

FORM 13 SUBMISSION ON APPLICATION



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Important Note:

Please ensure that all sections of this form are completed and that the **NORTHLAND REGIONAL COUNCIL RECEIVES THIS SUBMISSION** before the closing date and time specified on the notification.

To: Consents Department
Northland Regional Council
Private Bag 9021
Whāngārei Mail Centre
Whāngārei 0148

For Council Use Only

1. Submitter's details

Full Name Yachting New Zealand
Address for Service (Postal) PO Box 91 209
Victoria Street West
Auckland Post Code 1142
Contact Person Andrew Clouston
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2. Application to which submission relates

Name of Applicant Whaingaroa Fisheries Company Limited
Proposal (activity type and location) Marine Farm in Whangaroa Harbour
NRC Application Number CON19960812001

3. Attendance and wish to be heard at consent hearing

- ☐ I/we **do not** wish to be heard in support of my submission
(This means that you will not be advised of the date of the consent hearing and cannot speak at the hearing. However, you will still retain your right to appeal any decision made by the Council.)
- ☒ I/we **do** wish to be heard in support of my submission
(This means that you wish to speak in support of your submission at the consent hearing.)
- ☒ If others make a similar submission, I/we will consider presenting a joint case with them at the hearing

4. General nature of submission (tick one box)

☐ I support the application ☒ I oppose the application ☐ I am neutral regarding the application

5. The specific parts of the application this submission relates to are:

☒ The whole application (tick box), or the following parts of the application:

(Attach additional sheet if necessary)

6. My submission is (give details):

Please see attached submission

(Attach additional sheet if necessary)

7. I seek the following decision from the Council

☐

To grant consent

☒

To refuse consent

If Consent is granted, the conditions I seek are:

Note: You do not have to suggest conditions, particularly if you seek that consent be refused.

(Attach additional sheet if necessary)

8. Request for independent commissioner(s)

☒

Pursuant to section 100A of the Resource Management Act 1991, I request that you delegate your functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council.

Note: If you make a request under section 100A of the Resource Management Act 1991, you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

9. Signature

☒

I/we have served a copy of this submission on the applicant
(This is required by section 96(6) of the Resource Management Act 1991)

Signature:* Andrew Clouston
(Person making submission, or person authorised to sign on behalf of person making submission.)

Date: 06 / 11 / 2012

Note: *A signature is not required if you make your submission by electronic means.

Submission to the NRC on the Whaingaroa Fisheries Company Limited application (CON19960812001) by Yachting New Zealand Inc.

1. Yachting New Zealand (YNZ) is the national sports organisation (NSO) for sailing in New Zealand. YNZ represents over 31,000 members in 123 yacht clubs from Taipa in the north to Bluff in the south – also affiliated are 50 class associations and 40 maritime associations. Many members are involved in both power and sail driven activities.
2. YNZ is not opposed to aquaculture but seeks that aquaculture takes place in appropriate places; in particular YNZ seeks that:
 - (a) Aquaculture structures and activity is not in placed where it will pose a risk to navigational safety.
 - (b) Aquaculture structures do not impede passage to and anchorage in bays used as safe daytime and overnight anchorages and ports of refuge in adverse weather.
 - (c) Aquaculture development takes place in areas where there will be no adverse effect on the community's access to the coastal marine area (CMA) for recreational use.
3. YNZ considers the application by farm Whaingaroa Fisheries Company Limited is in an inappropriate location and seeks that the Northland Regional Council rejects the application in full.
4. YNZ seeks rejection of the application on the following grounds:
 - (a) The Whangaroa Harbour is a popular and highly patronised harbour with boaties. With a number of other competing uses already in the area, Whangaroa Harbour is not suitable for further aquaculture development.
 - (b) The application area would limit access to popular and safe anchorages both for daytime and overnight use, and a port of refuge in adverse weather.
 - (c) The application area would create significant risk to boaties attempting to navigate around it.

- (d) The area applied for does not meet Maritime New Zealand guidelines for the placement of aquaculture.
 - (e) The proposal does not meet the policies and objectives of the proposed Plan Change 4 as supported by the NRC.
 - (f) The supporting information and assessment of effects provided with the application is inadequate.
5. Whangaroa Harbour is a highly popular area for boating with a lot of traffic from local and visiting vessels, large and small and it is not appropriate to place a large marine farming operation within the harbour. These vessels are a mix of both power and sail driven.
 6. The RAYC Coastal Cruising Handbook, 11th Edition, published 2012 (Appendix A) covers the Whangaroa Harbour and describes it as one of the safest harbours in New Zealand. The harbour is one of exceptional beauty with significant number of quality recognised anchorages providing excellent shelter and wonderful cruising opportunities.
 7. This makes Whangaroa Harbour a very popular area. There is cruising activity in the area throughout the year. In summer there are large numbers of boats in this area, both smaller boats launching from land and significant numbers of larger vessels which either cruise this area exclusively or which move between the Bay of Islands and Whangaroa and surrounds.
 8. The following is an excerpt from David Thatcher's "New Zealand's Northland Coast: A Chart-based Boating Guide to Northland from Whangarei to Cape Reinga, Including Three Kings Islands" (Appendix B); "If you have never visited Whangaroa before, prepare to be amazed. The outer reaches of the harbour make it seem as if a Norwegian fjord has been mistakenly dropped in the middle of the Northland Coastline."
 9. The application area is addressed in a number of publications, commenting on the bay as a favourable anchorage and therefore a good option for boaties. The

