

IN THE MATTER of the Resource
Management Act 1991

A N D

IN THE MATTER of a further
submission under
clause 8 of the First
Schedule to the Act on
Proposal for Regional
Coastal Plan

**FURTHER SUBMISSION ON A SUBMISSION ON THE NOTIFIED
PROPOSED WAIKATO COASTAL PLAN**

To: Waikato Regional Council

Further Submission on: Proposed Waikato Regional Coastal Plan

**Name of Person Making
Further Submission:** New Zealand Sport Fishing Council (**NZSFC**)

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1. This is a further submission on the Proposed Waikato Regional Coastal Plan (**Proposal**).

Trade competition

2. NZSFC could not gain an advantage in trade competition through this submission.

NZSFC

3. The NZFC is a recognised national sports organisation with over 36,700 affiliated members from 53 clubs nationwide. NZSFC supports the 700,000 or so New Zealanders that fish. A key role is to advocate for responsible and sustainable management of our marine environment to ensure future generations are able to enjoy the unique resource we have. The NZSFC conducts education programmes, commissions and funds fisheries research projects, and participates in fisheries management.

4. The NZSFC is committed to ensuring that sustainability measures and management controls are designed and implemented to achieve the Purpose and Principles, sections 8 to 10, of the Fisheries Act 1996 (**FA**).
5. The NZSFC also has a keen interest in ensuring that its members and stakeholders interests are protected in the overlapping jurisdiction between the RMA and the FA.¹ This includes maintaining spatial access to fisheries for low impact fishing techniques, and supporting additional controls on all activities that adversely effect marine benthic biodiversity.

Further submission

6. NZSFC supports the submissions listed in **Annexure A** to the extent that they are consistent with its own submission and otherwise opposes those submissions.
7. NZSFC wishes to be heard in support of its submission.
8. If others make a similar submission I would be prepared to consider presenting a joint case with them at any hearing.

DATED the 29th day of April 2024

**NEW ZEALAND SPORT FISHING COUNCIL
INC** by its lawyers and duly authorised agents
BROOKFIELDS

per:



R Ashton
Counsel for the **New Zealand Sport Fishing Council Inc**

¹ *Attorney-General v The Trustees of the Motiti Rohe Moana Trust & Ors* [2019] NZCA 532.

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Annexure A

	Provision	Submitter	Sub Pt #	Support/Oppose	Decision Requested	Submission
1.	General	Auckland Council Submitter ID: 7	7.16	Not Stated	INSERT new policy to manage the impacts of fishing other than “disturbance”.	The submission requests the provisions of guidance or policy to manage the impacts of fishing other than “disturbance,” on significant biological areas, important seascapes and sites of importance to tangata whenua.
2.	General	Bakalich, Karlene Submitter ID: 49	49.01	Oppose	PROVIDE for a ban on a commercial fishing close to our shoreline.	Whiritoa Beach is a small community who has and continues to have commercial fishing boats trawling up and down the beach. The submitter notes that they have the open sea to do their devastation. They don’t need to devastate our shorelines as well. Year after year the sea is being raped by commercial fisheries. The submitter states that we need to save our seas.
3.	General	Cross, Stuart Submitter ID: 48	48.02	Oppose	AMEND the plan to include a non-commercial fishing zone through the Coromandel.	The submitter considers commercial fishing trawlers are trawling near the beach and moving closer to the shoreline, which is impacting the local community and recreational fishing. The submitter would prefer that commercial fishing is banned entirely, but alternatively seeks a zone through the Coromandel in which commercial fishing is banned and which prevents commercial fishing close to communities and shorelines.
4.	General	Cross, Stuart Submitter ID: 48	48.01	Oppose	PROVIDE for a ban on commercial fishing.	The submitter considers commercial fishing trawlers are trawling near the beach and moving closer to the shoreline, which is impacting the local community and recreational fishing.
5.	General	Environmental Defence Society Inc Submitter ID: 95	95.19	Oppose with amendments	AMEND the plan to provide regulation of fishing methods and activities that have the potential to adversely affect ecosystems and indigenous biodiversity.	The submitter considers that the lack of regulation of fishing methods that have the potential to adversely affect ecosystems and indigenous biodiversity is an abrogation of Council’s functions under s30 of the RMA, which enables the Council to manage the effects of fishing activities to maintain indigenous biological diversity.
6.	General	Ngāti Tara Tokanui Iwi Submitter ID: 6	6.27	Not Stated	AMEND the Plan to designate resting periods for specific ocean areas where no fishing is allowed, with agreement between private and commercial operators.	Ngāti Tara Tokanui iwi propose a complete ban on specific types of fishing. [See submission for full details].
7.	General	Ngāti Tara Tokanui Iwi Submitter ID: 6	6.30	Not Stated	PROVIDE for the enhancement of community awareness of the impacts of	Ngāti Tara Tokanui Iwi call for the restoration of the sea floor and coastal habitats to combat climate change

