks to safeguard the various elements of the coastal environment and sustain ecosystems. This is intended to be achieved by a range of measures, which seek to:

- Adopt a precautionary approach towards activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse;¹⁰
- Avoid adverse effects on significant indigenous biodiversity (e.g. indigenous taxa that is threatened or at risk);¹¹
- Avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities on other habitats, areas and ecosystems in the coastal environment;¹²

¹⁰ Policy 3 of the NZCPS.

¹¹ Policy 11(a) of the NZCPS.

¹² Policy 11(b) of the NZCPS.

- Control activities in, or near, the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread;¹³
- Enhance water quality in areas where it has degraded¹⁴; and
- Have particular regard to the sensitivity of the receiving environment, the capacity of the receiving environment, and the potential for significant adverse effects on ecosystems and habitats when managing discharges to the coastal environment.¹⁵

The WRCP requires a precautionary approach to the development of aquaculture activities – such that aquaculture activities are generally directed to bespoke zones and adverse effects are avoided as far as practicable. The proposed plan change respects the existing policy framework requiring this approach.

With respect to the management of significant indigenous biodiversity, the proposed plan change does not provide for structures outside the Raglan Mussel Spat Catching and Holding Zone as a permitted activity, and any resource consent application for activities within the zone will need to be accompanied by an ecological investigation of the proposed disturbance locations (in accordance with Appendix I of the WRCP). In that regard, any effects on significant indigenous biodiversity associated with structures in the Raglan Mussel Spat Catching and Holding Zone would be considered and assessed through a discretionary resource consent process. In addition, any resource consent application would be considered against a policy context which seeks that adverse effects on significant ecological values be avoided (in line with Policy 11(a) of the NZCPS).

In terms of other habitats and ecosystems in the coastal environment, the NZCPS sets out an effects management framework whereby there is a focus on avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects. As with the above, the proposed plan change will enable the potential environmental effects of structures in the Raglan Mussel Spat Catching and Holding Zone on habitats and ecosystems to be assessed and managed through the resource consent process.

Similarly, in response to Policy 12, any biosecurity risks requiring management will be identified and addressed in the context of the discretionary resource consent which would be required prior to establishment of any activities in the Raglan Mussel Spat Catching and Holding Zone.

In respect of the capacity of the receiving environment, the proposal's appropriateness in the context of the NZCPS policies is supported by independent expert assessments of

¹³ Policy 12(1) of the NZCPS.

¹⁴ Policy 21 of the NZCPS.

¹⁵ Policy 23 of the NZCPS.



landscape and natural character, ecological effects, effects on marine mammals and effects on seabirds. NWML have also ensured that the sites are located away from known reefs (such as Jackson's Reef south of Whāingaroa/Raglan) and sufficiently distant from shore to minimise any potential environmental effects.

4.2.2 Natural Character and Natural Features / Landscapes

Objective 2 and its related policies seek to:

- Avoid adverse effects on the characteristics and qualities that contribute to the outstanding natural character of areas in the coastal environment;¹⁶
- Avoid adverse effects on the characteristics and qualities that contribute to areas in the coastal environment areas that are outstanding natural features and landscapes;¹⁷ and
- Avoid significant adverse effects, and avoid, remedy, or mitigate other adverse effects of activities, on natural character and other natural features and natural landscapes in the coastal environment.¹⁸

There are no impediments to meeting this objective. The four proposed areas for inclusion in the Raglan Mussel Spat Catching and Holding Zone are located outside of any high natural character areas, whilst anticipated effects from the contemplated activities would be minimal, given the limited “footprint” of surface structures.

A detailed assessment of any effects on natural character or landscapes should be undertaken at the resource consent stage as part of the proposed rule framework, and in this instance are included in the concurrent resource consent application by NWML.

4.2.3 Tangata Whenua Values and Interests

The objectives and policies of the NZCPS direct that the principles of the Treaty of Waitangi be taken into account and that the role of tangata whenua as kaitiaki of the coastal environment be recognised. Policy 2 further elaborates on this by recognising that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, and that opportunities should be provided for tangata whenua to exercise kaitiakitanga over these waters.

NWML has sought to engage with local iwi in preparation of this plan change request and concurrent resource consent application. The engagement undertaken to date is summarised in more detail in the concurrent resource consent application, with further

¹⁶ Policy 13(1)(a) of the NZCPS.

¹⁷ Policy 15(a) of the NZCPS.

¹⁸ Policies 13(1)(b) and 15(b) of the NZCPS.

engagement expected once the plan change request is lodged. The relevant iwi environmental management plans are also assessed in this report.

There are no specifically identified sites of cultural or spiritual significance in the vicinity of the proposed zone, but NWML are committed to ongoing engagement with iwi as appropriate to further understand the enduring cultural relationships iwi may have in this location.

4.2.4 Public Access and Recreational Opportunities

Objective 4 seeks to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment, including by recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy. Policy 6 also recognises the recreation qualities and values of the coastal marine area.

The Raglan Mussel Spat Catching and Holding Zone will be located well offshore and out of range of most public users (other than what is anticipated to be a very small number of fishermen). This coast is used sparsely by recreational and commercial fishermen based on the relatively difficult weather and water conditions. As a result, any impact of the proposal on such use will be negligible.

Notwithstanding the above, any potential effects on public access and recreational opportunities will be able to be considered as part of the consenting pathway to be provided as part of the proposed plan change. The need for navigational and buoyancy markings will be able to be addressed through the assessment criteria proposed for Rule 16.5.5F.

The Raglan Mussel Spat Catching and Holding Zone is located outside of the identified swell corridors - such that will not have potential to create adverse effects on any regionally or nationally significant surf breaks (Policy 16 and Schedule 1 of the NZCPS).

4.2.5 Social, Economic and Cultural Wellbeing

Objective 6 and its associated policies (including Policy 6) recognise that the protection of values of the coastal environment should not preclude use and development in appropriate places and forms, and within appropriate limits. The objectives and policies specifically recognise those uses which depend on the natural and physical resources of the coastal environment, including for functional reasons.

Related to the above, Policy 8 recognises the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being. Policy 8 also seeks that the regional policy statement and regional plans include provisions for aquaculture activities in appropriate places in the coastal environment and that the social and economic benefits of aquaculture be taken into account.

