

Recommendation and decision on notification of resource consent application(s) under sections 95-95G of the Resource Management Act 1991 (RMA)

Recommendation and decision

10. Officer's recommendation

10.1	The application be processed non-notified	<input type="checkbox"/>
10.2	Public notification is required/recommended	<input checked="" type="checkbox"/>
10.3	The application be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
10.4	Limited notification is required. Persons to be served notice are those listed in 8.2	<input type="checkbox"/>

Andrew Maclellan
Consultant Planner

Date: 25/01/2019

Decision under Delegated Authority

11.1	I agree with the recommendation	<input checked="" type="checkbox"/>
11.2	The application will be processed non-notified	<input type="checkbox"/>
11.3	The application will be publicly notified	<input checked="" type="checkbox"/>
11.4	The application shall be placed on hold while the applicant tries to obtain written approvals from the affected persons	<input type="checkbox"/>
11.5	The application will be limited notified. The parties to be served notice are those listed in section 8.2	<input type="checkbox"/>

This decision is made under delegated authority by:



Aurora Grant
Acting Consents Manager

Date: 28/01/19

Summary

I recommend the application is processed on a publicly-notified basis. This is because:

- the application is seeking to establish three new marine farms totalling 16 hectares within Big Glory Bay, which will have potentially more than minor adverse effects on navigation and public access as the application will reduce the ability for an individual to enter, pass and recreate within the marine farm boundaries.
- Section 11(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 states that: *'Neither the Crown nor any other person owns, or is capable of owning, the common marine and coastal area, as in existence from time to time after the commencement of this Act.'* Given this, it is considered that public notification is required to ensure that any persons who use directly or enjoy from a distance the application site have an opportunity to have their say on the proposed use of the application site.

The application

Particulars

Applicant:	Zane Smith & Jim Maass Barrett
Application reference:	APP-20181316
Site address or location:	Big Glory Bay, Stewart Island
New consent(s) for new activity(ies) (s88)	<input checked="" type="checkbox"/>
New consent(s) for existing activity(ies) (s88)	<input type="checkbox"/>
Change to conditions of existing consent(s) (s127)	<input type="checkbox"/>

The proposal

Zane Smith and Jim Maass Barrett have applied for a coastal permit to establish three new marine farming sites for shellfish at Big Glory Bay, Stewart Island.

The application seeks to establish three marine farms in Big Glory Bay, one of 6 hectares and two of 5 hectares, and the marine farming activity required to manage and operate them. The applicant proposes to farm the following species:

- Green lipped mussels
- Blue mussels
- Ribbed mussels
- Scallop
- Oysters

The site co-ordinates and dimensions of the three proposed sites are listed within the further information dated 17 August 2018.

The structure of the farming system will be based on a conventional long-line system on each site. Ropes and/or baskets/trays will be suspended from standard double back bone lines of 24, 28, or 32mm diameter polypropylene rope that will be moored to the seabed with either screw anchors or large concrete blocks, coupled to large steel Danforth style anchors. The water depth at the three sites is approximately 26 metres and most of the culture is grown in the top 10 to 12 metres of water. The lines are generally laid in an east west direction in Big Glory Bay in order to align with the prevailing wind.

Shellfish will either be grown on ropes or in trays/baskets suspended from the backbone. While mussels are best grown on ropes, scallops are grown in baskets in order to contain them Oysters can be grown on either ropes or trays and the method used will depend on how they best respond in terms of health and growth rates. The harvesting activity requires a barge and vessel to be on the site. When harvesting the mussels, sediment and pseudo faeces can be temporarily suspended in the water column causing some discolouration in the immediate vicinity but this effect is very minor and short-lived.

The Applicants are seeking a term of consent to expire on 1 January 2040.

Activity Status

Resource consent is required in accordance with the following rules of the Regional Coastal Plan (RCP):

- Rule 9.1.1 states that the exclusive occupation or preferential occupation of part of the CMA is a discretionary activity. Rule 9.1.4 also sets out the coastal occupation charges that are relevant.
- Rule 9.1.2.1 states that any activity involving occupation of the coastal marine area which would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security) is a discretionary activity.
- Rule 10.2.2 states that the deposition of less than 50,000 cubic metres of any material on the foreshore in one site in any one year is a discretionary activity.
- Rule 11.2.6.2 states that the erection of temporary or permanent structures in the coastal marine area in those parts of the coastal marine area not referred to in 11.2.6 (1)(a) or (b) is a discretionary activity.
- Rule 15.1.7 states that marine farming in areas other than those referred to in Rules 15.1.2 - 15.1.6 is a discretionary activity.

