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All written comments received on the proposed National Environmental Standard for Marine Aquaculture, grouped alphabetically according to business/organisation/iwi/surname.

Written Comments Number	Business/Organisation/Iwi/Surname	First Name
0076	Marine Farming Association	
0061	Marlborough Aquaculture Ltd	
0090	Marlborough District Council	
0053	Marlborough Environment Centre	
0095	Mather	Gordon
0107	Maungaharuru Tangitu Trust	
0005	McKie	John
0010	Mead	Donald
0054	Michael	Keith
0029	Mountier	Susan Jessie and Cathy





8<sup>th</sup> August 2017

MFA Submission

On the 'Proposed National Environment Standard for Marine Aquaculture'

To the Minister for Primary Industries,

1. The Marine Farming Association (MFA) is a subscription based organisation representing marine farmers in the top of the South Island of New Zealand. The MFA has 130 ordinary members who own, lease or sublease Greenshell mussel, oyster and King Salmon farms in the upper South Island. Marine farmers in the MFA's growing area grows 70% of the marine products farmed in New Zealand.
2. Sales from those farms exceed \$270 million per year. Marine farms in Marlborough contribute around 5.7% of Marlborough's GDP (from farming and processing). The industry accounts for approximately 250 FTEs in farming and approximately 600 FTEs in processing in Marlborough.
3. The MFA was set up with the objective to promote, foster, advance, encourage, aid and develop the rights and interests of its members and the marine farming industry in general. The MFA works alongside other industry bodies to see the New Zealand Aquaculture sector recognised within New Zealand and around the world as producing healthy, high quality, environmentally sustainable aquaculture products.
4. The MFA SUPPORTS the purpose and general direction of the Proposed National Environment Standards for Marine Aquaculture for the following reasons:
  - The vast majority of the December 31, 2024 replacement resource consents are in Marlborough and under the current planning regime the cost of replacing all Marlborough consents has been estimated to be \$41m. This will decrease significantly if replacement consents have restricted discretionary or controlled status (with no notification).
  - The marine aquaculture provisions of the proposed Marlborough Environment Plan are currently being drafted by the Marlborough District Council. The MFA supports the 'safety net' value the NES will give to marine farmers in respect of the yet to be confirmed marine farming provisions of the MEP.
  - The proposed NES for marine aquaculture will give farmers, processors and associated industries (boat building, engineering, packaging, transport etc. etc.) confidence to make new investments in the existing industries.
  - The proposed NES for marine aquaculture will promote planning based rather than consent based development of marine farming in Marlborough. This will be a great step

forward and will reduce the very litigious nature of marine farm consenting in Marlborough whilst at the same time giving the community a level of comfort as to the future extent of the industry.

- The MFA agrees that the marine farming processes of the Tasman Resource Management Plan do not need to be incorporated into the proposed NES for marine aquaculture.
5. The MFA supports the submission of Aquaculture New Zealand Ltd and the Coromandel Marine Farmers Association.
  6. The MFA has a long standing policy on the requirements of a planning regime to give certainty to the marine farming industry. This policy dates back to 2009 and includes many of the matters addressed through the NES (see Annex 2).

## QUESTIONS FOR SUBMITTERS

MFA answers to the questions for the submitters are as follows:

### Question 1:

Yes, NES gives underlying certainty. In the top of the South we have 2 planning systems; a zoned approach in Golden Bay and Tasman Bay and a consent by consent approach in Marlborough.

Marlborough has a history of litigation delay, uncertainty and cost blow outs. In addition whilst the community supports marine farming<sup>1</sup>, the community has grown tired of conflict and uncertainty ('how much is enough'). The zoning approach to marine farming, with the underlying support of an NES will provide for both industry and community certainty.

### Question 2:

Marine farming is spatially limited to the number and suitability of the sites it can occupy and successfully culture seafood. For this reason the MFA is strongly supportive of 'controlled' status in appropriate zones. Most existing marine farms have fulfilled the range of requirements to be granted resource consents.

If restricted discretionary status (especially non – notified) is the final outcome this still provides comfort that the replacement process (in an aquaculture zone) will not be a prolonged and expensive undertaking. In Marlborough it is estimated that the replacement process for the December 31, 2024 farms will cost \$41.2m if the current status of existing farms remains. This will reduce significantly to \$21.3m if all existing farms achieve restricted discretionary (with non-notification) status.

### See Annex 1

Controlled status for all existing farms (whether they are in appropriate zones or not and whether they are in areas of 'outstanding' status or not) would address the various issues raised in section 3.

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<sup>1</sup> Colmar Brunton: Public Perceptions of New Zealand's Aquaculture Industry 2014

## Question 3:

No, it is the MFA's view that all existing farms whether in appropriate zones or in areas with 'outstanding' status should be grandfathered into the NES regime/ second generation plans with controlled status.

## Question 4:

Accepting that farms where supplementary feeding occurs are located in appropriate locations (i.e. right for the species being farmed and the community) then controlled or restricted discretionary status should be adequate. Any matters of discretion should be limited to farm specific effects.

## Question 5:

The correct and appropriate placement of marine farms has a lot to do with the effects of existing marine farms. Generally we agree with the effects as described however more emphasis could be placed on the biological benefits (ecosystem services) of shellfish farms and the social benefits of sustainably grown seafood (jobs, healthy nutrition, brain development in juveniles, pain and inflammatory relief in adults).

## Question 6:

No, only in respect of farm specific effects. Replacement consents for appropriately located finfish farms has not been an issue historically.

## Question 7:

No, the '*Good Practice Guidelines for Salmon Farming in the Marlborough Sounds*' should cover all matters, so that no extras are required.

## Question 8:

The MFA supports the approach of the Auckland Unitary Plan where all farms in outstanding areas have been identified as not compromising landscape values. The objective of the NES is to give national guidance and certainty. The NES should adopt the Auckland Plan's approach.

## Question 9:

No, more focus needs to be placed on the impacts to the CMA from other activities such as coastal run off and siltation, the use of sprays/ herbicides adjacent to the CMA, global warming and acidification of the oceans.

## Question 10:

(See Q9 above) there are no additional areas/ values needing assessment.

## Question 11:

No.

**Question 12:**

No, the NES needs to retain this very important tool. All existing marine farms have been through a public process of some kind (either at approval, consenting or renewal).

**Question 13:**

The MFA supports the more lenient approach which would provide greater investment security and reduced replacement consent costs. This is why in an ideal world we support non-notified controlled status for all existing marine farms (regardless of location). Regional authorities and industry need to work together to find replacement farm sites for unpopular farms which can then be grandfathered into the NES regime over time. In regions where more lenient rules apply, these rules should not be put at risk by the NES.

**Question 14**

Yes, these locations prove the value of zones for marine farming, community input at the planning stage and the benefit of adaptive management rules.

All the newly approved Interim AMA blocks need to be included on the MPI website.

**Question 15**

Yes, spat catching is vital for the mussel industry and the variety of spat from different locations is important for the mussel processors. Sites requiring inclusion in the NES include Wainui Bay (TDC), Manaroa (MDC), Garnes Bay (MDC), Deep Clova (MDC) and Beatrix (MDC). (Wet Inlet (MDC)). These sites are also valuable for secondary seed and spat holding.

These spat sites need to be protected and have controlled activity status under NES or be included as AMA's in the MEP.

The importance of these sites is that they all catch spat at differing times – see the graph on the following page. A viable catch is generally considered at the rate of 500 spat per metre of rope.



**Question 16**

Yes with an NZCPS - Aquaculture.

**Question 17**

Restricting size is a blunt tool if we are seeking to protect ecological values (etc) or management within policy/ rule guidelines. An open framework that allows the council/ farmer/ community to solve the problems is preferred.

**Question 18**

In the consent by consent planning regimes there is a limit to the ability to solve problems as changing society values results in farms becoming unpopular. Policy guidance that allows for continuous flexibility to solve these problems would be useful.

**Question 19:**

No.

**Question 20:**

Yes

**Question 21:**

No. Changes in farm species should be measured by the effect of the activity.

**Question 22:**

Yes

**Question 23:**

Yes a category that allows for seabed farming under an existing farm (e.g. geoduck under, but within the area of the existing consent farm boundary).

**Question 24:**

No.

**Question 25:**

MFA's preference is for controlled status but restricted discretionary is acceptable.

**Question 26:**

No, this is adequately dealt with in categories 3 and 4.

**Question 27:**

No, not at this point in time, but marine farming is an ever evolving industry so the door should not be closed - perhaps a category 5 for 'new ideas' or for 'research' purposes.

**Question 28:**

No, they are adequate.



**Question 29:**

No.

**Question 30:**

No

**Question 31:**

No

**Question 32:**

No, that would be contrary to the intent of Government and the NES proposals.

**Question 33:**

Marine farmers are only one of the many users of the CMA and an easy target for Biosecurity Management protocols because a resource consent is required. The MFA is more concerned about other users of the CMA who will not require Biosecurity Management Plans and therefore render the marine farm BMP's ineffective.

**Question 34:**

Amend date to 31 January 2026 (or 2027) to allow for replacement consents that may be caught up in backlogs or appeals.

**Question 35:**

National Standards should be introduced - marine pests do not recognise regional boundaries! However the regional plans could be structured to deal with specific regional issues.

**Question 36:**

The general matters listed on p41 appear adequate; however the MFA questions why 'water supply and monitoring' is a BMP matter and not a RC matter.

**Question 37:**

Yes.

**Question 38:**

By using self-auditing reports and by requiring external auditors to undertake regular checks.

**Question 39:**

All farms need to have BMP if there is to be any value in the process.

**Question 40:**

Yes, if cost effective and not overly time consuming. Electronic reporting would be useful.

**Question 41:**

Agree with AQNZ submission.

**Question 42:**

The cost estimates seem appropriate however the greater benefits to the country through wasted time, wasted earnings, court cases and lost investment opportunities are likely to be understated by some margin.

Thank you for giving the MFA the opportunity to submit to the proposed National Environment Standards for Marine Aquaculture. We are available to discuss our submission should you wish to do so.

Regards

A handwritten signature in black ink, appearing to be 'Jonathan Large', with a long horizontal flourish extending to the right.

Jonathan Large  
President

## Annex 1

Please note this report was prepared in April 2015, pre MEP release.

