



Proposed National Environmental Standard for Marine Aquaculture: Summary

The Ministry for Primary Industries is seeking your views on the proposed subject matter of a National Environmental Standard for Marine Aquaculture (NES: Marine Aquaculture). An NES sets national rules that would replace regional council rules.

The proposed NES: Marine Aquaculture seeks to provide a more efficient and certain consent process for managing existing marine farms within environmental limits; and implement a nationally consistent framework for biosecurity management on all marine farms.

Very broadly, the proposed NES would:

- provide for most replacement consents for existing farms to be processed as non-notified, restricted discretionary activities;
- provide for certain types of species changes for existing marine farms to be restricted discretionary activities;
- provide limited matters of discretion for replacement consents for existing farms, while still managing the farm's activities within environmental limits;
- provide for small scale realignments of existing marine farms, particularly where realignment would reduce adverse effects on the environment; and
- require all marine farms (existing and new) to prepare, implement and keep up to date biosecurity management plans by no later than 31 January 2025.

Holders of relevant Statutory Acknowledgements would continue to be notified of applications. The proposed NES: Marine Aquaculture would not have any impact on decisions about new marine farms or expansion of existing farms, except in relation to biosecurity management.

This document summarises the proposals in the full discussion document, *Proposed National Environmental Standard for Marine Aquaculture*, which is available from

http://www.mpi.govt.nz/news-and-resources/consultations/proposednational-environmental-standard-for-marine-aquaculture/

Marine aquaculture in New Zealand

Since 1970, marine aquaculture has grown to be a significant sector of New Zealand's primary production industry. The New Zealand industry is based primarily on Greenshell[™] mussels, Pacific oysters and king (Chinook) salmon.

There are 1147 marine farms throughout New Zealand. The main aquaculture regions are Northland, Auckland, Waikato, Bay of Plenty, Tasman, Marlborough, Canterbury and Southland. While most regions have some marine farming (Figure 1), production is focussed in a few key regions. Marlborough is particularly important for mussels and salmon, while the northern regions are most important for oyster farming (Figure 2). Aquaculture contributes to the economic well-being of towns and communities throughout New Zealand through farming, processing and support industries. In 2015, the industry employed over 3,000 people in production and processing, and generated around \$500 million of revenue of which \$338 million was export revenue¹.

All marine farms require a resource consent, granted by a regional council, to occupy space and manage the effects of farming on the environment. As consents expire, owners must apply for a replacement consent.

1 Aquaculture New Zealand. http://www.aquaculture.org.nz/industry/overview/

Figure 1: Geographic locations of main aquaculture activities in New Zealand

Figure 2: Distribution of production between regions for main marine aquaculture species.





Marlborough

The problems we want to address

Replacement consenting processes are complex and inefficient

Marine farming operates in public space, and increasingly competes with other uses and values. Variations and inconsistency in the replacement consenting rules applied to management of existing marine farms in different regions creates complexity, uncertainty, and inefficient process, particularly where the effects of farms are already known and have been managed and/or mitigated. The result can be extra delays and costs for applicants, regional councils and interested parties.

Risks for investment, productivity, innovation and the community

There is a risk that uncertainty in the consenting processes could undermine the confidence to invest in existing marine farming. The risk is exacerbated because up to 64% of

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coastal permits for marine farms are due to expire by the end of 2025. This could lead to a reduction in existing production, investment and innovation.

To maintain aquaculture's contribution to New Zealand's economy, marine farms need more efficient and certain processes to obtain replacement consents. This would provide greater confidence to invest in better use of existing space, value-added production and new technologies.

Biosecurity risks

Currently, regional councils take different approaches to the management of marine aquaculture biosecurity. Biosecurity practices on marine farms need to be nationally implemented consistently and effectively to protect the environment, communities and the aquaculture industry from the introduction, exacerbation and spread of marine pests and diseases.

Objective

The objective in developing the proposed NES is to:

Develop a more consistent and efficient regional planning framework for the management of existing marine aquaculture activities and on-farm biosecurity management, while supporting sustainable aquaculture within environmental limits.

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Summary of proposals

Replacement consents for existing marine farms

- Applications for replacement consents for existing marine farms would be processed as non-notified, restricted discretionary activities, as long as the application is for the same location, space, species and structures as the existing marine farm.
- Regional council consideration would be limited to focused matters of discretion, for example adverse effects on seabed features, marine mammals and seabirds; public access and navigation; biosecurity; and management of rubbish, noise and debris.
- In areas identified as "outstanding", replacement consent applications would include a matter of discretion relating to the effects of the farm on the values which make the area outstanding.
- Councils would be able to set more lenient rules for existing farms in their regional coastal plans, in consultation with their communities.
- Future planning by regional councils (and communities) that identifies areas that are inappropriate for aquaculture would be recognised, by making existing marine farming in those areas a discretionary activity (rather than a restricted discretionary activity).

Exceptions

- Areas specifically zoned for aquaculture in Tasman and Waikato would be exempted from the replacement consent rules.
- Feedback is requested on whether to make special provision for replacement consents for sites of particular importance to the aquaculture industry, such as the Wainui Bay spat catching farms.

Realignment of existing farms

- Small realignments of existing farms would also be processed as restricted discretionary activities. This is limited to marine farms that are less than 10 hectares, excludes marine farms for fed aquaculture, and can only be exercised once every 10 years.
- Matters of discretion would be the same as those for replacement consents, with additional matters to recognise the effects of repositioning the farm.
- The realigned area would be subject to an undue adverse effects test under the Fisheries Act 1996.

Exceptions

• Realignment provisions would not apply where the realigned portion of a farm would be in areas identified as outstanding, or having significant ecological values, or where new aquaculture is classified as non-complying or prohibited.