Overall, the application is considered to be a **discretionary** activity.

The existing environment

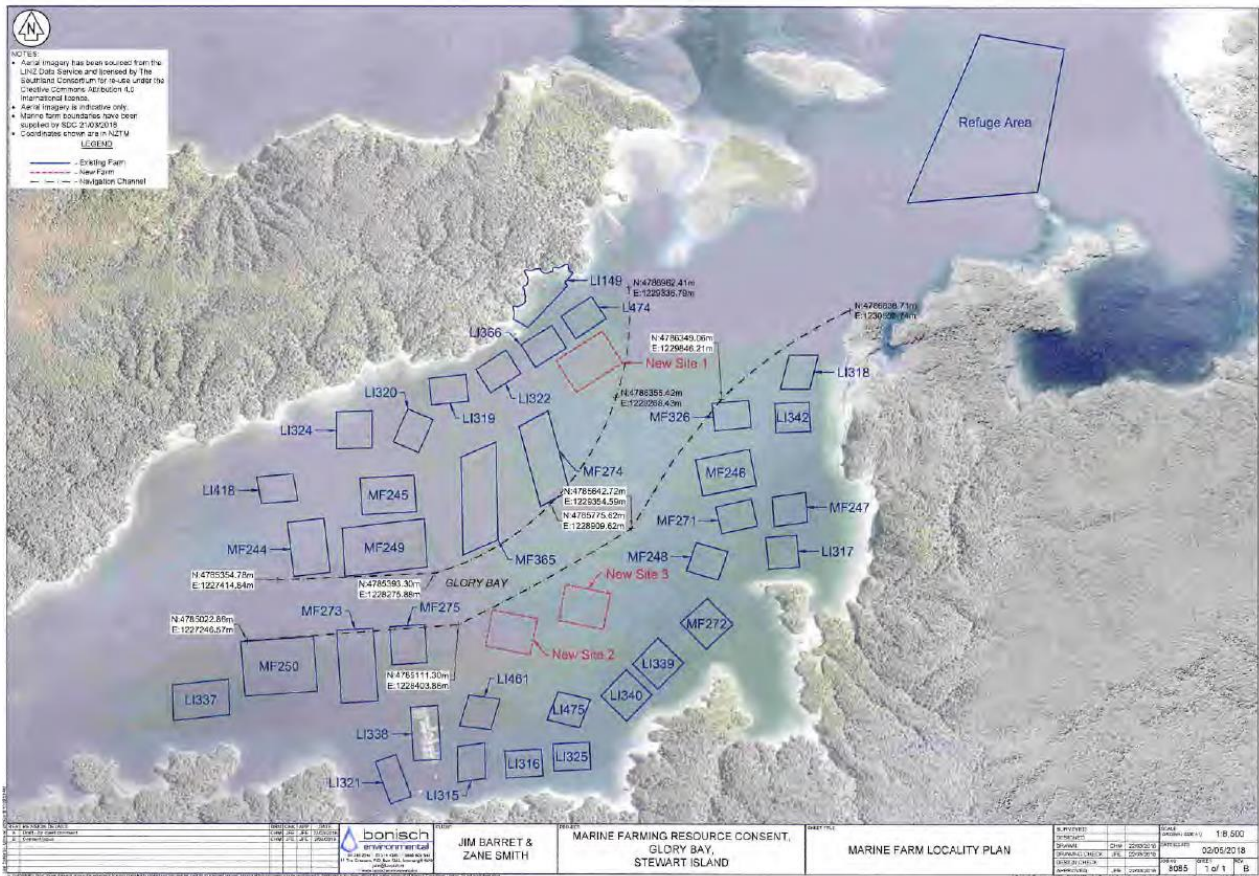
The application, additional reports, and further information provided by the applicant describes the existing environment well. I adopt this description and summarise some points here.

