



Section 32 Report
Variations 2 - 6: Aquaculture
PROPOSED AUCKLAND REGIONAL
PLAN: COASTAL

October 2002

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FOREWORD

This document meets the obligations placed on the Auckland Regional Council by Section 32(4) of the Resource Management Act to produce a report on Variations 2 – 6 to the Proposed Auckland Regional Plan: Coastal relating to the development and management of aquaculture, looking at alternatives, and to assess costs and benefits.

This Section 32 Report should be read alongside the Variations and the associated explanatory text accompanying the Variations.

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1.0 INTRODUCTION

The Auckland Regional Council (ARC) has prepared Variations 2 - 6 to the Proposed Auckland Regional Plan: Coastal ("the Coastal Plan") for notification under the provisions of the Resource Management Act 1991 ("the Act"). This report provides an analysis of the contents of the Variations, in accordance with the requirements of Section 32 of the Act.

This report is one of several prepared by the ARC that provide background to the Variations. The other documents include consultation discussion documents used to prepare the Variations and supporting technical documents for the Variations. These documents are listed throughout Section 2.0 of this report.

This report focuses on the duties placed on the ARC by Section 32 of the Act, and how the ARC has complied with those duties in relation to the amendments proposed in the Variations.

1.1 Purpose of the Variations

The Variations have two main purposes:

- 1) to define Aquaculture Management Areas in the Auckland Region;
- 2) to develop a policy framework to manage development within Aquaculture Management Areas.

Readers should note that a variation has effect from the day it is notified so amendments made can be taken into account in subsequent resource consent processes. Although readers should also note that aquaculture development can only occur in operative Aquaculture Management Areas.

The ARC notified the Proposed Auckland Regional Plan: Coastal in 1995. These Variations to the Coastal Plan arise from the need to update the Coastal Plan to enable the appropriate management of aquaculture in the Auckland Region.

1.2 Management Alternatives

The ARC is required by Section 32(1)(ii) of the Act to have regard to a range of alternative means to achieve the purpose of the Act. These alternatives may use the Act or other legislation and include:

- Do nothing;
- Regional rules;
- Education and provision of information;
- Advocacy and liaison;
- Provision of works and services;
- Economic instruments (grants; rates; charges, including financial contributions and administrative charges; bonds);
- Codes of Practice; and
- Monitoring and research.

An assessment of management alternatives is discussed in more detail in Section 2.0 of this report.

The ARC considers that, in meeting its duties under Section 32, this single report is only one component of the process of good policy development. This report provides a summary of the way the ARC has fulfilled its duties under Section 32 of the Act. The Section 32 process has included preparing discussion documents; consulting with iwi, key stakeholders, and other affected and interested parties; drafting plan provisions; and having draft plan provisions reviewed. The Variations have been developed through an iterative process, with each draft being progressively more refined. At each stage in this iteration, the ARC has considered alternatives, consulted with stakeholder groups, and had regard to the broad costs and benefits of different approaches.

The process of continuing evaluation will not end with notification of the Coastal Plan Variations; rather, it will continue as submissions are received, analysed and summarised, further submissions are received, submissions are heard, and when decisions are made on the final provisions of the Coastal Plan. While the ARC is satisfied at this stage that the provisions of the Coastal Plan are the most appropriate means to carry out its functions, submissions to the Coastal Plan may result in new information on costs and benefits, and highlight advantages and disadvantages, of alternative means. Further analysis of costs and benefits may be done if particular issues are raised that the ARC considers require such further analysis. This may result in alternative approaches being adopted in the operative Auckland Regional Plan: Coastal.

This report primarily discusses the process that was followed in developing the Variations and discusses key variation items (items (A), (B), (C)). Further discussion of the amendments and the development of Map Series 7 of the planning maps is contained in the text accompanying the Variations.

1.3 Consultation Process

A focussed consultation process was carried out during the development of these Variations given the nature of the Variations and the tight timeframe posed by the expiration of the moratorium in March 2004. The consultation process involved a stakeholder workshop in February 2002, scheduled meetings with iwi, key stakeholders, and other interested and affected parties in May 2002 and then further targeted consultation involving meetings and presentations with various parties during the period from June through to September 2002. Details of this consultation process are discussed in Section 2.1 of this report.

