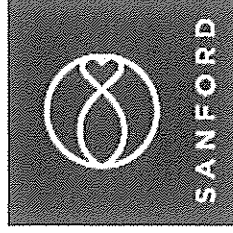


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All written comments received on the proposed National Environmental Standard for Marine Aquaculture, grouped alphabetically according to business/organisation/iwi/surname.

Written Comments Number	Business/Organisation/Iwi/Surname	First Name
0056	Sanford Ltd and North Island Mussel Ltd	
0017	Schofield Seafarms	
0055	Smith	Rhys
0030	Southland Conservation Board	
0014	Southland Regional Development Strategy	
0101	Surendran	Nathan



North Island Mussels Ltd

7 August 2017

PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR MARINE AQUACULTURE

SUBMISSION BY

SANFORD LIMITED

AND OUR JOINT VENTURE PARTNER

NORTH ISLAND MUSSEL LIMITED

This submission has been lodged electronically to: aquaculture@mpi.govt

Sanford contact and address for service is **Alison Undorf-Lay** | [REDACTED]

Thank you for the opportunity to submit our response to the Proposed National Environmental Standard for Marine Aquaculture (*NES*).

This submission represents the views of Sanford Limited (*Sanford*) and North Island Mussel Limited (*NIML*). In this submission the two companies are collectively referred to as Sanford-NIML.

Sanford is a publically listed company, owned primarily by New Zealand shareholders. NIML is a private 50:50 Joint Venture partnership, the owners are Cendeco Aquaculture Limited and Sanford.

Sanford-NIML have an interest greater than the general public.

Sanford is the largest owner of aquaculture water space in New Zealand. The company has long been a proactive investor in new space both as a new applicant and acquisition. Sanford is also investing in research leading to new product development and innovation such as the SpatNZ Primary Growth Partnership that is selectively breeding high value shell fish (mussels). Sanford has approximately \$100 million invested in marine farming licences. Some 855 FTEs are employed by Sanford aquaculture and processing.

Sanford produces 25 million meals¹ of salmon from our Big Glory Bay farm and 161 million meals of Greenshell mussels each year.

Sanford has aquaculture developments in

- Hauraki Gulf, Coromandel and Firth of Thames – mussels
- Marlborough Sounds – mussels
- Canterbury – mussels
- Southland (Big Glory Bay) – oysters, salmon and mussels
- Tasman – mussels.
- Golden Bay – mussels

NIML was formed in 2012 and is based in Tauranga. The company farms approximately 2000 ha of water space and processes Green Lipped Mussels grown in the Coromandel and Marlborough regions.

In summary

We declare that Sanford staff member, and NIML board member Mr Ted Culley was a member of the MPI Reference Group working on the National Direction for Aquaculture. While Ted's position on the Group was not in the capacity as a representative of Sanford or NIML, we do appreciate that both companies have been in a privilege position. In the spirit of the collaborative working group process, Sanford-NIML have endeavoured as much as possible to stand beside the Reference group's findings. Where we don't agree with the Reference Group's recommendation, we specifically state why and what approach we would prefer.

- Sanford-NIML support the proposed National Environmental Standards (NES)

¹ 100g meals

- Sanford-NIML supports the definition of existing marine farms as being the holders of current coastal permits where the licence area remains the same, the structures remain materially the same (unless a change of species is sought) and, where the location of structures remains the same other than up to 1/3 of the farm being realigned
- Sanford-NIML accepts that the RMA requires that during a re-consenting process species would need to stay the same
- Sanford-NIML support the ability of the farm to innovate, adapt and intensify
- Sanford-NIML support the principle that the RMA statutory process and requirements are unchanged.

In our view the proposed NES is the single most important way to achieve stability and retain confidence in New Zealand aquaculture. The NES will foster growth. The overarching tone of the document is one of enabling and acknowledgment; recognising the significant financial investments that have been made in acquiring water space. For companies like Sanford and NIML that have spread their interests across more than one region as a risk mitigation strategy, the NES assists in delivering consistency in the way that regional council's approach re-consenting.

The proposal is a very genuine attempt to provide for world class aquaculture in New Zealand.

Sanford-NIML accept the restricted discretionary non notification status for re-consenting. Sanford-NIML notes that our preferred status going into the working group was controlled. Our support for restricted discretionary is conditional on retaining the commitment to non-notification.

Sanford-NIML welcome this opportunity to contribute to the discussion, which is laying out the future path of New Zealand aquaculture.

Collaboration

Sanford-NIML fully support the submission lodged by Aquaculture New Zealand (*AQNZ*), we have participated in their discussion workshops and the drafting of the industry submission.

In response to your specific questions:

Question 1	Is NES required?	<p>Yes</p> <p>Achieve efficiency and likely to save significant resources and costs for all stakeholders including councils and applicants</p> <p>Support a national stepping up of on-farm biosecurity</p> <p>Support streamlining consenting processes</p> <p>Support consistency across councils – support establishing a baseline</p> <p>Support need to work with speed so as to provide a solution by 2021</p> <p>In a high risk natural environment, we need confidence in the longevity of our licence.</p>
Question 2	Is restricted discretionary appropriate	<p>Accept (would have preferred controlled)</p> <p>Support approach advocated in AQNZ submission, whereby they are seeking that the ONFLC areas have a sunset clause over their additional matter of discretion.</p> <p>This encourages ONFLC matters to be dealt with at the planning stage rather than the consenting stage, while acknowledging that some regions need more time in which to do that. Once all regions have identified whether existing farms are appropriate (or not) within their mapped ONFLCs then there is no need for the additional matter of discretion. Note this approach is supported by the legal advice from Quentin Davis (Gascoigne Wicks) which was appended to the AQNZ submission.</p> <p>In Sanford-NIML's view the vast majority of farms are appropriately sited, and during their first consenting review would have undergone rigorous assessments - the environment is not put at increased risk through the re-consenting process. Support the combination of 'restricted discretionary and non-notification' – because it's the package of both working together which provides the certainty. Support providing consistency across regions</p> <p>Gives certainty to existing investments</p> <p>More cost effective, delivers efficiency</p>

