5. Section 92 Letter – 28 August 2017
Appendix 1 and 2
BY EMAIL: richard.gardner@aucklandcouncil.govt.nz

Attention Richard Gard’ner

Auckland Council
Private Bag 92300
Victoria Street West
AUCKLAND 1142

Dear Richard

CST60303341 (Rangipakihi) and CST60303342 (Waitoetoe) – Westpac Mussels Distributors Limited – applications for spat catching and mussel farming – third response to requests for further information

We write in response further to our letters dated 14 and 18 August 2017 in which we provided a partial response to your letters dated 24 and 25 July 2017 requesting further information in relation to the above applications.

On behalf of Westpac Mussels Distributors Limited (Westpac Mussels), we provide the following information completing its response to the Council’s requests:

(a) **Written approval from Ngāti Paoa in relation to the applications** (item 2(b) of the Council’s request regarding the Rangipakihi application and item 2(a) of the Council’s request regarding the Waitoetoe application): Written confirmation from Ngāti Paoa that it supports Westpac Mussels’ applications is **enclosed** as Appendix 1. Westpac Mussels is satisfied with this clear response from Ngāti Paoa and has not requested any other formal documentation of its position.

(b) **Written confirmation from Waikato-Tainui of its position on the applications** (item 2(b) of the Council’ request regarding the Rangipakihi application and item 2(a) of the Council’s request regarding the Waitoetoe application): Written confirmation from Waikato-Tainui that it does not oppose Westpac Mussels applications is **enclosed** as Appendix 2. Westpac Mussels also:

(i) **Encloses** (as Appendix 3) a copy of the Waikato-Tainui Environmental Plan (Plan) and an assessment of Westpac Mussels’ applications by Westpac Mussels’ Consultant Planner, Ms Robin Britton, against the Plan; and

(ii) Requests that the Council consider these documents when considering Westpac Mussels’ applications under section 104 of the Resource Management Act 1991, as an “other” matter relevant to the applications.

(c) **Written confirmation from Te Ahiwaru Waiohua of its position on the applications** (item 2(b) of the Council’s request regarding the Rangipakihi application and item 2(a) of the Council’s request regarding the Waitoetoe application): This is no longer required by Auckland Council. We refer to your letter dated 22 August 2017 that specifies Te Ahiwaru Waiohua’s rohe does not include the Firth of Thames and Westpac Mussels is no longer required to engage with Te Ahiwaru Waiohua.
(d) **Written confirmation from Ngāti Tamaterā of its position on the applications** (item 2(b) of the Council’s request regarding the Rangipakihi application and item 2(a) of the Council’s request regarding the Waitoetoe application): Westpac Mussels’ iwi partner, Te Whanau ā Haunui Ahuwhenua Trust, sought written confirmation from Ngāti Tamaterā of its position on the application on or about 1 August 2017. A written response has not yet been received. We understand Ngāti Tamaterā has resourcing issues and this is why they have not yet been able to provide a response. However, Liane Ngamane of Ngāti Tamaterā has indicated that she is willing to speak to Auckland Council directly about the applications and is contactable on 021 133 2760. Westpac Mussels asks that you call her to reduce the consultation burden on Ngāti Tamaterā.

(e) **Draft consent conditions** (item 2(c) of the Council’s request regarding the Rangipakihi application and item 2(b) of the Council’s request regarding the Waitoetoe application): Draft conditions for both applications are **enclosed** as Appendix 4. These have been prepared by Westpac Mussels’ Consultant Planner, Ms Britton, in consultation with Westpac Mussels and Westpac Mussels’ other expert consultants, including Mark Poynter.

(f) **Landscape and visual assessment** (item 3 of the Council’s requests regarding both applications): Hudson & Associates Landscape Architects have prepared letters and have revised their Assessments of Landscape, Natural Character and Visual Effects reports for both applications in response to the Council’s requests for further information regarding these matters. These documents are **enclosed** as Appendix 5.