2.0 VARIATIONS 2 – 6 TO PROPOSED AUCKLAND REGIONAL PLAN: COASTAL

Section 63 of the RMA states that the purpose of preparing a regional coastal plan is to assist a regional council to achieve the purpose of the Act in relation to the coastal marine area of that region. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way which enables people and communities to provide for their social, economic and cultural well-being. Part I, Clause 2(a) of the Second Schedule of the RMA states that a regional coastal plan may, where appropriate, provide for the recognition of opportunities for aquaculture.

Currently, the Proposed Regional Plan: Coastal provides for the management of aquaculture in the Auckland Region. Chapter 22 contains objectives, policies and rules relating to the aquaculture structures (in terms of section 12(1)(b) of the RMA), and the aquaculture activity itself (in terms of section 12(3) of the RMA), and the discharge of contaminants (in terms of section 15 of the RMA).

As notified, the chapter in the Coastal Plan provides for aquaculture within the region as a discretionary activity, except in Coastal Protection Areas 1 or where the activity may modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1 where it is prohibited. At the time the Coastal Plan was being developed, in the early 1990s, the level of growth currently being experienced in the aquaculture industry was not anticipated.

In response to the recent surge in pressure on coastal space for aquaculture at various locations around the country, central government announced its intention to reform the legislation governing aquaculture. The key purpose of the legislative reforms was to ensure aquaculture was managed in an appropriate and effective manner within Aquaculture Management Areas.

The first component of the reforms was an amendment to the RMA involving the introduction of the Resource Management (Aquaculture Moratorium) Amendment Act 2002 that was passed on 25 March 2002. This legislation imposed a two-year moratorium on new aquaculture in the coastal marine area and applied retrospectively from 28 November 2001. Applications that were publicly notified as of this date were not caught by the moratorium. The purpose of the moratorium legislation was to allow regional councils, whose plans do not provide strong policies and defined areas for aquaculture, to begin developing these without the risk of there being a significant number of applications that would pre-empt and complicate that process.

A major part of the moratorium legislation was empowering regional councils to create Aquaculture Management Areas. As a result of the moratorium legislation, the Resource Management Act now states, in section 68A, that a regional coastal plan may include Aquaculture Management Areas where the provisions of the plan (including the size and location of the area) will avoid, remedy, or mitigate the adverse effects (including the cumulative effects) of aquaculture activities on the environment, including fishing and other uses of the coastal marine area. Outside these areas aquaculture activities are prohibited.

The second component of the reforms involves further amendments to the RMA and also amendments to the fisheries legislation. In particular, the amendments will establish the Aquaculture Management Area framework, including the allocation of space within Aquaculture Management Areas, and streamline the consent process for carrying out aquaculture activities. It is intended that this legislation will be introduced in November of this year.

While the overarching framework for providing for aquaculture has been established by central government with the introduction of the moratorium legislation and will be further advanced with the proposed main aquaculture reforms, the actual definition of Aquaculture Management Areas and their implementation is addressed by regional councils at the regional coastal plan level.

Variations 2 - 6 comprise amendments to Chapter 22 of the Coastal Plan and the addition of Map Series 7 to the Planning Maps to provide for aquaculture activities within Aquaculture Management Areas. As specified in the purpose of the

moratorium legislation, the amendments aim to introduce a more robust policy framework for managing aquaculture. In addition to the amendments made to Chapter 22: Aquaculture, there are also consequential amendments made to Chapter 2: Management Areas, Chapter 10: General, and Chapter 11: Activities, the Definitions section and the Schedules in the Coastal Plan. A discussion of these consequential amendments is not included in this report.

The following sections of this Report discuss the issues, objectives, policies, rules, other methods and the planning maps contained in Variations 2 – 6 of the Coastal Plan.

Further discussion of the amendments, including the addition of Map Series 7 of the planning maps, is contained in the text accompanying the Variations.

2.1 Consultation Process

A focussed consultation process was carried out to assist with the development of Variations 2 - 6.

2.1.1 Stakeholder Workshop

A workshop with key stakeholders was arranged in February 2002 to introduce the variation process and as an information gathering exercise to obtain key information for Stage One of defining the Aquaculture Management Areas, the constraints mapping exercise.

The following stakeholders were invited and attended the workshop:

Maritime Safety Authority
Ministry of Agriculture and Forestry
Ministry of Health
Northland Regional Council
Environment Waikato
Department of Conservation – Auckland and Waikato conservancies
Ministry of Fisheries
Rodney District Council Harbourmaster
Auckland Regional Council Harbourmaster

(Note the Auckland office of the Ministry for the Environment was not included in this list as the Wellington office has been extensively involved with regional councils with the aquaculture reforms).

