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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.

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**SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD  
FOR MARINE AQUACULTURE**

**To** Aquaculture Unit, Ministry for Primary Industries

**Name of submitter:** The New Zealand King Salmon Co. Limited (NZ King Salmon)

**Introduction**

1. This is a submission on the proposed National Environmental Standard for Marine Aquaculture (NES).
2. Aquaculture New Zealand Limited (AQNZ) has made a comprehensive submission on behalf of the New Zealand aquaculture industry. NZ King Salmon supports that submission and, accordingly, has not responded separately to the all of the questions in the Discussion Document. The focus of this submission is the finfish farming provisions in the proposed NES, or matters that will directly impact NZ King Salmon. Only relevant questions have been answered.

**Overview of NZ King Salmon**

3. NZ King Salmon was formed in 1996 as the result of a merger between Regal Salmon Ltd and Southern Ocean Seafoods Ltd, and is now the largest producer of King salmon in the world. NZ King Salmon has been successfully farming salmon in Marlborough for over 30 years. The company has been majority owned by the Oregon Group (whose parent company is the Tiong Group) for over 20 years. More recently (October 2016) NZ King Salmon was listed on the New Zealand and Australian stock exchanges, meaning a much wider shareholder base and providing the opportunity for anyone to become a shareholder, including an oversubscribed allocation to the top of the South Island.
4. NZ King Salmon farms approximately 7,000 tonnes of King salmon per annum and expects to grow significantly. The company has consent for eleven salmon farms, located within the Marlborough Sounds. NZ King Salmon has a current staff of approximately 440, with around 85 working in Marlborough. Average earning per employee is above the Marlborough average and is approximately \$55,000.
5. NZ King Salmon generates significant regional and national economic benefits. Annual revenue is approximately \$130 million. In addition, NZ King Salmon provides significant contributions to support services such as charter boats, freight, road, sea and air haulers, specialist divers, hardware suppliers, science providers and a host of other New Zealand based companies.

**An NES for Marine Aquaculture**

*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?*

6. NZ King Salmon broadly supports the introduction of an NES for marine aquaculture, and agrees that this could be supported by guidance material. This option is preferred over the status quo. The reasons for this submission are detailed in the AQNZ submission on behalf of industry.

### Re-consenting of Existing Farms

*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 this discussion document?*

7. NZ King Salmon strongly supports the classification of applications to renew existing finfish farms as restricted discretionary activities. In the alternative, controlled activity status would address the identified issues, while still allowing the consent authority to impose conditions to manage effects. Information regarding effects from the activity would still need to be provided with a controlled activity application, to enable informed decision making on suitable conditions.
8. The majority of consented salmon farms have been subject to intense public scrutiny, and consent authorities have determined that salmon farming is generally appropriate in these locations. Where there are outstanding concerns or if new information has emerged during the life of the consent,<sup>1</sup> this can be adequately addressed under the proposed matters of discretion, through conditions of consent.
9. In a broad sense, a determination of whether finfish farming is appropriate in a particular location should occur at the plan making stage. Technical matters can then be addressed through the imposition of conditions at the planning stage.
10. We support the NES proposal to give councils the ability to set more lenient activity classifications for existing farms through their regional planning processes, if they choose to in consultation with their communities. As a significant employer in the region, NZ King Salmon would value the opportunity to be involved in any such consultation.

*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?*

11. No, this should be addressed by individual councils in their regional coastal plan.

*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?*

12. Indicative provisions 3(f) and 7(f) in Appendix F require that feed limits not exceed those contained in the conditions for the current coastal permit for renewal applications for aquaculture requiring supplementary feeding. NZ King Salmon supports those provisions, provided regional councils are allowed to impose more lenient requirements. For example, in the future science should be sufficiently advanced to enable salmon farming in Marlborough to be managed according to best practice standards, rather than an arbitrary feed cap.
13. This is consistent with the Resource Management Act 1991 (the Act), which is an effects based statute. The focus of the NES should be the management of adverse effects, not the arbitrary management of inputs.

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<sup>1</sup> For example, on the effects of salmon farming at that location, or where there have been developments in farming techniques from an environmental sustainability standpoint.

14. In the Marlborough context, NZ King Salmon prepared the Best Management Practice Guidelines: Benthic ("BMP Guidelines: Benthic")<sup>2</sup> in collaboration with the Marlborough District Council, the Sounds Advisory Group, and their scientific advisors (NIWA, MPI and Cawthron Institute). These are based on the most up to date scientific knowledge and technology, and reflect current best practice for monitoring and adaptive management of benthic effects. The BMP Guidelines: Benthic includes a quantitative enrichment scale developed by Cawthron, which enables an accurate and comprehensive assessment of seabed enrichment. Water quality guidelines are currently being developed, and should be completed within the next few years.
15. Feed caps were traditionally used as a proxy for managing benthic effects, before the BMP Guidelines: Benthic were developed. Nowadays, it is more appropriate to monitor the effects of salmon farming according to the environmental standards specified in the BMP Guidelines: Benthic. The same will be true for managing the effects of salmon farming on water quality, once the guidelines are developed.
16. There may be circumstances where salmon farming can comply with environmental standards, even with an increased feed cap. Therefore, NZ King Salmon requests that the NES give regional councils discretion to impose more lenient requirements than those in indicative provisions 3(f) and 7(f).
17. In our submission, no further additional terms are required to define what qualifies a salmon farm renewal application as a restricted discretionary activity. The proposed requirements cover the field.