Please contact us if you have any queries.

Yours faithfully

MinterEllisonRuddWatts

Stephanie de Groot
Senior Associate

Contact: Stephanie de Groot, Senior Associate
T: +64 9 353 9765 E: stephanie.degroot@minterellison.co.nz
Partner: Rachel Devine T: +64 9 353 9912

enclosure
Appendix 1

Written approval from Ngāti Paoa in relation to the applications

From: Kaitiaki support <kaitiaki@ngatipaoaiwi.co.nz>
To: Tipa Compain <tipa@xtra.co.nz>
CC: Hauauru Eugene Rawiri <hauauru.rawiri@gmail.com>; Rachel Devine <Rachel.Devine@minterellison.co.nz>; Alice Gilbert <Alice.Gilbert@minterellison.co.nz>; Stephanie de Groot <Stephanie.deGroot@minterellison.co.nz>
Subject: Re: WLIB.FID854092]Westpac Mussels - final responses from Ngāti Paoa and Ngāti Tamaterā required [MERW-MER

Kia ora Tipa, Stephanie and the consents team,

Apologies for the delay in response.

I was engaged by Tipa awhile back on this consent application and was more than satisfied with the information provided, and more importantly seeing the potential for the Iwi to practise Kaitiakitanga in their rohe and moana is always a great outcome.

I as the Ngati Paoa Environmental Manager would like formally responded and state that the Ngāti Paoa Iwi Trust supports the westpac mussel consent application.

We wish the Iwi, hapu and marae the best with the relationship with Westpac mussels.

‘Kia kaha, kia maia, kia manawanui’

Ngā mihi matakui atu

Mahuika Rawiri
Phoa Ranger, Ngāti Paoa Iwi Trust
m:021 02841017 | e:kaitiaki@ngatipaoaiwi.co.nz | w:http://www.ngatipaoaiwi.co.nz

Whanake te tuu, Rahirahi te taringa, Pukunui te haere.
Appendix 2

Written confirmation from Waikato-Tainui of its position on the applications

From: Tim Manukau [mailto:Tim.Manukau@tainui.co.nz]
Sent: Tuesday, 15 August 2017 8:57 PM
To: Stephanie de Groot <Stephanie.deGroot@minterellison.co.nz>
Cc: Rachel Devine <Rachel.Devine@minterellison.co.nz>
Subject: Re: Aquaculture Spat & Farming Resource Consent Applications At Waimango Point [MERW-MERWLIB.FID854092]

Yes that's fine.

Nga mihi,
Tim Manukau

On 24/08/2017, at 9:22 AM, Stephanie de Groot <Stephanie.deGroot@minterellison.co.nz> wrote:

Morena Tim

I hope you are having a great week. I'm just following up on my email below - is the approach to suggested in our email below acceptable to Waikato-Tainui?

Kind regards
Stephanie

Stephanie de Groot
Senior Associate
T +64 9 353 9765
Stephanie.deGroot@minterellison.co.nz
MinterEllisonRuddWatts Lumley Centre 88 Shortland Street Auckland 1010

From: Stephanie de Groot [mailto:Stephanie.deGroot@minterellison.co.nz]
Sent: Friday, 18 August 2017 1:26 PM
To: Tim.Manukau@tainui.co.nz
Cc: Rachel Devine <Rachel.Devine@minterellison.co.nz>
Subject: RE: Aquaculture Spat & Farming Resource Consent Applications At Waimango Point [MERW-MERWLIB.FID854092]

Good afternoon Tim

Thank you for your email and for confirming that Waikato-Tainui has no issues with Westpac Mussels' applications.

To give effect to your request to reference the Waikato-Tainui Environmental Plan in all documentation, we propose to:

(a) Provide a copy of the Waikato-Tainui Environmental Plan and Ms Britton's assessment of Westpac Mussels' applications against the Plan to Auckland Council. These documents will then form part of the application documents before Auckland Council.