The establishment of policies and rules for the Raglan Mussel Spat Catching and Holding Zone is considered to directly respond to the directive provided by Policy 8(a). The proposed plan change will enable the future sustainable growth of the mussel farming industry in a manner that allows for effective and efficient use of space in the coastal marine area, whilst allowing potential environmental effects to be managed through the discretionary consent application process.

4.2.6 Summary

Overall, it is considered that the NZCPS seeks to provide for aquaculture activities in the coastal environment in recognition of the social and economic wellbeing that such activities provide. However, provision for aquaculture activities is to occur within the context of appropriate places and within appropriate limits, and where the effects of any specific proposal are managed in accordance with the various policy directives sets out in the various policies of the NZCPS.

The Raglan Mussel Spat Catching and Holding Zone is considered to be a location that is appropriate for aquaculture activities (particularly given its reliability of spat supply) and the proposed rule framework sought as part of this plan change provides for effective management of any adverse effects.

In light of the above, and subject to the outcomes of further engagement with iwi, it is considered that the proposed plan change gives effects to the NZCPS.

4.3 WAIKATO REGIONAL POLICY STATEMENT

The RPS became operative in May 2016 and, as such, is considered to give effect to the overarching direction provided by the NZCPS with respect to the sustainable management of the coastal environment.

The objectives and policies in the RPS cover a broad range of topics that are potentially relevant to the activities proposed in the Raglan Mussel Spat Catching and Holding Zone, noting that a number of the policies and methods target actions by the WRC and local authorities in the Waikato Region.

The key themes in the RPS are set out and discussed in the following sub-sections.

4.3.1 Resource Use and Decision Making

Objectives 3.2, 3.3 and 3.10 relate to resource use and development, and a consistent / holistic approach to decision making.

Objectives 3.2 and 3.10 seek to recognise and provide for the role of sustainable resource use and development in enabling social, economic and cultural wellbeing. They also seek to maintain and, where appropriate, enhance the life-supporting capacity of water and ecosystems to support primary production activities. This objective is to be achieved via a

number of policies, including Policy 4.4 and Method 4.4.2 – which seek that primary production is provided for (through district and regional plans) and that the adverse effects beyond the boundary are avoided, remedied or mitigated.

The approach adopted in the WRCP, in terms of generally providing for aquaculture activities in specific zones, is consistent with this approach. The proposed plan change maintains this approach by providing for mussel spat capture and nursery activities within a specific area, whilst maintain the high level of protection for the wider coastal marine area.

This proposed plan change, and the discretionary activity consent pathway, provides for a full assessment of the actual and potential effects of mussel spat capture and nursery activities in the proposed zone.

Objective 3.3 refers to consideration of (amongst other things):

- The precautionary approach towards activities that are unknown or little understood;
- The potential for cumulative effects; and
- The best available information.

Matters relating to the utilisation of a precautionary approach are assessed in relation to Policy 3 of the NZCPS above, and that analysis is considered applicable to the RPS. Likewise, and as noted in relation to Policy 23 of the NZCPS, particular consideration has been given to the capacity of the receiving environment in identifying the Raglan Mussel Spat Catching and Holding Zone, and through the resource consent process required for activities within this zone. The proposed plan change enables specific consideration to be given to the receiving environment in the context of a resource consent application.

With respect to decision-making being informed by the use of the best available information, any resource consent process for spat catching and nursery activities will need to be supported by an appropriate assessment of environmental effects (with the proposed Rule 16.5.5F requiring an ecological assessment in accordance with Appendix I of the WRCP).

4.3.2 Coastal Environment and Natural Character

The key objectives in the RPS relating to the management of the coastal environment are Objectives 3.7, 3.20 and 3.22. These objectives relate to:

- The preservation of natural character and natural landscapes / features in the coastal environment;
- Avoiding conflict between uses and values; and
- The complex nature of natural biological and physical processes.

The approach outlined to the preservation of natural character and natural landscapes / features in the coastal environment in the RPS is reflective of the NZCPS, and the analysis above in relation to the NZCPS is considered to equally apply to the objectives and policies in the RPS.

With respect to potential matters of conflict, Policy 7.1 and its associated methods seek to recognise that the coastal marine area is generally public space and that the WRCP should potentially allocate space for different purposes. The Raglan Mussel Spat Catching and Holding Zone is consistent with this approach, with the location of the zone being assessed as an area which is particularly suitable for spat catching and nursery activities and is not subject to notable conflicts with other users of the coastal marine area.

Policy 11.4 seeks to implement the directive in Objective 3.7 requiring consideration of the complex nature of natural biological and physical processes. Policy 11.4 largely repeats the management expectations set out in Policy 11 of the NZCPS in terms of avoiding adverse effects on significant species and habitats (e.g. threatened and at-risk taxa) – and, therefore, the analysis provided in relation to the NZCPS is considered to equally apply to the relevant objectives and policies in the RPS.

Policy 11.4 does go on to refer to maintaining or enhancing areas used by marine mammals and seabirds. The rule framework for the proposed plan change provides the ability for any potential effects on marine mammals and seabird to be assessed, if necessary, in line with the outcomes sought by Policy 11.4.

4.3.3 Tangata Whenua

Objective 3.9 seeks to recognise and provide for the relationship of tangata whenua with the environment, including via their continued use and enjoyment of natural and physical resources and their role as kaitiaki. Policy 10.2 follows this theme by recognising and provide for the relationship of tangata whenua with their ancestral waters and other taonga.

The coverage of the NZCPS in relation to tangata whenua values and interests is considered to apply in relation to these provisions of the RPS – any may be considered further once further engagement with iwi has occurred.

4.3.4 Ecological Services and Indigenous Biodiversity

Objectives 3.8 and 3.18 relate to the management of ecosystem services, ecological integrity and indigenous biodiversity in the Waikato Region.

Policy 11.1 seeks to give effect to Objective 3.8 by promoting positive indigenous biodiversity outcomes to maintain the full range of ecosystem types to achieve healthy ecological functioning of ecosystems. The ecological effects of undertaking activities within the Raglan Mussel Spat Catching and Holding Zone will to be considered in



accordance with the discretionary resource consent process that this plan change is seeking to enable.

Policy 11.4 seeks to give effect to Objective 3.19 and largely repeats the management expectations set out in Policy 11 of the NZCPS. Analysis of how the activities in the Raglan Mussel Spat Catching and Holding Zone align with this provision are documented above in the assessment of matters relating to the coastal environment and natural character.