The application seeks to establish three new marine farming sites for shellfish at Big Glory Bay, Stewart Island Development within the Big Glory Bay is from marine farming, of which there are 35 sites. By area, the greatest proportion is in mussel farming but there is a significant area available for salmon farming. Big Glory Bay is a semi enclosed arm of Paterson Inlet, located in its south east corner, and has a surface area of approximately 12km². The bathymetry of Big Glory Bay is relatively flat, and Bay has an average depth of approximately 20 metres. There are shallow rocky reefs along the northern and southern sides of the bay.

A 2017 landscape study of Stewart Island undertaken by Boffa Miskell¹ has determined that Big Glory Bay is not an outstanding natural landscape or an outstanding natural character area. There are no archaeological sites located within the vicinity of the proposed marine farming sites.

The three-proposed marine farm site are shown in red in the image below.

¹ Stewart Island - Landscape and Coastal Natural Character Study, Prepared for Environment Southland, 30 October 2017.



Public notification consideration

1. Is notification mandatory?

1.1	Has the applicant requested that the application be publicly notified? (s95(3)(a))	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to 1.2
1.2	Was further information, or commissioning of a report, requested under s92?	<input checked="" type="checkbox"/> Yes	Go to 1.3
		<input type="checkbox"/> No	Go to step 2.1
1.3	If yes, was the request refused, or did the applicant fail to respond or fail to provide the information by the deadline?	<input type="checkbox"/> Yes	Public notification is required by s95C. Go to 10.2
		<input checked="" type="checkbox"/> No	Go to step 2.1

2. Is notification precluded?

2.1	Is each activity subject to a rule or NES that precludes public notification?	<input type="checkbox"/> Yes	Rule(s): N/A
		<input checked="" type="checkbox"/> No	Go to 4.1
2.2	Is each activity a controlled activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to 4.1
		<input checked="" type="checkbox"/> No	Go to 2.3

2.3 Is each activity a residential activity and a discretionary activity or a restricted discretionary activity?	<input type="checkbox"/> Yes	Application must not be publically notified unless there are special circumstances. Go to 4.1
	<input checked="" type="checkbox"/> No	Got to 3.1

3. Is notification required?

3.1 Are any of the activities subject to a rule or NES that requires notification?	<input type="checkbox"/> Yes	Application must be publicly notified. Go to 10.2
	<input checked="" type="checkbox"/> No	Go to 3.2
3.2 Will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? (see Note)	<input checked="" type="checkbox"/> Yes	Application must be publicly notified. Complete 3.3 and go to 10.2
	<input type="checkbox"/> No	Complete 3.3 and go to 4.1.

Note: In forming this opinion (a) to (e) apply:

- (a) we must disregard any effects on persons who own or occupy the land on which the activity will occur or any land adjacent to that land (section 95D(a));
- (b) we may disregard an adverse effect of the activity if a rule or NES permits an activity with that effect (subject to Policy 36 of the pSWLP) (95D(b));
- (c) in the case of a restricted discretionary activity, we must disregard any adverse effects that do not relate to the matters over which the rule or NES restricts discretion (95D(c));
- (d) we must disregard trade competition and the effects of trade competition - 95D(d); and
- (e) we must disregard any effect on a person who has given written approval - 95D(e)

3.3 Reasons adverse effects on the environment are less than minor / minor / more than minor

Adverse effects of the proposed activities on the environment

It is considered the potential adverse effects associated with the application relate to the following matters:

- Landscape and visual effects
- Ecological carrying capacity
- Water quality
- Benthic Effects
- Wildlife interactions
- Navigation and occupation
- Biodiversity effects

Landscape and visual effects

When considering the potential landscape and visual effects associated with the application I note that Environment Southland commissioned Boffa Miskell to undertake an assessment on Stewart Island in 2018. The report notes that marine farming "... has modified the central coastal waters of Big Glory Bay, however the coastal interface area adjacent to the land retains generally very high levels of naturalness due to the lack of modifications."

In describing Paterson inlet, the report states that despite "... the modification (which is centred on only a few parts of the Marine Area the majority is relatively untouched, supporting an overwhelming sense of naturalness, notably within the more sheltered ports of the inlet."

However, the areas of Big Glory Bay, Halfmoon Bay and Horseshoe Bay are excluded from the area considered to be an Outstanding Natural Landscape because of the level of existing development. Similarly, while much of Paterson inlet is deemed to have outstanding natural character, Big Glory Bay does not due to the presence of the marine farms.

