

# **Report on engagement feedback on the Waikato Regional Coastal Plan review - Phase 4**

## **Outcomes from engagement on significant indigenous biodiversity areas and iwi authority consultation under Clause 4A of the Resource Management Act**

Prepared by:  
**Angus McKenzie (Place Environmental Planning Group)**

For:  
Waikato Regional Council  
Private Bag 3038  
Waikato Mail Centre  
HAMILTON 3240

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# Executive Summary

Since 2019, the Waikato Regional Council (the council) has been reviewing its Operative Regional Coastal Plan and has now developed a new draft Regional Coastal Plan (the coastal plan) ready for public notification in late 2023.

The coastal plan review has involved a series of engagement processes with the regional community on a range of coastal resource management issues over the past four years. Feedback provided has been used to inform and refine the plan to provide an appropriate balance across the four well-beings (social, economic, environmental, and cultural) through the coastal plan provisions.

The report sets out the outcomes from the most recent engagement phase, Phase 4, which has involved:

- Consultation with iwi authorities on the draft coastal plan as required by Clause 4A of the 1<sup>st</sup> Schedule of the RMA.
- Targeted consultation with owners of land located within the coastal marine area (CMA) that is subject to the significant indigenous biodiversity area (SIBA) overlay proposed within the coastal plan.

This report provides a summary of the engagement processes undertaken; the feedback received from iwi authorities and landowners through Phase 4; and the resultant changes to the coastal plan.

Two iwi authorities provided feedback on the draft plan:

- Pare Hauraki Kaimoana, a fully owned asset holding company of the Hauraki Māori Trust Board and Pare Hauraki Fishing Trust.
- Te Nehenehenui Trust (Te Nehenehenui), the post Treaty settlement governance entity mandated to represent Maniapoto iwi.

Feedback provided by Pare Hauraki Kaimoana focuses on the aquaculture provisions of the plan – including seeking specific changes to enable further development of aquaculture around the Coromandel coastline.

Te Nehenehenui provided advice across the entire coastal plan provisions. Their feedback was largely in supportive of the plan provisions as proposed, subject to some amendments.

Council has reviewed the advice received from the iwi authorities. The outcomes of this review in terms of changes to the plan are set out in Appendix 3.

The key feedback on the coastal plan received through landowner engagement included:

- Queries about the accuracy of the CMA line shown on the coastal plan maps.
- Challenges about biodiversity values on the land identified and the accuracy of the extent of the SIBA/s on the maps.
- Requests for exclusions from SIBA requirements in specific circumstances, for example in the case of established marinas or working structures such as commercial jetties.
- Detailed feedback on the provisions of the plan, including specific relief sought.
- Seeking clarification on how the SIBA areas/values were identified including the methodology used to identify them.

The key changes to the plan that have resulted from the feedback received include:

- Updates to the aquaculture provisions to provide more certainty for plan users and potential aquaculture industry initiatives.
- Updates to tangata whenua, integrated management, disturbances and deposition, discharges to water and water quality provisions.
- Mapping updates to improve the accuracy of the CMA boundary in some locations.
- Updates to the SIBA values within the schedules where further information has been provided.
- Updates to the provisions related to permitted activities within SIBA areas to provide more certainty around legally established structures/activities.

The feedback provided through Phase 4 has been invaluable in informing the further direction of the coastal plan ready for public notification.

# 1 Purpose

This report provides a summary of the Phase 4 engagement initiatives undertaken and the feedback received from two separate consultations on the draft Coastal Plan:

- Consultation with iwi authorities on the draft Coastal Plan as required by Clause 4A of the 1<sup>st</sup> Schedule of the RMA.
- Targeted consultation with owners of land located within the coastal marine area (CMA) containing a proposed significant indigenous biodiversity area (SIBA) overlay.

This report is part of a series of reports on the engagement activities, processes and feedback received on the draft Coastal Plan throughout its development. The other reports in this series are:

- Report on engagement feedback received on the Regional Coastal plan review Phase 1 and 2 September 2021 (October 2021).
- Report on feedback received on the Regional Coastal plan review - Phase 3 (November 2022).

These reports together summarise the feedback provided by the regional community on a range of coastal management issues, including the early policy direction for the plan, provision of marine protected areas and feedback on later, more developed, coastal plan provisions.

## 2 Engagement Requirements

Phase 4 has been driven by a mix of statutory requirements and the council's desire to enable potentially affected landowners/iwi to provide feedback on the plan prior to notification.

Under the Resource Management Act 1991 (Clause 4A of Schedule 1) Council must provide a copy of the draft coastal plan to iwi authorities and have particular regard to any advice received from them before the plan is publicly notified.

The council is required under the Resource Management Act and New Zealand Coastal Policy Statement to identify SIBA in the CMA<sup>1</sup>. SIBA are locations that contain or support native flora and fauna of either regional, national, or international significance, and are likely to provide habitat for threatened/endangered species.

Identifying and protecting SIBAs within the coastal plan can deliver a range of regional benefits including protecting the region's archaeological, geological and cultural heritage; boosting science, research, and educational opportunities; and increasing tourism, especially eco-tourism. Protecting indigenous biodiversity can also improve overall resilience of the region to the effects of climate change.

The purpose of the targeted consultation with coastal landowners was to seek feedback on the location of the indicative CMA boundary on private land where it contained a SIBA overlay.

Where a SIBA overlay applies to a land title within the CMA, certain activities to use and/or develop any land within this area will be subject to policies and rules (provisions) in the coastal plan that seek to protect known biodiversity values/habitats.

Examples of the types of activities potentially impacted by these provisions include disturbances, deposition of material, planting of exotic species and the development of some structures. This

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<sup>1</sup> *The landward boundary of the coastal marine area (CMA) is generally the line of mean high water springs (MHWS)/mean high tide mark. This line of MHWS may shift, depending on various factors such as tidal cycles, physical changes to the foreshore, and sediment movements, and can only be determined definitively, at any particular location and point in time, by survey. The method employed to define MHWS depends on the nature and scale of the development/use activity that may be proposed at the time.*

generally means that a resource consent would be required to carry out the activity under the plan to ensure that adverse effects on the biodiversity value/s of the area are assessed and managed.

### 3 Engagement initiatives

Phase 4 involved targeted engagement/consultation with landowners and iwi authorities. Initiatives undertaken have included:

1. Circulation of information to landowners seeking feedback on SIBAs and the CMA boundary.
2. Circulation of a full draft of the plan to iwi authorities for advice on the plan.

These two feedback processes were sequentially run with overlapping time periods as follows:

- Landowner feedback was sought from 24 March to 21 April 2023
- Iwi authority feedback was sought from 3 April to 10 May 2023

Engagement with iwi authorities built on previous engagement efforts with tangata whenua as set out in the Phase 3 engagement report.

Approximately 700 properties (450 individual landowners) were identified as having titles that extended below the mapped MHWS line (and are therefore in the CMA). These owners were informed their land had been identified as in the CMA and affected by the map layers (in particular the significant indigenous biodiversity areas within harbours and estuaries). The letter sent to landowners included an invitation to discuss any concerns with WRC staff and/or attend a drop-in session.

### 4 Engagement methods

The following engagement methods were employed to gather feedback from landowners:

- Sending of individual letters with relevant maps directly to landowners (an example is provided in Appendix 1)
- Website information – setting out the period for the consultation and how to provide feedback.
- Online webinar – to provide further information on the provisions and discuss potential issues. This was hosted on 11 April 2023.
- Two community drop-in sessions were held in Raglan and Thames on 12 and 13 April 2023.
- A radio interview with Raglan Community Radio on 13 April to provide more information on the engagement.

A comprehensive package of information was developed to support the provision of advice from iwi authorities on the plan as follows:

- Website material - including a guide to providing feedback, policy documents, frequently asked questions and modules breaking down the key elements of the plan. Refer - <https://yourvoicematters.waikatoregion.govt.nz/clause4a>
- A guide to providing feedback - summarising all key plan components into key concept areas including ngā mātāpono a te tangata whenua, mana whakahaere, kaitiakitanga and mahinga kai - available in print and online.
- Full draft of the plan including the plan maps and schedules - available in print and online.

Where requested, hui with iwi representatives were also held and attended by relevant council staff/contractors to explain the detail of the plan and feedback being sought.

## 5 Iwi authority consultation outcomes

A list of all the iwi authorities that were provided with a copy of the draft plan is set out in Appendix 2. The draft plan was also sent to a number of other tangata whenua groups at the request of iwi authorities.

**Two iwi authorities provided feedback on the draft plan as follows. This advice is contained in full in Appendix 3 to this report and is summarised below.**

### 5.1 Pare Hauraki Kaimoana

Pare Hauraki Kaimoana is a fully owned asset holding company of the Hauraki Māori Trust Board and Pare Hauraki Fishing Trust.

Pare Hauraki Kaimoana holds settlement authorisations / resource consents for marine farming over approximately 707 ha of water space in Tikapa Moana, including under the Māori Commercial Aquaculture Claims Settlement Act 2004 (“MCACSA”) and authorisations from the Waikato Regional Council under Part 7A of the Act.