					certain fishing practices and the importance of habitat restoration; AND PROVIDE for the enhancement of community awareness about the importance of comprehensive environmental management practices.	effects, including coastal erosion and sedimentation. They propose a complete ban on specific types of fishing and advocate for enhanced monitoring of coastal ecosystems. [See submission for full details].
8.	General	Ngāti Tara Tokanui Iwi Submitter ID: 6	6.26	Not Stated	AMEND the Plan to implement a complete ban on trawler and sea floor impact fishing.	Ngāti Tara Tokanui iwi propose a complete ban on specific types of fishing. [See submission for full details].
9.	General	Ngāti Tara Tokanui Iwi Submitter ID: 6	6.28	Not Stated	PROVIDE enhanced monitoring of the coastline and associated habitats.	Ngāti Tara Tokanui Iwi propose a complete ban on specific types of fishing. [See submission for full details].
10.	General	Seafood New Zealand Limited Submitter ID: 52	52.01	Support	RETAIN the approach taken in the Plan, that where fishing is the activity creating the risk to significant indigenous biodiversity, any additional protection required should be managed using the tools under Fisheries Act 1996 rather than a Resource Management Act based initiative.	The submitter remains committed to the protection of areas of significant marine biodiversity. The Submitter supports the approach taken in the draft Coastal Plan. The submitter supports the Fisheries Act as the most appropriate mechanism for managing fishing activity. The submitter's support for using the Fisheries Act recognises that it provides the most appropriate, integrated, effective and efficient mechanism for managing fishing activity across territorial boundaries within the territorial sea and EEZ.
11.	Whole Plan	Bennett, June Submitter ID: 84	84.04	Oppose	AMEND the plan to remove no-take marine areas. AND AMEND the plan so that no customary rights are given to any race.	The submitter prefers fishing controls to be managed by the Fisheries Act.
12.	Whole Plan	Davis, Frank Submitter ID: 1	1.02	Oppose	AMEND the Waikato Regional Coastal Plan so that the plan upholds the right of all people to undertake recreational fishing in waters surrounding Slipper Island and the Alderman Islands.	The submitter states that residents of many coastal communities, including Pauanui, Tairua and Opoutere, rely on fishing grounds surrounding Slipper Island and the Alderman Islands and considers that if these waters are closed to recreational fishing, fishing boats would need to travel further, thereby wasting fuel and adding extra costs.
13.	Whole Plan	Environmental Defence Society Inc Submitter ID: 95	95.16	Support with amendments	AMEND the Plan to provide greater regulation of seabed disturbance activities.	The submitter considers that the impacts of bottom-contact mobile fishing (e.g., trawling, seining and dredging), sediment dredging and disposal, coastal developments (e.g., wharves, marinas, and other engineered structures), shellfish aquaculture and boat anchoring and swing moorings are likely to be most damaging within SIBAs, but they can also have