Question 3	Is restricted discretionary appropriate for replacement consents for existing farms	<p>Accept – with the proviso of the AQNZ sunset clause, see above. Sanford-NIML had supported controlled rather than restricted discretionary status, justifiable on the fact that none of the consent renewals are new, or substantially different from what is currently happening on the site.</p> <p>Noting – Sanford is a member of the Banks Peninsula Marine Farmers Group and has also participated in the development of that submission. The whole of Banks Peninsula is deemed an outstanding landscape in the regional coastal plan – Sanford is the owner of four marine licences in this area. All Banks Peninsula farms to our knowledge have involved an Environment Court appeal/review. As part of the local marine farmers group we are in discussions with the Canterbury Regional Council on a local approach to this. Support the Minister issuing a specific directive for Appendix H farms within the Canterbury region after consulting with ECan, AquacultureNZ and local growers.</p>
Question 4	Do provisions covering replacement consents where supplementary feeding occurs require additional definition?	<p>Support as proposed</p> <p>Do not consider there is a logical reason why marine farms that use feed would require additional definition.</p> <p>Noting – Sanford owns a salmon farm licence in Big Glory Bay, Stewart Island. Salmon farms have gone through the same rigor of a consenting process as mussel farms – the renewal of their consent does not create a new risk to the environment.</p>
Question 5	Our feedback on analysis of effects contained in Appendix G	Support Appendix G – but suggest widening the scope of effects so that it includes both positive and negative effects i.e. more jobs, good jobs, and diversified opportunities in rural communities
Question 6	Should applications for replacement consents for existing farms where supplementary feeding need to be treated differently?	No reason to make distinction Support as proposed.

Question 7	Do the provisions covering replacement consents for supplementary feeding require additional matters of discretion?	No Support as proposed
Question 8	Should extent of overlap with marine farming in outstanding areas due to margins of error in mapping be defined?	<p>There needs to be the ability for councils to apply discretion. It is disappointing that regional plans have mapping errors – it is unreasonable that an existing farm would incur significant uncertainty in the re-consenting process simply because of an administrative error.</p> <p>Noting that both Sanford and NIML own marine licences in Auckland region where marine farms are not considered detrimental to outstanding landscape. Marine farms that abut areas of outstanding value, or fall inside due to mapping error should not trigger a review.</p>
Question 9	Are there other areas/values that should be identified as requiring specific discretion?	No Biodiversity in the marine environment is not well understood (defined) and mapped, and often in regional plans biodiversity is dealt with as a broad generalisation.
Question 10	What areas or values should be added?	Areas of significant natural values recognised by RMA s6c sites such as reefs would have already more than likely been recognised and provided for at the time of the original (first) application.
Question 11	Should the activity status be different for replacement consents in outstanding natural features, landscape and natural character	No Restricted discretionary across all three categories is supported

Question 12	Are there certain types of aquaculture for which replacement consents should be publically notified	No We have heard concern being expressed that the NES does not provide for adaptive management – we disagree; many consents have conditions requiring adaptive management (i.e. Pegasus open farm). Bay-wide adaptive management for unanticipated environmental effects can be managed via a council call-in of all the consents, at once. See also the AQNZ submission and legal opinion of Quentin Davis.
Question 13	Advantages / disadvantages to allowing councils to take a more lenient approach	Support lenient approach – as it has significant advantages We support local communities making a decision to ease back the re-consenting hurdle – refer to the Banks Peninsula Marine Farmers submission that proposed the Minister provide direction on Appendix H sites (see your question 3). Local communities are the people that experience aquaculture as their next door neighbour, they are in the greatest position to directly be affected and too understand what aquaculture can mean to their community in terms of effects on navigation, environmental bottom lines and employment.
Question 14	Aquaculture area zones such as in Tasman and Waikato should be exempted from provisions related to NES replacement consents	Yes Both of these areas have undergone significant local RMA planning exercises and have agreed where aquaculture areas are acceptable. Add to this list Big Glory Bay and future areas such as the Coromandel Marine Farming Zone.
Question 15	Special recognition of sites that are particular important to aquaculture	Yes We suggest that critical spat collection sites are deemed areas of national importance because so much of the industry is dependent on the continuation of these marine licences; for example the Aotea Harbour on the west coast of the North Island and the Wainui Bay sites in the South Island.

	<p>The effectiveness of the Aotea Harbour has become increasingly important to the mussel industry in Coromandel, noting also that the Aotea wild catch rate has improved significantly over time showing a healthy biological natural wild spawn in the region. The developed water space inside Aotea Harbour currently contributes approximately 600,000 metres of catch rope, which at a 2:1 seed out ratio equates to a 7,200 GWT harvest.</p> <p>In the published 2015-2016 financial year Coromandel growers provided 24,832 GWT as declared on their landing returns for the annual levy take. Based on this, it can be assumed that approximately 25% - 28% of the entire Coromandel production at present is supported with Aotea spat catching efforts.</p> <p>Coromandel Farming operations directly employ 117 staff and local wages in the Coromandel region account for approximately \$5.4 to the regional economy.</p> <p>In addition, mussel processing workers in the four key North Island plants</p> <ul style="list-style-type: none"> • Seaproducts - Drury • Westpac Mussels - Auckland • OPC – Whitianga, and • North Island Mussels Ltd - Tauranga <p>employ directly in excess of 400 - 450 staff during peak season. These four main plants consume >90% of the Coromandel's production for export half shell and meat production with an estimated >\$68.3m export revenue.</p> <p>For this reason, Aotea Harbour should be considered a site of particular importance.</p> <p>Other areas of particular significance include the coastal seawater intake supporting land based aquaculture at SpatNZ.</p>	
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Question 16	Additional ways that NES could be used to recognise council planning process	Yes Possibly establishing a formula for coastal charges policy, and guidance around the setting of bonds. Amending the NZCPS so that it includes a new aquaculture policy.
Question 17	Size restrictions for realignments	Support in principle, as 95% of farms are less than 10 ha. Generally larger farms are newer, recent establishments and have been set up with accurate boundaries.
Question 18	Realignment of farms – additional matters	Where there is a significant gain from a realignment for example to avoid a significant natural value, or reposition the farm so that it falls outside an outstanding landscape etc. there should be mechanisms for encouraging and enabling of this.
Question 19	Other matters that need consideration	Possibly opportunities to off-set, or where there is a net environmental, economic advantage to a local area or a social gain, see above.
Question 20	Should NES address changes in farmed species	Yes We support the adding or changing of species to ensure adaptiveness, responsiveness, and innovation can occur. For example as a consequence of climate change, developments in species choice etc.
Question 21	Should NES limit species	No Support an effects based enabling approach.
Question 22	Should NES deal with change in structures	Support the proposed NES method which provides for change of structures where the effect on the landscape and environment is similar i.e. along the lines of s11 existing use rights.