The comments provided by Pare Hauraki Kaimoana primarily fall under the following topics:

- Requesting that the plan provides for the expansion of finfish aquaculture in the Waikato region;
- Technical details with the drafting of some provisions;
- Concern that some of the requirements of the Coromandel Marine Farming Area (CMFA) were not carried across from the operative coastal plan to the new plan, including the staging requirements for the development of the fed fish farm, and provision for ‘primary’ and ‘secondary’ aquaculture activities;
- Protection of water quality for aquaculture activities; and
- Proximity of the Western Coromandel Marine Aquaculture Management Areas to Coromandel Marine Farming.

### 5.2 Te Nehenehenui

Te Nehenehenui is the post Treaty settlement governance entity mandated to represent Maniapoto iwi and acts in the beneficial interests of Maniapoto to:

- Advance the cultural, social, environmental and economic aspirations of Maniapoto;
- Uphold and protect the mana whakahaere of Maniapoto; and
- Empower the mana of Maniapoto.

Overall, Te Nehenehenui is supportive of the proposed coastal plan and provided advice across the plan, seeking the following changes:

- Recognising Te Nehenehenui as an iwi authority and including reference to the Maniapoto Claims Settlement Act 2022.
- Strengthening plan references to cultural impact assessments and how these should be engaged and implemented.
- Strengthening plan references to the protection and pro-active restoration of cultural sites.
- Ensuring an increase in the frequency of monitoring and the capture of data on activities consented and/or managed under the plan.
- Inclusion of additional references in the aquaculture and biosecurity chapters to ensure the appropriate consideration of cultural effects and impacts on sites of significance.

- Addition of a condition to ensure iwi are notified about any temporary military training that may be undertaken as a permitted activity, and that works in relation to sites of significance consider potential enhancements to the site.
- Support for, and amendments to the discharges of water chapter to strengthen provisions and the management of effects.
- Amendments to the plan schedules.

### **5.3 Changes to the coastal plan resulting from iwi authority advice**

The advice from the two iwi authorities provided has been reviewed by council. The council responses to the advice received in terms of changes/refinements to the plan is set out in Appendix 3.

## **6 Landowner engagement outcomes**

A total of 58 separate enquiries (from 46 unique individuals) were received from landowners in response to the information provided through consultation. Approximately 20 individuals attended the two drop-in sessions at Thames and Raglan. The online webinar was attended by eight individual landowners.

Feedback was provided verbally (by phone or through drop-in sessions) and in writing via email to [healthyenvironments@waikatoregion.govt.nz](mailto:healthyenvironments@waikatoregion.govt.nz) and/or handwritten notes/letters. All enquiries were acknowledged by email and follow up phone calls were made where more information was required from the landowner, or where landowners were seeking more information on the consultation.

Feedback received can be broadly categorised into following areas:

1. Queries on accuracy of the indicative Coastal Marine Area (CMA) line on the maps provided in relation to property boundaries and high tide mark.
2. Clarification on whether SIBA values existed on the land identified and whether the extent of SIBA/s was accurate, including querying how the SIBA areas/values were identified including the methodology used.
3. Requests for specific exclusions from SIBA requirements in certain circumstances, including detailed feedback on the provisions of the plan outlining specific relief sought, for example in the case of established activities or working structures.
4. Agreement with the mapping or SIBA identification and support for including it in the draft plan.

### **6.1 Changes to the coastal plan resulting from landowner feedback**

Landowner engagement provided a range of helpful information and insights on the plan maps, schedules and proposed provisions.

Detailed survey information was provided in some cases to confirm the accuracy of the CMA boundary in some locations. This resulted in changes to the mapped extent of the CMA boundary.

Where challenges were identified in relation SIBA extents and values, including requests for specific exclusion, a further desktop review was conducted to review the ecology in the relevant locations. This desktop review has resulted in some changes to the SIBA schedule descriptions and to the spatial extent of SIBA in some locations.

A range of queries were raised about the status of various activities within a SIBA location. These queries led to further analysis of the permitted activity provisions within the draft Coastal Plan and

resulted in changes to the “general terms and standards” under the relevant chapters to ensure that plan is clear on what is and what isn't permitted within SIBA-B areas. For example, rules in the Structures and Disturbance and Deposition have had minor changes to clarify that maintenance of existing structures, and maintenance dredging of navigation channels are permitted or controlled activities.

Requests to view the methodology for developing the SIBA layers will be addressed through the submissions process as the full methodology of the SIBA mapping is being finalised and will be published when coastal plan is publicly notified towards the middle of this year.

## **7 Next Steps**

The feedback provided through Phase 4 has been valuable for informing the further direction of the draft Coastal Plan. This feedback will be utilised to complete the refinement of the plan ready for notification after June 2023.

The feedback provided through Phase 4 will be presented to Councillors at a workshop at end of May 2023, including the key changes to the coastal plan as a result of consultation. Following this, the final draft Coastal Plan will be presented to Council in June for approval to publicly notify, after which the plan will be open for public submissions.

# 8 Appendix 1: Letter to landowners – example

File No: 23 20 80  
Doc No: xxxxxxxxx



30 March 2023

EXAMPLE LANDOWNER  
XX Example Road  
Example Town xxxxx

Private Bag 3038  
Waikato Mail Centre  
Hamilton 3240, NZ

waikatoregion.govt.nz  
0800 800 401

Tēnā koe,

**Subject: Regional Coastal Plan Review – Land in the coastal marine area**

Valuation ID	Property location	Legal description
xxxx/xxx/xx	Xxx Example Road, Example Town	LOT 1 DP xxxxxx

The Waikato Regional Council is currently reviewing its coastal plan which sets out the policies, rules, and methods for managing and regulating activities in the coastal marine area – the area from the mean high tide mark extending out 12 nautical miles (approximately 20km).

As part of this review, the council is required to identify coastal areas that feature significant indigenous biodiversity. These areas have been indicatively mapped in a draft coastal plan with schedules describing what areas have been identified in which locations.

We are writing to you because draft coastal plan mapping indicates that parts of your land are in the coastal marine area. We need your help to tell us whether the information we have best describes the land you have in this area. Enclosed is a summary of the information we have, including an aerial photograph of the applicable area.

If you have any changes to this information or would like to provide further feedback, please email [healthyenvironments@waikatoregion.govt.nz](mailto:healthyenvironments@waikatoregion.govt.nz) or reply in writing by using the postage paid envelope. Your feedback on this matter is being sought by **21 April 2023** to assist the council in making further refinements to the draft coastal plan.

he taiao mauriora    healthy environment  
he ōhanga pakari    strong economy  
he hapori hihiri    vibrant communities

Please note you will have further opportunity to have your say through the formal submission process as we anticipate the *Proposed Waikato Regional Coastal Plan* will be notified for public submissions in mid-2023. In the meantime, further information on the coastal plan review can be found on our website at [www.waikatoregion.govt.nz/rcp-review](http://www.waikatoregion.govt.nz/rcp-review).

If you have any questions or would like to discuss this matter directly with our team, please call 0800 800 401.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'B McAuliffe'.

Bruce McAuliffe  
**Manager, Policy - Waikato Regional Council**  
*Encl. Land within the Coastal Marine Area Summary Information*

## Land within the Coastal Marine Area Summary Information

### What is this about?

- Waikato Regional Council is required under the Resource Management Act and New Zealand Coastal Policy Statement to identify significant indigenous biodiversity areas (SIBAs) in the coastal marine area – the area from the mean high tide mark<sup>1</sup> landward boundary mark extending out 12 nautical miles (approximately 20km).
- Identifying and protecting these areas comes with a range of regional benefits including protecting the region’s archaeological, geological and cultural heritage; boosting science, research, and educational opportunities; and increasing tourism, especially eco-tourism. Protecting indigenous biodiversity can also improve overall resilience to the effects of climate change.
- The identification and mapping of SIBAs (and their corresponding values) has recently been completed by council. As part of this process, parts of your land (as set out in the attached map/s) are within the following draft SIBA:

Property location	Draft SIBA Name	Draft SIBA Type
XX Example Road	Southern Firth of Thames and margins	SIBA-A

- SIBAs are generally areas that contain a diverse range of native flora and fauna of either regional, national or international significance and are likely to provide habitat for threatened/endangered species.

### What does this mean?

- Certain activities to use and/or develop land within a SIBA will be subject to rules proposed under the coastal plan.
- Specific rules will apply to:
  - large scale disturbances and deposition of material
  - planting of exotic species
  - development of some structures such as maimai and whitebait stands.
- The rules mean that a resource consent may be required to undertake activities on land in your ownership to ensure there are no significant adverse effects on its biodiversity/historic value. **The rules only apply to the portion of land that is within a SIBA.**

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<sup>1</sup> The landward boundary of the coastal marine area (CMA) is generally the line of mean high tide mark/mean high water springs (MHWS). This line of MHWS may shift, depending on various factors such as tidal cycles, physical changes to the foreshore, and sediment movements, and can only be determined definitively, at any particular location and point in time, by survey. The method employed to define MHWS depends on the nature and scale of the development/use activity that may be proposed at the time.