In light of the above, it is considered that the proposed plan change will enable ecosystem services, ecological integrity and indigenous biodiversity to be appropriately maintained.

4.3.5 Water Quality

Objective 3.13 seeks to recognise and provide for the mauri and health of marine waters. It seeks to achieve this outcome by;

- Maintaining natural character and the health / functioning of indigenous biodiversity and ecosystems, and
- Improving the life-supporting capacity of marine waters where they are degraded.

Policy 7.2 also seeks that discharges to marine waters be managed to protect ecosystem, amenity and tangata whenua values.

The proposed plan change will not, in itself, result in any additional effects on water quality. The proposal to enable the establishment of spat lines, buoys and anchor structures as discretionary activity will mean that potential water quality effects from bed disturbance activities (if any) are able to be fully assessed.

4.3.6 Amenity

Objective 3.21 specifies that the qualities and characteristics of areas and features, that are valued for their contribution to amenity, are maintained or enhanced. Policy 12.3 notes that such areas may include areas within the coastal environment.

There are a number of specific policies in the RPS intended to implement Objective 3.21, which relate to marine water quality (Policy 7.2), indigenous biodiversity (Policy 11.1), coastal / marine ecosystems (Policy 11.4). These matters are considered in other sub-sections of this report that consider the RPS.

With respect to visual amenity values, the resource consenting process provided for as part of this plan change will allow for any potential effects to be considered. However, it is considered that the effects will be low given the offshore location of the Raglan Mussel Spat Catching and Holding Zone (i.e. it will lack visibility from land-based locations) and the low-profile nature of the structures.

4.3.7 Public Access

Objective 3.23 and its associated policies seek that public access to, and along, the coastal marine area is maintained or enhanced. This includes Policy 12.5, which recognises the circumstances where restrictions on public access may be appropriate.

As noted in relation to the analysis of the NZCPS, the proposed zone is not identified as being a notable recreational area for the public access. However, the resource consenting framework established as part of this proposed plan change will enable potential effects on public access to the coastal marine area to be considered and assessed.

4.3.8 Summary

Based on the analysis above, it is considered that the proposed plan change does not impact upon the ability to achieve the management expectations for natural and physical resources in the coastal environment under the RPS. The approach adopted currently in the WRCP in terms of providing for specific aquaculture activities in specific zones, subject to limits and staged development expectations, is respected in this application.

4.4 WAIKATO REGIONAL COASTAL PLAN

Section 32 of the RMA requires an evaluation of the existing provisions of a plan that is being amended. If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—

- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
 - (i) *are relevant to the objectives of the amending proposal; and*
 - (ii) *would remain if the amending proposal were to take effect.*

The objectives and policies of particular relevance that would remain if the proposal was to take effect are quoted in the following sections. For completeness, an assessment of the proposed plan change against the relevant provisions of the WRCP is also provided to confirm that the resource consent pathway for the Raglan Mussel Spat Catching and Holding Zone is consistent with the WRCP.

It should be noted that the WRCP was made operative in 2005. It pre-dates the NZCPS and RPS – such that a number of its provisions may not fully reflect the more recent, over-arching policy directives regarding the sustainable management of the coastal environment.

4.4.1 Marine Farming

Objective 6.1 of the WRCP seeks that marine farming is developed in an efficient and sustainable manner, which avoids adverse effects on the coastal environment as far as practicable. The associated policies that are relevant to the Raglan Mussel Spat Catching and Holding Zone seek to:

- Take a precautionary approach by ensuring that the marine farms avoid, as far as practicable, any adverse effects on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated;¹⁹
- Provide for the diversification of marine farming and the use of multi-trophic farming systems in a way that:
 - Safeguards the life-supporting capacity of the environment;
 - Is compatible with, and does not adversely affect, marine farming activities;
 - Avoids, as far as practicable, adverse effects on water and sediment quality, indigenous biodiversity, coastal processes, landscape and natural character, and amenity values. Where complete avoidance is not practicable, adverse effects shall be remedied or mitigated; and
 - Avoids adverse effects on areas of ecological significance.²⁰
- Ensure marine farms are located, constructed and maintained in a way which does not compromise safe recreation and navigation.²¹

In response to these existing policies, the following is noted in relation this proposed plan change:

- The proposed plan change applies the precautionary approach of the WRCP whereby aquaculture activities are directed to specific zones whilst the wider coastal marine area is subject to a high degree of protection;
- This proposed plan change inserts a new rule within the WRCP that allows for full consideration as to how any specific proposal under the new rule is consistent with the existing objective and policies of the applicable statutory documents (including the existing framework of the WRCP); and
- The proposal does not enable the establishment of structures in an area identified by the relevant statutory planning documents as being of ecological significance.

¹⁹ Policy 6.1.1 of the Waikato Regional Coastal Plan

²⁰ Policy 6.1.1A of the Waikato Regional Coastal Plan

²¹ Policy 6.1.2 of the Waikato Regional Coastal Plan.

Overall, it is considered that the proposed plan change is consistent with the objective and policy direction in section 6.1 of the WCRP relating to marine farming.

4.4.2 Other Matters

The WCRP includes several other objectives and policies related to the preservation of natural character, significant vegetation and habitats, amenity, coastal processes and marine water quality. These provisions generally follow a similar theme to those set out above in relation to the NZCPS and RPS in that they seek to:

- Preserve natural character and protect it from inappropriate development;
- Recognise that the use, occupation and development of coastal space is appropriate to meet the social, economic and cultural wellbeing of communities;
- Areas of significant indigenous vegetation and significant habitat of indigenous fauna are protected;
- Avoid the introduction of any exotic plant species where that plant is not already present, and ensure that the adverse effects of any existing exotic plant species are remedied or mitigated;
- Amenity and heritage values within the coastal marine area are maintained or enhanced;
- The integrity, functioning and resilience of coastal processes are protected from the adverse effects of use and development; and
- Water quality in the coastal marine area is maintained or enhanced.

In light of these provisions following a similar theme to the objectives and policies in the NZCPS and RPS (albeit in a manner that does not always reflect the specific management directives of these higher-order planning documents), the analysis and conclusions already provided in these reports are considered to equally apply to the provisions of the WCRP.

4.4.3 Summary

It is considered that the proposed plan change can give effect to the management outcomes expected via the WCRP.