The application notes that given there is a significant number of existing marine farms in the Big Glory Bay at present, the addition of three further mussel farms will only have a cumulative effect. It notes that the new farms will not detract significantly from these values any further, and, because they will not be any different in nature to what is already present.

The application notes that aquaculture has been present in Big Glory Bay since the 1980's and the current number of sites has not changed for over 10-15 years. Marine farms are confined to this area and are an expected sight when visiting Big Glory Bay. The addition of three more farms to the 35 existing ones will have a cumulative effect but it is considered to be no more than minor. They will be consistent with other shellfish sites and similar in the way they will be laid out, i.e. they will not be distinguishable from other shellfish sites in the bay.

Given the existing level of marine farm development within Big Glory Bay, and the fact that Boffa Miskell landscape study did not identify Big Glory Bay as outstanding natural landscape, it is considered that the proposed application will have a less than minor effect on the visual amenity and landscape values of the receiving environment.

Ecological carrying capacity

Within the application the applicant has stated that there is sufficient carrying capacity in the bay for the additional mussel farms. This assessment is based on the lack of any detectable impact from the existing farming on either the ecology of the bay away from the farm sites, or on mussel production on those existing sites. As part of the processing of this resource consent application, Rob Davidson a marine biologist from Davidson Environmental Ltd has reviewed the technical aspects of the application. In his review he noted that the three marine farm applications are in offshore, deep locations in a sheltered semi enclosed bay with other shellfish and salmon farms. He also noted that the data collected and presented in the NIWA study² prepared as part of the application, described the biological communities within each site and the authors raise no issues that would preclude these sites from consideration for marine farming activities.

As part of the processing of this resource consent application, Emma Newcombe a marine ecologist from the Cawthron Institute has reviewed the water quality aspects of the application. In her review she states:

'Enrichment effects of shellfish farms dominate discussion of water column effects in the application (page 12). This includes some apparent uncertainty regarding whether shellfish are net producers or consumers of nitrogen. The uncertainty apparently stems from interpretation of a nitrogen model for Big Glory Bay developed in the 1990s. I have not studied the details of this model, but I have the impression that some error in interpretation has occurred, or that its finding should be applied only to the seabed, not the water column.'

Ms Newcombe then goes on to state that:

'Nitrogen additions to the environment from shellfish farming are minor; no feed is added to the system to farm shellfish, therefore spat seeding is the only point at which nitrogen can potentially be introduced to the system. As shellfish are harvested, nitrogen that constitutes part of their bodies and shells is

² Stenton-Dozey, J. (2017) Baseline benthic survey of three proposed mussel farm sites in Big Glory Bay, Stewart Island. National Institute of Water & Atmospheric Research Ltd. Christchurch, New Zealand.

removed, which constitutes a loss of nitrogen from the system (see e.g., Bricker et al. 2017). Moreover, mussel farming has the potential to increase denitrification¹ in sediments beneath farms in well-oxygenated environments (Kaspar 1985, Christensen et al. 2003). An increase in denitrification further reduces the total nitrogen in the system. Accordingly, shellfish farms cause a net loss of nitrogen.'

Given the above comments it is considered that the proposed application will not result in an enrichment of nitrogen within Big Glory Bay.

In her review Ms Newcombe also noted that:

'Generally, the principal concern for the water column from mussel farming is the depletion of phytoplankton communities (MPI 2013), commonly represented by the concentration of chlorophyll-a2. Depletion is not considered for the individual farms in the water column section of the application, but is partially considered in the 'carrying capacity' section (see below). Section 2 of the RFI response requests 'an overview of the general impacts of the shellfish farming, including references and relevant supporting extracts'. The response also lacks robust reference to depletion effects, however we note that this issue is again considered to some extent in the 'carrying capacity' section of the RFI response, where the authors mention that mussel farms may mitigate the effects of salmon farms by consuming phytoplankton.'

Ms Newcombe notes in her review that although depletion effects of the three proposed farms alone are likely to be minor, the total amount of mussel farming in the bay is unclear from the application. It is possible that the mussel farms cumulatively could have an adverse effect on phytoplankton communities and other filter-feeding organisms that rely on phytoplankton as a food source.