### What we would like from you

- The council would like any information on whether you think changes are needed to the mapping in relation to land in your ownership. A further summary of the values attributed to the relevant SIBA is enclosed.
- It is important to note that the mapping provided is draft only and has no legal status at present. There is also no requirement to take any action to protect the biodiversity areas identified through fencing, covenants or other methods on the land affected.
- Whilst we would welcome your feedback now, there will be further opportunities to seek changes to the coastal plan through the formal submissions process which will begin once the Proposed Waikato Regional Coastal Plan is publicly notified.

### Want to know more?

To learn more about the coastal plan review and the mapping layers it will contain, we'll be hosting a webinar and two drop-in sessions to give you the opportunity to meet with us in person and discuss the plan.

The dates and times for these events are as follows:

- Online webinar - 6pm to 7pm – 11 April
- Thames Civic Centre, 200 Mary St, Thames - 5pm to 6:30pm – 12 April
- Raglan Town Hall, 41 Bow St, Raglan - 5pm to 6:30pm – 13 April

If you would like to attend the webinar, please RSVP your attendance by emailing [healthyenvironments@waikatoregion.govt.nz](mailto:healthyenvironments@waikatoregion.govt.nz). You will then receive confirmation by calendar invite which will also include an agenda and link to join the webinar.

Draft Significant Indigenous Biodiversity Area (SIBA) identified in the Waikato region coastal marine area		
Draft SIBA Name	Draft SIBA Type	Draft SIBA Values
Southern Firth of Thames and margins	SIBA-A	<p>Habitat types in the SIBA include saltmarsh and mangrove, channels and intertidal sand and mudflats. The shoreline along the south-eastern edge of the site near Thames contains a band of mangrove forest which largely formed since the 1950s and in places is now around 200-350m wide. The site receives runoff from the Hauraki Plains and nearby areas. Sediment and nutrients have been identified as a key threats to the site and broader Firth of Thames, particularly in relation to benthic communities on the tidal flats, the promotion of mangroves and eutrophication.</p> <p>Shellfish, worms, crustaceans, and a myriad of other small animals (benthic invertebrates) live on and in the sand and mudflats. They maintain sediment health and functions (such as nutrient cycling) through constantly mixing them. They also provide settlement substrates, shelter, water filtration, and food that sustains the masses of birds and fish that utilise the area.</p> <p>The Firth of Thames is a terminal point for the East Asian-Australasian flyway, which is used by shorebirds migrating from the Siberian and Alaskan winter to feed during the southern hemisphere's summer. They return to their northern breeding grounds between March and June. The Firth supports over 20,000 birds per year, most of which are migratory, and is considered one of New Zealand's three most important areas for coastal wading birds.</p> <p>The site is used by large numbers of local native and endemic shore birds, including breeding populations of black-billed gull (Threatened – Nationally Critical), Caspian tern (Threatened – Nationally Vulnerable), white-fronted tern (At Risk - Declining) variable oystercatcher (At Risk – Recovering), northern New Zealand dotterel (At Risk – Recovering) and pied shag (At Risk – Recovering). Intertidal flats around the mouths of the Waihou and Kauaeranga Rivers are used for feeding by a number of shore birds of conservation concern, while scattered high water roost sites are located to the west of Thames township.</p>

		Foraging area for little shearwaters, aihe/common dolphins, kera wēra/killer whales and Bryde's whales.
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Draft Significant Indigenous Biodiversity Area – A

Key		
	Indicative CMA boundary line	
	Property boundary	

### Draft Waikato Regional Coastal Plan Coastal Marine Area – Consultation

Valuation Number [REDACTED]

**Acknowledgements:**  
 Property Information - Waikato Regional Council 2023, Core Record System (CRS) - Waikato Region Data. Contains data sourced from the LINZ Data Service and licensed for reuse under CC BY 4.0.  
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## 9 Appendix 2: List of iwi authorities<sup>2</sup>

Hauraki	Maniapoto	Waikato Tainui
Hauraki Māori Trust Board	Te Nehenehenui	Waikato Tainui
Ngāti Hei	Hauāuru ki Uta	Tainui o Tainui
Ngāti Pāoa	Mōkau ki Runga	Te Ara Rangatū o te iwi o Ngāti Te Ata
Ngāti Pūkenga ki Waiau	Nehenehehui	Huakina Development Trust
Ngāti Porou ki Harataunga ki Mataora	Ngā Tai o Kawhia	Ngāti Te Wehi
Ngāti Tumutumu	Te Tokanganui a noho	Te Rūnanga o Ngāti Hikairo
Ngāti Tamaterā	Tuhua Hikurangi	Te Runanga o Ngaati Mahuta ki te Hauaauru
Ngāti Tara Tokanui	Rereahu	Te Taniwha o Waikato
Ngaati Whanaunga		Ngati Taahinga/Ngaati Karewa
Ngati Hako		Tainui Hapū o Tainui Waka
Ngāi Tai ki Tamaki		Ngati Whakamarurangi
Ngāti Maru		Nga Uri o Mahanga
Ngati Pū		Ngati Tamainupo
Te Patukirikiri		Tainui o Tainui
Ngāti Huarere ki Whangapoua		
Pare Hauraki Collective		

<sup>2</sup> Note, this list also includes other tangata whenua groups that were involved in engagement throughout the development of the plan.

## **10 Appendix 3: Advice received from iwi authorities and Waikato Regional Council responses**

## Waikato Regional Coastal Plan Review feedback - Taiao Pou/ Te Nehenehenui

The table below sets out the advice received from Te Nehenehenui under Clause 4A of Schedule 1 to the Resource Management Act 1991, with a Waikato Regional Council (WRC) response column added. The WRC response column includes how Council has had particular regard to the advice received, including any wording changes to the proposed plan ahead of consideration for notification.

Chapter/ Schedule	Part/ Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
INTERPRETATION   HE WHAKAMĀRAMATAN GA Definitions   Ngā whakamāramatanga	Term: Mahinga Kai	Support in part and add	The definition is not clear that it includes this component	Include the following wording or similar to the Mahinga Kai definition: “customary methodology and practices used”	Feedback accepted. Definition of ‘mahinga kai’ amended to read:  “means the customary <u>methodology and practices used for the gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.</u> ”
Tangata whenua	Iwi authorities/ regional iwi partners	Amend/ add	Updates required	Amend to include Te Nehenehenui as the iwi authority for Maniapoto where relevant in this section	Feedback accepted. References to “Te Nehenehenui” inserted into the Tangata Whenua section.
Tangata whenua	Iwi authorities/ Settlement Legislation	Amend/ add	Update required	Add “Maniapoto Claims Settlement Act 2022” to the settlement legislation column	Feedback accepted and reference to ‘Maniapoto Claims Settlement Act 2022’ inserted into ‘Iwi authorities’ and ‘Treaty settlement legislation’ sections of the proposed plan.
Tangata Whenua	Joint Management Agreements	Amend/ add	Consideration to update iwi entity name	Amend Maniapoto Māori Trust Board to Te Nehenehenui, referencing Maniapoto Māori Trust Board	Feedback accepted and reference to ‘Maniapoto Māori Trust Board’ amended to ‘Te Nehenehenui.
IM – Integrated Management  <i>Whakahaere rawa pāhekoheko</i>	IM-P6 other statutory responsibilities	Support in part	The Maniapoto Claims Settlement Act 2022 has come into effect since the beginning of the iwi consultation process on the draft coastal plan. Consideration may need to be given to the treaty settlement legislation in regard to Aquaculture and/ or other CMA activities occurring within Te Nehenehenui area of interest	WRC undertake a review of the Maniapoto Claims Settlement Act and ensure it is given effect to where necessary within the Draft plan	The Maniapoto Claims Settlement Act 2022 has been assessed by Council staff.  References to the Maniapoto Claims Settlement Act 2022 have been inserted into the following sections of the Tangata Whenua section of the proposed plan: <ul style="list-style-type: none"> <li>Regional iwi partners</li> <li>Iwi authorities</li> </ul> The Joint Management Agreement section has been updated to refer to Ngā Wai o Maniapoto.  Waikato Regional Council, Waitomo District Council and Otorohanga District Council must enter into a Joint Management Agreement (JMA) with Te Nehenehenui. Waikato Regional Council is in discussions with Te Nehenehenui, about establishing the new Joint Management Committee as required by the Maniapoto Claims Settlement Act 2022 for Ngā Wai o Maniapoto.  The settlement acknowledges Maniapoto’s historical interests in the Exclusive Economic Zone from the boundary of the Territorial Sea out to 17.4 nautical miles (20 miles).  Section 140 of the Act (Planning documents) states that when preparing, reviewing, changing or varying any planning document to the extent that those processes relate to Ngā Wai o Maniapoto, WRC must convene a joint working party with Te Nehenehenui to discuss and recommend the process, the general form and content of the draft document for consultation or notification and decide the final recommendations.
IM – Integrated Management	IM-P11	Support and add clause	Cultural impact assessments must include relevant cultural place based information directly	Add a clause within the section to outline the importance of this	Feedback accepted. Council acknowledges that only those at place (mana whenua and ahi kā) are able to assess/determine an impact and that doesn’t seem clear in this section of requirements.