4.5 NATIONAL ENVIRONMENTAL STANDARDS FOR MARINE AQUACULTURE 2020

The National Environmental Standards for Marine Aquaculture 2020 (“**NES-MA**”) came into force on 1 December 2020. The purpose of the NESMA is to increase regulatory consistency and certainty, ensure environmental effects are appropriately managed, and increase industry confidence to promote investment as marine aquaculture contributes significantly to regional development.



The provisions in the NESMA relate to replacement consents for marine farms, realignment consents, and change of species applications and do not generally apply in the context of this proposal.

4.6 RESOURCE MANAGEMENT ACT 1991

In accordance with case law²², recourse to Part 2 of the RMA is not required if the NZCPS and RPS give effect to Part 2 of the Act within the coastal environment. Recourse back to Part 2 of the RMA is only required where:

- The provisions in the NZCPS or RPS are invalid;
- The provisions in the NZCPS or RPS do not cover the field; or
- There is uncertainty or conflict in the provisions.

In this instance, the NZCPS and RPS are considered to cover the field in terms of aquaculture activities such that recourse to Part 2 of the RMA is not required.

Notwithstanding this, and noting that WRCP pre-dates and is not fully consistent with the NZCPS and RPS in parts, consideration has been given to Part 2 of the RMA to the extent appropriate in the following paragraphs for the purposes of completeness.

The establishment of aquaculture activities in the proposed Raglan Mussel Spat Catching and Holding Zone will contribute to the social, economic and cultural wellbeing of the local and regional community. The proposed plan change will also, in part, contribute to the Government's objective for aquaculture in the regions of New Zealand to become a \$3 billion industry by 2035.

With respect to sustaining the potential of natural and physical resources, and safeguarding the life-supporting capacity of water and ecosystems, this proposed plan change does not permit any activities but rather provides a consenting pathway for proposed mussel spat catching and nursery activities to be considered. It is through any subsequent resource consent process that any potential effects will be addressed to ensure they are appropriately avoided, remedied or mitigated. That said the areas have been selected with a view to sustaining the potential of natural resources, and safeguarding the life-supporting capacity of ecosystems in the coastal marine area.

With respect to the key matters in sections 6, 7 and 8 of the RMA, the following points are relevant:

- The Raglan Mussel Spat Catching and Holding Zone avoids areas identified as being of outstanding natural character in the relevant statutory planning documents, and the

²² Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38



proposed plan change provides a framework for the suitable consideration of potential effects on natural character (if any) (section 6(a));

- Any activities within the Raglan Mussel Spat Catching and Holding Zone will not impact on the protection of any outstanding natural features and landscapes in the surrounding environment (section 6(b));
- The Raglan Mussel Spat Catching and Holding Zone and its immediate environs is not located over any area of significant indigenous vegetation, and the proposed rule in the plan change would require the provision of an ecological assessment of the seabed as part of the resource consent application (section 6(c));
- Any risks of interaction with threatened or at-risk marine mammals would properly be considered at the resource consent stage, and in this instance are addressed in the concurrent resource consent application which considers that effects can be appropriately managed (section 6(c));
- This proposed plan change is not considered to have more than a minor effect upon the level of public access within the area given that the existing use is limited (section 6(d));
- Sections 6(e) and 7(a) of the RMA refer to the relationship of Māori with their ancestral waters and other taonga and the need to have particular regard to kaitiakitanga. As already noted in this report, NWML are continuing to engage with iwi in order to better understand the nature of their relationship with this part of the coastal marine area, and how spat catching / nurse activities can have regard to their role as kaitiaki;
- The Raglan Mussel Spat Catching and Holding Zone and surrounds are not located in an area that is subject to any current protected customary rights by any entity (section 6(g));
- Section 7(b) of the RMA is concerned with the efficient use and development of natural and physical resources. The proposed plan change is considered to be consistent with this subsection of the RMA in that it enables a specific and appropriate area determined to be used for aquaculture activities, whilst maintaining current levels of protection in the broader coastal marine area under the WRCP;
- Whilst the establishment of mussel spat catching and nursery structures is considered unlikely to cause amenity effects (in terms of recreation and visual amenity), the proposed plan change does provide an opportunity for any potential effects to be considered through the resource consent process (section 7(c));
- Sections 7(d), (f) and (g) of the RMA relate to the intrinsic values of ecosystems, the quality of the environment, and the finite characteristics of natural and physical resources. As detailed above, environmental effects of a proposal to locate structures on the Raglan Mussel Spat Catching and Holding Zone will need to be considered through the resource consent process that this plan change is providing for;



- The proposed plan change does not change the nature of any effects resulting from climate change (section 7(i)); and
- NWML is not a “person exercising functions and powers under the RMA” for the purpose of section 8 of the RMA. However, and as already noted above, NWML is continuing to engage with iwi in relation to the proposed plan change and concurrent resource consent application.

4.7 MARINE AND COASTAL AREA ACT 2011

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

The applications for customary marine title and protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 closed on 3 April 2017.

If an activity requiring a resource consent is located within the area of a customary marine title application, the resource consent applicant is required to notify and consult with any group that has applied for recognition of a customary marine title in that area.

If an activity requiring resource consent is in an area where a group exercises protected customary rights, the resource consent will not be granted if the activity will have more than minor adverse effects on the rights, unless permission of the protected customary rights group is obtained or the activity fits one of the exceptions listed.

The proposed plan change does not affect any recognised customary rights of any groups and the process for resource consent applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 will still be required to be followed for the proposed rule.

4.8 IWI MANAGEMENT PLANS

The Waikato-Tainui Environmental Plan / Tai Tumu, Tai Pari, Tai Ao, identifies the Iwi’s key strategic objectives as being *‘to grow our tribal estate and manage our natural resources.’* The overarching purpose of the Plan is *‘to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha’*. Provisions of particular relevance are outlined below.

- **Mauri of marine waters in the Waikato-Tainui coastal area:** Objective 24.3.1 and Policy 24.3.1.1 aim to ensure that the mauri of marine waters in the Waikato-Tainui coastal area is protected and enhanced and that the marine biodiversity in the Waikato-Tainui coastal area is restored and protected. A spat catching / nursery operation is not considered likely to adversely affect the marine biodiversity in or around the proposed sites. However, any potential effects on the mauri of the waters



(particularly any spiritual components of mauri) will need to be assessed at the resource consent process enabled by the proposed plan change.