2.1.2 Consultation Meetings

An extensive consultation process was undertaken during May 2002. Meetings were arranged at ARC offices with iwi, key stakeholders, and other interested and affected parties. The meetings were grouped in accordance with common interests.

The purpose of the meetings was to introduce the variation process, to provide a background on the aquaculture industry, to outline the statutory context for aquaculture, to highlight the key principles for providing for aquaculture, to outline the process for defining Aquaculture Management Areas, to seek feedback on key

issues, and to seek information that could be added to the constraints mapping exercise. Very useful feedback was provided at these meetings and some parties opted to send in written submissions addressing the issues that were raised.

The following is a list of parties that were invited to the meetings and the groupings that were formed for each meeting. (For a full list of the parties refer to Auckland Regional Council file R128-09.) Each party was sent a letter of invitation. Background information including a discussion paper and a CD containing the draft constraints maps was sent out to parties upon receiving their RSVP. This information provided the basis for what was presented at each meeting.

Aquaculture Industry

Met 9.30 – 12.00pm Thursday 9 May 2002

Existing marine farmers in the Auckland Region
Existing coastal permit applicants for aquaculture activities
NZ Aquaculture Council
NZ Oyster Farmers Association

Recreation and Commercial Users

Met 1.00pm – 4.00pm Monday 13 May 2002

Commercial fishing groups
Recreation fishing groups
Auckland Harbour Users Association
Auckland Yachting and Boating Association
Various cruising clubs
Federated Farmers Ltd
Fullers Group Ltd
Various charter companies
Various boating clubs
HMNZ Navy
Various commercial marine carriers
Ports of Auckland Ltd
Winstone Aggregates Ltd
Watercare Services Ltd
Stevenson & Sons Ltd

Environmental Groups

Met 9.30am – 12.00pm Thursday 16 May 2002

Auckland and Waikato Conservation Boards
Various coastal protection societies
Auckland-Waikato Fish and Game Council
Environmental Defence Society
Friends of the Earth NZ
Friends of the Mahurangi
Greenpeace NZ Inc
Mahurangi Improvement Society
Maruia Society
Miranda Naturalists Trust
NZ Historic Places Trust
Pohutakawa Trust NZ
Royal Forest and Bird Society of NZ Inc

Iwi

Met 7.00pm – 10.45pm 16 May 2002

Ngāti Wai Trust Board

Ngāti Manuhiri
Te Hao o Ngāti Whatua
Te Tinana o Ngāti Whatua
Ngāti Whatua o Orakei Maori Trust Board
Te Uri o Hau
Te Runanga o Ngāti Whatua ki Whangarei
Te Kawerau a Maki Trust
Ngāti Te Ata
Ngāi Tai Ki Tāmaki Tribal Trust
Pūkaki Te Ākitai Trust
Te Waka Totara Trust
Hauraki Maori Trust Board
Ngāti Paoa Whānau Trust
Te Rito o Ngati Whatua
Ngāti Rehua / Ngati Wai ki Aotea Trust Board
Moehau Nga Tangata Whenua Trust Board
Ngati Maru
Ngati Whanaunga Incorporated
Te Runanga a Iwi o Ngati Tamatera
Tikapa Moana Enterprises
Wharekawa Marae
Te Tao u Ngati Whatua
Te Runanga o Te Taou
Kakanui Marae
Ngati Tamaoho Trust
Ngati Whanaunga Trust
Huakina Development Trust.

Territorial Authorities

Met 1.00pm – 4.00pm Tuesday 21 May 2002

Auckland City Council
Franklin District Council
Manukau City Council
North Shore City Council
Papakura District council
Rodney District Council
Waitakere City Council

Following these meetings two working parties were set up to assist with defining Aquaculture Management Areas. An iwi working party was set up and an aquaculture industry working party was set up. The aquaculture industry working party held its first meeting on 17 July 2002 and then divided into the Western Firth of Thames Consortium and the South Kaipara Head Working Party. These groups met from then on at their own accord.

The iwi working party held its first hui on 17 June 2002, and then met once a month until September 2002. Submissions relating to issues of significance to tangata whenua were received from various iwi in September. A meeting was also held on 9 May 2002 at Waharau Regional Park for the residents of Kaiaua and Kawakawa Bay at their request.