		We would support a tightening of the scope and definition of change, as the matters of discretion are so broad they are unable to sufficiently filter out the small, inconsequential changes.
Question 23	Are there other changes that need to be considered	Not that we are aware of.
Question 24	Should herbivorous finfish be treated differently from carnivorous finfish	Sanford view only: No Should be effects based, and enabling for example around maximum nitrogen caps rather than species. Do not support feed caps.
Question 25	Is restricted discretionary appropriate for changes in species	Yes – noting that we don't support the constraints imposed by Appendix F, category 4, sub clause 44 and the restriction on the change in species from say non-fed to fed.
Question 26	Should spat catching farms be excluded from change is species provisions	No, ultimately the site continues to be used for aquaculture
Question 27	Are there other farms or species that should be excluded	Where the intention is to convert a shell fish farm to one that requires feeding ie fin fish, and there are already fin fish being farmed in the catchment then the matters of discretion need to consideration of the first farmer recognising heightened risk – see also our comments re question 25 Appendix F
Question 28	Scope of discretion	We note the broadness of categories, which we accept on the basis that it remains a non-notified restricted discretionary process.
Question 29	Should change of species involving finfish required additional matters	Yes Effects on other fin fish farms in the same catchment

Question 30	Are there other areas that need to be identified as needing specific discretion	No, not in our experience
Question 31	Where the species changes on the farm, and the farm is in an outstanding area should the activity status of the consent change	No
Question 32	Are there certain species or types of species where consent applications should be publically notified	No
Question 33	Should all farms have a Biosecurity Plan	Sanford and NIML - Yes In areas where there are multiple farms, ideally a 'whole of bay' biosecurity aquaculture approach is desirable, if farmers are able to work collaboratively and to the same time frames. Support other users in the coastal marine area having biosecurity plans including moorings and structures (private and community) - marine plant pests are not discerning as to what they attach onto
Question 34	Is the deadline of 2025 appropriate	Support bringing forward to 2019 Would support these plans being lodged at the time of re-consenting.
Question 35	National vs regional vs local plans	Support a local, even bay specific biosecurity plan Support for these to be accompanied by an awareness and education programme
Question 36	Are there other matters that should be included in biosecurity plans?	Not that we are aware of
Question 37	Is a Biosecurity Plan under the RMA the best approach to dealing with aquaculture	National codes of practice are useful Using A+ Certification to report and track is useful

Question 38	How would regional councils certify, audit and enforce BioMPs?	Plans should be included in A+
Question 39	Should existing coastal permits be reviewed for biosecurity	Want these plans to 2019 Should be decided in consultation with regional grower groups
Question 40	Is marine farm reporting on biosecurity justified	Yes, in our experience farmers are very aware and concerned about biosecurity and are already sharing knowledge about suspected incursions.
Question 41	Are the range of costs and benefits accurately reflected	Sanford strongly supports the NES – Aquaculture Would have liked to see more acknowledgement of the positives that aquaculture brings to communities, which tend to be isolated and rural, in terms of social and economic well being
Question 42	Do you have any costs and benefits that you can share	Sanford's specific biosecurity plan for a recent farm, prepared by NIWA and updated from an existing farm specific biosecurity plan was \$10,000.

Proposed National Environmental Standard for Marine Aquaculture Submission

To the Ministry for Primary Industries

aquaculture@mpi.govt.nz

8 August 2017

Submitter Details

Full Name of Submitter

Mr Peter Lindsay Schofield

Organisation Name; Schofield Seafarms

Address for Service; Big Glory Bay, Stewart Island

Email; [REDACTED]

1.0 Introduction

I currently farm mussels in Big Glory Bay on a long line system. We have 24 * 200 meters long lines. I work with a group of farmers that supply a factory in Christchurch. Schofield Seafarms produces 200 tonnes per annum. I am a sixth generation Stewart Islander and are proud to support the local village. Without this enterprise there would be no heavy freight service between Bluff and Stewart Island. Marine farming provides the backbone for the local school, shop and health care system. The collective marine farming in Big Glory Bay provides investment capital into the wider region of Southland.

As an industry we are proud farmers, we are passionate farmers and we are good farmers. Our commitment to the recently launched A+ sustainable management programme is a clear demonstration of the care and respect we have for the waters and locations in which we farm.

I support the submission of Aquaculture New Zealand (AQNZ).