In the second RFI response, dated 12 December 2018, the applicant noted that historically within Big Glory Bay high levels of mussel farming would have occurred from the early 2000's until about 2011 when Sanford shifted its salmon cages (the main grower farm) from Site 320 to Site 249 out into the middle of the bay. The applicant states that 24 hectares of marine farms previously used for mussels farming is now either holding salmon or is being fallowed. The application states that this alone should allow for the 16 hectares of current application sites for mussels to proceed, as the applicant notes that there has been no indication that the historic levels of mussel production was too high, i.e. causing phytoplankton depletion effects in the bay or affecting production on other sites.

Overall, given the above assessment from both Mr Davidson and also Ms Newcombe, and the further information provided by the applicant it is considered that the proposed application will have a less than minor effect on the water column.

Water quality

When considering the current water quality within Big Glory Bay the application has stated that the most recent annual monitoring report (April 2016 to April 2017) for Big Glory Bay continues to state that the water quality survey indicates there are no detectible adverse water quality issues within Big Glory Bay³. The application also states that dissolved oxygen (DO) levels were above 6 mg/l during all sampling periods and at all depths and there was no indication that marine farming was impacting on DO levels in Big Glory Bay. Some thermal stratification was observed during the warmer months, but the effect is related to climate rather than marine farming.

When considering the potential effects on water quality of the proposed activity, the application states that the addition of three new shellfish farm sites can impact directly on water quality through the release of nutrients and/or indirectly by restricting water movement and wave action in the bay. When consider the

³ Page 11 of the original resource consent application

discharges associated with the proposed activity the application states that the nature, volume, contents and frequency of the discharges will vary depending on what tasks are being performed. The discharge could be as simple as a quick washdown of the deck after a day of tying on floats, to a full mussel harvest of about 20 tonnes over a period of three to four hours. This latter discharge would contain all the wash water required to wash the crop being harvested.

The application states that the tasks that would cause the maximum discharge, using the applicants' current vessel that takes and discharges approximately 500 litres/minute, would be harvest of seed for intermediate re-seeding, and harvest of seed for final re-seed. The effect of the discharge is that it creates an area around the harvest vessel of increased turbidity that dissipates reasonably quickly after harvesting ceases because all of the material, including the pseudofaeces, settles relatively quickly.

As part of the further information provided by the applicant, the applicant has referred to a report on bay-wide monitoring of the water column and seabed, produced by NIWA. The report states that:

'As concluded in the previous surveys, at most farm sites, there is no evidence that the depositional effects from the mussel farming activity have caused significant changes to the epifaunal community apart from an increase in mussel densities.'

The application notes that if there were any significant effects beyond the immediate farm boundaries, they would show up directly beneath the sites, which is where the sampling is done, and so would feature in the report. The annual monitoring reports support the statement that mussel farming has not caused any significant changes to either water quality or the marine benthos in the bay outside of the boundary of each site.

When considering the level to which the proposed activity will restrict water movement and wave action within Big Glory Bay, the application notes that restrictions on water movement simply recognises that structures in the water will exert a drag on water movement, particularly tidal currents. The amount of water coming in and out of the bay does not change but the marine farm structures will deflect water around them and create eddies in the tidal current. The application has referred to a report by Aquatic Environmental Sciences (AES)⁴ which concluded that the tidal current in Big Glory Bay is weak even without the marine farms present. This report also states that marine farms will have an effect on how the water flows around Big Glory Bay, but they will not impact on the overall flushing time. The application states that the generation of eddies may assist mixing within the water column, but the overall impact is considered to be no more than minor.

As part of Ms Newcombe's review she has stated that"

'To my knowledge, no negative environmental effects have occurred as a result of effects on waves and currents of mussel farms in New Zealand, although overall reductions in current speed are possible (Plew 2011). Habitats most likely to be affected would be near-shore, where faster currents could scour shallower areas, or change conditions for reef-dwelling organisms. In the application under consideration, the proposed farms are positioned towards the middle of the bay, i.e., further offshore than existing farms. It seems to me that any effects on waves and currents near the new farms are therefore unlikely to be greater than those already caused by existing farms.'

Overall, given the above assessment it is considered that the effects on the water quality generated by this proposal will be no more than minor.