						significant adverse effects on benthic indigenous biodiversity outside of SIBAs. Further, seabed disturbance also damages the sequestration of organic carbon in marine sediments and can release carbon back into the atmosphere.
14.	Whole Plan	Pelco NZ Limited Submitter ID: 56	56.15	Neutral	PROVIDE for the utilisation of regulatory tools provided by the Fisheries Act (1996), rather than localised tools generated by the Resource Management Act (1991), including the implementation of permanent non-use areas (spatial closures) AND PROVIDE for the adoption of collaborative (industry-engaged) approach to manage Areas of significant indigenous biodiversity within Schedule 7, including the Mercury Islands, Slipper Island, and Alderman Islands.	Several of the offshore Islands of the Eastern Coromandel and Bay of Plenty marine areas are included as Areas of significant indigenous biodiversity within Schedule 7. The submitter considers that objectives and policies outlined in the draft Plan (and currently being considered in the Hauraki Gulf/Tikapa Moana Protection Bill) have the potential to directly impact fishing operations. The Submitter advocates for the utilisation of regulatory tools associated with the Fisheries Act (1996). They do not support the implementation of permanent non-use areas (spatial closures). They state that evidence suggests these are not an appropriate tool for managing pelagic fish stocks or biodiversity and go against (commonly held) cultural values which seek to ensure mauri by balancing the use and the resting of areas on a temporary basis, if and where there are concerns.
15.	Whole Plan	STET Ltd Submitter ID: 11	11.01	Oppose	AMEND PLAN provisions as required to include protection of biodiversity from the effects of fishing.	The submitter considers WRC has a responsibility to protect indigenous biodiversity from fishing, particularly bottom impact fishing methods. The submitter is disappointed that WRC has not identified the ecosystem services that could be enhanced by controlling the effects of fishing in the CMA.
16.	Whole Plan	Te Ohu Kaimoana Submitter ID: 50	50.02	Support	RETAIN that the proposed plan has not sought to manage fisheries or fisheries related effects.	The submitter supports that the proposed plan has not sought to manage fisheries related effects, recognising that this function sits with the Fisheries Act as agreed to under the Fisheries Settlement. The submitter is opposed to any attempts to manage fisheries related activity and its impact through measures under the coastal plan.
17.	Whole Plan	Waikato Conservation Board Submitter ID: 31	31.01	Not Stated	AMEND plan to identify protected marine zones that prohibit fishing on the west coast of the Waikato Region. AND AMEND plan to identify some of the Schedule 7 areas as no take areas (except	There should be more protected marine zones on the west coast. While central government can issue directions regarding marine reserves, the submitter believes regional council should consider similar actions. Schedule 7 outlines the significant indigenous