2.0 The Issues

- Aquaculture is the heart of regional communities like Havelock, Coromandel, Warkworth, Stewart Island and Twizel.
- Our products provide kiwis with healthy, sustainable food, produced in New Zealand – a far better choice than most other protein sources available worldwide.
- The industry offers tremendous sustainable growth potential for New Zealand to create more regional jobs, support associated industries and bring much needed export earnings into local communities and the economy.
- But for years the potential has been hampered by a regulatory regime that drains vital resources that could otherwise be invested in innovation, product development and building new premium markets

- Under the current regime, variations and inconsistencies for re-consenting rules in different regions create complexity and uncertainty – and creates extra delays and costs for industry, councils and communities
- With up to 75% of marine farm consents due to expire by 2025, at a cost of \$50.3 million in total, the current re-consenting processes create a cloud over the future shape of the industry

3.0 General Support for the Proposed NES

- I broadly support the National Environmental Standard (NES) as proposed.
- The proposed NES will provide better outcomes for the industry, communities, councils, iwi groups and the environment
- The proposed NES will provide a more efficient and certain consent process for managing existing farms within evidence-based environmental limits.
- The NES proposal carefully balances improving certainty while recognising the values and characteristics that make our marine environment so special.
- It will allow efficient evidence based decisions to be made while encouraging regions to proactively plan for aquaculture in their regions into the future.
- It will require marine farmers to provide evidence and proof to councils that they are operating sustainably within environmental limits.
- The proposal will free up resources currently spent on consent processes, to invest in building value for New Zealand through innovation, product development and new premium markets as well as investment in proactive environmental management.

4.0 Specific Comments on the Proposal

- I agree that the NES is the best available option under the current circumstances.
- I agree that restricted discretionary activity should be given to all consent renewals for aquaculture but note that it is crucial to retain the accompanying proposal for consent renewals to be non-notified in order to meet the proposal's objectives.
- However, there is also a good case for making replacement consents for most existing aquaculture a controlled activity as for the most part, they are an accepted part of the existing environment and generally in appropriate locations.
- There is a strong need for the additional guidance, particularly in light of the current subjectivity and lack of clarity around implementation of the New Zealand Coastal Policy Statement (NZCPS).
- There is also a strong case for an NZCPS - Aquaculture to be progressed within its own timing as this would provide stronger policy support than the guidance as well as allowing for strategic planning for, and management of, aquaculture into the future.
- I support the intent of the biosecurity proposals, however note the AQNZ recommendations to ensure they are sensible and workable and set up in the context of other users in the coastal marine area.
- I support enabling innovation through providing for changes of species as a restricted discretionary activity.

5.0 Questions for Submitters

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?

Yes.

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?

Yes. No public or limited notification is essential for the proposal to meet its objectives. Controlled activity status is preferred and appropriate for existing marine farm consents.

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?

No.

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?

No.

Question 5: Do you have any feedback on the analysis of effects contained in Appendix G?

The positive social and community benefits could have been highlighted better.

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?

No.

Question 7: Do the provisions covering replacement consents for existing marine farms where supplementary feeding occurs require additional matters of discretion?

No.

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?

It would be preferable that the Minister determine which farms should be subject to assessment under policy 13 and 15 using the best available information.

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 NZCPS 2010?

No.

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?

Not applicable.

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?

No.

Question 12: Are there certain types of aquaculture for which replacement consent applications should be publicly notified?

No.

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?

Allowing councils to take a more lenient approach encourages proactive planning in accordance with the NZCPS Policy 8.

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?

Yes.

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?

Yes. Spat farms of national significance such as the Wainui Bay mussel spat farms in Golden Bay.

Question 16: Are there other ways in which the proposed NES could usefully recognise council's future planning processes?

An NZCPS – Aquaculture should be implemented to support and encourage collaborative and strategic planning for new aquaculture in appropriate areas.

Question 17: What are your thoughts on the size restriction that is proposed to apply to realignments covered by the proposed NES?

It is appropriate.

Question 18: Is there further guidance that should be provided in the proposed NES in relation to realigning existing marine farms?

Yes.

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?

The matters that have been identified are relevant and sufficient.

Question 20: Should the proposed NES address change in farmed species?

Yes.

Question 21: Should the proposed NES limit the species it relates to?

No.

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?

The categories are an appropriate approach.

Question 23: Are there any other categories [that should be considered for the change of species provisions]?

No.

Question 24: Should herbivorous finfish be treated differently from carnivorous finfish?

No.

Question 25: Is restricted discretionary an appropriate status for most changes in species?

Yes.

Question 26: Should spat catching farms be excluded [from the change of species provisions]?

No.

Question 27: Are there any other forms of farming or species that should be excluded [from the change of species provisions]?

No.

Question 28: Do you have any feedback on the scope of matters of discretion?

It will be important to ensure that these categories all remain non-notified so that the decisions can be evidence based.

Question 29: Should change of species involving finfish require additional matters of discretion?

No.

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?

No.

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?

No.

Question 32: Are there certain species or types of species where consent applications should be publicly notified?

No.

Questions 33 to 40 – Biosecurity Management Plans:

I agree with the points raised regarding Biosecurity Management Plans in the AQNZ submission.

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?

Further detail could be provided/explored regarding the social and community benefits of the industry.

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?

As above.

6.0 Summary Statement

I am proud of my role providing healthy, nutritious, sustainable seafood to kiwis as well as jobs and a sense of community to regional New Zealand. I want to focus my business' resources on making this contribution better, through innovation, product development and collectively improving our environment. Without the proposed NES I will instead need to focus on engaging planners and lawyers to continue to operate beyond the consent horizon. The proposed NES is an essential and welcome initiative that will bring a better future for the industry and our communities.

Name Peter Schofield

Signature PL Schofield

Date 3 August 2017

Michael Nielsen

From: Rhys Smith [REDACTED]
Sent: Tuesday, 8 August 2017 6:03 AM
To: Mailbox_Aquaculture
Subject: Fwd: Aquaculture Submission

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

From: Rhys Smith [REDACTED]
Date: 8 August 2017 at 05:59
Subject: Aquaculture Submission
To: aquaculture@govt.nz

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

From: Rhys Smith [REDACTED]
Date: 7 August 2017 at 03:07
Subject: not finished but close
To: Bruce Smith [REDACTED]

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.

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:

Postal address:

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.

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?

When the new Ministry of Fishery is established after the next election all matters related to the ocean should be governed by the one Ministry.

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?

A replacement consent should be granted only after public notification and should be opposed if the public or any other user of the water space can prove the licence holder does not operate with good practice.