Chapter/ Schedule	Part/ rawa	Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
Whakahaere pāhekoheko	rawa	Requirements of a cultural impact assessment		transcribed from and/ or written by the relevant iwi/ hapu kaitiaki		<p>Council expects that all CIA's are prepared by, or in conjunction with, the relevant iwi/hapū.</p> <p>Policy IM-P11 is amended to insert a new clause 5 – 'Include cultural place-based information' so as to read:</p> <p><b>IM-P11 Requirements of a cultural impact assessment</b></p> <p>Require a cultural impact assessment to:</p> <ol style="list-style-type: none"> <li>1. Be of a corresponding scale and detail to the effects that the activity may have on tangata whenua and their taonga</li> <li>2. Address any matters arising from IM-P3, IM-P4 or IM-P5</li> <li>3. Have particular regard to: <ol style="list-style-type: none"> <li>a. any planning document recognised by an iwi authority and lodged with council, that is relevant to the activity</li> <li>b. the outcomes of any consultation with tangata whenua over the activity</li> </ol> </li> <li>4. Be evidence-based and incorporate, where appropriate, mātauranga Māori</li> <li>5. <u>Include cultural place-based information</u></li> <li>6. Identify and describe the cultural resources and activities that may be affected by the activity and the adverse effects that may arise from the activity</li> <li>7. Identify, where possible, how to avoid, remedy or mitigate the adverse effects on cultural values of the activity that are more than minor</li> <li>8. Include any other relevant information.</li> </ol>
IM – Integrated Management Whakahaere pāhekoheko	rawa	IM-P11 Requirements of a cultural impact assessment	Support and add clause	Consideration given to including a reference to resourcing the CIA or the commissioning of one as it is not included	Add a clause or reference to how a CIA is resourced or commissioned e.g user pays basis and/or applicant to commission iwi/ hapu member to undertake or have involvement within its development	This matter is outside of the scope of the proposed plan.
IM – Integrated Management Whakahaere pāhekoheko	rawa	IM-P16 Precautionary approach Point 4.	Support in part/ amend or add	To ensure that any uncertainty can be determined at the earliest convenience. Most monitoring occurs 12 months into an activity begins, however that timeframe could be too long of a period to assess impacts, if any, therefore earlier and regular monitoring may be necessary.	Amend point 4. to: Requiring regular monitoring. Or make reference to 'regular monitoring'	<p>Adding 'regular' or 'frequent' to monitoring, then requires all monitoring under a resource consent to be regular or frequent which may not fit all considerations. Some monitoring may be one-off monitoring, or may occur yearly or three-yearly for example. It is considered appropriate to leave this general.</p> <p>Council agrees that monitoring of the state of the environment should be undertaken on a regular/frequent basis in order to understand any changes that are occurring.</p>
IM – Integrated Management Whakahaere pāhekoheko	rawa	IM-P17 Adaptive management	Support in part/ amend or add	Consideration given to include reference to the same recommendation as above	Amend or include the words 'regular/ frequent monitoring' or similar wording	<p>Please refer response above. Alongside this response, policy IM-P17 is amended to require additional baseline monitoring to read:</p> <ol style="list-style-type: none"> <li>2. Requiring monitoring to address: <ol style="list-style-type: none"> <li>a. baseline information on the effects of the activity (or multiple activities) on the receiving environment (<u>including baseline monitoring</u>)</li> </ol> </li> </ol>
IM – Integrated Management		M-P19 Cumulative effects	Support in part and amend	A holistic approach to data sampling is more reliable	Amend and include within the geographical assessment area, a monitoring location point within	This is beyond the scope of the proposed plan unless the point upstream of the discharge is within the coastal marine area.

Chapter/ Schedule	Part/ Schedule	Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
Whakahaere pāhekoheko	rawa				the area before, or, where water is involved, upstream of where the point discharge source/ activity occurs	Council agrees with the intent of what Te Nehenehenui is seeking, which it considers is best determined at the time of any resource consent.
IM – Integrated Management  Whakahaere pāhekoheko	rawa	IM-P20 Bonds	Support in part and amend/ add	The ongoing protection, restoration and remediating of cultural sites that could be potentially damaged as a result from an activity and associated costs should be accounted for with a bond, and more so that the cost toward this is not left for whanau/ marae/ hapu at place to pay for	Include another clause or point to add the following words or similar wording to: The restoration or reinstatement of a cultural site/ cultural site of significance	This matter is covered in the existing definition of ‘environment’, but not explicitly. A new clause has been inserted into policy IM-P20 in response as new (3) below.  <b>IM-P20 Bonds</b> Require a bond or equivalent assurance, for activities where it is deemed necessary relative to risk, to cover potential costs including for: 1. The removal of abandoned or derelict structures 2. The restoration or reinstatement of the environment 3. <u>The restoration or reinstatement of a cultural site/ cultural site of significance</u> 4. Any emergency repairs or response required due to a failure of structural integrity.
4 AIR – Discharges to air    Ngā rukenga ki te Rangī		AIR-R5 Prohibited activities  Prohibited open burning activities	Support in part and amend	Consideration must be given to extending the list to other problematic sources of harmful waste	Include to the list, ‘household appliances’	Council has added ‘household appliances’ to the list of prohibited open burning rule AIR-R5, as new matter 14 below:  <b>AIR-R5 Prohibited open burning activities</b> Open burning activities that include burning of any of the following: .... 14. Household appliances ....
AQA – Aquaculture  <i>Ahumoana</i>		AQA-P1 Benefits of aquaculture to communities	Support in part and amend	Consideration to include Environmental restoration and marae/ community enhancement projects towards off setting any impacts	Add a clause to Include reference or similar wording to ‘Environmental restoration and marae/ community enhancement projects towards off setting any impacts’	The intent of the feedback is accepted, but is considered better addressed in Appendix 10 - Environmental Compensation.  Additional wording has been added to the table in 10.2 of Appendix 10 – under “General compensation” – as below:  To provide environmental compensation where an activity will have adverse effects, which will not be adequately avoided, remedied or mitigated by any other types of contribution described elsewhere in this section.  <u>Environmental compensation may include a financial contribution towards environmental restoration, or marae/community enhancement projects to assist in offsetting adverse effects.</u>
AQA – Aquaculture  <i>Ahumoana</i>		AQA-P19 Environmental Monitoring Plan for aquaculture activities	Support in part and amend	Cultural activities could be impacted by a proposal and consideration must be given	Add a clause to include a reference to or similar wording to: Effects on cultural activities and/ or cultural values	Consideration of the impacts of a proposal on cultural activities is part of the resource consent process for Discretionary and Non-complying activities. For the Restricted discretionary activity rules (AQA-R2 to AQA-R5 inclusive) the Council must consider the effects on cultural values as a matter to which discretion is restricted.  The matters of discretion for these RDA rules include: “Consideration of effects on cultural values, including wāhi tapu and wāhi taonga”.  Policy AQA-P19 is for the monitoring of environmental effects which may include effects on the cultural values of the area for which consent is sought. The monitoring of any effects on cultural sites or values would be a condition of consent (if appropriate), but is not able to be applied on a blanket basis to every aquaculture activity.

Chapter/ Schedule	Part/ Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
					Monitoring may include the application of matoranga Māori and not just western science.
	AQA-R2 Spat catching and retention (spat farming)	Support in part and amend	Consideration to include this as cultural values could be impacted. Also relevant to discretion point 2.	Add or amend RDA 1 to include.: a Site or Area of Significance to Māori (identified in Schedule 6)	<p>Including any Site or Area of Significance to Māori (SASM) in AQA-R2(1) would mean the activity requires consent as a Non-complying rather than Restricted Discretionary activity. SASM areas identified in Schedule 6 include most of the region's harbours and estuaries (including Aotea and Kawhia which have existing marine farms).</p> <p>Aotea Harbour is the only current spat catching area in the region. Amending the plan as sought by Te Nehenehenui would make this example Non-complying if the same activity was applied for under the new plan.</p> <p>Aside from Aotea, most other spat comes from Northland and is transferred to farms in the Waikato region. The Whauwhau spat farm (Mercury Bay, Coromandel) is before the High Court on appeal. An application for spat catching in the nearshore of the West Coast near Whāingaroa is expected to be lodged with WRC shortly under the operative plan rules.</p>
6 BIO – Biosecurity   <i>Ārai taiao</i>	BIO-R3 In-water cleaning of biofouling from vessels and moveable structures in areas of Outstanding Natural Character and Significant Indigenous Biodiversity Areas	Support in part and add	Consideration given to include this as it has the potential to impact mahinga kai and cultural values	Add or amend Activity status: NC 1. to include a Site or Area of Significance to Māori (identified in Schedule 6)	<p>There are limited vessel haul-out facilities in the Waikato region, therefore in-water cleaning where the level of fouling (LOF) is below 2 on the LOF scale (lowest risk to the CMA) is provided for within Mooring Areas identified in Schedule 2. This concentrates the activity to areas which have already experienced a level of degradation due to the number of boats moored.</p> <p>If an exclusion for Sites and Areas of Significance to Māori (SASM) were added to Rule BIO-R3, as Schedule 6 sites are very broad, and are likely to encompass Mooring Areas, it would mean that resource consent would be required whenever a vessel owner wanted to undertake in-water cleaning.</p> <p>This change would discourage boat owners from undertaking proactive in-water cleaning. If boats accumulate biofouling in excess of LOF2, the risk to the CMA of introducing and spreading marine pests and harmful aquatic organisms is greatly increased. This would have a detrimental effect on the environment and on cultural values and mahinga kai, much greater than that allowed for under the current permitted activity.</p> <p>Currently, if consent is triggered by in-water cleaning within a Schedule 6 area, the policies of the SASM chapter will be taken into consideration.</p>
7 DD – Disturbances and deposition   <i>Whakararutanga me ngā waipara</i>	DD-R3 Temporary military training activities	Support in part and add	Iwi must be considered also	Amend or add a point to include to Activity status: PER, where: At least 10 working days advance, written notice is given to the relevant iwi authority describing the activity and the area within which the activity is to occur	<p>Feedback accepted. Rule DD-R3(2) has been amended to read:</p> <p>2. At least 10 working days advance written notice is given to Waikato Regional Council <u>and the relevant iwi</u> authority describing the activity and the area within which the activity is to occur.</p>
	DD-R15 Local authority stream mouth clearance for flood protection or ecological restoration	Support in part	Emergency works are critical	Amend Activity status: PER, where: to include 'to assist or undertake emergency works'	<p>Feedback accepted. An additional matter b has been added to Rule DD-R15(1) to clarify the intent of the rule, to read:</p> <p>1. The activity is necessary to:</p> <ol style="list-style-type: none"> <li>prevent or minimise flood hazard risk</li> <li><u>assist or undertake emergency works</u></li> <li>address an identified health and safety issue, or</li> </ol>