Change of species (on-farm innovation)

- Applications to change the species farmed, as part of a replacement consent application, would be processed as non-notified restricted discretionary activities, where the location and area of the farm remain the same.
- Four categories of species changes are specified, with specific matters of discretion relating to each category. Other matters of discretion would be the same as those for replacement consents for existing marine farms (including the additional matter in outstanding areas).
- Councils would be able to set more lenient activity status for species changes in their regional coastal plans, in consultation with their communities.

Exceptions

- Spat catching farms would be excluded from the change of species provisions.
- Areas specifically zoned for aquaculture in Tasman and Waikato would be exempted.
- Species change provisions would not include finfish farming, and species such as crayfish, scampi or crabs, where the potential for adverse effects is greater.

On-farm biosecurity – biosecurity management plans

- All marine farms would need to prepare, implement and regularly update Biosecurity Management Plans by 31 January 2025.
- Applications for new marine farms or for replacement consents for existing marine farms would need to include a Biosecurity Management Plan that meets specific criteria.
- The criteria would be specified in a separate document, developed by MPI in close consultation with biosecurity experts, and is likely to be based on MPI's Aquaculture Biosecurity Handbook.
- Existing coastal permits for marine farms not replaced by 31 January 2025 would be reviewed to incorporate the obligation to have a Biosecurity Management Plan.
- Guidance material will be developed to assist industry and regional councils.

In essence, the proposed NES increases certainty and efficiency of process for existing marine farms seeking replacement consent, subject to ongoing and improved environmental management ensured through the consent process. It also seeks to ensure best practice on-farm biosecurity management for all new and existing marine farms.

Expected impacts: what the proposed NES would mean for the environment, Iwi and stakeholders

Environment

Farms will be managed sustainably and within environmental limits through the matters of discretion and realignment provisions, and there will be improved on-farm biosecurity management to reduce threats to the environment from biosecurity incursions.

Public/Community groups

In regions where replacement consents are currently notified, there would no longer be opportunity to comment on, or appeal, replacement consent applications for existing marine farms (except where notified under a statutory acknowledgement). Realignment applications may still be notified under the requirements of the RMA or coastal plans.

The public and community groups would still have the ability to engage in regional planning processes to determine where aquaculture is appropriate and where it is not. There will be no change to notification requirements relating to applications for new space or expansion of existing marine farms.

Marine farmers

Marine farmers would benefit from reduced time and costs in obtaining a replacement consent. This would provide greater certainty about the process for replacement consents, including species changes, for existing marine farms. Increased certainty is expected to have an immediate stabilising effect and would give industry greater confidence to continue investing in existing space, including valueadded production, and new technologies and species.

Industry would also benefit from a consistent and effective approach to managing biosecurity risks, which is fundamental to the ongoing viability of aquaculture in New Zealand. There would be some costs to the industry associated with implementing, monitoring and auditing new biosecurity management plans.

lwi groups

As has been the case for over twenty years, councils will continue to consider any relevant tangata whenua values in any consent application. While applications for replacement consents would be non-notified, councils would continue to be able to notify holders of any statutory acknowledgement which may have been granted in a Treaty Settlement. For lwi with aquaculture interests, the benefits and costs would be the same as for other marine farmers.

Regional councils

More straightforward consenting processes for existing marine farms are expected to lead to efficiency gains that reduce costs and delays for regional councils, which will be of particular benefit when large numbers of consents expire (e.g. 2024/25 in some regions). The NES would allow councils to set controlled activity status for replacement consents where appropriate, providing further efficiency gains.

Regional councils would benefit from a nationally consistent biosecurity management regime, and from implementation guidance about assessment and auditing of biosecurity management plans. Councils would face implementation costs associated with increasing capability to assess biosecurity management plans, but most of these costs are recoverable under the RMA. There would be non-recoverable costs to some councils in 2025 in relation to reviewing consent conditions to ensure all marine farms have an effective biosecurity management plan in place.

Get involved

We want to hear from the community, iwi authorities, regional councils, the aquaculture industry and other interest groups.

An eight-week period is provided for written submissions. During this period MPI will hold public meetings, targeted meetings with stakeholders (including regional councils in key aquaculture regions) and hui with iwi authorities at a range of locations around the country. Meeting dates and venues will be advertised on MPI's website.

Written submissions must be received by 5 pm on Tuesday 8 August 2017 and can be emailed to **aquaculture@mpi.govt. nz** or posted to Ministry for Primary Industries, Private Bag 14, Port Nelson 7042.

What happens next

MPI will analyse all written submissions received, including submissions received during public meetings and hui. A summary of submissions will be prepared which will contribute to a report and recommendations on the proposed subject matter of the NES: Marine Aquaculture to the Minister for the Environment and the Minister for Primary Industries. This report will be publicly notified.

The report and a section 32 evaluation – which examines whether a national environmental standard is the most efficient and effective way of meeting the objectives – will be considered by the Minister for the Environment and the Minister for Primary Industries. If the decision is made to proceed with an NES: Marine Aquaculture, then Parliamentary Counsel Office will draft the regulations and the Minister for the Environment will recommend to the Governor-General that the NES be made by order in council and publicly notify the report and s 32 evaluation. It is anticipated that the NES: Marine Aquaculture could be Gazetted by mid-2018.

Where to find more information

The discussion document and supporting information are available to view or download from the MPI website (http://www.mpi.govt.nz/news-and-resources/consultations/proposednational-environmental-standard-for-marine-aquaculture/). Appendix F in the discussion document includes indicative wording for regulations to give effect to the proposed NES: Marine Aquaculture.