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?

There should not be a discretionary activity aspect to the rule frame work.

There are sufficient rules in place that have been enforced by the court. To change these rules would be to put the export industry over the rights of the other users of the public water space.

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?

All Aquaculture farms in NZ public water space should have 0% detrimental impact on the natural environment. As this goal is not possible all marine farms must fit one of three criteria. All future and existing Aquaculture licences must be MOVEABLE-CLEANABLE-OR LAND BASED. For the sake of the NZ clean green image that effects every export product we must not follow the appalling Aquaculture record of other county's that now find buyer resistance among products not seafood related.

Question 5:

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

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?

For any marine that supplementary feeds fish must be moveable on an annual basis so the silt build up could be cleaned up and land filled before the level of build up has a negative effect on the wild fish stock of the public water space.

Land based fish farm should be favoured over public water space penned fish. There are successful models of fish farmed in NZ where the water is sucked from the sea and filtered back into the sea without public or environmental negative effect.

Question 7:

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

Yes (Q6)

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?

No ,provided sea way maritime navigation is not effected

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 NZCPS 2010?

IT is imperative that safe maritime anchorage are taken into consideration because of the number of recreational and commercial vessels that may be in need of heavy weather shelter. Many areas of natural character are also shelter

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?

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?

When a marine farm is in an area of high public use because of its natural an area surrounding the marine farm should be subject to a yearly certificate of compliance.

Question 12:

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

All replacement consent applications should be publicly notified

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?

A Council that shows regard for employment-export industry-customary-or recreation in lu of strict environmental management will only leave future generations of local govt and aquaculture stake holders with an environmental mess that may not be cost effective to rectify

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?

no

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?

There should be no guarantee of any area for Aquaculture because circumstances may change on land or sea through natural or manmade land based changes that could see the farms inappropriate.

Question 16:

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

Council don't employ or elect the skill base for marine management and nether should rate payers pay when the marine industry is not an essential service for the communities it is tasked to provide for.

Question 17:

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

The Aquaculture industry should only be restricted by the consideration for the public right or the environmental impact.

Question 18:

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

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?

Question 20:

Should the proposed NES address change in farmed species?

Yes, there could be a bigger impact and totally different method of practice and therefore a new consent should be applied for when a marine farmer changes his original farmed species.

Question 21:

Should the proposed NES limit the species it relates to?

No, but new species should be farmed in NZ that has not had an independent impact report done on it. This report should be made public and govt should consult with local govt, doc and any response from public.

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?

The NZ maritime public water should come under the Ministry of Fishery. This Ministry would employ the operate skilled personal to better manage the sustainability of the seafood resource and any possible bi-catch for the sake of that resource not financial benefit to any commercial, recreational or customary user.

Question 23:

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

Question 24:

Should herbivorous finfish be treated differently from carnivorous finfish?

no

Question 25:

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

no

Question 26:

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

no

Question 27:

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

No, all aquaculture is for monetary gain as is legally opposite to recreational and customary who are prevented by the fishery act from selling or trading their catch. The legal distinction between the user groups must be maintained.

Question 28:

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

The public of NZ will react strongly to any form of discretion shown to any marine farmer in its public water space. The public want clear legalisation that is policed to protect a birth right that has and always will exist that is freedom of access to our sea.

Question 29:

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

No discretion. A clear model of environmental practice should be met or the licence be revoked or denied.

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?

Areas that may impact camping grounds-Safe water anchor-or tourist income

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?

Yes a new licence should have to be applied for. This should be publicly announced.

Question 32:

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

All marine farm consent must be publicly notified that wish to occupy public water space.

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?

No exceptions to the (BioMP) should be made for any marine farm because they can be an essential part of ballast water security for NZ. Also this would be part of the industries self preservation.

Question 34:

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

Vast amounts of environmental damage will be done by 2025 by the Aquaculture industry. The public resistance to fish farming in particular, has already crossed over to mussel farmers because of their growth and the fact that the mussel industry has not increased its beach cleanup programmes to suit. The Oyster farms put at threat the Kiwi icon the Bluff Oyster also brought the Oyster farming industry into the spot light. If Aquaculture is to survive the public upwelling of resistance a serious overhaul of the environmental impact of Aquaculture must be in place by 2019/20

Question 35:

Is a nationally consistent approach to BioMPs necessary to achieve an appropriate level of marine farm biosecurity nationally or should regional differences be accommodated?

Yes a national standard is a must.

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?

Question 37:

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

yes

Question 38:

How would regional councils certify, audit and enforce BioMPs? Could external professionals be used to provide the required skills and expertise?

councils should not be involved in mara-time or any form of the fishery.

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?

A plan of how the marine farmer intends to minimise the effect on other water space stake holders and/or the enviroment should be up to RMA standard before a permit to marine farm is permitted

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?

Yes justified.



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.

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:

William Watt (for) Southland Conservation Board

Postal address:

P O Box 743 Invercargill 9840

Phone number:

[REDACTED]

Email address:

[REDACTED]

Are you submitting on behalf of an organisation? Yes

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

Southland Conservation Board



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.

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?

An NPS (National Policy Statement) would be preferable in that if properly developed it would set clear parameters on the matters that should be considered and how they should be addressed, while still leaving decision-making at the regional level.

Regional councils should be able to add a local flavour if this is desired by the local community and interested parties. If an NES is introduced, a regional council should be able to make any rules in the NES more stringent but not less stringent through its Coastal Planning processes. NES should give guidance on the best ways to do this.



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?

Restricted discretionary status may be appropriate in some instances but should not be the default position. It could be if the marine farm was small in scale, had a good compliance record and was innovative regarding minimising any adverse impacts on the environment. Larger farms or farms with a history of poor management where adverse impacts were more likely should be fully discretionary or non-complying. There needs to be a hierarchy established so that existing farmers know what kind of consent they would need to get. The hierarchy would encourage good performance and discourage poor performance or types of farms that had a higher risk, just like RMA plans normally do. The assumption that existing marine farms should continue to exist as of right is flawed as these private structures exist in the public space. Changes in the value of these areas as the population grows or develops new priorities over time may need to be assessed. Marine farms that take up public space that becomes more valuable for recreation or other enterprises should not be automatically renewed.