					for customary fishing where appropriate) or as marine reserves AND AMEND plan to apply a Mataitai reserves approach in consultation with Mana Whenua.	biodiversity areas, which is useful, but these are not 'no fish zones'. Some of these areas of significance should be considered as no-take areas (except for customary fishing rights, where appropriate) or stretches of them are considered for marine reserves. Submitter recognises the beneficial impact of Mataitai Reserves where stock regeneration impacts benefit the surroundings, and recommends working with Mana Whenua early to identify such areas.
18.	DD-General	STET Ltd Submitter ID: 11	11.06	Oppose	AMEND DD provisions to require resource consents for Bottom Impact Fishing Methods (BIF) and require AEE's to assess impacts of methods including indirect effects.	The submitter considers that WRC must not permit BIF or exclude BIF from [consideration in] the coastal plan as BIF is inconsistent with Policy 11.4 of the WRPS and that BIF methods are a source of carbon emissions. The submitter notes that BIF is a notifiable activity in any new Coastal Plan since the Motiti decision. The submitter is of the opinion that Fisheries NZ trawl surveys should also require resource consent.
19.	DD-P5	Auckland Council Submitter ID: 7	7.15	Not Stated	INSERT new policy to manage the impacts of fishing other than "disturbance".	The submission requests the provision of guidance or policy to manage the impacts of fishing other than "disturbance," on significant biological areas, important seascapes and sites of importance to tangata whenua.
20.	ECO-General	Royal Forest and Bird Protection Society of New Zealand Inc Submitter ID:99	99.149	Not Stated	AMEND ECO Chapter to insert new policies and rules to control the effects of fishing on the values of significant ecological areas, including significant benthic ecological areas and in particular to exclude mobile bottom contact fishing methods. This should be defined to include bottom trawling, Danish seining and dredging but not to include hand gathering or potting.	Regional councils have jurisdiction to control the effects of fishing on indigenous biodiversity. The plan should include policies and rules to control the effects of fishing on values of significant ecological areas to achieve Policy 11 NZCPS. The submitter is particularly concerned with the effects of mobile bottom contact fishing methods that cause significant damage to the seabed.
21.	ECO-General	STET Ltd Submitter ID: 11	11.07	Oppose	AMEND ECO provisions to create a Marine Protected Area (MPA) network to complement the High Protection Areas (HPA) proposed in Revitalising the Gulf 2021 AND AMEND ECO provisions to prohibit fishing in MPA network identified [see also 11.5 re schedule 7 and 11.8 re Maps].	The submitter considers that WRC needs to take a precautionary approach to maintain indigenous biodiversity as per Section 30(1)(ga) of the RMA, and WRC coastal Plan has failed to protect 'significant vegetation and habitat' from the effects of fishing. The submitter considers the Motiti decision has empowered councils to address this.

22.	ECO-General	STET Ltd Submitter ID:11	11.03	Oppose	AMEND ECO Chapter to prohibit the taking of all indigenous plants and animals in specifically identified and mapped areas.	The Submitter considers that WRC has a responsibility to maintain indigenous biodiversity and a new expectation to address Fisheries Act failures, and that WRC are responsible for restricting activities, techniques and practices that result in disturbance of the foreshore and seabed, or affect marine life in some areas to protect indigenous species, habitats and ecosystems, including fish and other marine life.
23.	ECO-M1	Royal Forest and Bird Protection Society of New Zealand Inc Submitter ID: 99	99.182	Support with amendments	CLARIFY ECO-M1, including with respect to identification of further areas of significant indigenous biodiversity and vulnerable ecological areas which should also be identified to better manage effects of activities. AND AMEND ECO-M1 to set out considerations for the identification of vulnerable ecological areas, including: <ul style="list-style-type: none"> a) Areas vulnerable to effects of fishing activities such as trawling, b) Low energy environments vulnerable to effects of sediment discharges from land, c) Areas where scope for landward migration of indigenous biodiversity should be preserved to address effects of climate change. 	The method is unclear as to what sufficient information would mean, particularly in the context of a precautionary approach under the NZCPS and requirements for protection. The method is not clear as to what ecologically significant marine areas are or how these would be identified.-are these different to areas meeting the RPS significance criteria APP5? The NPSIB includes direction for regional councils to identify habitats for highly mobile species and recognises that these species may travel beyond terrestrial environments.
24.	Schedule 7	STET Ltd Submitter ID: 11	11.04	Support with amendments	AMEND Schedule 7 SIBA sites to include the following: <ul style="list-style-type: none"> 1) Shag and seabird foraging areas, including protecting them from fishing 2) Identifying the habitats of threatened freshwater species and protecting them from fishing 3) Protecting the foraging areas of threatened marine species from fishing 4) Identify areas where locally extinct species are still present 	The submitter considers that the SIBAs identified look to be poorly informed and do not address the values of matters identified as threatened shorebird species (including matuku/moana/reef heron) feed on small fish.

					and are likely to recover faster if protected from fishing 5) Identify and protect a percentage of pelagic habitat	
25.	Schedule 7	Te Nehenehenui Submitter ID: 90	90.70	Support with amendments	AMEND Schedule 7 to elevate the status of certain activities suggested within the submission	