Meetings and presentations were also arranged with various other parties upon request (including Hauraki Maori Trust Board, Auckland/Waikato Fish and Game Council, Ngati Wai Trust Board, various marine farmers and coastal permit

applicants for aquaculture activities, Classic Yachts Association, Waiheke Island Community Board, Great Barrier Island Community Board, Auckland Conservation Board, Hauraki Gulf Forum, and the Ecoquest Education Foundation).

Feedback from this round of consultation was collected and incorporated where possible. The next round of consultation was more focussed again and aimed to fill information gaps. Fisheries information was identified as one key gap so a further meeting was held with the Ministry of Fisheries in August 2002 to obtain more information on fisheries. Key navigation routes in the Kaipara Harbour were not confirmed so a meeting was held with Peter Olsen, the Harbourmaster for Rodney District Council, and Jane Johnston, a Policy Planner at Rodney District Council. Councillors from each of the territorial authorities were invited to attend a presentation at ARC offices in September on the background to, and contents of, the Variations, and the process involved in developing the Variations. A presentation was also given to the Rodney Aquaculture Working Party in September.

2.2 Development of an Aquaculture Management Area Approach in the Proposed Auckland Regional Plan: Coastal

2.2.1 Overview

As noted above, section 68A states that a regional coastal plan may include Aquaculture Management Areas where the provisions of the plan (including the size and location of the area) will avoid, remedy, or mitigate the adverse effects (including the cumulative effects) of aquaculture activities on the environment, including fishing and other uses of the coastal marine area. Outside these areas aquaculture activities are prohibited.

The ARC considers that provision should be made for aquaculture in the Auckland Region but in an appropriate manner that will not undermine the sustainable management of fisheries, undermine Treaty settlements, or allow adverse effects on the environment including restricting the public's use and enjoyment of the coastal environment. With an increasing population and approximately 100,000 recreational vessels and significant commercial fishing and transport demands, the ARC is eager to take the opportunity to put in place a framework for aquaculture activities that can cope with such competing interests in the coastal marine area.

In addition, there are a number of existing marine farms in the Auckland Region, and a number of coastal permit applications that have been received by the ARC to carry out aquaculture activities at various locations around the region. The ARC recognises that there are opportunities for aquaculture in the region that must be provided for, and acknowledges the statutory direction given by central government whereby this must be achieved within an Aquaculture Management Area framework.

Variations 2 – 6 introduce an Aquaculture Management Area approach to managing aquaculture in the Auckland Region as specified by section 68A of the RMA.

2.2.2 Alternatives Analysis

An alternatives analysis was not carried out on the development of an Aquaculture Management Area approach in the Coastal Plan because the Resource Management (Aquaculture Moratorium) Amendment Act 2002 requires aquaculture to be provided for within Aquaculture Management Areas, and outside Aquaculture Management Areas aquaculture is prohibited. The principal alternative of “do nothing” would not recognise existing aquaculture operations in the region or the opportunities for aquaculture expansion. It would result in aquaculture not being provided for at all in the Auckland Region.

2.2.3 Costs And Benefits

The key costs and benefits of the proposed approach are summarised below:

Key benefits:

- Provides certainty to the community and the aquaculture industry by clearly identifying where aquaculture development can occur;
- Reduces transaction costs to the community and the aquaculture industry in providing for aquaculture development by requiring a response to only one process rather than on a consent by consent basis which was the case in the notified Coastal Plan;
- The effects of aquaculture on the coastal environment are appropriately managed;
- Clear direction of desirable outcomes with respect to aquaculture in the Auckland Region gives greater certainty at outset of consent process;
- Applicants able to more easily target their applications, including their Assessment of Environmental Effects, therefore generating potential cost savings;
- Limited discretionary activity status for many aquaculture activities results in reduced costs to applicants;
- No assessment of natural character, public access etc for conventional mussel and oyster aquaculture activities necessary where effects on the environment are more well-known;
- Potential for a single public debate (during plan submissions, hearing and appeal process), rather than consent by consent debate, over the appropriateness of the location of Aquaculture Management Areas and the policy framework managing aquaculture within these areas. This provides potential cost savings over the long term and enables the cumulative effects of aquaculture to be assessed.

Key costs:

- Potential costs of implementing mitigation measures. However, some or all of these costs would be required as a result of the consent process anyway.

Summary

Overall, the ARC recognises that there are opportunities for aquaculture in the region that must be provided for, and acknowledges the statutory direction given by central government whereby this must be done within an Aquaculture Management Area framework.