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?

See answer above to Q2.

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?

Supplementary feeding raises the potential for effects on the environment due to biosecurity (any infection introduced via the feedstock) and also by increasing the



quantity of faeces from the farmed species. The farms that use supplementary feeding should have a more onerous consent type to ensure adverse effects were avoided or adequately mitigated. However mussel farms where no feeding occurs have landscape and use of public space effects and significance of these affects should be assessed when consents are renewed.

Question 5:

Do you have any feedback on the analysis of effects contained in Appendix G?
No.

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?
See answer to Q4



Question 7:

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

See answer to Q4. It is likely that these should be either discretionary or non-complying depending on their size, effects and location.

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?

Yes, effects on outstanding areas (by definition) need to be assessed.

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 NZCPS 2010?

Generally, the Board is not in favour of restricted discretionary status. If the consent is granted for a long period of time, >10 years, then the environment could have changed or new technologies that cannot be predicted may have been developed. A consenting regime that encourages reduced effects needs to be established. Given the NZCPS 2010 and its emphasis on protection of the marine environment, and case law such as King Salmon, non-notified restricted discretionary is not an appropriate consent status for renewal of consents for this activity in this environment, however there may be a case for this status for small farms with proven minimal impact.

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?

The NZCPS sets out the values that need to be protected in the marine environment. See also answer to Q 2. The presumption should be in favour of protecting the values of public space in the marine environment which are adjacent to areas of outstanding natural landscapes (or arguably, part of them) rather than simply allowing existing activities continuing without the re-evaluation of these values.

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?

See answers above. It will depend on the circumstances. In some areas, there is now established marine farming in areas which were outstanding natural landscapes prior to the introduction of marine farming (e.g. Big Glory Bay). There have been significant adverse landscape effects which have been at best only partially avoided, remedied or mitigated. It is therefore appropriate that marine farming, if it is to continue in such areas, be a non-complying activity as the default position but discretionary activity if identified as such in a regional coastal plan or similar policy document.

Question 12:

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

Regional Councils should be the organisations that decide whether or not the renewal is advertised. It is not appropriate for this to be part of an NES because of the varying nature of activities. Many may be non-notified but others with significant effects should not be. These activities occur in the CMA which is public space so the public should have a say as a general principle. Public notification should be assumed unless there are special circumstances that don't require it. These should be specified in the Regional Coastal Plan that has been developed with the community.



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?

No, councils should not be allowed to be more lenient as this could lead to poorer standards.

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?

We are not qualified to answer this question. However, we would be opposed to the establishment of such spaces in the Southland region unless there is clear policy articulated in a coastal plan.

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?

Not if it was in the public domain. An NPS or NES should address land-based aquaculture. Because land based aquaculture does not normally take place in areas which are public domain, it is akin to any other farming operation and should be assessed on the basis of its effects like any other land use. However, land-based aquaculture can be a good alternative or complementary to aquaculture on sites in the CMA. Consideration of appropriate areas for land-based aquaculture should be encouraged.

Question 16:



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

Regional Coastal Plans should be the dominant planning tool, but are guided by an NPS or NES to ensure consistency.

Question 17:

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

These appear reasonable.

Question 18:

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

We are not aware of any.

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?

Consideration should be given to practical navigation by small craft. In some instances, a small re-alignment can make access to an anchorage or beach easier and more obvious.



Question 20:

Should the proposed NES address change in farmed species?

Yes as different activities have different effects.

Question 21:

Should the proposed NES limit the species it relates to?

It should be able to cover all existing and potential species that could be farmed.

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?

We are not qualified to answer this question.

Question 23:

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

We are not qualified to answer this question.

Question 24:

Should herbivorous finfish be treated differently from carnivorous finfish?



The obvious issue that must be considered is the effect on the environment and the natural biota of any fish which escape. Common sense suggests 'yes'.

Question 25:

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

This question is too vague. We have commented on this status and its applicability elsewhere.

Question 26:

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

Spat catching farms by definition have less impact on the benthos and on the water column, and this would be sufficient reason to treat them differently. There are still effects of structures on landscapes and occupation of coastal space etc that need to be addressed.

Question 27:

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

We are not qualified to answer this question.

Question 28:



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

Our comments on this status should reveal that limiting discretion in the case of marine farms is unwise and not consistent with the NZCPS or the RMA for activities of this sort, except perhaps in limited circumstances where the activity is small and its effects less than minor.

Question 29:

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

We are not qualified to answer this question.

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?

The problem with the restricted discretionary classification is that we cannot predict the future. The body of knowledge about the marine environment is increasing all the time with the inevitable result that over time we become aware of new values or attributes that need to be considered in any application. Also, the marine environment itself changes over time (e.g. rare and endangered species can decide to 'colonise' an area. The principles of the RMA are best served by discretionary (or non-complying) status even for consent renewals.

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?

Non-complying. The Coastal Plan should identify these areas.



Question 32:

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

We have addressed this question elsewhere but for the avoidance of doubt public notification should be the default position.

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?

Yes – Appendix K appears to cover the relevant issues. Marine farms should be encouraged to have these. They should be nationally consistent and a national biosecurity strategy for marine farms and the movement of organisms should be developed as soon as possible. 2025 is a long way out and a shorter time frame, such as by 2020 is more appropriate, with costs falling on the industry, especially those unwilling to develop BioMPs within this timeframe. The recently developed Fiordland Pathways Plan is a template that could be used for ensuring unwanted organisms are not transported from one place to another. This should apply nationally.

Question 34:

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

See answer to Q33.



Question 35:

Is a nationally consistent approach to BioMPs necessary to achieve an appropriate level of marine farm biosecurity nationally or should regional differences be accommodated?