Estimated cost of Renewal for 322 Deemed Consents in Marlborough in 2024

Assumes Discretionary Activity Proposed in the new Marlborough District Council Plan

		CMZ 1 Consents	CMZ2 Consents	Notes
<b>1. Base Costs</b>	\$	22	300	300 consents in CMZ2 out of 580 authorised marine farms (as per MDC)
Marlborough District Council Application Fees	\$ 5,200			Fee for a notified consent
Assessment of Environmental Effects	\$ 6,000			
Consultation (including Iwi)	\$ 1,000			
Benthic Survey (\$3,800 + \$750 per hectare)	\$ 6,800			Assumes 4ha farm
Draughting Services (Mapping)	\$ 500			
Marlborough District Council Staff Costs	\$ 3,000			Approximate costs estimated from a range of previous consents
<b>Total Costs</b>	<b>\$ 22,500</b>	<b>\$ 495,000</b>	<b>\$ 6,750,000</b>	
<b>2. Additional Costs (non hearing application)</b>				
Some or all of the following may be required				
Landscape, natural character, Amenity	\$ 8,000			Approx 30% of Marl Farm located within Outstanding Natural Landscape areas Most frequently raised issue by submitters MDC have indicated that they are requiring this information for renewal Relevant to areas like Admiralty Bay and Outer Sounds Marine Farms
Navigation/Recreation	\$ 8,000			
Water column/phytoplankton	\$ 10,000			
Marine mammals/Sea birds	\$ 10,000			
	<b>\$ 36,000</b>			
On average 50% of these costs will be incurred	<b>\$ 18,000</b>	<b>\$ 396,000</b>	<b>\$ 5,400,000</b>	No allowance for economic reports or peer reviews
<b>3. Additional costs (if hearing required)</b>				
It is estimated that a hearing is required in 80% of applications. Only one submission at renewal could trigger the requirement for a hearing.				
Legal	\$ 12,000			
1-2 specialist	\$ 12,000			
Marlborough District Council Hearing Fee	\$ 5,000			Assuming Council Committee, Commissioner fees vary
	<b>\$ 29,000</b>			
On average costs incurred in 80% applications	<b>\$ 23,200</b>	<b>\$ 408,320</b>	<b>\$ 5,568,000</b>	
<b>4. Environment Court (if required)</b>				
It is estimated that 15% of farms will reach the Environment Court				
Court Fees (including legal team, witnesses, hearing costs)	<b>\$ 80,000</b>	<b>\$ 264,000</b>	<b>\$ 3,600,000</b>	Costs will be less if resolved at mediation
<b>Total cost for Renewal Deemed Consents</b>	<b>\$ 1,563,320</b>	<b>\$ 21,318,000</b>	<b>\$22,881,320</b>	

**Notes**

1. All costs are estimates from information gathered over a period of 4 years. Each site has their own specific issues to be addressed and the number of submitters dictate the number of experts required and the amount of time for a hearing.
2. If all 580 consents are renewed through the same process the total cost will be **\$41,214,800 every 20 years**
3. It is possible that there will be inadequate resources (science, RMA witnesses, Council staff etc) in NZ to undertake this specialist work within the time frame required.
4. We have deliberately used conservative numbers
5. To prepare and submit a resource consent application takes approximately 8-9 weeks depending upon availability of experts and reports. Hearings and appeal periods are over an above this time

Graeme Coates



## RPS Desirable Outcomes

### Certainty

- 35 Year consents
- Controlled/Restricted Controlled status
- Non notified renewal process if no changes to consent
- 31<sup>st</sup> December 2024 renewal date for ex marine farm leases and licences

### Flexibility

- Consideration for outlier farms
- Allow location changes where there are improved RMA outcomes
- Allow for bay wide arrangements (group consent condition changes)

### Industry Growth

- Planned growth (new mussel farming zones)
- Variation of species (to reflect market changes)
- Seaward Expansion
- Improved knowledge



8 August 2017

Ministry for Primary Industries  
Private Bag 14  
Port Nelson 7042

By email: [aquaculture@mpi.govt.nz](mailto:aquaculture@mpi.govt.nz)

Re: Proposed National Environmental Standard for Marine Aquaculture

We act for Marlborough Aquaculture Limited who owns a marine farm in an area which the Marlborough District Council proposes to be made an outstanding area under its Proposed Marlborough Environmental Plan.

The farm is not in water rated as having outstanding values under the Operative Plan. This is a situation where the Council is significantly extending the areas of outstanding landscape and natural character protection in its new plan.

In developing a national standard for addressing existing marine farms there is an inherent distinction between a marine farm in an outstanding area which came into existence after there was an outstanding area already identified in an operative plan and one which existed before there was any such protection.

Accordingly where a new plan seeks to substantially increase the outstanding protection areas after a marine farm is already in existence then a different standard must logically apply. The reason for this is that NZCPS 2010 sets out to protect outstanding areas. However there is no imperative to expand the outstanding areas or to *wind back the clock*. There is no imperative under the RMA which requires the existing environment to be wound back to a previous state of natural character or landscape value.

If there is to be an NES and that is to enable efficient dealing with existing marine farms, then this distinction must be borne out in assessment criteria. It must be a fundamentally different proposition for a marine farm that has lawfully come into existence when there were no identified outstanding features or landscape in the area only to be subjected to a particular assessment criteria in a national standard simply because of the desire of the Council to expand its areas of protection.

Yours faithfully

**WISHEART MACNAB & PARTNERS**

.....  
D. Clark



## **“Proposed National Environmental Standard for Marine Aquaculture”**

### **Marlborough District Council submission to the Ministry for Primary Industries**

#### **Introduction**

The Marlborough District Council thanks the Ministry for the opportunity to provide comment on the Proposed NES for Marine Aquaculture.

Marine farming is a very important and valued Marlborough industry that has a reasonably long local history (dating back to the 1970s). It makes a significant contribution to the District’s social and economic wellbeing. There are over 580 authorised marine farms in Marlborough’s coastal marine area, predominantly in the enclosed waters of the Marlborough Sounds.

Over 300 of the coastal permits are deemed permits that are due to expire in 2024. Through its own consultation (conducted as part of the review of the Marlborough Sounds Resource Management Plan), the Council is aware that coastal permit holders consider that there is uncertainty over the outcome of re-consenting processes and the industry therefore seeks greater security of tenure than that which exists under current regional coastal plan provisions.

#### **Background to Council’s submission**

The Marlborough Sounds Resource Management Plan contains provisions to manage the effects of marine farming activity and identifies areas that are inappropriate for marine farming. The status of existing marine farms under the Plan rules is accurately described in the discussion document.

As marine farm licences and coastal permits have been approved over time, a very distinct pattern of marine farming activity has developed in the Marlborough Sounds. Most of the District’s marine farms are located in a coastal ribbon of between 50 metres and 300 metres offshore. The development of this coastal ribbon was initially influenced as much by adjoining land tenure and limitations of mooring technology as by planning provisions.

The Council commenced a review of its operative resource management framework in 2009. This included a review of the marine farming provisions contained in the Marlborough Sounds Resource Management Plan. The process has involved extensive consultation with the marine farming industry, others with an interest in Marlborough’s coastal marine area and the wider community.

As part of the review process, draft provisions for enabling marine farming and managing the potential adverse effects of marine farming were prepared. In adopting the Proposed Marlborough Environment Plan for notification, the Council decided not to notify these provisions on the basis that it did not consider that they adequately gave effect to Policy 8 of the NZCPS.

Instead, the Council recommenced the review process and formed the Aquaculture Review Working Group. The Group’s membership comprises marine farmers, members of the Marlborough Sounds community (through community organisations) and representatives of MPI, DoC and the Council.

The task of the Group is to assist the Council to develop a framework for managing marine farming activity. The Council commenced this process with principles that include:

*The current spatial coverage of marine farming activity in the Marlborough Sounds (as measured by consented surface area) can continue to be accommodated. The questions of where and how much will be determined through a “bay-by-bay” analysis.*

## Structure of submission

To an extent, the Council’s submission has been informed by the results of previous consultation and through the ongoing review process. The Council’s submission focuses on three key matters as follows:

- The relationship between the NES and coastal planning
- Cumulative effects and adaptive management
- Biosecurity management plans.

As such, the structure of the Council’s submission does not necessarily follow the questions posed in the discussion document.

## Relationship with spatial planning in the coastal marine area

Section 5.2 of the discussion document sets out how the proposed re-consenting regime under the Proposed NES would operate.

The proposal effectively consists of a consenting pathway for the marine farming activity that already exists in the marine environment. The Council acknowledges that this achieves the first order criteria 1 and 2 set out in the discussion paper.

The discussion document also identifies that adverse effects of existing farms may have been assessed when first granted and that a more detailed consideration of effects is occurring through “second generation” coastal plans. Although the Council agrees that site specific effects would have been considered to some extent in past consenting decisions, this does not necessary mean that the resulting spatial allocation that has built up over time through case-by-case consenting decisions is the most optimal or sustainable.

In locations such as Marlborough, where the pattern of marine farming activity reflects first generation regional coastal plans, if not pre-RMA processes, the proposal has the potential to constrain options for achieving improvements in spatial allocation. Those improvements include improvements from a perspective of both production and the management of adverse effects of the existing marine farming activity on the surrounding environment.

Spatial allocation of the coastal marine area for marine farming is the role of regional councils and unitary authorities. This role became more explicit under the NZCPS 2011 as it requires councils to provide for aquaculture in appropriate locations within regional policy statements and regional coastal plans. That spatial allocation can take into account the full suite of effects as set out in Appendix G of the discussion paper. It does so in a manner that also involves full community participation and involvement.



Enshrining the location and/or layout of existing marine farms, as proposed via the NES, in the absence of spatial planning at the very least represents a lost opportunity to realise the potential improvements. The Council makes this comment informed through the current workings of the Aquaculture Review Working Group.

The Council has chosen to determine spatial allocation by considering the appropriateness/inappropriateness of the coastal marine area for marine farming via discrete coastal management units. That allows the overall effects of marine farming within the coastal management unit to be identified and potentially addressed, as well as any site specific adverse effects. That process is also informed by the objectives and policies of the NZCPS.

In some cases, significant adjustments in location and/or layout have been proposed by the Aquaculture Review Working Group in order to maintain or enhance other values that exist within the coastal management unit. This includes adjustments that fall outside the scope of Regulations 9 and 10. Examples include removing lines from farms (and in some cases, entire farms) and adding these to existing marine farms at other locations within the coastal management unit (but distant to the original marine farm) but also to existing marine farms in other coastal management units.

The Council acknowledges that there are parts of the proposal that have been developed to potentially compliment coastal spatial planning. For example, existing farms in inappropriate locations are a discretionary activity (Regulation 5), councils can be more lenient than the proposed restricted discretionary status (Regulation 18) and there is an option to provide for realignment (Regulations 9 and 10).