The ARC considers that the benefits of this significantly outweigh any increase in costs.

The ARC is satisfied from the above analysis that the proposed amendments to Chapter 22, the Planning Maps, and the consequential amendments to Chapters 2, 10, 11, the Definitions section and the Schedules of the Coastal Plan are necessary to achieve the purpose of the RMA, and to meet the objectives and policies in the Coastal Plan. The ARC is similarly satisfied that the methods chosen are, in combination, appropriate, having taken regard of their efficiency and effectiveness in relation to other methods, particularly the option of taking no action.

2.2.4 Supporting Information

- Cabinet and policy papers issued by the Ministry for the Environment.

2.3 Location of Aquaculture Management Areas in the Auckland Region

2.3.1 Overview

The main purpose of the Variations is to locate Aquaculture Management Areas where adverse effects (including the cumulative effects) of aquaculture activities on the environment, including impacts on fishing, public access, amenity and other uses of the coastal marine area can be avoided, remedied, or mitigated.

Aquaculture Management Areas have been defined in the following areas of the Auckland Region: Kaipara Harbour, Mahurangi Harbour, Great Barrier Island, Kawau Island, Matakana River, Waiheke Island, and Wairoa Bay. Variations 3 – 6 comprise Sheets 1 – 7 of Map Series 7 which defines these Aquaculture Management Areas.

2.3.2 Alternatives Analysis

To determine appropriate locations for Aquaculture Management Areas a two-stage process was followed. Stage one of this process involved a constraints mapping exercise which identified all the constraints to aquaculture activities on a super-regional scale. For the detail of this stage one process refer to “Mapping Constraints to Future Aquaculture in the Auckland and Waikato Regions - Stage 1, Auckland Regional Council”. As a result of the stage one process, areas of low constraint were identified as possible locations for Aquaculture Management Areas and labelled as Stage Two Study Areas.

Stage two of the process involved assessing those areas of low constraint, known as Stage Two Study Areas, in more detail to determine their suitability as proposed

Aquaculture Management Areas. As a result of the stage two process, Aquaculture Management Areas were defined in locations where any adverse effects (including the cumulative effects) of aquaculture activities on the environment, including impacts on fishing, public access, amenity and other uses of the coastal marine area could be avoided, remedied, or mitigated. For more detail of this stage two process refer to “Mapping Potential Aquaculture Management Areas in the Auckland Region – Stage 2, Auckland Regional Council”.

Once the Aquaculture Management Areas were defined a strategy had to be determined to provide for aquaculture within those areas in a way where adverse effects (including the cumulative effects) on the environment could be avoided, remedied, or mitigated. The approach taken in each of the Aquaculture Management Areas varies from location to location to recognise their different characteristics. A summary of the strategies adopted is given below. More detailed information on how the strategies were determined is provided in “Mapping Potential Aquaculture Management Areas in the Auckland Region – Stage 2, Auckland Regional Council”.

Kaipara Harbour (Sheet 1A-E, Map Series 7)

New development of mussel and oyster aquaculture activities is provided for. The locations of Aquaculture Management Areas in the Kaipara is principally restricted by hydrography and natural character.

Mahurangi Harbour (Sheet 2A-J, Map Series 7)

Existing aquaculture is provided for. In addition, one new Aquaculture Management Area (2D) has been highlighted for development but this will only be available to existing marine farmers who have relinquished a previous lease or licence of the same or larger size, scale and intensity, and one small Aquaculture Management Area (2F) has been identified for expansion.

Matakana River (Sheet 3A, Map Series 7)

Existing aquaculture is provided for only.

Kawau Island (Sheet 4A, Map Series 7)

Existing aquaculture is provided for only.

Great Barrier Island (Sheet 5A-I, Map Series 7)

Existing aquaculture is provided for only. No expansion is proposed as there is concern regarding the cumulative effects of expansion of aquaculture around the island, it is an area of high recreational use, and is recognised as having regionally significant and outstanding landscapes by the Coastal Plan.

Waiheke Island (Sheet 6A-G, Map Series 7)

Existing aquaculture is provided for. Expansion of aquaculture is provided for at Putiki Bay, Awaawaroa Bay, and the eastern end of Waiheke Island. No expansion is proposed at Te Matuku Bay. The area is subject to a Department of Conservation marine reserve application.

Wairoa Bay (Sheet 7A, Map Series 7)

Existing aquaculture is provided for. The expansion of existing aquaculture is also provided for.