following are passages that relate to the application area and demonstrate its unsuitability for aquaculture development.

10. The RAYC Coastal Cruising Handbook states that Owhanga Bay "shoals towards its head but the lower reaches have ample depth of water. Milford Island (Jones Peninsula) forms its S shore, and the cove just E of Jones Point is a particularly good anchorage with deep water close inshore. Good spring water can be obtained at the nearby Coastguard water buoy".
11. Boating New Zealand magazine's anchorage guide (Appendix C) says of Owhanga Bay, "Depending on wind direction, there are plenty of choices here with good shelter; except from the northwest. Water mostly deep enough around the bay to tuck in close to the shore in a blow. Good holding. This is a sheltered bay with good holding. Couldn't be better when it is blowing hard."
12. David Thatcher's New Zealand's Northland Coast: A Chart-based Boating Guide to Northland from Whangarei to Cape Reinga, Including Three Kings Islands states "There are two good anchorages on the northern side of Milford Island. My particular favourite is the westernmost one. There is deep water in this bay with excellent holding." He goes on to say "There are two large inlets, one to the north of Milford Island [Owhanga Bay] and one to the south. There are a number of good coves in each inlet, their suitability dependent on wind direction and strength... There is a water buoy located in the eastern arm from which you can top up the water tanks."
13. Kerikeri Cruising Club is one of the largest of YNZ's member clubs in the area. Many of their members visit the Whangaroa Harbour. The club identifies fifteen anchorages that would be affected by aquaculture in the application area. A map is provided as Appendix D.
14. Locating a farm in this bay would create a navigational hazard in the middle of a popular boating area. It would restrict access to the bays for anchorage and shelter, especially in adverse weather conditions. It would create a navigational bottle neck for those trying to pass by a farm and create a navigational hazard when trying to relocate at night if the conditions dictate the need to change anchorage. During the passage of tropical depressions, wind directions are likely to shift suddenly

necessitating swift changes of anchorages within the Bay, often during the night. The application would also restrict access to the water buoy used by boaties to refill water tanks.

15. Adding structures to the CMA creates navigational safety risks. Maritime New Zealand produced a guide to the placement of aquaculture addressing this risk; the specific positioning section of the Guidelines reflects that marine farms present a hazard to navigation. The following comments make reference to the Guidelines for Aquaculture Management Areas and Marine Farms (2005) (Appendix E).
16. The Guidelines refer to "AMAs"; as a result of changes to legislation governing aquaculture in New Zealand AMAs as previously defined in legislation no longer exist. However an "AMA" simply refers to an area where marine farming can take place under the Coastal Plan. Accordingly references in the Guidelines to AMAs remain relevant.
17. The Guidelines define "Inshore" and "Offshore" farms, on the basis that an Inshore farm is one that is established within 200 metres from mean low water, and an Offshore farm is one established beyond 200 metres from mean low water.
18. In their documentation Whaingaroa Fisheries Company Limited proposed to allow a minimum of 100m around the site to allow for passage (Assessment of Environmental Effects -10.4.3. From the NABIS map provided (Appendix F) at some points the passage between the application area and the shoreline is little more than 100m. This would make this farm an "Inshore" farm in relation to these Maritime New Zealand guidelines.
19. Section 5.2 of the Guidelines refers to "positional factors". Section 5.2.1 records that AMAs (i.e. an area where marine farming can take place under the Coastal Plan) shall not unduly impede access to any bay, recommended or recognised anchorages or mooring areas, and shall not unduly impede navigation within the bay.
20. Section 5.2.3 states that the separation distance, or safety buffer, between an AMA and a recognised navigational route "will need to take into account such considerations as the size and type of vessels using the route, manoeuvring area, the

layout of the area such as bay, channel or open water, likely divergence from a set course and prevailing currents and wind".

