

Decision Report

Plan Change 37 – Aquaculture

1.0 Introduction

- 1.1** This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2** For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in **red**, and any changes resulting from decisions in **blue**.
- 1.3** For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in **red**.

2.0 Topic 1: Deletion of “aquaculture” from definition of “farming”

2.1. Decision

That the deletion of “aquaculture” from the definition of “farming” be confirmed.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
15	5	Bay of Plenty Regional Council
14	5	Rodney James Hodge

Accepted in part

Submission	Point Number	Name
FS 73	1, 12 & 15	Stewart Family Trust
29	1	Uretara Estuary Managers

2.2 Reason

Aquaculture has the potential to create adverse effects not generally associated with other activities included within the definition of “farming”. Such effects are similar to those of intensive farming activities.

3.0 Topic 2: New definition of “land-based aquaculture”

3.1 Decision

That the definition of “land-based aquaculture” (as notified) be amended as follows:

“~~Land-based~~ Aquaculture” means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in buildings, constructed ponds or other artificial water bodies), and includes ancillary activities.

The following submissions are therefore:

Accepted in part

Submission	Point Number	Name
15	6	Bay of Plenty Regional Council
FS 39	1	Bay of Plenty Regional Council
FS 42	1	Bay of Plenty Regional Council
27	4	Helen & David Stewart and others
14	7	Rodney James Hodge
FS 73	2, 14	Stewart Family Trust
29	2	Uretara Estuary Managers

3.2 Reason

It is appropriate to expand the definition to include aquaculture activities undertaken within natural water bodies (including within the CMA) because such activities will often include land-based facilities coming within the jurisdiction of the District Council and which would otherwise default to “non-complying” status pursuant to rule 4A.1.4 of the District Plan. Expanding the definition to specifically list examples of associated activities would add nothing to the definition which through the use of the phrase “and includes ancillary activities”, already encompasses the types of activity in question.

4.0 Topic 3: Inclusion of aquaculture within definition of “intensive farming activities”

4.1. Decision

That the inclusion of “aquaculture” (as recommended to be amended above) in the definition of “intensive farming activities” be confirmed.

The following submissions are therefore:

Accepted in part

Submission	Point Number	Name
27	1	Helen & David Stewart and others
14	6	Rodney James Hodge

FS 73	13	Stewart Family Trust
29	4	Uretara Estuary Managers

4.2. Reason

Aquaculture more properly fits within the definition of "intensive farming activities" (rather than within the definition of "farming") because by its nature it is more similar to other intensive farming activities and has the potential to create similar adverse effects.

5.0 Topic 4: Resource consent application processing requirements

5.2 Decision

That the requested additional provisions not be included within the District Plan through the current plan change processes.

The following submissions are therefore:

Rejected

Submission	Point Number	Name
27	1	Helen & David Stewart and others
FS 73	15, 16, 17	Stewart Family Trust
29	1, 2, 4, 5	Uretara Estuary Managers

5.4 Reason

The requested additional provisions relate to matters which are either ultra vires the RMA or are already covered under relevant sections of the Act. The requested provisions are also beyond the scope of Plan Change 37 and Plan Change 38.

6.0 Topic 5: Include "aquaculture" as a permitted activity in the Industrial Zone

6.2 Decision

That "aquaculture" be included as a permitted activity in the Industrial Zone.

The following submissions are therefore:

Accepted

Submission	Point Number	Name
27	3	Helen & David Stewart and others
FS 73	16	Stewart Family Trust
29	3	Uretara Estuary Managers

6.4 Reason

Unlike other uses coming within the definition of "intensive farming activities, the environmental effects associated with aquaculture make it suitable for inclusion as a permitted activity in the Industrial Zone.

7.0 Topic 6: 300m yard requirement for "intensive farming activities"

This topic is covered in the report on Plan Change 38 (intensive farming activities).

8.0 Whole of Plan Change 37 - Changes to the District Plan First Review

8.1 The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.

8.2 Recommended changes to the District Plan First review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this report in blue.

8.3 **That the definition of "Farming" is amended by deleting the word "Aquaculture"**

8.4 **That the definition of "Intensive Farming" is amended by including the term "land based aquaculture"** [Note: see also separate report on Proposed Change 38 (Intensive Farming Activities).

8.5 **That a new definition for "Land Based Aquaculture" is added as follows:**

"Aquaculture" means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed in confined areas within natural water bodies or on land (whether in buildings, constructed ponds or other artificial water bodies), and includes ancillary activities.

8.6 **That a new permitted activity is added to Rule 21.2.1 (Industrial Section) as follows;**

(r) Aquaculture