The GIS coordinates for each of the Aquaculture Management Areas are provided for in Appendix Four: Schedule 9 of Variation 2.

The ARC has sought to streamline the notification process to enable Aquaculture Management Areas to become operative as soon as any references to them are resolved, in light of the moratorium expiring in March 2004. For this purpose, the Auckland Region has been divided into four areas, each area has been notified as a separate variation. The policy framework has also been notified as a separate variation. The Variations have been divided as follows:

- Variation 2 - Policy Framework
- Variation 3 - Kaipara Harbour
- Variation 4 - Mahurangi Harbour, Matakana River and Kawau Island
- Variation 5 - Great Barrier Island
- Variation 6 - Waiheke Island and Wairoa Bay

The Firth of Thames will be notified at a later date to allow the completion of research that aims to provide a better understanding of the sustainability of aquaculture in the Firth of Thames.

2.3.3 Costs and Benefits

The key costs and benefits of the proposed locations are summarised below:

Key Benefits

- The effects of aquaculture on the coastal environment are appropriately managed by identifying Aquaculture Management Areas in locations where adverse effects can be avoided, remedied or mitigated;
- Aquaculture development is provided for based on environmental effects;
- The cumulative effects of aquaculture have been adequately determined and Aquaculture Management Areas defined accordingly.

Key Costs

- The cost to ratepayers of carrying out the assessment necessary to determine appropriate areas for Aquaculture Management Areas.

Summary

Overall the ARC, having considered the costs and benefits outlined above, considers that those locations identified in Map Series 7 of the Planning Maps are the most effective locations for avoiding, remedying or mitigating the adverse effects of aquaculture in the Auckland Region. The ARC does not consider that there are any significant additional costs involved in identifying these locations as opposed to other locations and that in fact, cost savings are likely.

The ARC is satisfied from the above analysis, that the proposed amendments to the Planning Maps of the Coastal Plan are necessary to achieve the purpose of the RMA, and to meet the objectives and policies in the Coastal Plan. The ARC is similarly satisfied that the locations chosen are, in combination, appropriate, having considered their capacity to avoid, remedy or mitigate any adverse effects (including the cumulative effects) of aquaculture activities on the environment, in relation to other locations.

2.3.4 Supporting Information

The following reports have been prepared for the purposes of defining Aquaculture Management Areas:

- Mapping Constraints to Future Aquaculture in the Auckland and Waikato Regions – Stage 1, Auckland Regional Council.
- Mapping Potential Aquaculture Management Areas in the Auckland Region – Stage 2, Auckland Regional Council.
- The Kaipara Harbour and the Firth of Thames Natural Character Assessment and Aquaculture Management Advice: Investigations and Findings, Auckland Regional Council, September 2002.
- Natural Character Assessment: Field Assessment Sheets for Firth of Thames, Auckland Regional Council, August 2002.
- Natural Character Assessment: Field Assessment Sheets for Kaipara Harbour, Auckland Regional Council, August 2002.
- Natural Character Study: Firth of Thames and Kaipara Harbour, Photographs and Way Points, Auckland Regional Council, September 2002.

2.4 Development of Policy and Rule Framework for Managing Aquaculture Within Aquaculture Management Areas

2.4.1 Overview

The policy and rule framework for Chapter 22: Aquaculture of the Coastal Plan has been largely rewritten to accommodate an Aquaculture Management Area approach to providing for aquaculture in the Auckland Region. It contains objectives, policies and rules that aim to avoid, remedy or mitigate adverse effects on the environment from aquaculture activities.

There are four main resource management issues associated with providing for aquaculture within Aquaculture Management Areas: (i) the occupation of coastal space, a finite resource; (ii) the lack of information necessitating a precautionary approach; (iii) the coastal marine area is public open space and aquaculture can have adverse effects on the environment; and (iv) the coastal marine area is an area of significance to Tangata Whenua. These issues have been addressed in the objectives, policies and methods.