See answer to Q33.

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?

This is really a matter for relevant independent experts working with industry using best international practise.

Question 37:

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

Yes

Question 38:

How would regional councils certify, audit and enforce BioMPs? Could external professionals be used to provide the required skills and expertise?

Yes, see answer to Q36.

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?



Yes. Biosecurity is a matter that concerns the public and industry greatly and it should be given a high priority.

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?

Yes, it is justified.

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?

The industry should bear the costs. It is hard to see any public 'benefit' from loss of space in the public domain so rentals of space in the public domain need to be set at a level commensurate with the level of private 'benefit' derived from the operation (a percentage of profit?) and that rental needs to be reinvested in the public domain.

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?

We are not qualified to answer this question.



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.

It is claimed in the proposed NES that the public can be involved in the development of coastal plans and this is the appropriate place for their involvement rather than at the individual consent stage. However members of the public are motivated to be involved when a particular farm or activity occurs in the places they value. This has an immediate effect on them and they can bring particular local knowledge to the table that can be of assistance to decision makers. They should be involved in plan development too of course but to deny them a say in the continuance of an existing farm in their public space in undemocratic, not consistent with the New Zealand way of life, and the expectations of the public. At a recent meeting in Invercargill to discuss the proposed NES there were only about a dozen members of the public there and most of them were worried about biosecurity issues and not the main proposals the NES seeks to address. For many people an NES or Plan is something that is remote from their everyday life and is not at an appropriate level for their involvement.

The proposed NES is mainly about making it easier for marine farms to renew their consents and not about ensuring concerned members of the public can have a say in protecting their rights into the future. If the NES had a greater emphasis on considering future scenarios where marine space became more valuable for other purposes then it would be more consistent with the RMA and the NZCPS.

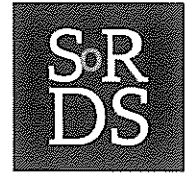
The RMA at section 43 (1) sets out matters that can be included in a NES. Section 43A describes (amongst other things) the kinds of consents that can be used in relation to certain activities. Therefore, in addition to addressing the matters in s43A as a priority, we submit, it should address standards that farms should have to meet in relation to contamination of the environment, effects on wildlife and public access to public space as set out on s43. For example, as provided for in s43 (1), Water quality standards for sediment and nutrients, pesticides and other chemicals used in farming, and these should be set at levels so that effects are no more than minor.

An important issue that arises from creating real estate over public coastal space (which is the result of making consent renewals for marine farms easier) is the extent to which this is consistent with the Crown's obligations under the Treaty of Waitangi.

Overall, the Southland Conservation Board considers that an NPS may be a more appropriate way to address the concerns that have motivated the current review than the NES suggested. That way, the principles would be established but the detailed decision-making left where it belongs – with the local and regional communities.



Finally we note that the NZ Conservation Authority is also making a submission on the proposed NES. We have seen drafts of this submission and on that basis support and endorse it..



Southland Regional
Development Strategy

TE IWI ME ORANGA RAUEMI

5 July 2017

Email to: aquaculture@mpi.govt.nz

Our Reference: SoRDS NES Submission

Ministry of Primary Industries

Private Bag 14

Port Nelson 7042

Dear Sirs

Submission on Proposed National Environmental Standard for Marine Aquaculture

The Southland Regional Development Strategy (SoRDS) group supports the development and introduction of the proposed “*National Environmental Standard for Marine Aquaculture*” to provide certainty of growth, innovation and investment in the aquaculture industry in New Zealand.

Aquaculture in the Southland context is acknowledged as having a long-term future within the region. Southland’s natural attributes of clean, cool, deep and sheltered waters provide the basis of a strong comparative advantage for the aquaculture sector.

The proposed NES will also provide efficiency and certainty for the consent processes needed to managing existing marine farms, and to implement a nationally consistent biosecurity management framework for all marine farms.

SoRDS supports the broad proposals for:

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

The use of those natural resources within the context of protection of the environmental values produces an enduring natural advantage for Southland. Maintaining the long-established aquaculture



industry in Southland is essential to the development and expansion of growth opportunities for the industry within the Southland community.

The objective of the proposed NES to *“Develop a more consistent and efficient regional planning framework for the management of existing marine aquaculture activities and on-farm biosecurity management, while supporting sustainable aquaculture within environmental limits”*, aligns with the SoRDS objectives in pursuing the wider opportunities within the aquaculture industry to achieve greater diversity and resilience in the Southland economy.

Yours sincerely

Sarah Hannan

Programme Director

About the Southland Regional Development Strategy

The Southland Regional Development Strategy (SoRDS) was initiated by the Southland Mayoral Forum in late 2014 with the simple goal of attracting 10,000 more people to live and work in Southland by 2025.

SoRDS is a collaboration involving a range of local organisations committed to Southland’s social and economic future. It includes Environment Southland, Gore District Council, Invercargill City Council, Southland District Council, Venture Southland, Otago Southland Employers’ Association, Southland Chamber of Commerce, Community Trust of Southland, Invercargill Licensing Trust, Southern Institute of Technology, Ngai Tahu, businesses and sector groups, and central government including Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Ministry for the Environment and Department of Conservation.

Despite the strong recent economic growth record in Southland, there is continuing local concern about the region’s social and economic viability and vulnerability. The matter that concerns Southlanders most is depopulation. If the regional population remained static for the next 10 years, it would fall to 1.8% of New Zealand’s population (currently 2.3%). Little or no population growth, together with the impact of an ageing population, could mean the region loses ground against the rest of New Zealand and would likely have a deflating effect on services, business, lifestyle, quality of life and morale.

In this context, well managed and sustainable growth in aquaculture presents a huge opportunity to help meet the challenges of greater economic diversity and resilience, which is vital for the long-term success of the region.

Michael Nielsen

From: Nathan Surendran [REDACTED]
Sent: Tuesday, 8 August 2017 5:39 PM
To: Mailbox_Aquaculture
Subject: Submission on NES: Marine Aquaculture

Please acknowledge receipt of this submission.