⁴ Assessment of ecological effects of expanding salmon farming in Big Glory Bay, Stewart Island – Aquatic Environmental Sciences (AES), ADS & Pisces Consulting Ltd - 26 April 2018. It includes Part 1 - Description of aquatic ecology, and Part 2 - Assessment of effects. A copy of this report is not included but it is available with the Sanford application. If necessary, a copy can be provided to support this application.

Benthic Effects

In relation to the potential benthic effects of the proposed activity, the NIWA study⁵ prepared as part of the application notes that:

‘Brachiopods were present at the proposed farm sites and are represented elsewhere in the bay. This group has been identified as being sensitive to disturbance but live specimens have been found under operating mussel farms. Even though benthic deposition is greater in a mussel farm (an element of disturbance), the shell hash may provide an attractive attachment surface for brachiopods.

In the bay-wide monitoring programme for marine farms in Big Glory Bay, the seabed environmental condition is evaluated against two non-farmed areas (control sites) to assess whether there are any undue adverse effects (Section 17, Resource Management Act, 1991). Thus, it is accepted by regulators (Environment Southland) that the reference sites are representative benthic areas that are healthy biogeochemical environments with integrated and functional faunal communities.

In this study, the three proposed mussel farming sites align with the reference sites (CM and CH) as assessed by the suite of prescribed environment indicators. The areas are environmentally healthy and have complex community structures that accommodate predator-prey relationship.’

Within the further information provided with the application, the applicant has noted that the potential benthic effects of mussel farming are generally related to deposition on the seabed of the products of shellfish farming, and the effects it will have on the composition of the sediments, as well as the fauna and infauna associated with those sediments. The main products are the solid matter of shellfish and fouling organisms released at harvest time, and the constant gentle rain of faeces and pseudofaeces that is expelled during the feeding processes of the shell fish and many of the fouling organisms.

Within the second response to the further information request dated 12 December 2018, the applicant has stated that if the presence of mussel farms over this soft bottom has any effect on existing brachiopod numbers, it can only be minor, and could in fact provide more habitat in the form of hard surfaces for future settlement. Mr Davidson has reviewed the further information provided and is comfortable with the conclusions reached.

Overall, given the receiving environment it is considered that, any benthic effects generated by this proposal will be no more than minor.

Wildlife interactions

The application notes that Big Glory Bay is host to a range of marine wildlife. It notes that species of conservation interest include: seals, sea lions, cetaceans, sharks, and seabirds, all of which are found around most of the coastline of Stewart Island. The application states that the most common wildlife interactions within Big Glory Bay are with seals (mainly fur seals), sealions (the New Zealand sea lion), dolphins (bottlenose), sharks (White Pointer, Broadnose Sevengill and the Porbeagle) and seabirds. The application also states that seabirds are common within Big Glory Bay, including various species of shag, penguins and gulls, some of which are classified as vulnerable and, in the case of the yellow-eyed penguin and the black billed gull, endangered. Mussel farms are visited by penguins and, for the shags and gulls, are places to roost on. The application states that no issues have been noted with entanglement in mussel lines.

⁵ Stenton-Dozey., J. (2017) Baseline benthic survey of three proposed mussel farm sites in Big Glory Bay, Stewart Island. National Institute of Water & Atmospheric Research Ltd. Christchurch, New Zealand.

Finally, the application also notes that mussel farms can create habitat for fouling organisms and fish species, as the mussel line create a different sort of foraging habitat, food source, breeding habitat and refuge from predators.

Overall, it is considered that that the adverse effects associated with potential wildlife interactions will be no more than minor.

Navigation and occupation

The new farms are located adjacent to existing sites. The application notes that Big Glory Bay is known to be a marine farming area and that extra care needs to be taken to navigate through it. There are seven anchorages in the bay identified in the Regional Coastal Plan, one of which is in the middle of the fairway provided. The application also notes that that all sites must comply with the navigation and safety requirements of the regional Harbourmaster. Marking of sites is based on the "Guidelines for Aquaculture Management Areas and Marine Forms" booklet produced by Maritime New Zealand, the latest version of which is dated December 2005. The applicants agree to comply with these requirements.

Environment Southland's Harbourmaster has reviewed the application from a navigational safety perspective. He has advised that the application will not result in navigational safety effects.