However, discretion is constrained in Regulation 12 to specific matters and these matters do not provide a meaningful basis to decline re-consenting applications in the same location in view of the a new spatial allocation regime contained in a regional coastal plan made after the NES is gazetted. Nor do the matters of discretion recognise the fact that alternative locations for that same farm have been provided for in a regional coastal plan. In these circumstances, the provisions of the regional coastal plan will have little influence on the assessment of applications under the NES.

As an aside, but an important point all the same, Regulation 5 as currently worded creates an incentive for coastal permit holders to apply for new coastal permits prior to the scheduled expiry of the existing permit when a regional coastal plan has yet to be notified (following the gazettal of the NES). That is because the status of the application would be a restricted discretionary activity as opposed to potentially a discretionary activity (if a regional coastal plan review found the site to be inappropriate). The consent holders will naturally act to protect their investment by seeking to avoid the potential for a more onerous status applying. This outcome would also cut across the potential benefits that could arise from spatial allocation and planning.

In the Council's view, the location and layout of marine farms in a geographic area (such as the Council's coastal management units) is best determined through a process of giving effect to Policy 8 in regional coastal plan provisions. More optimal locations and layouts are matters that simply cannot be considered on a site-by-site basis under the proposed NES. The Council's strong preference therefore is for spatial planning processes to be respected.

There are options to apply the proposed NES in a manner that does not cut across or de-emphasise the importance of coastal spatial planning. For example, the NES could apply once a regional council or unitary authority has given effect to Policy 8 of the NZCPS or could apply from a specified date, thereby allowing time for regional councils and unitary authorities to give effect to Policy 8. In other words, the status of existing marine farms could be determined via an NES once a regional council has determined the location to be appropriate (or inappropriate) through its own spatial planning. The added advantages of this process (considering the proposed non-notification of most coastal permit applications under the proposal) is that spatial planning decisions can reflect or be informed by community views and values, and can give effect to the NZCPS.

The Council understands that one of the concerns that the Ministry may have with respect to this option is the inability to ensure regional councils and unitary authorities give effect to Policy 8 in a timely fashion (particularly considering deemed permits expire in 2024).

The Minister has powers to exercise discretion as to whether an NES applies or not. These powers include powers of exemption (see Section 43(2)(c)). The Council submits that those powers could and should be exercised to exempt the application of the NES for those regions that have gone through a spatial planning process to give effect to Policy 8. The areas exempted could be specifically included in the NES by way of a schedule, which could be added to over time, if required, by way of gazette notice.

In summary, the Council supports the first order criteria 1 and 2 set out in the discussion paper and accepts that a degree of certainty is required so that marine farmers can make informed investment decisions. However, enshrining the current location and layout of marine farms via consenting processes that are disconnected from any spatial planning jeopardises opportunities for more sustainable outcomes.

## **Recommendation:**

- 1. That the Ministry further consider the role of spatial planning and allocation via regional coastal plans (and the NZCPS) relative to the proposed NES, particularly in terms of the timing of the gazettal of the NES; and**
- 2. If gazettal of the NES is to proceed in the short-term, that the Ministry consider the option of selectively applying the NES to the coastal marine area administered by regional councils and unitary authorities that have yet to give effect to Policy 8 of the NZCPS. As reviewed regional coastal plan provisions that give effect to Policy 8 become operative, then those councils could be made exempt by way of a schedule to the NES.**

## **Scope of adverse effects covered by the NES**

Question 5 of the discussion paper asks for feedback on the analysis of effects covered in Appendix G. Appendix G identifies a range of potential effects. These include phytoplankton depletion and cumulative effects. The Council agrees with the comment in Appendix G that the management of these effects is best dealt with at a planning stage. This is the most equitable and effective method for applying management given that the adverse effect is not attributable to one farm, but is a combined effect from many farms.

The Council continues to learn more about the effects of human activity on Marlborough's coastal marine area through the implementation of the Council's coastal monitoring strategy. The strategy includes an expanded state of the environment monitoring programme, modelling of effects and the results of specific investigations (including investigations undertaken in partnership with central government and industry groups). Any of these methods may provide indications or confirmation of cumulative effects of marine farming on the coastal marine area at a future point in time.

Demonstrable evidence of cumulative effects arguably should result in adjustments in the intensity of marine farming activity. Under the RMA 1991, the minimum duration of a coastal permit authorising marine farming is 20 years. Therefore, if cumulative effects are to be addressed and managed in a timely fashion, then adjustments would preferably be made by way of an adaptive management regime during the term of the coastal permit (through the use of Section 128 reviews for example).

Through the Council's review process, the Aquaculture Review Working Group has identified that a regime of adaptive management is an essential part of any future management framework. In this manner, the results of the monitoring should be able to inform decisions regarding the intensity of marine farming activity in any coastal management unit.

Appendix F sets out the detail of indicative NES provisions. This includes the matters over which discretion will be exercised, as set out in Regulations 12, 13, 14 and 15. Consent conditions could only be imposed with respect to these specific matters.

In this context, the Council also notes that any monitoring required by way of coastal permit condition under the proposal are restricted to one (or more) of the matters over which discretion can be exercised.

In response to Question 3, the proposed regulations do not explicitly include cumulative effects. The effect of this omission is that the Council cannot require the consent holder or holders (in the case of a coastal management unit) to monitor for cumulative effects nor can it impose conditions to implement a regime of adaptive management.

As noted above, the Council agrees that the management of these effects is best dealt with through regional coastal planning processes. But to be effective, those processes must be able to address the intensity of resource use enabled through the existing coastal permits.

There would also seem an opportunity for existing coastal permits granted with adaptive management conditions to secure coastal permits on more favourable terms. There are two large offshore coastal permits in Marlborough granted with adaptive management conditions (sites 8001 and 8561). Expansion of these farms is managed in stages with the development of subsequent stages determined on the basis of the results of the surveys and monitoring required in the coastal permit conditions.

As an existing coastal permit, the coastal permit holders could apply for re-consenting at any stage under the proposed NES. Given regulation 12, the Council could not impose similar conditions to those already imposed as they do not relate to the matters over which discretion has been restricted. This would seem to be a perverse outcome given the importance placed on adaptive management to address uncertainty over adverse effects by the original decision makers.

The Council notes the recognition in the discussion document that some adverse effects were not considered in the determination of marine farm licences. For this reason, the Council supports the inclusion of consideration of effects on reefs and other biogenic habitat in Regulation 12 and the consideration of the adverse effects on ONFL and ONC in Regulation 14.

## **Recommendation:**

- 1. That adaptive management is included within regulation 12 so to enable regional councils and unitary authorities to effectively manage cumulative effects of marine farming activity.**
- 2. That the NES retain Regulations 12(f) and 14.**

## **Biosecurity Management Plans**

In the view of the Council, Biosecurity Management Plans (BMP) should not be required by way of regulation under an NES. The concerns and reasons for this are outlined below.

### **The right mechanism for the right outcome**

There is an underlying driver behind the content relating to biosecurity within the Proposed NES to strengthen on-farm biosecurity management for commercial and on-commercial aquaculture. It is because of this underlying driver that the use of an NES as a regulatory mechanism with respect to biosecurity is questioned by the Council as being an appropriate mechanism.

It is of the view of the Council that the focus on biosecurity matters associated with aquaculture within the NES is very narrow in scope. Biosecurity management for a given region, or New Zealand as a whole, needs to acknowledge all aspects of the area in question. That is, the protection of the natural marine environment, the sustainable use of resources and all the associated aspects of concern to the community. It is because of this, that in the view of the Council the most appropriate regulatory mechanism to manage biosecurity threats at the regional level are those that are promulgated under the Biosecurity Act 1993. It is these mechanisms (for example, Regional Pest/Pathway Management Plans), that allow for a broader view of threats, their impacts and appropriate programmes to address those threats. These mechanisms under the Biosecurity Act 1993, with respect to threats in the marine environment, are 'younger' than the more mature understanding surrounding the RMA but this should not preclude this view or seek to use the RMA in situations where it is not the most appropriate mechanism.

If a Biosecurity Act 1993 mechanism is implemented (and would be the preferred choice by the Council for biosecurity management), given they have a far broader application, elements of practises by the aquaculture industry could be captured by such regulation. As such, compliance with these regulations would be necessary. If the aquaculture industry has comprehensive industry standards, then this could be used by the management agency to determine priority for auditing activities.

### **Assessing then auditing BMP's.**

In the case of threats to aquaculture in particular, as outlined in the Aquaculture Biosecurity Handbook, there is an emphasis on plans being developed associated with risks to the farming operation itself. For example, organisms that can affect stock health. Because Council's primary role is the protection of the natural marine environment and sustainable use of natural resources,

placing the assessment and auditing responsibility on Councils of these stock-protection focussed BMPs, does not seem logical and best placed to be managed via the industry. It is the industry and or the Ministry for Primary Industries that hold both the greatest level of expertise and knowledge regarding the protection of stock.

The role of BMPs has recently been emphasised in the “Intelligence Paper” on NZ-RLO and T. maritimum (MPI Technical Paper No. 2017/39). In that publication the results of a technical advisory group are set out. These include that the NZKS BMP was inadequate and that the requirements of the BMP were inconsistently applied. These findings highlight the importance of both assessing the adequacy of any BMP and then enforcing the requirements of the BMP.

Assessing and subsequent auditing of BMPs would be a very large undertaking and would be an entirely new level of service on the part of the Council. While it is acknowledged that some of this cost can be recovered through mechanisms provided for under section 36 of the RMA. In reality the entire cost implication can never be recovered.

The Council also notes that the discussion document identifies that the costs of the Section 128 reviews required in 2025 are non-recoverable. Although the Council has not confirmed the precise numbers, it is aware that a significant proportion of the coastal permits it administers do not expire until after 2024. The review envisaged in the discussion paper will therefore create a cost to the Council. The Council will endeavour to provide exact numbers as a follow-up to this submission.

### **‘Global’ vs Farm level plans**

There is an inherent assumption that the factors that affect biosecurity management of every farm are the same in a given geographic area, i.e. a bay. This is not always the case in that flow, water temperature and other factors can affect a farm’s susceptibility to biosecurity threats and also the potential be exacerbate threats. Given this, that argument that the load on Councils regarding assessment and auditing of BMPs would be reduced does not hold true.

### **Enforcement & level of compliance**

Another driver behind the perceived need to regulate the implementation of farms developing and implementing BMPs is the incomplete buy-in of marine farmers to industry led initiatives, such as the Aquaculture NZ A+ scheme. This incomplete buy-in will continue under the proposed NES regulatory environment in that while BMPs can be submitted and assessed, no auditing system will be able to ensure 100% compliance. Compounding this, for cost efficiency, any auditing system would likely be one implemented remotely, and relies heavily on the consent holder implementing in reality what they say they are to implement in their BMP.