- **Coastal access for customary activities:** Objective 24.3.3 and Policy 24.3.3.1 seek to ensure that Waikato-Tainui access to coastal areas for customary activities is protected and enhanced. Given the distance of the proposed zone from the shore, it is unlikely that there would be any adverse effects. However, any potential effects will be fully assessed at the resource consent process enabled by the proposed plan change.
- **Precautionary approach:** Objective 24.4.3 and Policy 24.3.4.1 require a precautionary approach to management of adverse effects. The proposed zone implements the precautionary approach embodied in the WRCP by only enabling the spat catching and nursery activities in the specific areas which have been assessed as being suitable. The precautionary approach is supported by the level of further assessment and monitoring to be required under proposed Rule 16.5.5F.

In summary, the proposal is not considered to be contrary to the Waikato-Tainui Environmental Plan.

The **Mōtakotako Marae Hapū Management Plan** was developed to allow Ngāti Whakamaruranga to share information and work cooperatively with one another and with statutory organisations and the community in exercising kaitiakitanga over their rohe.

It identifies:

- Key tangata whenua values;
- Key tangata whenua issues;
- The exercise of kaitiakitanga on the Mōtakotako Estate; and
- Consultation processes.

The Mōtakotako Marae Hapū Management Plan largely covers the Mōtakotako Estate which, while not identified on a map, is understood to cover the area directly in and around the Mōtakotako Marae. As it is, the Mōtakotako Marae is located some distance south of the southern-most proposed spat catching/nursery site. As such, the proposal is not considered to have any direct effects (adverse or otherwise) on the Mōtakotako Estate or the coastal marine area located directly adjacent to the same.

The engagement with Ngāti Whakamarurangi, including with respect to the Mōtakotako Marae Hapū Management Plan, is outlined in the resource consent application by NWML.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 INTRODUCTION

This section of the analysis provides an assessment of the environmental effects of the proposed plan change. Clause 22 (2) of the RMA First Schedule requires that:

Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

For completeness, it is noted that the following section details the environmental effects in accordance with Schedule 4 of the RMA in a manner that corresponds with the scale and significance of the potential effects arising from the proposed plan change.

5.2 ENVIRONMENTAL EFFECTS

As already explained, the proposed plan change seeks to insert a new zone, policy and rule in to the WRCP to provide for, as a discretionary activity, mussel spat catching and nursery activities.

The proposed plan change in itself does not have any effects as the new rule proposed requires any such proposal to obtain resource consent as a discretionary activity. It is through the resource consent process that any effects associated with the ancillary structures are assessed. In this instance, the potential effects of utilizing the proposed zone are addressed in the concurrent resource consent application.

In general terms, the potential environmental effects of mussel farming have been comprehensively researched and are well known. They are summarised in the MPI ‘Overview of Ecological Effects of Aquaculture’²³, as depicted below.

²³ <https://www.mpi.govt.nz/dmsdocument/4300-Overview-of-ecological-effects-of-Aquaculture>

Source: Based on Keeley et al., 2009.

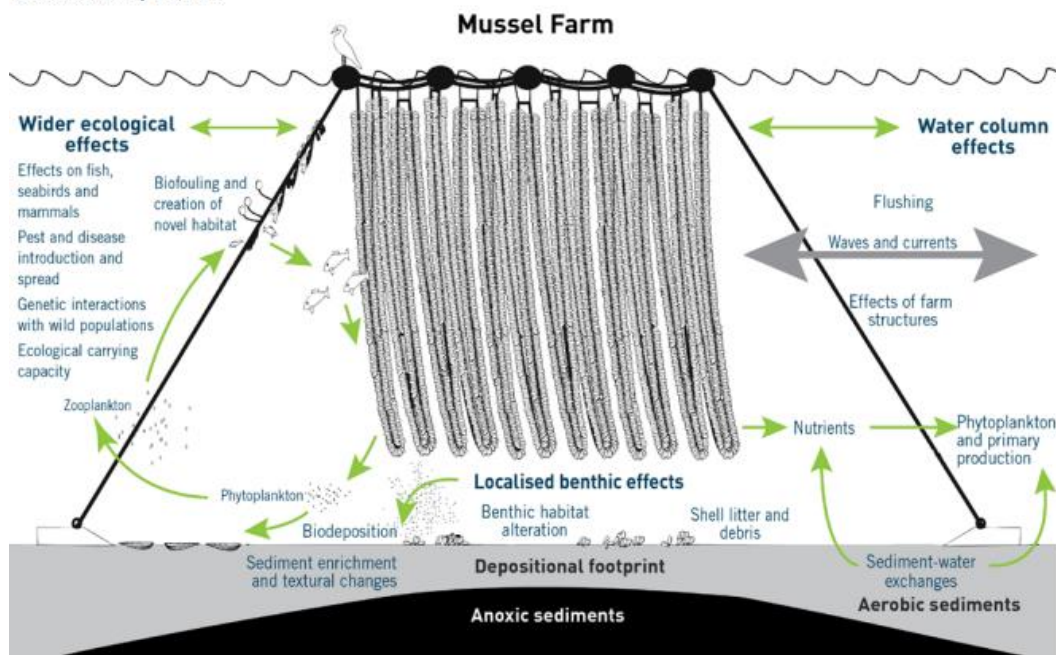


Figure 3 MPI Diagram illustrating the actual and potential ecological effects from long-line mussel farming

The MPI report also notes that:

From the available information on spat-catching effects in New Zealand, it appears that the effects are similar or lesser than for the cultivation stage, with no issues that are likely to be of more significance than for the cultivation phase.

5.2.1 Positive Effects

As noted earlier, the Government has identified aquaculture as a transformative industry, with the potential to contribute positively to the wellbeing of the people of Aotearoa. The Government's Aquaculture Strategy, which was developed in response to the New Zealand Aquaculture Industry Strategy sets out a vision that 'New Zealand is globally recognised as a world-leader in sustainable and innovative aquaculture management across the value chain'.

The proposed spat catching/nursery operation will diversify and enhance spat and cultivating mussel seed, providing greater resilience and growth potential for the industry. The Coromandel/Hauraki Gulf industry has experienced significant issues with spat shortages and spat losses (spat dies or fails to remain on the mussel lines) due for the most part to the changing Firth of Thames/Hauraki Gulf environment and the effects of climate change. As noted above the industry collectively is seeking urgent solutions to its spat issues and the development of a spat catching/nursery site in the more hospitable waters of the Tasman Sea is an integral component of the overarching strategy.