When considering the potential effects of occupation, the application notes that vessels can, with care, navigate between the mussel lines on the farms as the application does not seek exclusive occupation of the sites. The application also notes that farms do inhibit full public access to all areas of Big Glory Bay, but, for the most part, the public can navigate safely through the farms. While it is acknowledged that the access will not be completely restricted by the application, it is noted that the application is seeking to establish three new marine farms totalling 16 hectare's within Big Glory Bay, which will have a considerable effect on public access to this part of the coastal marine area as the proposed activity will reduce the ability for an individual to enter, pass and recreate within the marine farm boundaries. It is noted that a reasonable proportion of the proposed application site will require exclusive occupation of the coastal marine area for structures such as: mooring blocks located on the seabed, ropes and buoys, suspended ropes, baskets and trays attached to the backbone.

It is also noted that Section 11(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 states that:

'Neither the Crown nor any other person owns, or is capable of owning, the common marine and coastal area, as in existence from time to time after the commencement of this Act.'

Given this, it is considered that public notification is required to ensure that any persons who use directly or enjoy from a distance the application site opportunity to have an opportunity to have their say on the proposed use of the application site.

Accordingly, it is considered that the exclusive and preferential occupation of 16 hectares of CMA sought by the application will have a more than minor impact on public access an enjoyment of the area.

Biodiversity effects

The application notes that Big Glory Bay is not an area that is identified as an area containing significant values in the Regional Coastal Plan, due in part to the historic marine farming activity in this area. Values on the land, apart from the presence of the marine farms on the seascape, are not impacted by this activity. The seabed has been described in the NIWA report, which confirms that there are no particularly sensitive features present within the application site. In terms of wider impact on the bay, the marine farming is already present and spread throughout the bay.

It is considered that that the adverse effects on the biodiversity of the receiving environment will be less than minor.

Conclusion

Overall, given the above assessment, it is considered that adverse effects associated within the application on the wider Big Glory Bay environment will be more than minor.

Adverse effects that have been disregarded

Consideration has been given to Section 95D, which requires that effects in relation to the following circumstances must be disregarded:

- parties who own or occupy the land or adjacent land;
- effects outside the scope of restricted discretion;
- trade competition; or
- effects on a party who has provided written approval.

There are no National Environmental Standards which are relevant to this application. There is one National Policy Statement which is applicable; The National Coastal Policy Statement (NZCPS). The NZCPS allows for aquaculture activities but seeks to ensure water quality is good enough so that there are no significant adverse effects on the environment.

The NZCPS also seeks to monitor sedimentation so that use and development does not cause a significant increase in sedimentation. The technical comment received from both Mr Davidson and Ms Newcombe has identified that it is likely that the proposal will have less than minor adverse effects as a result of deposition, nitrogen enrichment, and depletion of phytoplankton within Big Glory Bay.

I do not consider that there any effects that must be disregarded under Section 95D.

Planning provisions (policies and objectives) relevant to adverse effects

Relevant policies in the RCP primarily relate to:

- Justifying coastal location
- Concentrating compatible activities
- Avoid, remedy or mitigate cumulative adverse effects
- Protecting amenity values and natural character;
- Maintaining and enhancing public access;
- Limiting the area of exclusive occupation to the area of the activity; and
- Maintaining structures to ensure soundness and safety.
- Avoid, remedy or mitigate any adverse effects of marine farming operations.

Conclusion: significance of adverse effects on the environment

The application is generally consistent with the policies of the RCP. As noted in the effects assessment above, it is considered that the proposed activity will have a less than minor effect on the: landscape, ecological carrying capacity, water quality, benthic, wildlife, and biodiversity values of the receiving environment and is consider consistant with the policies of the RCP which manage these effects. However, it is noted that Policy 9.1.1 of the RCP reatles to the public right of use and requires that the interests of the recreational users and other lawful users not requiring any form of preferential occupation shall be protected. It is considered that public notification is required to determine whether there are any other interests in the application site that need to be considered.

4. Special circumstances and public notification

4.1 Do special circumstances exist in relation to the application that warrant the application being publicly notified?	<input type="checkbox"/> Yes	Application must be publicly notified. Explain reasons in 4.2 and go to 10.2
	<input checked="" type="checkbox"/> No	Explain reasons in 4.2. If each activity is a controlled activity go to 10.1. Otherwise go to 5.1

4.2 Reasons why special circumstances do or do not exist

This activity is typical of activities occurring in Big Glory Bay, I am not aware of any special circumstances that warrant notification of this application.