### **Questions 34 – 40**

Due to the stance outlined above, in the view of the Council the questions asked are best addressed outside of an NES and within the appropriate industry standards.

### **Recommendation:**

- 1. That the proposal for biosecurity management plans to be implemented through resource consent conditions not proceed; and**

2. That the Ministry consider the efficiency and effectiveness of other tools that exist under the Biosecurity Act 1993 to improve on-farm biosecurity.

### Specific comments on proposed regulations

The following are submissions on specific regulations as set out in Appendix F of the discussion document.

Regulation Number	Comment	Recommendation
2	It is noted that the approach adopted with respect to ONFL and ONC is not also applied to significant indigenous vegetation or significant habitats of indigenous fauna. The effect of this omission may be mitigated by the inclusion of the matters in 12(f).	No recommendation.
12(c)	Maritime NZ provides guidance for assessing the potential effects of marine farm structures on navigational safety (Guidelines for Aquaculture Management Areas and Marine Farms, December 2005). The guidelines identify relevant navigational issues and describe criteria for the establishment and management of marine farms. The status of this guidance material with respect to exercising discretion on this proposed regulation is unclear.	Clarify the status of the Maritime NZ guidance material with respect to the application of regulation 12(f).
12(f)	There is no justification in the discussion document for the 20 metre distance within which adverse effects on reefs and biogenic habitats can be considered. In some cases in Marlborough, the effects may occur at a distance beyond 20 metres due to the effect of current and water flow.	Reconfirm that a distance of 20 metres will provide sufficient protection for reefs and biogenic habitats located in close proximity to existing marine farms.
12(h)	Although a definition of "offshore" is included in Footnote 33, it is considered that further definition is required in order for the matter to be appropriately addressed in a Marlborough Sounds context. For example, Admiralty Bay is obviously a bay and 12(h) would therefore not apply under the current definition of "offshore". Admiralty Bay is a significant habitat of Dusky dolphin. The current definition of "offshore" would therefore prevent the consideration of the effect of existing marine farms on dusky dolphin in this case (although that may be been the intent?).	Review the definition of "offshore" to clarify the intent of 12(h).
13(a)	It was considered that this regulation should use the wording "benthic environment" as opposed to "benthic values" given that what is managed through ESC standards is change to the benthic environment.	Replace "benthic values" with "benthic environment" in the regulation.
13(a)	The Council questions the meaning of "therapeutants" as to whether it covers the range of substances that might be used now and in the	Review the use of the term "therapeutants" in the regulation to ensure it is the

	future to address animal health issues on the farm.	most appropriate term.
13	The Council notes that NZKS farms approved by the Board of Inquiry had conditions imposed to address the relationship between salmon farm operations and sharks. It also notes that other similar relationships with wildlife are addressed in 12(g).	No recommendation.
16	It is unclear what the term "statutory exception" means. It is assumed that it might refer to the requirements present in statutory acknowledgements. If this is the case, the statutory acknowledgements that apply in Marlborough do not necessarily result in iwi authorities being identified as affected parties in the context of Section 95A and 95B of the RMA 1991. Unless the term is clear, it has the potential to result in litigation with respect to decisions on the notification and limited notification of applications made under the regulation.	Define the term "statutory exception" so that the regulation can be applied as intended.





# Proposed National Environment Standard for Marine Aquaculture

Submission from: Marlborough Environment Centre (MEC)

Contact name: Tim Newsham

Address: [REDACTED] Spring Creek, New Zealand

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Emailed to: aquaculture@mpi.govt.nz

## Introduction

The Marlborough Environment Centre (MEC) was established in 1989 to promote awareness and protect the environment through education and engagement with resource management decision-making.

MEC took part in the formulation of the Marlborough Sounds Resource Management Plan (MSRMP) that was notified in 1995 and introduced CMZ1 and CMZ2 zoning for aquaculture. MEC submitted on the proposed Marlborough Environment Plan (the second generation RMP) in September 2016.

MEC is notified and submits on marine farming resource consent applications and strives to protect the ecology, recreational enjoyment and landscape values of the Marlborough Sounds as the aquaculture industry expands.

## Submission on Part 5: How an NES for Marine Aquaculture Would Work

MEC opposes the proposed stream-lined process for re-consenting existing marine farms for the following reasons:

1. The proposed easier path for re-consenting (processing as non-notified, restricted discretionary activities) is not for the benefit of the environment.  
It is for the benefit of marine farmers and their production. It removes the community's ability to have its say at a consent hearing and does not allow public scrutiny of the environmental assessment of the applicant's operation.
2. Easier re-consenting is not appropriate for an NES. *"National environmental standards (NES) are standards for maintaining a clean, healthy environment."* [Ministry for the Environment website<sup>1</sup>]  
Whereas this proposal is designed to make it easier to continue marine farming without publicly accountable assessment of the cumulative effects of up to 40 years of incremental marine farm development.
3. Many existing farms in the Marlborough Sounds were approved before the more stringent environmental requirements of the RMA. Their consents were due to expire in 2004, but after pressure from the industry were "deemed" and allowed to continue to operate until 2024. It is high time these farms were subject to a rigorous assessment of environmental effects as required by a notified resource consent process, rather than rolling them over again in 2024 for another 20 years or more.

As well as the effects of individual farms, there are wider environmental issues to consider:

- The cumulative impact of more than 500 hundred farms on the benthic environment
- The cumulative impact of more than 500 farms on the water column
- Restricted access to shorelines for other Sounds users in bays that are necklaced by mussel farms

These processes may be "complex and inefficient" but they are there to maintain a clean and healthy environment, which is also the role of a National Environmental Standard.

4. These issues are currently being considered by an aquaculture working group as part of the Marlborough District Council's second generation Marlborough Environment Plan. This takes into consideration the cumulative effects of marine farming, bay by bay. It is important that recently acquired knowledge and research into the cumulative effects of marine farming on the environment and other users of the Sounds, including tourism operators, is considered as part of the MEP process. The proposed NES over-rides this process.
5. Marine farmers have free occupation and use of public water space, and have done so for decades. It is a privilege, not a right. There needs to be a transparent, public process that holds them accountable, rather than the fast-tracked re-consenting proposed by the NES.

**Desired outcome:** Redraft the NES to make looking after the marine environment the number 1 priority, rather than an easier re-consenting process for marine farmers. Re-consenting applications to be publicly notified.

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<sup>1</sup> <http://www.mfe.govt.nz/rma/rma-legislative-tools/national-environmental-standards>

**Michael Nielsen**

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**From:** Gordon Mather [REDACTED]  
**Sent:** Tuesday, 8 August 2017 4:52 PM  
**To:** Mailbox\_Aquaculture  
**Subject:** Proposed NES for Marine Aquaculture

**Submission on MPI Proposal for Marine Aquaculture NES.**

I have read the document titled (inappropriately) Proposed National Environmental Standard for Marine Aquaculture, released in July 2017.

**General Summary of my Response**

I have real and grave concerns about the overall purposes and outcomes of this proposed legislative change, and specific concerns regarding the manner in which the objectives are to be achieved.

It is clear from the overall thrust of the proposal, evident throughout the document that the driver for this proposal is a government desire to push for a substantial increase in aquaculture farms, and in order to encourage and facilitate this, to ease the consenting process for establishment of this new expansion. At the same time, and clearly towards the same goal, the public is excluded from the process of scrutinizing any new consents and providing input into the process. The proposed changes will **not** follow Schedule 1 of the Resource Management Act 1991 which specifically prescribes public notification and provision for input into such proposals.

I regard this document as a naked public relations promotion exercise for the aquaculture industry, and the MPI is acting unequivocally as a lobbyist for the industry. There is a lack of balance in consideration of other competing interests and scant regard for ecological impact on the marine environment and wider environmental values, and measures to safeguard these.

Central to the whole matter of establishment of aquaculture farming is the fact that presently and for the foreseeable future, this activity is carried out in public space, where there are competing valid interests for the utilisation of this space. It is therefore absolutely imperative that there be maintained the right and provision for ongoing public consultation and scrutiny of any proposal for activity of a nature that effectively occupies this space to the exclusion of other users, whether recreational or commercial.

The proposal to make regional authorities able to grant consents without public notification that permits long-term occupation of a marine area is a clear breach of due public process and a denial of the right of citizens to have a say in any future proposal for aquaculture development. This is a clear abuse of the power

of government and a blatant and unbalanced support of a commercial sector group based on narrow economic grounds only.

It is imperative that any new proposal, for aquaculture or any other exclusive use of the marine coastal environment is subject to full public scrutiny and is tested if necessary by the legal process, with right to appeal ultimately to the Environment Court in order to ensure that the interests of all citizens are given due consideration. It is of serious concern that the rights of citizens to participate in the decision making around use of 'common' space, that is not owned by any individual, group or even government, but belongs to all New Zealanders, is under threat of being overridden, and denial of the right to appeal to the court.

There is no denying that this process takes time and can be costly, but that is the price of participatory democracy where there is careful and balanced concern for the impact of any proposed new activity on the whole of society.

To claim that the proposed regulations 'will continue to give effect' to the New Zealand Coastal Policy Statement as well as any regional policy statement, is hollow posturing, as it is clear that aspects of the former – such as considerations of strategic planning, biodiversity, natural character, natural landscapes and features – have only been given scant and token, if any, recognition.

The proposed NES is in conflict with the (current) 2010 New Zealand Coastal Policy Statement and significant recent case law that has emphasised the importance of the objectives and policies of the NZCPS; including requirement for "appropriate activities in appropriate places"

Further, in areas of outstanding landscapes, the intrinsic amenity values alone will rank above the conflicting demands for commercial utilisation, and must be respected. This quality of 'naturalness' or lack of despoiled character of the natural landscape and seascape is fundamental to the appeal of the country for the tourism sector, which the government is also keen to foster. The priority of intrinsic natural values has already been recognised in the Environment Court in the decision handed down in 2001 by Judge Kenderdine (re Wainui Bay spat catching farm in Golden Bay).

These proposed legislative changes constitute a significant loss in the democratic processes that are enshrined in the Resource Management Act and will undoubtedly mean that the purpose of the Act will be undermined and that natural and physical resources, including marine ecosystems, will be degraded for future generations.

### **Terminology and Legislative Intent**

The document is incorrectly called a proposed 'National Environmental Standard'. For it to be such, any environmental standard must have objective and quantifiable goals for a range of environmental variables identified as of significance, and likely to be impacted on and influenced by the proposed activity.

There should also be clearly stated monitoring regimes established to measure the impact of the new activity to ensure that precautionary environmental limits are not exceeded. There is no such mention of these quantifiable goals in this proposal, and very limited mention of monitoring, and this only in qualitative terms.