Chapter/ Schedule	Part/ Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
					d. improve water quality, or e. provide for ecological restoration
	DD-R22 Deposition of sand, shingle, shell or other natural material	Support in part	Consider the effects on cultural values	Amend or add to reference the following or include similar wording: to Activity status: DIS, where: 'It is on or within a site of Significance to Māori or tangata whenua, wahi tapu, unless it is for remedial works to a cultural site that is approved by tangata whenua'	The rule is for deposition activities not covered by other rules. As a discretionary activity these matters will be considered.  The inclusion of the wording sought by Te Nehenehenui would make the activity a non-complying activity in all SASM areas, which includes most of the region's harbours and estuaries.
	DD-R27 Minor reclamation	Support in part	Consider the effects on cultural values and sites	Amend or add similar wording to Activity status: DIS: Where, 2 : 'a Site or Area of Significance to Māori (identified in Schedule 6), including wāhi tapu, unless it is for the purpose to enhance and further protect the site/ area and/ or cultural values	Recognition of this matter is considered appropriate. Rule DD-R27(1)(a) has been amended to read:  1. The reclamation is for the purpose of one of the following: a. restoration or enhancement activity, <u>including for the protection of cultural values associated with a Site or Area of Significance to Māori identified in Schedule 6</u> b. the erection, placement or construction of regional significant infrastructure c. deposition of material associated with the construction of a seawall within private property d. creation of walkways for public access.
HH - Historic Heritage <i>Taonga anamata</i>	HH-R2 Modification or destruction of a pre-1900 archaeological site  Activity status: PER Where: 1.	Support in part	Consideration given to effects on cultural values	Amend or include another clause: 'there will be no effect on cultural values'	The reasoning behind rule HH-R2 is to avoid duplication with Heritage New Zealand Pouhere Taonga (HNZPT) on the approval process for modifying or destroying archaeological sites – i.e. if an authority is obtained from HNZPT, then a regional consent is not required.  Section 5 of the HNZPT Archaeological Authority process requires consultation with affected Māori and Section 6 requires effects on Māori values to be assessed for any authority involving more than minor effects. Including a clause of 'no effects on cultural values' would duplicate the approval process with HNZPT.
SASM – Sites and areas of Significance to Māori  <i>Ngā wāhi tāpua o te Māori</i>		Support			Support noted.
19 STR - Structures and occupation of space   Ngā hanganga i te takutai	Controlled Activities STR-R11 Minor upgrading or alterations to existing lawful structures	Support in part	Consideration on cultural values	Add clause to reflect: 'Any extension or alteration does not negatively impact on cultural values or sites'	As STR-R11 is a controlled activity resource consent must be granted by Council for the activity. The list of matters of control can impose conditions on effects on values, including cultural values.  New matter (e) is recommended to be added to the matters of control in (5) to read:  5. The extent and nature of effects on:

Chapter/ Schedule	Part/ Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
	Activity status: CON				<ul style="list-style-type: none"> <li>a. other authorised structures or activities</li> <li>b. disturbance to the foreshore and seabed</li> <li>c. sediment movement and erosion</li> <li>d. water quality</li> <li>e. <u>tangata whenua cultural values</u></li> <li>(f) ....</li> </ul> <p>This mirrors the same wording as controlled activity AQA-R1.</p>
	STR-R13 New structures in the coastal marine areas  Activity status: DIS  Where:	Support in part	Consideration of cultural values	Add clause or reference:  'It is not located on, or in, a Site or Area of Significance to Māori (identified in Schedule 6), or it will not adversely impact any wahi tapu/ taonga and mahinga kai site or area'	<p>The inclusion of the wording sought by Te Nehenehenui would make the activity a non-complying activity in all SASM areas, which includes most of the region's harbours and estuaries.</p> <p>The consideration of cultural values is required as part of the discretionary rule status. The terms in rule STR-R13 are not intended to permit structures to be constructed, but rather sets the consenting status/pathway for any applicant that seeks to erect, construct, occupy or use of any structure not covered by another rule. The effects on wāhi tapu/taonga/mahinga kai areas will be considered in line with the relevant policies during the resource consent process.</p>
WAQ Water Quality  <i>Kounga wai</i>		Support			Support noted.
21. WD – Discharges to water  <i>Rūkenga ki te wai</i>	WD-P1 Discharge of contaminants to the coastal marine area	Support in part	Determine the impact of human waste/ sewage Support PR section	Strengthen clause to reflect the importance of cultural values	The words 'cultural values' have been added to the list of criteria in this section.
	WD-P2 Extent of reasonable mixing for discharges	Support in part and add	Consider additional clause	Add clause to include 'Mahinga Kai values'	Policy WD-P2 has been amended to refer to "Māori cultural values <u>including mahinga kai.</u> "
	WD – P3 to WD – P6, WD-P8 to WD - P9	Support in part and amend	Consider amendment to ensure that Discharges of this nature does not occur.	Amend the word avoid and replace with 'Prohibit' If and where practicable	'Avoid' is the appropriate term for policy drafting to give effect to higher level guidance such as the New Zealand Coastal Policy Statement 2010 (NZCPS).
	WD-R7 Discharge from vessel hull cleaning on the foreshore  Activity status: RD	Support in part and amend/ add	Additional clause to include cultural values. If and where practical the cleaning should be conducted at a land-based disposal facility	Amend to include reference to a Site or Area of Significance to Māori (identified in Schedule 6)	<p>Amend WD-R7 Discharge from vessel hull cleaning on the foreshore, to include extra matter of discretion.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>1. The method(s) to be used to clean the hull</li> <li>2. The adequacy of the proposed procedures and equipment for containment of discharged material</li> <li>3. Proximity of the maintenance site to any habitat identified in Schedule 7.</li> <li>4. <u>Consideration of effects on cultural values, including wāhi tapu and wāhi taonga.</u></li> </ol> <p>As note in the earlier response above, there are limited haul out facilities in the Waikato region, therefore in-water cleaning of low fouling levels is provided for within Mooring Areas identified</p>

Chapter/ Schedule	Part/ Schedule	Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
						<p>in Schedule 2. This concentrates the activity to areas which have already experienced a level of degradation due to the number of boats moored.</p> <p>If an exclusion for sites and areas of significance to Māori (SASM) were added to Rule BIO-R3, as Schedule 6 sites are very broad, and are likely to encompass Mooring Areas, it would mean that consent would be required whenever a vessel owner wanted to undertake in-water cleaning.</p>
		<p>Prohibited Activities</p> <p>WD-R12 Disposal of human ashes</p> <p>WD-R13 Discharge of human sewage</p> <p>WD-R14 Application of anti-fouling materials and discharge of hull scraping</p>	Support	Aligns with Maniapoto cultural values		Support noted.
		<p>Stormwater Activities</p> <p>Permitted</p> <p>WD-R15 Existing lawfully established stormwater discharge</p> <p>WD-R16 New stormwater discharges</p> <p>Controlled</p> <p>WD-R17 Existing lawfully established stormwater discharges from non-urban roads</p>	Support in part and amend	Consideration of cultural values	Include clause to reflect avoiding the impact on Mahinga Kai and cultural values	<p>Feedback accepted. Additional wording has been added to the following rules, as requested, to reflect avoiding the impact on mahinga kai and cultural values:</p> <ul style="list-style-type: none"> <li>• WD-R15 reworded to read: The discharge does not give rise to more than minor adverse effects on marine, estuarine or coastal ecosystems, <u>or cultural values including mahinga kai</u></li> <li>• WD-R16 a new matter (6) added: <u>The discharge does not significantly adversely affect cultural values including mahinga kai.</u></li> <li>• WD-R17(5) reworded to read: The discharge does not give rise to significant adverse effects on marine, estuarine or coastal ecosystems, <u>or cultural values including mahinga kai.</u></li> </ul>
Schedule 3 – Seascapes Outstanding features	– natural and	Area E4	Support	Check if there are other supporting korero to further inform / strengthen the plan	Consider reviewing the korero within the Maniapoto deed of Settlement, redress section,	The Ngāti Maniapoto Deed of Settlement and the Maniapoto Claims Settlement Act 2022 have been reviewed by Boffa Miskell consultants to see if any additional kōrero may be able to inform the plan in the completion of the Seascapes schedule of Outstanding Natural Features and Landscapes.