21. Section 5.2.5 states: "As minimum figures, Offshore marine farms shall not be located within 1,000 metres of any recognised navigational route and Inshore marine farms shall not be located within 500 metres of any recognised navigational route."
22. Section 5.2.7 states that AMAs "shall not be located within 200 metres across any headland and 200 metres into bays adjacent to the headland. This will ensure safe navigation around headlands".
23. The Guidelines include the following definitions:
 - (a) **Recognised Anchorage:** Means an anchorage which is referred to in cruising guides, pilot books and similar publications as being suitable shelter for small/larger craft in adverse weather.
 - (b) **Recommended Anchorage:** Means an anchorage marked on a nautical chart.
 - (c) **Recognised Navigational Route:** Is a safe sea passage and commonly used by vessels navigating within that area. The recognised navigational route may be one used by commercial vessels to and from ports and may also include pleasure craft routes which are normally used to navigate between popular destinations.
24. It is clear that the application contravenes these guidelines. This farm would impede access to bays and recognised anchorages, it would impede navigation within the bay, it would lie within the exclusion zones outlined for both inshore and offshore farms and it would impede safe navigation around the north headland at the mouth of Owhanga Bay.
25. Mariners travelling in the Coastal Marine Area should use maritime charts to ensure the safe navigation of the vessel. However it is worth noting that not all existing marine farms are marked on official charts, and further, the marked position of many marine farms is indicative of the farms location rather than exact.

26. In their documentation Whaingaroa Fisheries Company Limited proposed to allow a minimum of 100m around the site to allow for passage (Assessment of Environmental Effects -10.4.3. From the NABIS map provided at some points the passage between the application area and the shoreline is little more than 100m.
27. 100m is not enough room to safely navigate a vessel between the shore and a structure in the water, especially in adverse weather conditions. It has been noted by local sailors in the area that the geography of the site causes the wind to change direction and speed frequently and at times without warning requiring more sea room in which to navigate. It creates a significant safety risk, and shows a lack of understanding of sailing and boating on the part of the applicant.
28. Yachts cannot always travel in a straight line. When travelling under sail in a direction that is directly towards the direction of the wind a yacht cannot sail in straight line it must tack or zigzag in order to reach its destination. The result of placing a marine farm in the application area is that a yacht would be effectively prevented from navigating under sail into the bay in any wind direction from NE to SE.
29. In documents submitted by the applicant reference is made to the proposed NRC Plan Change 4 (PC4). YNZ is a party to PC4 proceedings.
30. Evidence prepared on behalf of the NRC and other parties including YNZ, David Keys and the Department of Conservation identifies Whangaroa Harbour as a "no-go" area (Appendix G). That is that the area be zoned MM2 and not appropriate for further aquaculture development.
31. Section 27.4 – Policies of the proposed Plan Change 4 (most recent NRC version) states that:

Aquaculture activities will not be appropriate in the following areas:

- (c) Locations within Marine 2 (Conservation) Management Areas listed in Appendix 11

32. In the most recent version of Plan Change 4 supported by NRC, Appendix 11 includes "Whangaroa Harbour, but not including Pekapeka Bay."

33. The following are explanatory notes to the proposed policy.

The locations within MM2 listed in Appendix 11 are those areas which are:

- (a) already fully developed by marine farming; or
- (b) unsuitable for marine farming because of potential conflicts with adjacent areas of urban development and recreational activities; or
- (c) unsuitable for marine farming because of potential conflict with high existing natural character and amenity values.

34. The current NRC position (while not agreed by all parties) on Policies 6 and 8 of PC4 is:

6. Aquaculture activities should have no adverse effects on;

- (a) The use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables,

8. Aquaculture activities should avoid significant adverse effects on:

- (c) Significant anchorages (e.g., important sites providing shelter from adverse weather);

35. The application area is unsuitable for the activity applied for by Whaingaroa Fisheries Company Limited under the proposed Plan Change 4 as supported by NRC in their evidence exchanged.

36. YNZ recognises that the policy wording has not been formally adopted and is still subject to Environment Court proceedings. It could be seen that this application is timed in order to try and gain consent before the new Plan is adopted.

37. The supporting information and assessment of effects provided with the application is inadequate.

38. Much of the information is a number of years old, and in addition the supporting information and AEE are not comprehensive and do not properly address the actual

or potential adverse effects of the proposal. YNZ is concerned that some of the information provided in the application should no longer be considered current or relevant, for example, Appendix 1 – Report on marine farm site investigation, Whangaroa, Northland (Survey carried out 2 January 1997).

39. The application fails to seek all necessary discharge consents related to the operation of the fish farm. In particular no application has been made for the discharge of contaminant in to the water from the fish themselves (i.e. excreta). In addition the application is not supported by adequate analysis of the actual and potential effects of discharges from the proposed farm.
40. The proposal will have adverse visual and amenity effects which will in turn have a significant impact upon the recreational values enjoyed by the public in general and the boating public in particular.

Andrew Clouston
Participation and Development Manager, Yachting New Zealand
November 6, 2012