This document would be better titled as "A guide to management practices" for aquaculture farming to encourage best practice. There is no indication of what if any actions will be taken if practices result in negative and unwanted environmental outcomes.

There is conflicting logic in the statements around 'Inappropriate areas for aquaculture'. The proposed NES states that the public, once the regulations are in place, will be able to participate in 2nd generation plan changes on where councils should assign areas as being 'inappropriate' for marine farming.

However, if the NES is in place and councils must make plan changes that comply with the regulations then all of the existing farms will already have 'restricted discretionary' status which is tantamount to being able to stay in perpetuity! And as explicitly stated in the document, no public or community involvement or input will be allowed to review this status.

## **Biosecurity Concerns.**

The nature of the marine environment is quite different from that for terrestrial farming operations where perimeter boundary demarcation is easily established and restriction on movement of unwanted organisms posing a potential biosecurity threat, although still a very real risk, is somewhat easier. There is little pre-emptive action that can be done, other than monitoring, to prevent invasion of exotic marine pest species, however they are transported. Any attempts to restrict recreational or other users from an expanded adjacent area to mitigate biosecurity concerns is a further restriction on the public access to and enjoyment of the coastal marine zone.

MPI in this document expresses concern for maintenance of adequate biosecurity safeguards, and advances this as a prime reason for the proposed changes.

However, I find no good argument advanced in this document to support the contention that change to the consenting process will enhance biosecurity over present legislation. Monitoring of consented activities does not require this change to the framework of aquaculture establishment or ongoing management. In any case, increase of active monitoring would be a desirable policy under any consenting regime.

This proposal blithely brushes over some unavoidable biological hazards.

There is ample evidence that large-scale aggregation of single species under farmed management creates ecological instability and heightend vulnerability to disease and pest organisms. For good examples, we have several recent and current cases of biosecurity breaches that well underline the vulnerability to this threat: *Mycoplasma bovis* in North Otago / Sth Canterbury dairy cattle, Myrtle rust in members of the Myrtaceae family, *Varroa* mite introduction in the apiculture industry. Of particular relevance for marine environments are the *Undaria* exotic seaweed invasion in southern South Island coastal waters including Fiordland, and the *Bonamia ostreae* disease in southern oyster stocks, to name only a few outbreaks. These are serious biosecurity cases that threaten not only the viability and profitability of important primary industries, but also the biodiversity and survival of indigenous species and maintenance of indigenous natural ecosystems and habitats.

## **Biodiversity Impacts**

The document contains 'token' points relating to management practices to minimise (not avoid) 'marine mammal and seabird interactions – particularly entanglement, but not habitat exclusion'! The resting, feeding and breeding places of for instance seabirds are ignored, as well as areas for fish breeding e.g. elephant fish. All 'restricted discretionary activities' and Categories 3 & 4 activities (change to fed finfish species) only require 'management practices' to minimise marine mammal and seabird 'interactions', not avoidance.

With regard to effects on the benthos – again token words relate to 'reefs and biogenic habitats' and 'benthic values and the seabed' with qualifiers added such as "significant". The documented damage to the seabed from some trawl fishing practices, and vulnerability of certain other areas/habitats/ecosystems is ignored.

## **Landscape Concerns**

Regional Councils are currently required by government to identify and categorise outstanding natural landscapes and features, with the intent of giving direction to appropriate land use activity decision-making, and in special cases adequate protection to retain their intrinsic appeal or scientific value. In keeping with this intent, it has already been determined in the Environment Court that aquaculture farms should be sited beyond 3 nautical miles from land. Many existing farms located in embayments and confined harbours breach this goal, placing them in direct conflict with aesthetic values and impact on the visual landscape. As technology and management practices develop that enable and enhance alternative management practices in utilisation of less restricted waterways encouraging movement to open sea locations, it is vital that there is opportunity for periodic review of existing aquaculture operations and sites. Appropriateness of setting is not fixed in perpetuity and provision for re-evaluation in the future is essential.

## **Strategic planning**

This often is not dealt with effectively in the planning stages; and a 'strategy' – the occupation of space by marine farms – is effectively privatisation of the 'commons'. The specific impacts on the wider environment of marine farming whether it is shellfish or 'fed' finfish is not, despite the discussion documents protests, adequately known: there is a huge 'knowledge gap' which has been acknowledged by various agencies including the Ministry for Primary Industries itself. The 'connectivity' of ecosystems within the marine environment is still largely unknown, and movement of mobile species within and between zones poorly understood.

This proposed NES contravenes the government's own NZ Coastal Policy Statement. Policy 7 (2) NZCPS requires the identification by councils of the coastal processes, resources and values that are either under threat or at significant risk from adverse cumulative effects with thresholds (zones, standards and targets) to be set in plans (or specification of acceptable limits) to assist in determining when activities causing cumulative effects are to be avoided. These effects of course need to consider all impacts on the coastal marine area; urban activities including development, fishing and dredging, forestry-induced sedimentation, climate change etc. as well as actual aquaculture activities including those associated with feeding and harvesting. No information on the state of strategic planning throughout NZ has been assessed by the Ministries involved in this exercise.

Without this crucial information, no extension in the terms of the current farms should be permitted, but they should continue to be assessed as discretionary activities with public/community/iwi/scientific input.

Implementation of this proposed NES, effectively makes the work of local councils to meet the requirements and their obligations under the NZCPS, redundant and meaningless, if it is to be overridden by the policies of the NES.

## **Summary and Context of the Proposal.**

I am not opposed to aquaculture per se, and acknowledge the contribution it makes in terms of food production, employment and economic output. However, in common with other modern industrial scale food production systems, the large scale aggregation of single species organisms under intensive management systems in the open natural environment is inevitably accompanied by greater ecological instability and increased susceptibility to disease. These are not risks that can be ignored.

The larger the scale of operation, the greater the likelihood of negative environmental impacts occurring, with overloading of the environmental capacity for self-adjustment and benign self-regulation.

The desire for increased economy of operational scale pushes farmers to expand their farming operation to unsustainable levels.

This urge sensibly has to be balanced by the need to build in environmental safeguards to minimise vulnerability to disease, counter impact of invasive exotic organisms that could threaten farming operations, and to assess conservatively the environmental 'carrying capacity' of the sites in which they operate. In the marine environment, the simplest strategy to achieve this is limitation of size and spreading the location of farming operations to avoid overcrowding in any given area.

I can see alarming parallels in this proposal and the vision behind it for a greatly expanded aquaculture industry, with the dramatic growth in the last 20 years of the dairy farming industry and the accompanying negative environmental impacts. This expansion, often into non-traditional dairy farming lands that are poorly suited to this livestock farming, has also been encouraged and facilitated by government initiatives. The model that has been pursued there has been widely criticised by authoritative scientists for being unsustainable and the principal rural contributor to degradation of waterways nationally over the same period, among other unwanted and damaging impacts.

If we are wise and honestly face the mounting evidence of cumulative negative impact, both environmental and social, from large scale intensive management farming systems, we must acknowledge the real potential for serious and long-term harm, and degradation of our coastal environments, in these proposals. A more precautionary approach is demanded.

To exclude the public and communities from the process of scrutinizing and permitting these activities is supreme arrogance. The NES has been written to provide "certainty" for the aquaculture industry and its investors, but not for the general public over an area of the public domain that cannot be "owned" and which they have a right to feel they have a stake in. All proposals for aquaculture activities in the coastal environmental zone must be subject to public scrutiny and input on their merits on a case by case basis. These will vary from site to site. Although there is reference to the involvement and active participation of Maori in aquaculture activities to date, this NES proposal does not adequately acknowledge the significance of the coastal marine environment to greater Maoridom at large. As such, it is questionable whether this pays adequate regard to the Treaty of Waitangi, and its principles.

The discussion document admits that public input has been useful but then proceeds to exclude just those opportunities for wider public input into policy development and implementation. This is not good enough. Important democratic principles are at stake here and the greater public good cannot be ignored. The justified concerns of citizens and the right to participate in decisions of such lasting impact must be respected and not pushed aside. This document is fundamentally flawed and needs to be withdrawn and re-written.

Gordon Mather

BSc. MAud.





12 September 2017

By email

Ministry for Primary Industries  
Private Bag 14  
Port Nelson 7042

Via email to: [aquaculture@mpi.govt.nz](mailto:aquaculture@mpi.govt.nz) and [REDACTED]

Tēnā koe

**Submission to support with additions/amendments the proposed National Environmental Standard for Marine Aquaculture**

**Maungaharuru-Tangitū Trust**

1. The Maungaharuru-Tangitū Trust is a post-settlement governance entity, established to hold and manage the Treaty settlement assets of the Hapū and to be the representative body of the Hapū. The settlement was given legislative effect under the Maungaharuru-Tangitū Hapū Claims Settlement Act in May 2014. The Trust represents the Hapū of Tangoio Marae including Ngāti Kurumōkihi, Ngāti Marangatūhetaua (also known as Ngāti Tū), Ngāi Te Ruruku ki Tangoio, Ngāti Whakaari, Ngāi Tauira and Ngāi Tahu.
2. The takiwā (traditional area) of the Hapū extends from the Maungaharuru range in the west of Hawke's Bay, to Tangitū (the sea) in the east, and from north of the Waikari River in the north to Te Whanganui-ā-Orotu (the former Napier Inner Harbour) in the south. The Hapū are the tāngata whenua within their takiwā, holding both mana whenua and mana moana.
3. The natural resources (including waters, rocks, reefs and aquatic life) within their seaward takiwā are taonga belonging to the Hapū. The importance of these taonga to the Hapū is demonstrated through:
  - the whakapapa, history and customary practices of the Hapū;
  - the establishment of the rohe moana and Moremore Mātaitai Reserve within their takiwā;
  - the full range of rights, interests and values of the Hapū;
  - the appointment of the Trust as an advisory committee for the Wairoa Hard (marine area based restriction); and

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- their two applications under the Marine and Coastal (Takutai Moana) Act for a Protected Customary Rights Order and a Customary Marine Title.
- 4. In addition, there is a wealth of evidence about the association of the Hapū to their taonga, including that set out in various statements of association in their Deed of Settlement, in particular the statement of association relating to “Rocks and Reefs and Hapū Coastal Marine Area” (Deed of Settlement of Historical Claims between the Maungaharuru-Tangitū Hapū, the Trustees of the Maungaharuru-Tangitū Trust and the Crown dated 25 May 2013).
- 5. The importance of Tangitū and responsibilities of the Hapū as kaitiaki oblige us to make the following submission.