Chapter/ Schedule	Part/ Objective/ Policy	Support/ amend/ disagree	Feedback/ Reason	Decision sought/ Recommendation	WRC Response
landscapes   <i>Āpiti 3 - Ngā tirohanga takutai – ngā tirohanga whenua</i>				Maniapoto Claims Act 2022 for any further supporting korero if any	The final Seascapes schedule (Schedule 3) has updated the Te Ao Maori values section for each of the ONF and ONL sites identified, including those within Ngā Wai o Maniapoto.
Schedule 6 - Sites and areas of significance to Māori   <i>Āpiti 6 - Ngā wāhi tapu a te Māori</i>			Do we want the sites in our rohe listed?  By listing some of the cultural sites within our rohe, is there potential of site damage, will this impact on the protection of these sites? I know much of this is currently public information already, however some of the arch sites that are mapped do not reflect the true boundary of some cultural sites and areas	Consider referencing the Draft Regional Coastal Plan example 2 which shows the broader SASMs  Only if necessary and practicable however it was more of a question that perhaps WRC can provide clarity on	The Draft Regional Coastal Plan example 2 map was a static map taken from the SASM mapping layer for the purpose of Clause 4A engagement. This information is still current, and no changes have been made to the SASM layer.  While the sites are listed in the SASM schedule, the locations are not mapped in the SASM mapping layer (with the exception of the sites identified from the heritage layer). The location of specific sites are not publically disclosed.
Schedule 9 – Water Quality Standards   <i>Āpiti 9 – Ngā paerewa koununga wai Schedule 9A – Water quality limits Schedule 9B – Trigger value limits</i>			How are attributes assessed/ measured/ monitored are there consistent periods of monitoring. Should a schedule be included to outline this?	Potential additional schedule to be included	Coastal water quality monitoring is carried out as part of coastal and State of the Environment monitoring, and will be established through the Long Term Plan rather than the proposed plan.
Schedule 12 – Accidental Discovery Protocol   <i>Āpiti 12 – Tikanga tūhurātanga</i>		Amend schedule or add a footnote or a reference, to include the recommendation outlined	Ensure Maniapoto cultural values are upheld	Where the site is located within the rohe of Te Nehenehenui (TNN) and TNN is contacted, “Ko Tā Maniapoto Mahere Taiao”, Maniapoto’s EMP – Accidental Discovery Protocols objectives must also be discussed with TNN and included within the Accidental Discoveries Protocols Management Plan. An iwi cultural advisor/ representative must undertake appropriate tikanga.	A note has been added to Schedule 12 as follows: <u>Accidental Discovery protocols need to address requirements of the relevant rohe EMP, which is likely to include an iwi cultural advisor/ representative undertaking appropriate tikanga.</u>
Draft Regional Coastal Plan Maps	Draft Regional Coastal Plan West Coast Example 2	Support			Support noted.

### Waikato Regional Council response to Pare Hauraki Kaimoana feedback

The table below sets out the response to the relief sought section of the advice/feedback provided by Richard Turner (Mitchell Daysh) on behalf of Pare Hauraki Kaimoana to Waikato Regional Council (WRC) on 10 May 2023 under Clause 4A of Schedule 1 to the Resource Management Act 1991.

The WRC response column includes how Council has had particular regard to the advice received, including any wording changes to the proposed plan ahead of consideration for notification.

WRC Ref	Relief sought by Pare Hauraki Kaimoana	WRC Response
1	<p><b>Expansion of finfish aquaculture in the Waikato Region</b></p> <p>That the Draft Plan provide for the expansion of fed aquaculture beyond the boundaries of the Coromandel Marine Farming Area via a new rule as a discretionary activity.</p> <p>Policy AQA-P11 should also be amended to provide acknowledgement of this potential expansion of fed aquaculture</p>	<p>Fed aquaculture is specifically not provided for in the two proposed AMAs at Colville and the Western Coromandel (Areas A and B) – refer restricted discretionary activity rule AQA-R7, which makes fed aquaculture a non-complying activity.</p> <p>Policy AQA-P11 and rules AQA-R16, AQA-R17 and AQA-R18 are specific to the Coromandel Marine Farming Area (CMFA).</p> <p>The relief sought by Pare Hauraki Kaimoana is contradictory to their comment about potential cumulative effects in the CMFZ from farming activities in the Proposed Western Coromandel AMA (they seek a 5 km separation distance between the AMA's and the CMFA due to potential cumulative effects).</p> <p>The likely cumulative effects from farming fish in the AMA (current location) would widen the potential for cumulative effects to effects related to nutrient discharges (low oxygen in water column particularly bottom water which is already an issue in the current zoned Coromandel Marine Farm Zone area) and other fish farm related effects.</p> <p><b>WRC Response:</b></p> <p>Fed aquaculture is retained as a non-complying activity outside the CMFZ. Pare Hauraki Kaimoana will need to identify where they consider fed aquaculture to be appropriate and may wish to make a submission on this matter when the proposed plan is notified.</p>
2	<p><b>Adequacy of Provision Drafting</b></p> <p>That the Draft Plan be reviewed in its entirety to address matters like those identified above, and to ensure that there is clear direction between the objectives, policies and rules of the Draft Plan with respect to the management of aquaculture activities.</p>	<p>Refer specific responses below.</p>
2.1	<p>Objective AQA-O1 seeks that 'sustainable' aquaculture be provided for. The qualifier of 'sustainable' is not applied to other objectives in the Draft Plan that relate to the use and development of natural and physical resource, nor is it applied to the potential protection of natural resources. This qualifier is considered to be redundant given that any activity which secures resource consent will be considered to support the sustainable management purpose of the RMA;</p>	<p>Objective AQA-O1 currently reads: "Sustainable development of aquaculture is provided for in appropriate locations".</p> <p>The purpose of the RMA under section 5 is "sustainable management" not "sustainable development". These are different terms with different meanings.</p> <p>'Sustainable aquaculture' aligns with the aquaculture industry A+ standard and the New Zealand Government Aquaculture Strategy 2019. The objective of the strategy is "New Zealand is globally recognised as a world-leader in sustainable and innovative aquaculture management across the value chain".</p> <p>Outcome 1 of the strategy emphasises the importance of sustainable aquaculture – "A primary industry leading in environmentally sustainable practices across the value chain".</p> <p>While the aquaculture objectives were discussed with the Coromandel Marine Farmers Assn and Aquaculture NZ in drafting, they have recently (2 May 2023) also sought in their further written feedback that Objective AQA-O1 delete the word "sustainable".</p> <p><b>WRC Response:</b></p> <p>Retain inclusion of 'sustainable aquaculture' in Objective AQA-O1 but amend to read: "Sustainable aquaculture is provided for in appropriate locations."</p>
2.2	<p>Policy AQA-P4 identifies specific matters to be considered when making decision on resource consent applications for aquaculture activities. The drafting of this policy contains multiple areas of duplication, including:</p> <ul style="list-style-type: none"> <li>○ (1)...the suitability of the location for the proposed type of aquaculture and species to be farmed including consideration of the cumulative effects of other aquaculture in the area is duplicated in (6)...the productivity and functioning of other marine farms;</li> <li>○ (3)...the potential adverse effects of the proposed aquaculture activities on other environmental, social, cultural and economic values, including</li> </ul>	<p>Additions to the draft version of Policy AQA-P4 have resulted in duplication in the examples identified, where specificity has been included.</p> <p>The draft policy is similar to Policy AQ-P3 of the operative Bay of Plenty Regional Coastal Environment Plan – set out below.</p>