The policies in Variation 2 address the resource management issues mentioned above by encompassing the following:

- Aquaculture within Aquaculture Management Areas and managing Aquaculture Management Areas for the primary purpose of aquaculture activities;
- Recognising that landward activities may adversely affect aquaculture;
- Efficiently allocating space within Aquaculture Management Areas through a tender process in areas that are not already the subject of existing consent applications placed on hold under Section 150B of the RMA;
- Recognising the legal position of lodged applications and recognising those applicants who have invested significant resources into preparing and lodging applications by assigning priority to those applications that are located within Aquaculture Management Areas;
- Recognising the investment that has been made by existing marine farmers by providing a single preferential right for existing coastal permit holders to apply for a new coastal permit on the expiry of their existing permit;
- Recognising iwi in Treaty and common law claims to ownership by the foreshore and seabed in the Auckland Region;
- Recognising opportunities for expansion of aquaculture operations where appropriate;
- Adopting a precautionary approach where information on the adverse effects, including cumulative effects, of aquaculture is limited; and
- Establishing assessment criteria for appropriately assessing resource consent applications for aquaculture activities.

The rules in Variation 2 apply to structures, activities and occupation necessary for carrying out aquaculture activities in terms of sections 12(1), (2) and (3) of the Resource Management Act, and to discharges of contaminants in terms of section 15 of the Resource Management Act. Section 68A of the RMA states that aquaculture activities may only be undertaken as a controlled or discretionary activity within Aquaculture Management Areas.

The controlled activity rules provide for the alteration of existing aquaculture activities. The matters ARC will have control over relate to the potential adverse effects that aquaculture activities may have on the coastal environment.

The limited discretionary activity rules provide for existing aquaculture activities, conventional long line aquaculture activities for bivalve culture within Aquaculture Management Areas, conventional inter-tidal aquaculture activities for oysters within Aquaculture Management Areas excluding the Mahurangi Harbour, and for conventional inter-tidal aquaculture activities for oysters within Aquaculture Management Areas specifically within the Mahurangi Harbour and Waiheke Island. A separate rule has been provided for this to reflect the relinquishing strategy adopted for the Mahurangi Harbour and parts of Waiheke Island. This approach reflects the level of knowledge of effects of these activities, but also recognises that

some information is limited and that applicants will need to provide this in consent applications.

The discretionary activity rules provide for new species and technologies where the effects on the coastal marine area are unknown and a more thorough assessment of effects is necessary. The discretionary activity rules also provide for those aquaculture activities which do not meet the standards and terms of the controlled and limited discretionary rules.

The restricted coastal activity rule reflects the requirements of the New Zealand Coastal Policy Statement.

The prohibited activity rules prohibit aquaculture activities outside Aquaculture Management Areas. They also prohibit, within Aquaculture Management Areas, those structures necessary for carrying out activities other than aquaculture, excluding navigational aids, to ensure Aquaculture Management Areas can be used for the primary purpose for which they were defined. A rule also prohibits further development of parts of Aquaculture Management Areas which were once existing authorisations in the Mahurangi Harbour and Waiheke Island but have since been relinquished.

2.4.2 Alternatives Analysis

Table 2.1 sets out the alternatives analysis for determining the appropriate consent activity classification for the rules within Aquaculture Management Areas regulating conventional longline aquaculture activities for bivalve culture, conventional inter-tidal aquaculture activities for oysters and any other aquaculture activities within Aquaculture Management Areas, as contained in Variation 2.

Table 2.1 Chapter 22 Aquaculture Rule Alternatives Analysis.

Rules	Permitted Activity Status	Controlled Activity Status	Limited Discretionary Activity Status	Discretionary Activity Status
What is the Effectiveness of this method in achieving the purpose of the RMA and / or the plan objectives and policies?	Not applicable – section 68A of the RMA does not allow for this.	Moderate. No element of discretion for ARC to decline consent where it is likely that the activity will cause an adverse effect or where effects are not fully known.	High. Provides certainty of outcome while preserving discretion for ARC to decline consent where effects are unknown.	High. Preserves discretion for ARC to decline consent where effects are unknown.
What are the Environmental Benefits of this method?	Not applicable – section 68A of the RMA does not allow for this.	Low. No ability to decline consent where it is likely that the activity will cause an adverse effect or where effects are not fully known.	High. Comprehensive policy framework is in place.	High. Comprehensive policy framework is in place.
What are the Environmental Costs of implementing this method?	Not applicable – section 68A of the RMA does not allow for this.	Moderate. No ability to decline consent where it is likely that the activity will cause an adverse effect or	Low. Comprehensive policy framework is in place.	Low. Comprehensive policy framework is in place.