## **Greenshell™ mussel farm consent, off the coast of Waipātiki Beach**

- 6. Within the Hapū takiwā, 5.5km off Waipātiki Beach, Kahungunu Asset Holding Company has a 91% shareholding for a Greenshell™ mussel farm consent.
  - 6.1. Kahungunu Asset Holding Company is 100% owned by Ngāti Kahungunu Iwi Incorporated.
  - 6.2. Maungaharuru-Tangitū Hapū are members of Ngāti Kahungunu Iwi through whakapapa.
- 7. Maungaharuru-Tangitū Trust has an interest in this mussel farm development from an economic, cultural, environmental and social perspective.

## **The proposed National Environmental Standard (NES) for Marine Aquaculture**

- 8. Maungaharuru-Tangitū Trust **supports** the stated objective of the NES to increase certainty and efficiency of process for existing marine farms seeking replacement consent.
  - 8.1. The NES seeks ongoing and improved environmental management ensured through the proposed consent process. It also seeks to ensure best practice on-farm biosecurity management for all new and existing marine farms.

## **Most replacement consents for existing farms to be processed as non-notified, restricted discretionary activities**

- 9. Maungaharuru-Tangitū Trust **support** that most replacement consents for existing farms to be processed as non-notified, restricted discretionary activities **with the requirement that:**
  - 9.1. councils must notify all iwi/hapū with statutory acknowledgements of any replacement consents within, adjacent to or directly affecting a statutory area related to that statutory acknowledgement; and
  - 9.2. restricted discretion for council consideration includes tāngata whenua values.

Councils must notify all iwi/hapū with statutory acknowledgements of any new or replacement consents

10. The proposed NES states<sup>1</sup>:

*“Some Statutory Acknowledgements across the country recognise the relationship of tangata whenua with the coastal marine area. Any groups with Statutory Acknowledgements in or relating to the common marine and coastal area could be provided for through limited notification to them of applications for replacement consents for existing marine farms, if regional councils determined that they were affected parties.” (Emphasis added)*

11. Maungaharuru-Tangitū Trust appreciates that this paragraph is framed as it is to reflect the wording of section 95E of the RMA. However, we consider that any iwi or hapū that holds a Statutory Acknowledgement for an area that is subject to an application for a replacement consent should automatically be recognised as an ‘affected party’ – there should be no discretion for councils to determine otherwise. We therefore propose the wording be changed to:

*“Any groups with Statutory Acknowledgements in or relating to the common marine and coastal area will be provided for through limited notification to them of applications for replacement consents for existing marine farms”*

12. Maungaharuru-Tangitū Trust acknowledges that Te Ohu Kaimoana included a similar recommendation in their submission. Maungaharuru-Tangitū Trust support this recommendation by Te Ohu Kaimoana.

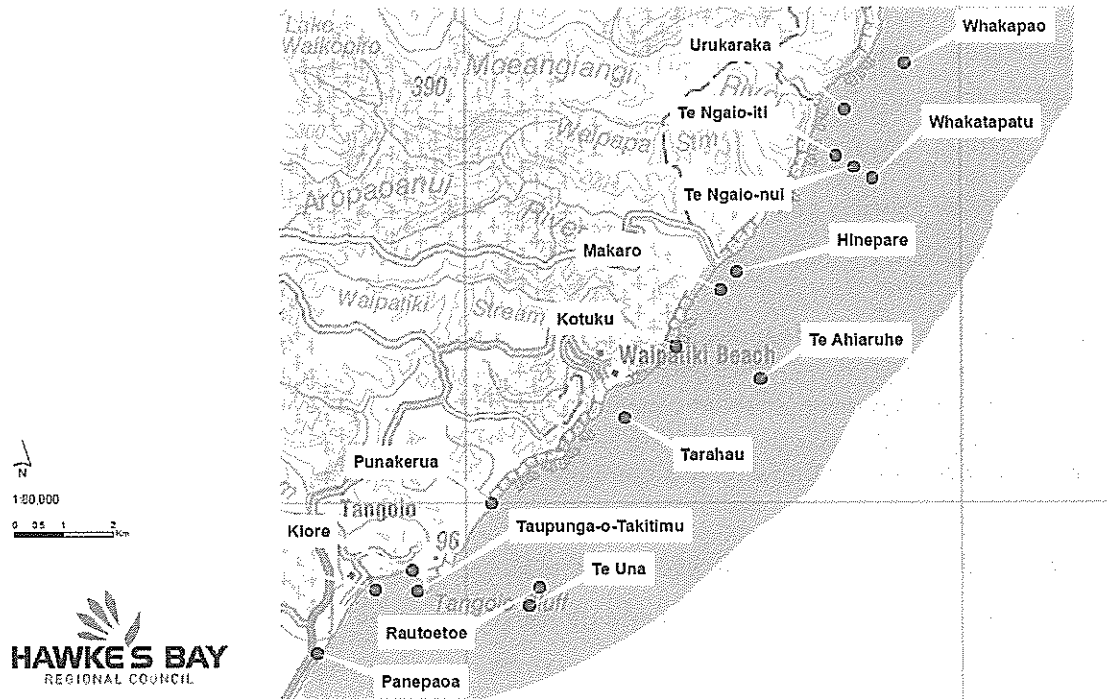
#### **Maungaharuru-Tangitū Trust Statutory Acknowledgements and Takutai Moana Application**

13. Maungaharuru-Tangitū Trust has 30 statutory acknowledgements in our Deed of Settlement relating to the whenua (land), wai maori (freshwater) and the moana (sea). Our takiwā includes the location of the existing consent to farm Greenshell™ mussels, 5.5km off the coast of Waipātiki Beach (see Map below, reproduced from Hawke’s Bay Regional Coastal Environment Plan, 2014).

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<sup>1</sup> Proposed National Environmental Standard for Marine Aquaculture, page 31.

14. Maungaharuru-Tangitū Trust also has an application lodged under the Marine and Coastal (Takutai Moana) Act for a Protected Customary Rights Order and a Customary Marine Title.
15. Maungaharuru-Tangitū Trust therefore asserts our rights under our Treaty Settlement and our Takutai Moana application to ensure that we are notified of any changes or reapplications of the existing consent.



**Figure One:** Map showing locations of some of the rocks and reefs in the Maungaharuru-Tangitū Trust statutory acknowledgement relating to Rocks and Reefs (Hawke's Bay Regional Coastal Environment Plan, 2014). The existing consent to farm Greenshell™ mussels is 5.5km off the coast of Waipātiki Beach.

Restricted discretion for council consideration includes tāngata whenua values

16. Indicative NES provisions (NES Discussion Document, Appendix F, page 65) outlines those matters in which council may have discretion. Maungaharuru-Tangitū Trust **supports** this list of effects considered to be relevant for council discretion.
17. Of particular relevance is the “placeholder” for tāngata whenua values. Maungaharuru-Tangitū Trust **supports** as noted that further discussion with iwi/hapū authorities as part of the consultation process for the proposed NES: Marine Aquaculture is required to determine what tāngata whenua values will be considered.

18. Maungaharuru-Tangitū Trust recommends that the Regional Planning Committee of the Hawke's Bay Regional Council develops an appropriate process for determining tāngata whenua values.

18.1. The role of the Regional Planning Committee is to oversee the review and development of the Regional Policy Statement and regional plans for the Hawke's Bay region, as required under the Resource Management Act.

18.2. With an equal number of Regional Councillors and Tāngata Whenua group representatives, this committee is the co-governance group for the management of natural resources in Hawke's Bay.

18.3. The Regional Planning Committee was established by the Hawke's Bay Regional Planning Committee Act 2015.

## **Provide for certain types of species changes for existing marine farms to be restricted discretionary activities**

19. Maungaharuru-Tangitū Trust supports processing applications to change the species farmed, as part of a replacement consent application, as non-notified restricted discretionary activities, where the location and area of the farm remain the same with the requirement that:

19.1. as noted in paragraphs 10-11 above, iwi/hapū would be notified of changes in species within, adjacent to or directly affecting a statutory area related to their statutory acknowledgements.

20. Four categories of species changes are specified, with specific matters of discretion relating to each category.

21. Maungaharuru-Tangitū Trust supports the specific matters of discretion proposed (NES Discussion Document, page 37), in particular the consideration of any cultural concerns regarding the translocation of Taonga species.

21.1. As noted above, Maungaharuru-Tangitū Trust recommends that cultural considerations are referred to the Regional Planning Committee for advice.

## **Provide for small scale realignments of existing marine farms, particularly where realignment would reduce adverse effects on the environment**

22. Maungaharuru-Tangitū Trust supports the small scale realignments on the basis of the information provided (summarised below).

23. 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.

23.1. Matters of discretion would be the same as those for replacement consents, with the following additional matters:

- to recognise the effects of repositioning the farm; and
- Requiring the realigned area to be subject to an undue adverse effects test under the Fisheries Act 1996.

24. Exception - 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.

**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.**

25. Maungaharuru-Tangitū Trust supports the preparation, implementation and regular update of biosecurity management plans for all existing and new marine farms (based on the information summarised below) with the requirement that:

25.1. tāngata whenua views and values are included in the criteria for the Biosecurity Management plan and guidance materials that are being developed by MPI; and

25.2. the Regional Planning Committee reviews Biosecurity Management Plans before they are approved and implemented.

26. All marine farms would need to prepare, implement and regularly update Biosecurity Management Plans by 31 January 2025.

27. 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.

27.1. 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.

28. 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.

29. Guidance material will be developed to assist industry and regional councils.

## Further correspondence

30. Thank you for the opportunity to provide a submission on the proposed National Environmental Standard for Marine Aquaculture. Please forward your formal response and any questions or requests for further information to our Kaiwhakahaere Matua, Shayne Walker either on [swalker@tangoio.maori.nz](mailto:swalker@tangoio.maori.nz) or phone 027 361 6377.

Nāku noa, nā

Shayne Walker  
Kaiwhakahaere Matua - General Manager  
Maungaharuru-Tangitū Trust







Michael Nielsen

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**From:** John McKie [REDACTED]  
**Sent:** Wednesday, 26 July 2017 10:53 AM  
**To:** Mailbox\_Aquaculture  
**Subject:** Submission - NES - Marine Aqua. Waini Spat - remains discretionary

MPI:

Submission: I would like to request that the Wainui Bay Spat farms remain a discretionary activity until their review in 2024.