Other positive effects of the establishment of the zone relate to the potential positive effects of the mussel industry generally. These include:

- **Economic effects:** NZIER developed a model of inter-industry transactions across the Waikato economy to illustrate how economic activity in the district and the rest of New Zealand would change due to a theoretical expansion of mussel production by 50 percent. Aside from increased economic activity from processing, the value add predicted was a further \$15.8 million to the region's GDP.²⁴
- **Social and cultural effects:** The proposed spat collection and nursery activity would support consistency and increases in mussel production which will contribute to an increase in the direct and indirect job opportunities in the Waikato region.
- **Food provisioning effects:** In enhancing resilience of spat supply, the proposed Raglan Mussel Spat Catching and Holding Zone will enable growth of mussel supply, which is acknowledged as being a particularly sustainable source of dietary protein.²⁵
- **Ecosystem services effects:** Potential positive ecosystem effects are outlined in the NIWA report on the ecological benefits of mussel farms in the Marlborough Sounds.²⁶ These include habitat creation (mussel farms create three-dimensional habitat in the seawater column and on the seabed) and water cleansing (through filtering).

Therefore, it is considered that there are no adverse environmental effects that result from the provisions to be inserted into the WRCP as part of the proposed plan change, whilst they would enable potentially significant positive effects.

²⁴ Pambudi, D. and Clough, P. (2017). The economic contribution of marine farming in the Thames-Coromandel District: A Computable General Equilibrium (CGE) analysis. New Zealand Institute of Economic Research.

²⁵ For example, <https://www.bbc.com/future/bspoke/follow-the-food/the-simple-shellfish-that-fights-climate-change.html>

²⁶ Summarised at: https://www.marinefarming.co.nz/site_files/24792/upload_files/EcosystemsServices_NIWA_Summary.pdf?dl=1#:~:text=The%20NIWA%20review%20considered%20how,that%20can%20degrade%20the%20seabed.



6. CONSULTATION

NWML have sought to undertake pre-application engagement with iwi, as outlined in the concurrent resource consent application. A copy of the final version of the proposed plan change will be sent to iwi after it is lodged with the WRC.

NWML have also provided a summary of the application to a range of potentially interested parties, including:

- Waikato Regional Harbour Master;
- Maritime New Zealand; and
- Department of Conservation.

The proposed sites are well away from the coast and any residences. Therefore no other parties have been identified as potentially affected to the degree that would warrant pre-application consultation, but NWML are open to engagement with any interested parties as appropriate.

7. OPTIONS AND EVALUATION

7.1 OPTIONS

7.1.1 Introduction

Section 32(1)(b)(i) of the RMA, requires this report to identify “other reasonably practicable options” for achieving the objectives of the proposed plan change. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the proposed plan change.

7.1.2 Options

Alternative planning options or methods that could have been utilised to achieve the objective and address the resource management issue the proposal seeks to address are:

- Option 1:** Maintaining the status quo (or the ‘do nothing’ option);
- Option2:** Amend Rule 16.5.1 (Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)) of the WRCP to include on-growth of mussels beyond 20mm (nursery activity);
- Option 3:** Introduce a new zone (Raglan Mussel Spat Catching and Holding Zone), new Policy (6.1.1E - Establishment and Management of the Raglan Mussel Spat Catching and Holding Zone), and new rule in Chapter 16 of the WRCP - (Rule 16.5.5F: Mussel Spat Catching and Nursery Structures in the Raglan Mussel Spat Catching and Holding Zone) as a **controlled activity**; and
- Option 4:** Introduce a new zone (Raglan Mussel Spat Catching and Holding Zone), new Policy (6.1.1E - Establishment and Management of the Raglan Mussel Spat Catching and Holding Zone), and new rule in Chapter 16 of the WRCP - Rule (16.5.5F - Mussel Spat Catching and Nursery Structures in the Raglan Mussel Spat Catching and Holding Zone) as a **discretionary activity**).

Summary assessment

Option 1: The do-nothing approach (i.e. retain the existing rules within the WRCP)

The status quo option does not address the resource management issue and is considered to result in less optimal management of aquaculture activities within the coastal marine area. This is because, whilst spat catching in the general coastal marine area is a discretionary activity (Rule 16.5.1), the nursery (on-growing) activities are prohibited by Rule 16.5.6.

An application can therefore not be made to establish structures for nursery use and for the effects of the proposal to be assessed on its merits.



This proposed plan change is required to enable such an application to be made and an assessment of effects to occur. As set out in section 2 above, Rule 16.5.6 has the effect of rendering the coastal marine area (outside designated zones) unable to be utilised for spat nursery purposes, notwithstanding that the areas identified in this plan change proposal have been specifically assessed as being particularly well-suited for this purpose.

To do nothing has the potential to adversely affect the economic wellbeing of people and communities, by reducing the ability for the mussel industry to operate optimally and sustainably. Therefore, underutilising the full potential of the coastal marine area within the environmental limits, is considered to create negative impacts on the economic wellbeing of people and communities.

This approach does not achieve the objective of the WRCF as regards marine farming (WRCF 6.1).

Option2: Amend Rule 16.5.1 (Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)) of the WRCF

The second option investigated was to amend Rule 16.5.1 include on-growth of mussels beyond 20 mm (nursery activity) in the scope of discretionary activities.

This is not seen as the best option as it would introduce a broad window for consenting activities in the coastal marine area. This is considered to be contrary to the precautionary approach of the WRCF, whereby the plan allows for the establishment of, use of, and occupation of space by new marine farming structures principally within specific marine farming zones, provided they avoid adverse effects (including cumulative effects) as far as practicable on natural character, coastal processes, water quality, navigation safety, and amenity, aesthetic, landscape, ecological, recreational and cultural values (WRCF Policy 6.1.1).

Option 3: Introduce a new zone (Raglan Mussel Spat Catching and Holding Zone), new Policy (6.1.1E - Establishment and Management of the Raglan Mussel Spat Catching and Holding Zone), and new rule in Chapter 16 of the WRCF - (Rule 16.5.5F: Mussel Spat Catching and Nursery Structures in the Raglan Mussel Spat Catching and Holding Zone) as a controlled activity.

This option is essentially the same construct as the proposed plan change, except that mussel catching and on-growing structures would be a controlled activity.