Rules	Permitted Activity Status	Controlled Activity Status	Limited Discretionary Activity Status	Discretionary Activity Status
		where effects are not fully known.		
What are the Economic Benefits of implementing this method?	Not applicable – section 68A of the RMA does not allow for this.	Moderate high. Certainty that consent will be granted.	Moderate. Certainty as to how consent will be assessed, but no certainty that consent will be granted.	Moderate low. No certainty that consent will be granted.
What are the Economic Costs of implementing this method?	Not applicable – section 68A of the RMA does not allow for this.	Moderate low. Resource consent will be required, but certainty that consent will be granted.	Moderate. Resource consent required, certainty as to how consent will be assessed, but no certainty that consent will be granted.	Moderate high. Resource consent required, no certainty that consent will be granted.
What are the Social Benefits of implementing this method?	Not applicable – section 68A of the RMA does not allow for this.	Moderate low. The community cannot be assured that effects of aquaculture are being fully addressed. Industry has certainty as to outcome of decision.	High. The community can be assured that effects of the proposal are being fully addressed, and industry has certain degree of certainty as to outcome of decision.	Moderate high. The community can be assured that effects of the proposal are being fully addressed. Industry has limited certainty as to outcome of decision.
What are the Social Costs of implementing this method?	Not applicable – section 68A of the RMA does not allow for this.	Moderate. Certainty of outcome, but no ability to decline consent on basis of adverse effects.	Moderate. Limited certainty of outcome.	Moderate. Limited certainty of outcome.

2.4.3 Costs and Benefits

The key costs and benefits of the proposed approach are summarised below:

Key Benefits

- Provides greater certainty for applicants and the community on the issues to be addressed in coastal permit applications for carrying out aquaculture activities;
- Provides greater certainty to existing marine farmers which encourages investment to be made in suitable infrastructure;
- Reduces transaction costs for applicants and the community;
- Concentrates the ARC consent process on those aquaculture activities with potentially more significant adverse effects;
- Promotes integrated management through a co-ordinated, seamless regulatory framework leading to consistent outcomes;

- More appropriate consent activity classifications are provided subject to appropriate and clearly stated standards and terms addressing adverse environmental effects;
- Recognises and authorises existing aquaculture activities and requires marine farmers to meet effects-based conditions when new coastal permits are issued for the same or similar activities;
- Acknowledges the commitment and investment made by existing marine farmers in their aquaculture operations by assigning them priority when reapplying to carry out aquaculture activities;
- Coastal permit conditions will provide a basis for compliance monitoring as existing marine farm licenses and leases do not contain conditions relating to monitoring.
- Consistent approach to the development and management of aquaculture activities with Environment Waikato for the Hauraki Gulf Marine Park.

Key Costs

- Potential costs to comply with standards and terms of rules. However, it is likely these would be applied through the consent process anyway;
- Uncertainty about whether some aquaculture activities will have a cumulative effect on the ecology of the coastal environment, and the cost of carrying out environmental monitoring to determine this. However, any consent framework would require this where the environmental effects of an activity are unknown.

Summary

Overall the ARC, having considered the costs and benefits outlined above, considers that the most effective means of managing aquaculture within Aquaculture Management Areas is through amending the policy and rule framework in the Coastal Plan. The ARC does not consider that there are any significant additional costs involved in this approach and that in fact, cost savings are likely.

The ARC is satisfied from the above analysis, that the proposed amendments to the policies and rules of Chapter 22 of the Coastal Plan are necessary to achieve the Purpose of the Act, and to meet the Objectives and Policies in the Coastal Plan. The ARC is similarly satisfied that the methods chosen are, in combination, appropriate, having taken regard of their efficiency and effectiveness in relation to other methods, particularly the option of taking no action.

2.4.4 Supporting Information

- Cabinet and policy papers issued by the Ministry for the Environment.

3.0 CONCLUSION

The Variations propose the following amendments to the Proposed Auckland Regional Plan: Coastal:

- the addition of Map Series 7 to the Planning Maps that define Aquaculture Management Areas in the Auckland Region; and
- amendments to Chapter 22: Aquaculture to introduce a policy framework to manage development within Aquaculture Management Areas.

In addition, consequential amendments were made to Chapter 2 Management Areas, Chapter 10 General, Chapter 11 Activities, the Definitions section and a new Schedule was added: Schedule 9: Coordinates for the Aquaculture Management Area boundaries.

Overall the ARC is satisfied that the proposed amendments to the Proposed Regional Plan: Coastal are necessary to achieve the purpose of the Act, and to meet the objectives and policies of the New Zealand Coastal Policy Statement, Auckland Regional Policy Statement and the Coastal Plan.