My submission:

The lessons learned from the Marlborough experience, in the context of non-notified consents:

The idea of non-notified consents (restricted discretionary or not) gives no ability for public opinion and concerns to be addressed. Regarding the observed effects of the activity by the community, the MPI staff at the Invercargill meeting actually accepted that 'if we'd known now what we knew 30 years ago, then many Marlborough Sounds locations wouldn't have received consent', or words to that effect. I pointed out that at that time, there would have been robust discussions (no doubt, minimising the environmental impacts, and overstating the benefits, based on industry derived 'research'). Users of the water can observe these effects and changes directly and their feedback is relevant and important, and cannot be fully captured in a non-notified process.

I request that the MPI learn from experience, and not assume that non-notified is acceptable going forwards. Greater public scrutiny, not less, is the imperative if environmental impacts are to be managed. There is no aquaculture industry in a dead ocean.

Neoclassical Economics and Biophysical Economics:

The preliminary NZIER economic analysis report has no statement of the assumptions or calculations on which it is based, and therefore cannot be evaluated / should not be accepted.

The underlying implicit assumptions of BAU with consistent growth over time towards the \$1Bn turnover goal (industry conceived - see below) has no basis in the biophysical reality of environmental constraints, nor resource limits on future economic activity. Notwithstanding the growth agenda, these limits are a 'hard' constraint on what is achievable, and an understanding of their importance is not evident in the document.

A 2013 report from the professional body for risk management in the global insurance industry concludes that:

"public discussions of economic matters are full of confusion, much of which comes from a failure to distinguish between money and the real things money stands for. Our emphasis is placed on the physical economy, the real things to which the earth's limits apply, not the money economy, which is a social invention not constrained by the physical laws of the planet."

[Institute and Faculty of Actuaries, UK: Resource constraints: sharing a finite world. The evidence and scenarios for the future Author: Aled Jones et al Publication date: 15 January 2013: Source:

<http://bit.ly/1Hr4epA>]

Another perspective on this is from Charles Hall, et al, who coined the phrase "Energy Return on Energy Invested" which is a key concept to understanding the situation we face with respect to declining resource quality. In a 2013 journal article, he concluded that:

"Thus society seems to be caught in a dilemma unlike anything experienced in the last few centuries. During that time most problems (such as needs for more agricultural output, worker pay, transport, pensions, schools and social services) were solved by throwing more technology investments and energy at the problem. In many senses this approach worked, for many of these problems were resolved or at least ameliorated, although at each step populations grew so that more potential issues had to be served. In a general sense all of this was possible only because there was an abundance of cheap (i.e. high EROI) high quality energy, mostly oil, gas or electricity. We believe that the future is likely to be very different, for while there remains considerable energy in the ground it is unlikely to be exploitable cheaply, or eventually at all, because of its decreasing EROI. Alternatives such as photovoltaics and wind turbines are unlikely to be nearly as cheap

energetically or economically as past oil and gas when backup costs are considered. In addition there are increasing costs everywhere pertaining to potential climate changes and other pollutants. Any transition to solar energies would require massive investments of fossil fuels. Despite many claims to the contrary—from oil and gas advocates on the one hand and solar advocates on the other—we see no easy solution to these issues when EROI is considered. If any resolution to these problems is possible it is probable that it would have to come at least as much from an adjustment of society's aspirations for increased material affluence and an increase in willingness to share as from technology. Unfortunately recent political events do not leave us with great optimism that such changes in societal values will be forthcoming."

Source journal article: <http://stanford.io/1yifujg>

Understanding this perspective on the 'forward operating environment' within which we will be able to make resource management decisions is critical to effective policy going forwards. I can provide many more quality resources in support of any efforts (e.g. <http://euanmearns.com/eroei-for-beginners/>), and would welcome the opportunity to participate in the process if desired.

I request that MPI investigates and considers the evidence for this perspective, and considers its implications fully in its policy going forwards.

The agenda that sets the goals for the strategy:

As the McGuiness Institute's "Working Paper 2017/02" suggests, there are some critical considerations regarding the overall thrust of central government policy. The report concludes that:

"We believe a goal based purely on generating revenue is outdated and fails to take into account other dimensions (such as the four capitals in the Treasury's living standard framework: economic capital, natural capital, social capital and human capital).

Eleven years is a long time to pursue a revenue goal without reviewing results and assessing emerging trends and technologies. The timeline of key events included in this letter as Attachment 1 illustrates the progression of this strategy and reveals that an industry report written in 2006 is still influencing public policy today. Importantly, we do not believe the strategy is a strategy, rather an industry goal that has been set without any limitations or consideration of strategic options. In addition, we could not find how this goal is being measured, by whom and how we are performing and most importantly, what mix of initiatives is best for the country – for example we understand mussel farming is better than salmon farms in terms of net climate change impacts. These are important questions that policy analysts should be asking. This is particularly important as this so called strategy forms part of the considerations for the panel (see the panel's terms of reference). We believe it is timely for the Government to drop the 2006 revenue goal and instead develop a strategy that balances 'growth and protection', based on evidence and designed to meet the values of New Zealanders today

NZKS is an important case study for New Zealand public policy; how we manage this proposal sets the scene for our shared future. Government officials need to critically assess the mistake of first committing to a goal (in 2006 the government committed to growing the industry to a value of \$1 billion a year by 2025) and then trying to back-fill this goal through ad hoc changes in legislation and poor consultation.

We need Ministers and officials to fulfill their stewardship responsibilities by looking beyond financial goals set by the industry and instead focusing on critically assessing the benefits, costs and risks from the perspective of all New Zealanders. I believe we, as New Zealanders, have a responsibility to future generations to do this.

View the full report here: <http://bit.ly/2udChTE>

I strongly support this conclusion.

I request that MPI fully considers the evidence and arguments presented in the McGuiness Working Paper.

Yours sincerely,

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