Again, this is considered contrary to the precautionary approach of the WRCF as embodied in Policy 6.1.1. This is because a controlled activity application has to be granted, which would preclude the ability of the WRC to undertake a full assessment of environmental effects (as per the general precautionary construct of the plan).

Option 4 (preferred option): Introduce a new zone (Raglan Mussel Spat Catching and Holding Zone), new Policy (6.1.1E - Establishment and Management of the Raglan Mussel Spat Catching and Holding Zone), and new rule in Chapter 16 of the WRCP - Rule (16.5.5F - Mussel Spat Catching and Nursery Structures in the Raglan Mussel Spat Catching and Holding Zone) as a discretionary activity).

Providing a new zone and associated policy and rule to provide for lines, buoys lines and anchor structures, and any associated seabed disturbance, that are for the purposes of mussel nursery activities, will enable the efficient and effective development of the mussel farming industry without resulting in any change to the environmental risk or application of the precautionary principle.

As a discretionary activity, the WRC is provided with the ability to assess an application appropriately, including a full consideration of any potential effects of a proposal on the environment (and have full discretion as to the nature of conditions imposed on any consent granted).

For this option, consequential amendments are required to Rules 16.5.1, 16.5.5B, 16.5.5C and 16.5.6 so that it is explicit that the proposed new rule for the Raglan Mussel Spat Catching and Holding Zone applies to such activities.

It is, therefore, concluded that this option is the most appropriate for achieving the objectives of the WRCP.

7.2 EVALUATION OF OPTIONS

Section 7.1 outlines the options that have been considered to enable the proposal. In order to determine whether the options are reasonably practicable, a comparative analysis has been undertaken.

The key considerations of this analysis include the relevance of the option in addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis.

The following table compares the options:



Table 1 **Evaluation of Options**

	Option 1 Status quo ("do nothing")	Option 2 Amend Rule 16.5.1 (CMA-wide change)	Option 3 New zone, policy and rule for controlled activity	Option 4 New zone, policy and rule for discretionary activity
Appropriateness	Not appropriate as this option does not allow a consenting pathway for mussel nursery on-growth activities.	Not appropriate as runs counter to the precautionary scheme of the Plan which directs marine farming activities to specific areas (WRCP Policy 6.1.1).	Not appropriate as runs counter to the precautionary scheme of the Plan (would limit ability of WRC to fully consider proposal on their merits).	Appropriate as this option provides a consenting pathway for mussel nursery structures, while also ensuring through the consent process that the effects are fully assessed. The WRC can decline the consent if needed and has full discretion as to the nature of any condition imposed.
Reasonableness	Not reasonable as this option does not allow for the CMFZ to be used efficiently or effectively.	This rule enables the plan change objective to be achieved, however it is not considered appropriate to extend the scope of the current CMA-wide rule.	This option enables the objective of the plan change to be achieved through the controlled activity consenting pathway. However, this option does not allow for any subsequent resource consent application to be declined, and the controlled activity status restricts the nature of conditions that can be imposed.	This option enables the objective of the plan change to be achieved through a discretionary activity consenting pathway. Unlike Option 3, Option 4 enables WRC to decline any future consent application if needed, and has full discretion as to the nature of any conditions imposed.
Achievability	This is the current framework.	This option is achievable to implement, within the statutory function of the WRC and is achievable to implement through a	This option is achievable to implement, within the statutory function of the WRC and is achievable to implement through	This option is achievable to implement, within the statutory function of the WRC and is achievable to implement through a

		plan change process, and subsequent resource consent. It is not cost prohibitive to achieve, given it's a private plan change (and any resource consenting and development is funded by the applicant).	a plan change process, and subsequent resource consent. It is not cost prohibitive to achieve, given it's a private plan change (and any resource consenting and development is funded by the applicant).	plan change process, and subsequent resource consent. It is not cost prohibitive to achieve, given it's a private plan change (and any resource consenting and development is funded by the applicant).
Relevance	This option does not resolve the identified resource management issues.	This option resolves the resource management issue, but is not considered to be appropriate for the reasons outlined above.	This option resolves the resource management issue, but restricts the ability for the consent authority to decline any future resource consent application.	This option resolves the resource management issue by providing a resource consent pathway for mussel nursery activities whilst retaining an appropriate level of discretion for WRC.
Usefulness	This option is not useful as it does not enable the required activities.	This option is useful as it enables the objective of the plan change to be achieved but does not reflect the precautionary approach embodied in the WRCP.	This option is useful as it enables the objective of the plan change to be achieved but does not reflect the precautionary approach embodied in the WRCP.	This option is the most useful as it enables the plan change objective to be achieved in a manner that respects the precautionary nature of the WRCP direction and provides full discretionary to the consent authority in the subsequent resource consent process.
Overall rating	Not Preferred	Not Preferred	Not Preferred	Preferred Option

7.2.1 The Preferred Option

The above table demonstrates why Option 4 is the preferred option.

This option consistently meets the criteria in respect of addressing the issue, providing equity, certainty and relevance.

Essentially, Option 4 enables lines, buoys and anchor structures located in within the Raglan Mussel Spat Catching and Holding Zone through a resource consent pathway. It is considered that discretionary activity status is the most appropriate option to ensure that all adverse effects of any such process can be assessed and addressed through a resource consent process.

A discretionary activity is also considered the most appropriate means to meeting the applicable objectives and policies of the NZCPS, RPS and WRCP.

8. EVALUATION OF THE PLAN CHANGE

8.1 EVALUATION OF PLAN CHANGE OBJECTIVE

This part of the section 32 analysis assesses whether the proposal and the plan change provisions are the most appropriate to support the objectives of the plan change (which is presented in section 2 of this report).

The purpose of this evaluation is to ensure that the objectives is the most appropriate way to promote the sustainable management of natural and physical resources – as set out in the NZCPS and RPS.

8.2 EVALUATION OF PLAN CHANGE PROVISIONS

As part of a proposed plan change an applicant is required to assess the efficiency and effectiveness of the proposed provisions in achieving the objectives of the plan change. This part of the report identifies and assesses the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the proposed plan change's provisions.

The assessment in the following table relates to the new zone, policy and rule proposed as part of this proposed plan change (and the consequential amendments to other marine farming rules).