Affected Parties and Limited Notification

5. Protected Customary Rights Group or Customary Marine Title group

5.1 Is the activity in the coastal environment, within an area where it may adversely affect a protected customary rights group(s) or a customary marine title group(s) (see s95G)?	<input type="checkbox"/> Yes	Go to 5.2
	<input checked="" type="checkbox"/> No	Go to 6.1
5.2 May the activity have adverse effects on a protected customary right carried out in accordance with the requirements of Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011?	<input type="checkbox"/> Yes	The customary rights group(s) is an affected customary rights group(s). Application must be limited notified on them. Record in 5.3 and go to 6.1
	<input checked="" type="checkbox"/> No	Go to 6.1

5.3 Adversely affect a protected customary rights group(s) or a customary marine title group(s):

N/A

6. Statutory Acknowledgement Areas

6.1 Is the activity on or adjacent to, or may it affect, a statutory acknowledgement area?	<input checked="" type="checkbox"/> Yes	Go to 6.2
	<input type="checkbox"/> No	Go to 7.1
6.2 Are the adverse effects on Te Rūnanga o Ngāi Tahu minor or more than minor?	<input checked="" type="checkbox"/> Yes	Include TRONT in 8.2 and go to 6.3
	<input type="checkbox"/> No	Go to 6.3

6.3 Reasons why adverse effects on Te Rūnanga o Ngāi Tahu are less than minor, minor or more than minor:

I note that Rakiura/Foveaux Strait CMA is a statutory acknowledgement area, and the marine farms will be located within Big Glory Bay which is linked to the wider Rakiura/Foveaux Strait CMA. There are no heritage or archaeological sites within the vicinity of the application site.

I have reviewed the relevant polices of the Te Tangi a Taura Iwi Management Plan as part of my assessment. I note that Section 3.6.11 includes a number of polices related to the establishment of marine farms. Of particular relevance to this application is Policies 3. and 4. within Section 3.6.11 which state that Ngāi Tahu are to have an active involvement in the consent process for aquaculture and marine farming application, including involvement in the ongoing management, setting of consent conditions and monitoring and compliance programmes. Policy 7. then requires that aquaculture does not have adverse effects on customary fishing and practices, fishing resources or fisheries. This includes maintaining access to sources of abundant local kaimoana, kaimātaiai and mahinga kai populations.

I note that the application has been sent to Te Rūnanga o Ngāi Tahu as part of the processing of the application. No feedback has been provided in relation to this application to date.

Given the CMA in the Southland Region is a statutory acknowledgement area, and the proposed application seeks preferential occupation of 16 hectares of the CMA, it is considered that the effects of the application on Te Rūnanga o Ngāi Tahu will be more than minor. Also, the Te Tangi a Taura Iwi Management Plan includes clear direction that Ngāi Tahu are to have an active involvement in the consent process. As such, it is considered that Te Rūnanga o Ngāi Tahu are an affected party.

7. Is limited notification precluded?

7.1 Is each activity subject to a rule, NES or regulation that precludes limited notification?	<input type="checkbox"/> Yes	Go to 9.1
	<input checked="" type="checkbox"/> No	Go to 8.1

8. Are any people adversely affected?

8.1 Are the adverse effects on a person minor or more than minor (but not less than minor)?	<input checked="" type="checkbox"/> Yes	Go to 8.2
	<input type="checkbox"/> No	Go to 8.3

As noted in the effects assessment above, it is considered that the preferential occupation of 16 hectares of CMA sought by the application will have a more than minor impact on public access an enjoyment of the area. As such, it is recommended that the application be publicly notified.

Note: In forming this opinion (a) to (c) apply:

- (a) We may disregard an adverse effect of the activity on the person if a rule or an NES permits an activity with that effect; and
- (b) We must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- (c) Must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

9. Special Circumstances – Limited Notification

9.1 Are there special circumstances that warrant limited notification of any other persons?	<input type="checkbox"/> Yes	Application must be limited notified to those persons and any other affected persons. Go to 9.2
	<input checked="" type="checkbox"/> No	Go to 10

9.2 Reasons special circumstances exist and persons to be notified

N/A