(b) Request that Auckland Council consider the above documents when considering whether to grant Westpac Mussels' applications under section 104 of the Resource Management Act 1991, as an other matter relevant to the applications.

Can you please confirm that you are happy with this approach? Thank you.

Kind regards
Stephanie

Stephanie de Groot
From: Tim Manukau [mailto:Tim.Manukau@tainui.co.nz]
Sent: Tuesday, 15 August 2017 8:57 PM
To: Stephanie de Groot <Stephanie.deGroot@minterellison.co.nz>
Subject: Re: Aquaculture Spat & Farming Resource Consent Applications At Waimango Point [MERW-MERWLILB.FID854092]

Hi Stephanie,

We have no issues with the application.

Please reference our Waikato-Tainui Environmental Plan in all documentation.

Nga mihi,
Tim Manukau

On 15/08/2017, at 8:26 PM, Stephanie de Groot <Stephanie.deGroot@minterellison.co.nz> wrote:

Kia ora Tim

I hope you are having a good week.

We thought we would drop you a quick note to check in with you regarding about Westpac Mussels’ assessment of its applications against Waikato-Tainui’s Environmental Plan. Please let us know if you have any queries about the assessment or the applications. As noted below, we’re happy to discuss the applications with you if that would assist.

We’d like to let the Council know of Waikato-Tainui’s position on the applications as soon as possible. Are you able to provide an indication of when we might receive advice about that? Thank you very much.

Nga mihi
Stephanie

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Stephanie de Groot
Senior Associate
T +64 9 353 9765
Stephanie.deGroot@minterellison.co.nz
MinterEllisonRuddWatts Lumley Centre 88 Shortland Street Auckland 1010

From: Stephanie de Groot [mailto:Stephanie.deGroot@minterellison.co.nz]
Sent: Wednesday, 9 August 2017 1:43 PM
To: Tim.Manukau@tainui.co.nz; Rangi.Mahuta@tainui.co.nz
Cc: I. K Royal <anewa.royal@gmail.com>; Robin Britton <rbritton@wave.co.nz>
Subject: RE: Aquaculture Spat & Farming Resource Consent Applications At Waimango Point [MERW-MERWLILB.FID854092]

Kia ora Tim

As you may know, we are assisting Westpac Mussels Distributors Limited with its applications for coastal permits for spat catching and mussel farming activities in the Firth of Thames.

Irene Royal passed on your email below to us regarding your request for an assessment to be undertaken of Westpac Mussels Distributors Limited (Westpac Mussels) proposed marine farms against the Waikato-Tainui Environmental Plan. Westpac Mussels’ consultant planner, Robin Britton, who prepared the Assessment of Environmental Effects for the applications, has completed this assessment. A copy is attached for your consideration.
It would be appreciated if you could please advise of Waikato-Tainui’s position on the applications by close of business Friday 11 August so that we have time to include your feedback in our response to the Council’s request for further information which is due on Monday 14 August. Thank you.

Please let us know if you have any queries in the meantime. We are also happy to discuss the applications with you if that would assist.

Nga mihi
Stephanie

**Stephanie de Groot**
Senior Associate
T +64 9 353 9765
Stephanie.deGroot@minterellison.co.nz
**Minter Ellison Rudd Watts** Lumley Centre 88 Shortland Street Auckland 1010

-------- Forwarded message --------

From: **Tim Manukau** <Tim.Manukau@tainui.co.nz>
Date: Thu, Aug 3, 2017 at 11:05 AM
Subject: RE: Aquaculture Spat & Farming Resource Consent Applications At Waimango Point
To: "**anewa.royal@gmail.com**" <anewa.royal@gmail.com>
Cc: Rangi Mahuta <Rangi.Mahuta@tainui.co.nz>

Kia ora Irene,

I have received the below proposal from Rangi Mahuta regarding resource consent applications by Westpac Mussels off the coast of Wharewaka.