WRC Ref	Relief sought by Pare Hauraki Kaimoana	WRC Response
	<p>biosecurity risks is duplicated by (4)...measure to minimise the introduction and spread of marine pests and harmful aquatic organisms; and</p> <ul style="list-style-type: none"> <li>○ (7)... navigation and safety issues which is a duplicated by (9)...potential conflict with existing uses and values of the coastal marine area, including identified surf break and sell corridors, shipping routes and recreational activities.</li> </ul>	<p>The Regional Council will give particular consideration to the following matters when making decisions on any application for aquaculture activities:</p> <ul style="list-style-type: none"> <li>(a) The suitability of the location for the proposed type of aquaculture and species to be farmed; including consideration of the cumulative effects of other aquaculture in the area;</li> <li>(b) The sensitivity of the receiving environment;</li> <li>(c) The potential adverse effects of the proposed aquaculture activities on natural, social, cultural, heritage and economic values, including biosecurity risks;</li> <li>(d) The potential social, cultural and economic benefits of the proposed aquaculture activities;</li> <li>(e) Navigation safety issues;</li> <li>(f) The provision of appropriate site access, and the potential effects associated with any off-site structures, facilities or activities forming part of the proposal;</li> <li>(g) The availability of the necessary land and water-based infrastructure to service the development; and</li> <li>(h) Potential conflict with existing uses and values of the coastal marine area - the Coastal Use and Value Maps 2006 (available on Council's website: <a href="http://www.boprc.govt.nz">www.boprc.govt.nz</a>) will inform this consideration; however, more recent evidence on existing uses and values may also be taken into account.</li> </ul> <p><b>WRC Response:</b></p> <p>Policy AQA-P4 (Consideration of aquaculture activities) is amended as shown below:</p> <p>“Ensure the following matters are considered when making decisions on any application for aquaculture activities:</p> <ol style="list-style-type: none"> <li>1. The suitability of the location for the proposed type of aquaculture and species to be farmed, including consideration of the cumulative effects of other aquaculture in the area</li> <li>2. The sensitivity of the receiving environment, including effects on water quality and the benthic environment, habitat and species</li> <li>3. The potential adverse effects of the proposed aquaculture activities on other environmental, social, cultural and economic values, including: <del>biosecurity risks</del> <ol style="list-style-type: none"> <li>a. <u>the productivity and functioning of other marine farms</u></li> <li>b. <u>potential conflict with existing uses and values of the coastal marine area, including identified significant surf breaks and swell corridors identified in Schedule 8, shipping routes and recreational activities.</u></li> </ol> </li> <li>4. Measures to minimise the introduction and spread of marine pests and harmful aquatic organisms</li> <li>5. The potential social, cultural and economic benefits of the proposed aquaculture activity</li> <li><del>6. The productivity and functioning of other marine farms</del></li> <li>7. Navigation and safety issues</li> <li>8. The provision of appropriate site access, and the potential effects associated with any off-site structures, facilities or activities forming part of the proposal</li> <li><del>9. Potential conflict with existing uses and values of the coastal marine area, including identified surf breaks and swell corridors, shipping routes and recreational activities.</del></li> </ol>
2.3	<p>The overview of the aquaculture chapter attempts to provide clarity on where the Draft Plan enables / provides for aquaculture activities by identifying certain areas of the Waikato Region where aquaculture activities are enabled / provided for, and where they are generally considered to be inappropriate (e.g. identified significant areas). However, the commentary in the overview does not suitably align with the policies and rules which follow in the aquaculture chapter. By way of example:</p>	<p>Pare Hauraki Kaimoana is correct that the intent is to enable aquaculture activities in Aquaculture Management Areas, which is a permissive direction to development of the rules. Case law and legal advice has determined that enabling means through either permitted, controlled or restricted discretionary activity status. The activity status for commercial aquaculture activities in AMAs is restricted discretionary.</p> <p>Policy 8 of the NZCPS uses the term enabled in appropriate locations.</p> <p>WRC agrees that while the overview and rules are clear on the eastern side of the Coromandel Peninsula being generally inappropriate for aquaculture activities, there is no reference in the policies. The policy position here needs to be made clearer in the plan.</p> <p><b>WRC Response:</b></p> <p>A new sentence is added to the end of Policy AQA-P2 as shown below to read:</p>

WRC Ref	Relief sought by Pare Hauraki Kaimoana	WRC Response
	<ul style="list-style-type: none"> <li>The fourth paragraph seeks to enable aquaculture activities in Aquaculture Management Areas, which is considered to be permissive direction to development of rules in the Draft Plan. However, the fifth paragraph of the overview then refers to commercial aquaculture activities being provided for in Aquaculture Management Areas. No clarification is provided as to why there is a distinction between commercial and 'noncommercial' aquaculture in paragraphs four and five, and no consideration appears to be given to the implications of enabling activities versus providing for them;</li> <li>The eastern side of the Coromandel Peninsula is noted as being generally inappropriate for aquaculture activities, yet this does not align with the direction set out in Policies AQA-P2 and P3 (which do not mention the eastern side of the Coromandel Peninsula as being potentially inappropriate for aquaculture); and</li> <li>The overview provides no clarity as to when 'other areas' identified for aquaculture activities in Sea Change may be appropriate for development.</li> </ul>	<p><b>AQA-P2 Commercial aquaculture in significant areas</b></p> <p>Commercial aquaculture is inappropriate in the following areas of the CMA unless adverse effects are avoided on the attributes and values of these areas:</p> <ol style="list-style-type: none"> <li>Areas of outstanding natural character identified in Schedule 4</li> <li>Sites or areas of significance to Māori identified in Schedule 6</li> <li>SIBA-A sites that meet the criteria in policy 11(a) of the NZCPS 2010 identified in Schedule 7A</li> <li>Nationally significant surf breaks identified in Schedule 8A.</li> </ol> <p><u>In addition any further commercial aquaculture (excluding existing marine farms) is generally inappropriate on the Eastern Coromandel, but may be appropriate in areas identified for possible aquaculture in Seachange – Tai Timu Tai Pari, as shown on the maps to this Plan.</u></p>
2.4	<p>The Draft Plan does not describe the characteristics or the intended purpose of the identified Aquaculture Management Areas. While some indication of the anticipated activities is discernible from the policies and rules, greater understanding of the intended outcomes for each Aquaculture Management Area would serve to guide prospective resource users and the community as to how aquaculture development in the Waikato Region is expected to occur;</p>	<p>Aquaculture activities within Aquaculture Management Areas are provided for as stated in the Overview section and in the relevant policies and rules. The section 32 evaluation report for the Aquaculture chapter may assist further here.</p> <p>The AMAs provide for 'aquaculture activities' as defined in the plan, with fed aquaculture a non-complying activity in the Colville and Western Coromandel AMAs – being the two new AMAs.</p> <p>The aquaculture rules will have immediate legal effect upon notification but can not override the existing prohibited rules of the operative plan (ie. rules 16.5.6 and 16.5.7), until such time as the new rules are operative (or at least beyond legal challenge).</p> <p><b>WRC Response:</b></p> <p>Council will consider implementation guidance on the proposed plan and how the plan provides for aquaculture activities.</p>
2.5	<p><b>Policies AQA-P18, 19 and 20</b> set out various information and monitoring requirements for resource consent applications for aquaculture. These policies detail an extensive list of information and environmental monitoring requirements that will either be required or there is a need to ensure they are provided. The requirement to provide the information set out in these policies is not agreed for the following reasons:</p> <ul style="list-style-type: none"> <li>Not all unfed aquaculture activities, particularly existing marine farms that have been in place for several years and are not located near sensitive</li> </ul>	<p>The Coromandel Marine Farmers Association and Aquaculture New Zealand have similarly raised concern with the general application of the information and monitoring policies (AQAP18, AQA-P19 and AQA-P20).</p> <p>Policy AQA-P18 lists the information requirements for commercial aquaculture applications, which will include existing marine farms when resource consents come up for renewal that are not covered by the NES-MA. The NES-MA does not apply to the Coromandel Marine Farming Zone or the majority of the Wilson Bay area<sup>3</sup> (except for part of Wilson Bay A area).</p> <p>The WRC Consent team consider the four matters listed to be appropriate for any new commercial aquaculture activity. The matter of existing farms that are outside of NES-MA can be considered further through the submissions process when the proposed plan is notified.</p> <p>All existing marine farms that have been re-consented under NES-MA are required to have a biosecurity management plan.</p>

<sup>3</sup> refer [Schedule 5 - Sites not subject to these regulations](#) of the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