Kind regards,

John McKie -- [REDACTED] Takaka



Submission by Dr Donald J Mead

Proposed National Environmental Standard for Marine Aquaculture

*I am disappointed with this proposed standard for aquaculture and request that it does not proceed in the current form.*

National Environmental Standards

1. The proposal is not an environmental standard and should be called a National Management Strategy for Aquaculture.
2. MFE states that national environmental standards are for maintaining a clean, healthy environment. They prescribe technical standards, methods or other requirements on environmental matters. Regional bodies are required to follow the same standards but can also enforce stricter standards. All the current approved standards adhere to this concept.
3. There is nothing in the discussion document on Aquaculture that talks about environmental standards. Rather this process is wrongly being used to address different management policies by councils and to overcome possible restrictions on aquaculture.
4. If this were an environmental standard I would expect expert discussion on the ecological impacts of aquaculture and also how it may affect other users of this area (that is owned in common). From this I would expect basic rules on how environmental impacts should be managed and other conflicts resolved. Bottom environmental outcomes should be included and local bodies not allowed to have lower ones.

Giving away our Commons

The proposal to make sure that Councils cannot refuse re-consenting will give the users some certainty (which may be positive for their businesses) but will in essence give them rights to use this common sea-space in perpetuity and so effectively transfers ownership to them. That is completely unwarranted and will likely lead to long-term grief for the public. It will mean they can trade their sea space on the open market. They should not be able to do this. If they wish to stop their aquaculture their sea space should revert to the Crown; there should be no on-selling of their rights to occupy.

Impacts on Golden Bay

First, near the bottom of P13 of the MPI document on proposed standard it states, when discussing AMAs, “The lengthy process of development of the **interim** aquaculture management areas (AMAs) in Tasman and Wilson Bay AMA in Waikato means.....” (my emphasis).

I strongly object to the word 'interim' as they are prescribed in law. I am also disappointed that Golden Bay is not mentioned – sloppy work!

The biggest concern, however, is in relation to Wainui Bay. I do not think farms should be a "special area" because currently under the RMA and NZ Coastal Policy Statement, as they are Outstanding Landscapes, this sort of activity is not permitted. I seek that the current status not be changed but remain as a discretionary activity until 2024. At that time, through a public process their continuation and the conditions around this can be looked at. Further, there are large areas of spat catching space already allocated outside Wainui and there is an excellent prospect that land-based spat production will replace catching wild spat.

A handwritten signature in black ink, reading "Don J Mead". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Dr Donald J Mead

[REDACTED]

Collingwood 7073

[REDACTED]

## Submission: Proposed National Environmental Standards for Marine Aquaculture

Private submission by Keith Michael. I have a background in fisheries research and marine ecology.

Keith Michael

[REDACTED]

[REDACTED]

[REDACTED]

Porirua City

Wellington 5026

[REDACTED]

Aquaculture is promoted as significant socio-economic driver in New Zealand. Aquaculture farmers undertake their activities through a licence to occupy public space in return for socio-economic benefits to regions, and to New Zealand. On a per license basis, there is neither the data nor a regulatory process to evaluate whether these benefits are realised. Moreover, whether any realised benefits can justify the loss of public access, lost opportunity for other commercial activities or the degradation of the environment.

There has been substantial private and public investment in to aquaculture to date. Promised economic benefits are yet to be fully realised. Social benefits will diminish significantly with increasing automation of processes. Effects on the environment have been significant and the breadth of these effects are likely to have been understated. An increase in socio-economic benefits from aquaculture in New Zealand are more likely to be realised with the appropriate and structured development of aquaculture, and effective management of aquaculture activities.

Specific comments on the proposed National Environmental Standards (NES) for Marine Aquaculture are briefly bullet below.

- The NES falls well short of ensuring the successful development of aquaculture and the protection of aquaculture operations, wild stocks and the environment.
- The major issue with the proposed National Environmental Standards (NES) is that they are about the administration and facilitation of aquaculture licencing, and not ensuring, in regulation, best practice and biosecurity. There is no specified independent agency that will the responsibility for data collection and management, establishing codes of practice for aquaculture and biosecurity procedures, nor compliance of these requisites. The regional councils and unitary bodies are responsible for licencing. MPI is responsible for biosecurity, usually after a disease outbreak has occurred. Which independent organisation will be responsible for best practice and the acquisition of data, and which independent organisation will be responsible for compliance?

- The uncontrolled development and lack of management of aquaculture poses unacceptable risks to aquaculture, wild fisheries, and the environment. Currently, two of the three key species are exotic. New species will invariably be endemic species (flat oysters, geoducs, scampi, rock lobster, kingfish and grouper). The risk of diseases from high density stocking is extremely high, the ability of these diseases to transmit to wild stocks and the general environment is equally high. The aquaculture industry comprises a range of aquaculture ventures from big multinational companies to poorly skilled and resourced owner operators. Current farm capability, management and compliance to prevent disease mortality is variable, and mostly low. If we can learn anything from overseas experience, it's the catastrophic effects of disease in aquaculture operations as a result of poor training, no biosecurity protocols, and little information to effect biosecurity responses, e.g., abalone, Atlantic salmon, flat and pacific oysters. There are many cases of economic losses to aquaculture and wild fisheries, and of environmental damage.
- Of all the issues, biosecurity and effective data recording and management are key issues. Codes of practice for shellfish aquaculture were developed with public funding in 2013. These codes have not been implemented. There has been no requirement to do so by an independent organisation.
- Training and certification of all farm hands, biosecurity procedures, and independent auditing and compliance should be included in the NES. These should be species specific. Mandatory testing for disease of all seed stocks and farm stocks when heightened mortality occurs should be standard procedure. This will necessitate the development of an aquaculture testing facility to provide routine, cost-effective testing. The testing facility should be audited to ensure effective testing procedures. There are many examples of high-risk behaviours by the aquaculture industry that could spread disease, e.g., salmon burley made from salmon that had died of disease, and moribund oysters infected with *Bonamia ostreae* discarded back to sea.
- The transfers of stock between hatcheries and farms, locally and regionally should be better controlled and documented to prevent the spread of disease. Who will be responsible for recording and compliance? There is a lot of ignorance about the risks of disease with some farmers seeing it as a farming and economic challenge rather than a substantial biosecurity risk.
- **Under the current NES, there is no requirement to notify of changes in species cultured or changes in farming methods, both, which pose substantial biosecurity risks. The lack of such data can severely hamper biosecurity responses. Under the proposed NES, there are no definitive, centralised data on who is growing which species and where.**
- There are no essential, centralised data available to evaluate the economic and biosecurity performance of aquaculture operations in public space. The requirement for centralised reporting, such as the function provided by FishSeve for wild stocks, needs to be implemented. This depository needs to maintain up-to-date records of hatchery and farm production and grow out data, seed and stock transfers, production data such as growth and mortality (especially heightened mortality indicative of disease). These data should be mandatory and readily available to MPI to inform biosecurity responses.

The NES, in its current standalone form, increases the risk of disease and economic losses. It should be part of a comprehensive government policy to facilitate the appropriate and structured development of aquaculture, together with adequate protection for wild stocks and the environment.

Very brief responses to questions in the proposed NES.

Q1. There is a need for a more wide ranging NES as part of a larger development plan for Aquaculture. Consideration should be given to fund independent agencies responsible for data collection and management, establishing codes of practice for aquaculture and biosecurity procedures, and compliance of these requisites.

Q2. Replacement consents for existing marine farms should always be discretionary based on environmental, social and economic performance.

Q3, Yes, a full framework is required. This will create a huge issue for regional councils. Substantial funding and increases in capability are required to oversee aquaculture activities.

Q4. Yes

Q5. -

Q6. Yes, evaluation of the levels of degradation and environmental performance.

Q7. Yes, evaluation of performance.

Q8 Yes.

Q9. Yes, as for Policy 12 where the risk of growing endemic species in areas where wild stocks of those species occur at some or all of the year.

Q10. These will be species and site specific, essentially anywhere where pathogens can be transmitted to wild stocks.

Q11. -

Q12. All consents to be publically notified as they occur in public space, especially where species and farming methods have been changed.

Q13. There are significant disadvantages to allowing councils to take a more lenient approach. The risks are far too high, and the councils alone do not currently have the capability to make well-informed decision. All decisions should be transparent and scientifically and economically defensible.

Q14. No, there should be no exemptions. Replacement should be based on evaluations their environmental, social and economic performance. Who is responsible for making these evaluations, RCs?

Q15, Yes, but they need to comply with standards, and pass evaluations.

Q16, Provide them with capable staff, resources and legal frameworks to evaluate aquaculture activities in a broader and more thorough context.

Q20. Yes, it needs to be mandatory: Need to know who is growing what, how many and where is fundamental biosecurity information. Additionally, the competency of each operator to farm new species needs to be evaluated, i.e., whether their operations comply with species-specific codes of practice and biosecurity.

Q21.No, all species.

Q22-24. Changes in structures, especially those providing for more intense farming practices need to be evaluated on a structure type and class, and species matrix.

Q25 Yes.

Q26: No, because the spat they catch are widely dispersed. They are a biosecurity risk.

Q27. No

Q28. They should be wide-ranging to ensure biosecurity and realised socio-economic benefits at minimal loss of opportunity, and environmental degradation.

Q29. Yes, principally biosecurity and interaction with wild stocks, and whether known pathogens can be transmitted by alternative wild hosts and currents.

Q30. Realised environmental, economic (tax take) and social performance.

Q31.

Q32. Need to notify all species and culture methods.

Q33. Aquaculture poses an extremely high biosecurity risk. Biosecurity Management Plans (BioMP) need to be mandatory, no exceptions. Not only should approved BioMP be implement and kept up to date, but there is a need for independent audits of compliance. There should also be a minimum certification of all staff.

Q34. The longer the implementation of BioMP is delayed, the risk of a major biosecurity incursion and economic losses increases substantially.

Q35. BioMPs need to be location, pathogen and host species and farming method specific. Generic guidelines modified according to local circumstances e.g., growing Kingfish at Stewart Island poses different risks to growing kingfish off Great Barrier.

Q36. MPI's Aquaculture Biosecurity Handbook is a good generic start but does cover all potential species (e.g., geoducs, scampi, and rock lobster). There should be regular sampling of all stock to establish pathogen baselines. This will necessitate an accredited and audited industry laboratory providing a cost effective services to aquaculture. BioMPs need to be very specific to site, species, and growing method.

Q37. Needs an independent body to implement BioMPs to ensure compliance. Regional councils will need to undergo a significant and rapid change to manage BioMPs effectively, and will pose substantial capability and economic challenges. Best run from MPI, with costs levied back to Aquaculture.

Q38. Independence and compliance is essential.

Q39. There is no defensible alternative to implementing and maintain appropriate BioMPs

Q40. There is no defensible alternative to farm monitoring and reporting as well as external auditing and enforcement of BioMP implementation and effectiveness. The centralised storage and management of these data is important to a range of processes including rapid and effective biosecurity responses to new disease outbreaks.





## Proposed National Environmental Standard for Marine Aquaculture Submission Template

We would like to hear your views on the proposed National Environmental Standard for Marine Aquaculture (NES: Marine Aquaculture).