Waikato-Tainui and Hauraki have formally acknowledged each others shared interests in Tikapa Moana/Te Moananui a Toi in our joint relationship /allocation agreement.

Please have the applicant assess the applications against our Waikato-Tainui Environmental Plan to ensure consistency with it. This is standard process as recommended to Auckland Council in 2013, with regard to any type of proposal sent to us. See attached assessment process.

The assessment can be sent to me, we will review and provide our position on the applications.

We don’t envisage any issues.

Nga mihi,
Tim Manukau
Waikato-Tainui

**From:** I. K Royal [mailto:anewa.royal@gmail.com]
**Sent:** Tuesday, 1 August 2017 9:03 p.m.
**To:** Rangi Mahuta <Rangi.Mahuta@tainui.co.nz>; Rangi Mahuta <Rangi.Mahuta@tainui.co.nz>
**Subject:** Aquaculture Spat & Farming Resource Consent Applications At Waimango Point

*Kia ora*

**Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui** (the Royal family) have formed a partnership with aquaculture company, Westpac Mussels Distributors Limited (**Westpac Mussels**), in relation to two resource consent applications by Westpac Mussels to undertake mussel and spat catching in the waters off the coast of Wharekawa (the marine farms will be known as Waitoetoe and Rangipakihi).
You may recall I contacted earlier this year on behalf of Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui. Auckland Council has made a further information request and require confirmation as to whether Waikato-Tainui has any interest in, or any comments on, the applications.

I am contacting you again on behalf of Westpac Mussels Distributors Limited (Westpac Mussels), Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui to seek your views on the two applications. Below I describe the applications, how Westpac Mussels came to form a partnership with Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui (the Royal family), how the potential effects on mana whenua values have been mitigated, and how you can provide feedback on the applications.

The applications

You may be aware that Westpac Mussels previously applied for three resource consents to undertake spat catching in this area in 2013 and 2014. These applications have been replaced by two new applications that allow mussel farming, not just spat catching. The application areas comprise 128.2 and 171ha and are located 1.25km and 7.8km respectively from the shoreline.

While Westpac Mussels’ new applications will be different from the 2013 and 2014 applications, because they now include mussel farming activities, the potential effects and general operations of the proposed farms are substantially similar to the existing applications.

The attached link has copies of the application documents which include expert assessments of the potential effects on the environment (https://www.dropbox.com/sh/1lzrdq784tn4s5s/AACBNH1rKzcOmX7uJ9RwLgL7a?dl=0).

The partnership between Westpac Mussels, Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui mitigates the potential effects on mana whenua values

Westpac Mussels consulted with local iwi, including Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui, when it was preparing its existing spat catching applications in 2012 / 2013 which ultimately resulted in our current partnership. In 2014 Auckland Council also advised other iwi who had expressed an interest in the area, including Waikato-Tainui, about one of its spat catching applications in the middle reaches of the Firth of Thames. Auckland Council asked Waikato-Tainui if it wished to provide a cultural impact assessment about the applications but this was not requested by Waikato-Tainui.

Westpac Mussels formed a partnership with Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui because we have a primary and ahi kaa interest in the area and are directly affected by the applications. Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui are satisfied that any potential adverse effects of the applications on mana whenua values are mitigated by our partnership. We have also completed a cultural effects assessment in relation to the applications.

How you can provide feedback on the applications

We would appreciate it if you could please advise whether Waikato-Tainui has an interest in, or any comments on, the applications by 10 August 2017.

If you are supportive of the applications, it would be helpful to Westpac Mussels, Ngāti Whanaunga ki Wharekawa and Te Whānau A Haunui if Waikato-Tainui are able to provide an expression of support or a written approval to the applications. We can provide you with a form to do this however, an email response is fine as we understand you are likely to be busy with other matters.

If you have any queries please let me know.

Ngā mihi

Irene Kereama-Royal

Ngāti Whānaunga ki Wharekawa