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	<p>seabird areas or marine mammal routes, will warrant specific seabird or marine mammal management plans;</p> <ul style="list-style-type: none"> <li>In addition to the above, existing marine farms may not require an environmental monitoring plan if the effects are already well-known and understood;</li> <li>The need for environmental monitoring post the granting of a resource consent should only be required where there is a need to confirm that the actual environmental effects are as predicted (due to potential uncertainty in the assessment or due to the potential for adverse effects to be significant), or there are elements of staging attached to the development of the aquaculture activity; and</li> <li>The requirement to consider 'any relevant guideline identified by the WRC' introduces uncertainty as to what additional factors might be requirement when considering requirements for monitoring.</li> </ul>	<p>Policy AQA-P19 is qualified by the wording "as relevant to the activity for which resource consent is being sought". The policy has been developed with expert advice from marine scientists, in particular Dr Hilke Giles (Pisces Consulting).</p> <p>The policy further uses the words "and gives consideration to Policy AQA-P20 and any relevant guidelines identified by council". The guidelines that WRC is referring to here have been prepared for non-fed aquaculture by Dr Hilke Giles, and have had input from Dr Shane Kelly (Coast and Catchment). Those guidelines are undergoing formal peer review to be published as a technical report series by Council. The guidelines will be made available at the time of notification in support of AQA-P19 and as part of the section 32 evaluation record. The guidelines are intended to be used in guiding applicants under both the operative and proposed plan and input and feedback on draft versions of the guidelines was received from CMFA and Aquaculture NZ on behalf of the aquaculture industry.</p> <p>Other guidelines may be prepared in future, or covering fed-aquaculture that may be relevant to a particular aquaculture activity. The guidelines have been prepared to reduce uncertainty as to what monitoring may be required, setting out decision trees and examples. This guidance is non-statutory however.</p> <p><b>WRC Response:</b></p> <p>The wording of policies AQA-R19 and AQA-P20 is considered to be appropriate to require monitoring to be undertaken in circumstances where such monitoring is necessary.</p>
3	<p><b>Staging for the Coromandel Marine Farming Area</b></p> <p>That the Draft Plan include a specific policy / rule, similar to the operative version of the Waikato Regional Coastal Plan, that directs a maximum three stage development approach for finfish aquaculture in the Coromandel Marine Farming Area</p>	<p>As noted in the feedback, Policy AQA-P12 requires new aquaculture activities throughout the region to be developed in a staged manner, following an adaptive management approach. There are no specific staging provisions for the Coromandel Marine Farming Area in the Draft RCP beyond staging being a matter of discretion under Rule AQA-R16.</p> <p>Policy AQA-P12 is adapted from the operative RCP (Policy 6.1.1B), with input from WRC science advisors. It does not need to follow the Ministerial Advisory Panel Recommendations as that was specific to the Coromandel Marine Farm Zone (CMFZ). The new plan and Policy AQA-P12 has not been developed specific to the Coromandel Marine Farming Area, on the basis that the resource consent application for the current CMFZ under the operative RCP will be considered prior to the new plan being notified. It is intended to address future applications and is not location specific. If appropriate, potentially less than 3 stages may be required.</p> <p><b>WRC Response:</b></p> <p>No change required. It is not necessary to insert a new specific provision directing a maximum three stage development approach for finfish aquaculture in the Coromandel Marine Farming Area.</p>
4	<p><b>Precautionary Approach</b></p> <p>Delete the definition of 'precautionary approach'.</p> <p>Amend Policy IM-P17 as follows:</p> <p>"Adopt a precautionary approach when the effects of an activity are uncertain, unknown, or little understood, but potentially significantly adverse, or where use and development is potentially vulnerable to the effects of climate change and sea level rise. <u>Measures to manage any uncertainty or lack of understanding in the potential effects of an activity may include, by assessing risks associated with the activity and:</u></p> <ol style="list-style-type: none"> <li>Declining resource consent;</li> <li>Limiting the duration of a resource consent term;</li> <li>Applying adaptive management; and/or</li> </ol>	<p>The term 'precautionary approach' is used in Policy IM-P17, AQA-P5 and AQA-P12.</p> <p>The definition has been adopted from the operative Bay of Plenty Regional Coastal Environment Plan. That definition has been tested through the Environment Court and better matches the wording and direction of Policy 3 of the NZCPS, which was after the development of the Waikato Regional Plan. The definition in the Waikato Regional Plan is inconsistent with the NZCPS which the new RCP is required to give effect to.</p> <p>Reference is also made in Part 1 Introduction and General Matters of the draft RCP under the "Integrated Management" subheading:</p> <p><i>"Waikato Regional Council will take a precautionary approach when making decisions about the use, development and protection of coastal resources where effects are uncertain or where potential risks to the environment are considered to be unacceptable. The precautionary approach will ensure that any decision made will err on the side of protecting the environment and that any adverse effects will be avoided, remedied, or mitigated. This approach recognises there is limited information available for much of the region's CMA, and the effects activities may have on it in the present or future need to be carefully considered."</i></p> <p>The guidance note to Policy 3 of the NZCPS under the heading "Adaptive management approach" notes:</p> <p><i>"Whether decision-makers choose to adopt an approach which requires an activity to be avoided until sufficient study has been done into its likely effects (as in the prudent avoidance approach), or whether they choose to adopt an approach which allows an activity, but subject to complex and detailed conditions and a programme of specified testing and monitoring (as in adaptive management), is a matter for local authorities to decide on a case-by-case basis after a careful assessment and weighting of relevant matters."</i></p>

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	<p>4. Requiring monitoring <u>(including additional baseline monitoring)</u>;</p> <p>5. <u>Staging of development</u>;</p> <p>6. <u>The review of consent conditions</u></p> <p>7. <u>The scope of consent conditions (including the use of expert panels where necessary).</u>”</p>	<p>The additional clause 5 to Policy IM-P17 repeats the ‘adaptive management approach’ which is defined in the draft RCP using the definition from the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.</p> <p><b>WRC Response:</b></p> <p>Retain the definition of ‘precautionary approach’.</p> <p>Policy IM-P16 is amended as sought by Pare Hauraki Kaimoana as follows:</p> <p>“Adopt a precautionary approach when the effects of an activity are uncertain, unknown, or little understood, but potentially significantly adverse, or where use and development is potentially vulnerable to the effects of climate change and sea level rise. <u>Measures to manage any uncertainty or lack of understanding in the potential effects of an activity may include, by assessing risks associated with the activity and:</u></p> <ol style="list-style-type: none"> <li>1. Declining resource consent;</li> <li>2. Limiting the duration of a resource consent term;</li> <li>3. Applying adaptive management; <del>and/or</del></li> <li>4. Requiring monitoring <u>(including additional baseline monitoring)</u>;</li> <li>5. <u>Staging of development</u>;</li> <li>6. <u>The review of consent conditions</u></li> <li>7. <u>The scope of consent conditions (including the use of expert panels where necessary).</u>”</li> </ol>
5	<p>Primary and Secondary Aquaculture Activities in the Coromandel Marine Farming Area</p> <p>That Policy AQA-P11 and Rule AQA-R17 be amended to ensure a consistent approach to the utilisation of the Coromandel Marine Farming Area for fed aquaculture and other species</p>	<p>The draft plan provisions regarding primary and secondary use have been discussed with RUD staff, the Coromandel Marine Farmers Assn and Aquaculture NZ.</p> <p>Pare Hauraki Kaimoana have raised the need for consistency and amendments could be made to clarify/connect multitrophic with these terms.</p> <p><b>WRC Response:</b></p> <p>Policy AQA-P11 is amended as follows:</p> <p>“Provide for fed aquaculture as the primary aquaculture activity in the Coromandel Marine Farming Area. Other aquaculture activities <u>as part of a multi-trophic aquaculture system</u> may occur as secondary uses provided those activities are compatible with the primary use and are located in areas unable to be used for the primary use.”</p> <p>Rule AQA-R17(3) and (4) are amended as follows:</p> <ol style="list-style-type: none"> <li>3. The application is not for the farming of <del>unfed</del> <u>non-fed</u> shellfish except as part of a multi-trophic farming system including fed aquaculture <u>as the primary use of the space.</u></li> <li>4. Any secondary use of the space <u>for non-fed shellfish</u> is in accordance with Policy AQA-P11, for which the primary use is applied for.</li> </ol>
6	<p><b>Protection of Water Quality for Aquaculture Activities</b></p> <p>That the Draft Plan clearly articulate how Objective AQA-O2 and Policy AQ-P14 will be given effect to within the plan. In addition, Policy AQ-P14 should be amended to clarify that it applies to existing / consented marine farms and Aquaculture Management Areas (irrespective of whether they have been developed or not).</p>	<p>Objective AQA-O2 and Policy AQA-P14 are to be given effect to through the discretionary and non-complying rules in other parts of the plan, in particular in the Discharges to Water chapter rules.</p> <p>The draft RCP can only address activities in the coastal marine area above MHWS. As acknowledged in the Water Quality chapter Overview, land-based activities affect water quality in the CMA.</p> <p><b>WRC Response:</b></p> <p>Policy AQA-P14 is amended as requested by Pare Hauraki Kaimoana to apply to existing consented marine farms and Aquaculture Management Areas, as follows:</p> <p><b><u>AQA-P14 Water quality of other uses and activities on Aquaculture Management Areas and existing marine farms</u></b></p> <p>Ensure that <del>authorised</del> <u>existing</u> marine farms and areas set aside for aquaculture activities, including <u>Aquaculture Management Areas</u>, are not compromised by other uses or by activities that degrade water quality.</p>
7	<p><b>Western Coromandel Aquaculture Management Areas</b></p> <p>That the location of the Western Coromandel Aquaculture Area (Areas A and B) be amended within the Draft Plan maps to provide for a minimum 5 km</p>	<p>It is unclear why Pare Hauraki Kaimoana is asking for a 5km separation between the proposed Western Coromandel AMA areas and the Coromandel Marine Farming Area.</p> <p>The current distance between Area B is approximately 2.4 km and 4.7km to Area A from the Coromandel Marine Farming Area.</p>

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	<p>separation from the boundaries of the Coromandel Marine Farming Area.</p>	 <p><b>Figure 1: Location of proposed new aquaculture management areas in proximity to the Coromandel Marine Farming Zone.</b></p> <p>It is recognised that biosecurity risks require managing and the risk of the introduction of marine pests must be minimised, which are set out in the biosecurity provision of the pre-notification draft plan.</p> <p><b>WRC Response:</b></p> <p>No change to the location of the proposed Western Coromandel AMA areas as mapped.</p>