Please feel free to use this template to prepare your submission. Once complete please email to [aquaculture@mpi.govt.nz](mailto:aquaculture@mpi.govt.nz).

As stated in section 8 of the discussion document, your submission must include the following information:

- your name and postal address, phone number, and email address (where applicable)
- the part or parts of the proposed NES you are submitting on
- whether you support or oppose the part or parts of the proposed NES
- your submissions, with reasons for your views
- any changes you would like made to the proposed NES
- the decision you wish the Minister for the Environment and the Minister for Primary Industries to make.

For more information about how to make a submission, please refer to section 8 of the discussion document: *Proposed National Environmental Standard for Marine Aquaculture*.

### Contact details

Name:

Susan Jessie and Cathy Mountier

Postal address:

██████████ Takaka 7183

Phone number:

██████████

Email address:

██

Are you submitting on behalf of an organisation? Yes [ ] No [ ]

If yes, which organisation are you submitting on behalf of?



## **Privacy Act 1993**

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

## **Official Information Act 1982**

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

*Please indicate below if you wish your personal details to be withheld:*

- ☐ Please withhold my personal details where submissions are made public
- ☐ Please withhold my personal details in response to a request under the Official Information Act 1982

## **Questions for submitters**

The questions for submitters that are included throughout the discussion document are provided below. We encourage you to provide comments to support your answers to the questions below. You do not have to answer all questions for your submission to be considered.

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### **Question 1:**

Do you think an NES for marine aquaculture, including guidance material, is required? Alternatively do you think the status quo (where regional councils decide the activity status for replacement consents for existing marine farms and consents for change of species which can vary from controlled to non-complying) should be maintained?

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Personally we are ok with the status quo but can see that this review of consenting processes proposed in the NES could be of value to the aquaculture industry, and reduce workload for regional councils.

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**Question 2:**

Do you think restricted discretionary is an appropriate status for replacement consents for existing marine farms? How would other activity statuses address the issues identified in section 3 of the discussion document?

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We don't support restricted discretionary for all existing marine Farms. Restricted discretionary status is appropriate for approved AMA's but not for sites such as outstanding landscapes, e.g. Wainui Bay Spat catching farms, or places where there is significant public opposition. These are a small proportion of the existing marine farms. The existing consent ensures the ongoing operation of the Wainui Bay farm until the end of 2024, and in the meantime other spat collecting options are continuing to be developed.

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**Question 3:**

Does the NES need to provide a full rule framework, including discretionary activity rules for those marine farms that cannot meet the requirements to be a restricted discretionary activity?

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**Question 4:**

Do provisions covering replacement consents for existing marine farms where supplementary feeding occurs require additional terms to define what qualifies to be a restricted discretionary activity?



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Yes we think marine farms where supplementary feeding occurs should be a discretionary activity, but where this is not possible that there are additional terms applied.

Our reasons are as below

A) The increased environmental risk because of the nutrients added to the ecosystem. These need to be monitored and controlled carefully.

B) Also Biosecurity risks are higher in such intensive systems through introduced food and the population density this allows.

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**Question 5:**

Do you have any feedback on the analysis of effects contained in Appendix G?

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Appendix G covers most areas well except in the Cultural section. We would like to see this section completed, including the historic value of areas e.g. The historic significance of Wainui Bay in relation to being the landing site of Abel Tasman In 1642. This area is also rich in Maori history and archaeological sites.

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**Question 6:**

Should applications for replacement consents for existing marine farms where supplementary feeding occurs be treated differently under the proposed NES or not addressed at all?

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Yes they should be treated differently

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A) The environmental risk because of the increased nutrients and waste products added to the ecosystem. These need to be monitored and controlled carefully.

Also the farms with supplementary feeding are more likely to use antibiotics etc which create additional impact.



B) Also Biosecurity risks are higher in such intensive systems through introduced food and the population density this allows.

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**Question 7:**

Do the provisions covering replacement consents for existing marine farms where supplementary feeding occurs require additional matters of discretion?

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Yes see the response to Questions 4 & 6

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**Question 8:**

Should the extent of an acceptable overlap of existing marine farms with outstanding areas due to margins of error in mapping be defined?

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**Question 9:**

Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified, such as those listed in Policy 11 of the



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NZCPS 2010?

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Yes. Areas of historic significance should be recognised as outlined in Question 3

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**Question 10:**

If so, what are these areas/values and what are the potential effects of concern caused by existing marine farms on those areas/values?

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The historic significance of Wainui in relation to being the landing site of Abel Tasman in 1642. This area is rich in Maori history and archaeological sites. Our concern is industrial activity creating visual pollution and noise at a significant historic site.

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**Question 11:**

Should the activity status be different for replacement consents for existing marine farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character? If so, what should it be?

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Yes the activity status should be discretionary in such areas to allow for public input.

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**Question 12:**

Are there certain types of aquaculture for which replacement consent applications should be publicly notified?

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Yes where there are Aquaculture methods using supplementary feeding.  
Or any aquaculture that uses dredging e.g. scallops

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**Question 13:**

Are there advantages or disadvantages to allowing councils to take a more lenient approach that you would like us to be aware of?

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**Question 14:**

Do you agree that the areas zoned specifically for aquaculture in Tasman and Waikato should be exempted from the provisions of the proposed NES relating to replacement consents for existing marine farms?

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**Question 15:**

Do you agree that there are sites that should be recognised in the proposed NES because of their particular importance to aquaculture? If so, what sort of provisions do you think would be appropriate?

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We do not support that certain sites should be recognised because of their particular importance to aquaculture.

The sites value to aquaculture should not override the other values of that site. E.g. Wainui Bay is seen as a important spat catching area but is also seen as an Outstanding Natural landscape, gateway to the Abel Tasman National Park, and an important historic site.

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**Question 16:**

Are there other ways in which the proposed NES could usefully recognise council's future planning processes?

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**Question 17:**

What are your thoughts on the size restriction that is proposed to apply to realignments covered by the proposed NES?

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**Question 18:**

Is there further guidance that should be provided in the proposed NES in relation to realigning existing marine farms?

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**Question 19:**

Are there other specific matters that councils should be able to consider for applications to realign existing marine farms? Are the matters that have been identified all relevant?

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**Question 20:**

Should the proposed NES address change in farmed species?

Yes because it needs to take into account the environmental impacts of a species change as well as a change in management methods.



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**Question 21:**

Should the proposed NES limit the species it relates to?

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**Question 22:**

Are the categories based on change in structure an appropriate approach? If not, can you suggest any other approach that might be suitable?

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**Question 23:**

Are there any other categories [that should be considered for the change of species provisions]?

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**Question 24:**

Should herbivorous finfish be treated differently from carnivorous finfish?

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**Question 25:**

Is restricted discretionary an appropriate status for most changes in species?

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No. This question is too vague. How many is most?

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**Question 26:**

Should spat catching farms be excluded [from the change of species provisions]?

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Spat catching farms should not be allowed to change species without a new resource consent application.

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**Question 27:**

Are there any other forms of farming or species that should be excluded [from the change of species provisions]?

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**Question 28:**

Do you have any feedback on the scope of matters of discretion?

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**Question 29:**

Should change of species involving finfish require additional matters of discretion?



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**Question 30:**

Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified?

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This should include historic, cultural and customary rights area's.

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**Question 31:**

Should the activity status be different for changing species on existing marine farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character? If so, what should it be?

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Yes it should be discretionary so individuals and groups that value these areas have a say in their ongoing protection.

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**Question 32:**

Are there certain species or types of species where consent applications should be publicly notified?

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Yes where there is any introduced species or species with known biosecurity issues.

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**Question 33:**

Do you think it is necessary for all marine farms to prepare, implement and keep up to date Biosecurity Management Plans (BioMP)? What concerns would you have if it were required? What (if any) exceptions should be made and why?

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Yes, we think this is a good idea for the protection of the industry and natural ecosystems.

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**Question 34:**

Is the deadline of 31 January 2025 appropriate, and why?

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No, we think this should be earlier as there are already significant biosecurity issues and risks happening. E.g. the oyster parasite

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**Question 35:**

Is a nationally consistent approach to BioMPs necessary to achieve an appropriate



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level of marine farm biosecurity nationally or should regional differences be accommodated?

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**Question 36:**

Do you think the BioMP template in MPI's Aquaculture Biosecurity Handbook covers all the matters that are needed? What if any changes would you make and why? What level of detail do you think is needed for BioMPs to be effective?

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**Question 37:**

Is requiring a BioMP using an NES under the RMA the best approach to nationally requiring a Biosecurity Management Plan for aquaculture?

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**Question 38:**

How would regional councils certify, audit and enforce BioMPs? Could external



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professionals be used to provide the required skills and expertise?

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**Question 39:**

Is it appropriate for existing coastal permits to be reviewed and required to prepare BioMPs in order to comprehensively address biosecurity risks to industry and New Zealand's wider marine environment? If not, why not?

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Yes

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**Question 40:**

Is marine farm monitoring and reporting as well as external auditing and enforcement of BioMP implementation and effectiveness justified? If not why not?

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Yes, to protect both the marine aquaculture industry and the environment.

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**Question 41:**

Have the range of costs and benefits arising from the proposed national





environmental standard, and who might bear the costs or receive the benefits, been accurately reflected? Are there any costs and benefits that have been overlooked?

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**Question 42:**

Are the estimates of costs and benefits accurate? Do you have information on costs and benefits that could assist the second stage of our assessment (of the impacts of the final proposal)? Do you have any information on costs and benefits that have not been quantified at this stage?

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**Please use the space below to provide any additional comments you may have, and if continuing an answer from another question please indicate the question number.**

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Wainui Bay Spat catching farm

We believe that this farm should continue as a discretionary activity until 2024 and then have a public process for the re consenting of the farms.

We are residents of Wainui Bay for many years and have been affected by adverse effects of noise, light and rubbish pollution from the spat catching farms. We acknowledge significant improvements by the operators have occurred and we appreciate this. Nevertheless, as the farms change hands, new operators may not be so considerate and we would like to have avenues left open to address our concerns.

We also have broader environmental concerns about Wainui which we value as an outstandingly beautiful place and want to protect it for all.

The aquaculture industry is thriving and bound to expand. We would like to feel confident that environmental values will be protected at all sites.

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We find the title "National Environmental Standards" misleading. The document is not concerned with the environment. Neither the problem definition or the criteria used for assessing options for "solving the problem" actually refer to "the environment". It is mainly about consenting processes. "Environmental limits" are referred to on pages 5, 6, 11, 16, and 25 but nowhere does it outline what these limits are. Very mysterious. What are these environmental limits?

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