Table 2 Assessment of Options

Preferred Option - New zone, Policy and Discretionary Activity Rule for mussel spat catching and nursery activities	
Benefits	<u>Environmental, economic, social and cultural benefits</u> The proposed zone, policy and rule framework allows the mussel industry to increase resilience and security of spat supply for the benefit of improved whole-system management, thereby addressing the resource management issue. The benefits of the proposed rule are as follows: ➤ Economic benefits derived from the spat catching and on-growing activities will be increased quantity and resilience of supply for the mussel farming industry. Economic benefits include the provision of a sustainable food resource, export revenue, and employment; ➤ Enabling the vitality of the mussel farming industry to be sustained and grow; and ➤ Environmental benefits through reduced reliance on Te Oneroa-a-Tōhē for spat supply. It is noted the plan change will not alter the level of environmental effects or the desired outcomes of the WRCP. These remain managed through the same rules and assessment criteria. Any resource consent application will still be within the control of the WRC, and any environmental effects associated with the plan change can be appropriately managed via the resource consent process.
Costs	<u>Environmental, economic, social and cultural costs</u> The proposed rule has the potential to create additional adverse environmental effects by enabling mussel farming structures to be in the CMA and on the seafloor in areas not previously used for this purpose. These potential effects are considered to be low risk and minor given the benthic environment in this location. The ability to assess and put conditions on all potential effects that could be created by the structures ensures that the potential environmental effects of the proposed rule will be low.



Opportunities for economic growth and employment to be provided or reduced	Growth of the mussel farming industry is anticipated in the Government direction to facilitate an aquaculture industry of \$1 billion by 2025 that is managed within environmental limits. The establishment of the Raglan Mussel Spat Catching and Holding Zone is to enable the industry to contribute to this aquaculture goal and New Zealand's economic wellbeing by enhancing the production of the spat on which the industry depends. Therefore, utilising the potential of the Raglan Mussel Spat Catching and Holding Zone within appropriate environmental limits, is considered to create significant positive impacts on the economic wellbeing of people and communities.
Efficiency and effectiveness of achieving objectives	<u>Efficiency</u> The proposed zone, policy and rule framework requires resource consent as a restricted discretionary activity, where WRC can consider the effects of a proposal in relation to specific assessment of the case. This is an efficient method of managing effects within the objectives of the WRCP and the overarching planning documents. The proposed policy and rule are considered to be efficient in achieving the objectives as it they are designed to specifically control the operations and functions of activities in the Zone; The proposed rule will enable in the more efficient operation of the mussel industry, by increasing quantity, diversity and resilience of spat supply, which is a scarce and limited resource. <u>Effectiveness</u> The proposed new rule addresses an unintended consequence of the operative rules to enable the spat to be on-grown in a nursery environment, to provide for increased options for the improved supply and resilience of spat supply for the industry, which has an important contribution to the New Zealand economy.
Risk of acting or not acting if there is insufficient or uncertain information about the subject matter of the provisions.	Section 32(2)(c) of the Act requires, in the evaluation of the proposed policies and methods, the consideration of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter. Part of the efficiency and effectiveness assessment is to identify if there is uncertain or insufficient information about the subject matter of the provisions. If there is uncertain or insufficient information, an assessment of the risk of acting or not acting in terms of the provisions is required.

	For the purpose of section 32, risk relates to changes in circumstances or an unforeseen event. This circumstance or event may increase the potential economic, social, cultural, or environmental costs that may result from the proposed plan change. Risk may also be associated with a failure of a provision to achieve or move significantly towards the benefits sought by the objective. Uncertainty relates to possible changes in assumed circumstances which are unknown at the time of evaluation. Uncertainty also relates to a lack of scientific knowledge or other knowledge about the nature or scale of an issue. For the proposed plan change, there is not considered to be uncertainty about the nature or scale of the issue. The main impetus for the proposed plan change is to allow an extension of mussel spat catching activities, which are already discretionary activities in the CMA as a whole, to be extended to enable on-growth of the spat prior to translocation to existing mussel farms. The effects of the additional on-growth activity are generally anticipatable given the state of knowledge for existing farming activities. The proposed discretionary activity status with the rule enables all effects of the proposed activity to be taken into account and will enable avoidance any uncertainties that do exist. This proposed rule enables an application for structures and activities to be made and assessed on its merits rather than be prohibited. A resource consent application made under this rule will still be required to comply with the environmental limits and provisions set out in Chapter 16 of the WRCP. There are risks associated with 'not acting'. Under the status quo option assessment, "not acting", is considered to result in less optimally management of essential spat supply. It is concluded that the proposed plan change is necessary, as the risk of not acting would not address the need to provide for the improved capacity, diversity and resilience of spat supply. Any aquaculture resource consent will still be within the control of the unchanged environmental limits set by the WRCP and the WRC. The information behind the method promoted in the proposed plan change is certain, and there is little risk associated with the Plan Change going ahead. The risk of not acting (not pursuing this plan change) is that the resource management issue remains unresolved and the mussel will continue to have fewer options open to it in terms of enabling sustainable growth and efficient management due to the constrained supply of spat.
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Overall appropriateness for achieving objectives	The efficiency and effectiveness of the proposed rule will assist in achieving the intent of the objectives of the WRCP, which relates to marine farming structures and the coastal environment. It has been determined that the addition of this rule is appropriate.
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9. CONCLUSION

This evaluation report is for a plan change by NWML to introduce a new zone, policy and rule framework to the WRCP. The purpose of the new framework is to allow a consenting pathway for mussel catching and nursery activities in a specific location, which is assessed as being suitable for these activities. The existing rules are not the most appropriate as they prohibit such activities and hence impede the ability of the industry to function effectively.

The intent of the proposed plan-change is to provide for aquaculture activities subject to appropriate environmental limits. The zone is identified and the provisions designed so that the rules in the WRCP enable appropriate development of the zone. The proposed framework is necessary to enable sustainable growth of the mussel industry by enabling spat (the essential foundation for the industry) to be sourced with enhanced security, diversity and resilience of supply.

An assessment of the proposed provisions under section 32 of the RMA has determined that the proposed framework is the most appropriate option to achieve the objectives of this plan change, as well as the overarching planning documents. It has also been determined to be consistent with the existing objective, policy and rule framework set out in the WRCP.

This evaluation concludes that the option of including a new zone, policy and rule framework in the WRCP, that would enable an application to be made for mussel on-growth in a nursery setting (that would otherwise be prohibited) will assist in enabling the more efficient and effective operation of the industry and use of the coastal marine area.