*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?*

18. NZ King Salmon supports the NES proposal to treat finfish farming in the same manner as other forms of aquaculture, albeit with some additional matters of discretion. As noted above, existing farms have been the subject of intense public scrutiny, the effects are well understood, and the farms are generally appropriately sited.

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

19. The specification of a confined list of matters of discretion is a sensible way of providing more certainty. AQNZ has proposed some changes to the indicative NES provisions in Appendix F of the Discussion Document. We have not repeated that exercise in full in this submission. NZ King Salmon generally supports the changes proposed by AQNZ.
20. NZ King Salmon supports in part the additional matters of discretion for finfish farms at indicative provision 13 of Appendix F. However, we consider that a series of changes would be appropriate. These are detailed in the table below, along with our reasons for supporting or opposing the matters of discretion.

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<sup>2</sup> Best Management Practice guidelines for salmon farms in the Marlborough Sounds: Benthic environmental quality standards and monitoring protocol (November 2014). A copy is available here: <http://www.kingsalmon.co.nz/kingsalmon/wp-content/uploads/2014/02/Best-practice-guidelines-for-salmon-farm-management-seabed-health-Nov-....pdf>.

Matter of Discretion	Support/Oppose and reason for support/opposition	Change sought
13(a) Management of effects on water quality and benthic values	Support. This provision allows conditions to be imposed to ensure sites are farmed in accordance with best practice. Note that this matter may appropriately be expressed in different ways in different regional coastal plans. For example, in Marlborough NZ King Salmon is working towards voluntarily implementing best management practice at all of its sites. In that context, it would be appropriate for this matter of discretion to reference the BMP Guidelines or any successor document.	
13(b) Significant adverse effects on reefs and/or biogenic habitat	Support. NZ King Salmon is voluntarily moving towards implementation of best practice at all of its sites. Under this approach, monitoring is undertaken to ensure that significant effects on these areas are avoided.	
13(c) Use of antibiotics, therapeutants and antifouling	Support.	
13(d) Fallowing and rotation	Oppose. Fallowing and rotation are possible management responses where monitoring shows a farm is having effects on the benthos beyond specified environmental thresholds. Therefore, 13(d) duplicates 13(a).	Delete 13(d) in its entirety.
13(e) Underwater lighting	Oppose in part. The scope of the discretion should be narrowed. Dr Chris Cornelisen at Cawthron has produced a number of reports indicating that underwater lighting does not have, or has no more than minor, adverse ecological effects. Scientific and industry resources should be put to better use. The discretion should be	13(e) <u>Management of underwater lighting to reasonably minimise effects on amenity</u>

Matter of Discretion	Support/Oppose and reason for support/opposition	Change sought
	limited to managing any adverse effects on amenity from underwater lighting.	
13(f) Any other lighting of structures.	Oppose in part. The scope of the discretion should be narrowed. The lighting of marine farm structures in relation to public access and navigational safety is already captured by indicative provision 12(c). The discretion should be limited to managing any adverse effects on amenity from the lighting of structures.	13(f) <u>Management of Any other lighting of structures to reasonably minimise effects on amenity</u>
13(g) Discharges of odour.	Oppose in part. The scope of the discretion should be narrowed. The primary concern with odour is the potential impact on amenity. The discretion should be limited to managing any adverse effects on amenity from odour.	13(g) <u>Management Discharges of odour to reasonably minimise effects on amenity.</u>

21. In our view, no further additional matters of discretion are required for replacement consents for aquaculture requiring supplementary feeding.
22. The purpose of the specified matters of discretion listed in the indicative provisions should be to ensure that relevant information is made available to decision makers. Often there will already be sufficient data or research on a specific effect associated with salmon farming.<sup>3</sup> The matters of discretion should not be taken to mean that each line item must be reassessed in full for every renewal application. The policy objective of the NES is to address specific identified problems, including the complexity and inefficiency of the resource consenting process.<sup>4</sup> Use of existing relevant information should be expressly allowed, consistent with this objective.<sup>5</sup>
23. NZ King Salmon seeks that the Minister for the Environment and the Minister for Primary Industries adopt these suggested changes to the matters of discretion in Appendix F, as set out in the table above.

<sup>3</sup> The ecological effects of underwater lighting is a good example, as is the effects of a specific farm on seabirds or marine mammals.

<sup>4</sup> Discussion Document, at 3.8, p 16.

<sup>5</sup> This is consistent with the requirements in clauses 1 and 2(3)(c) of Schedule 4 of the Act.

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

24. NZ King Salmon agrees that non-notification (other than to holders of Statutory Acknowledgements) is appropriate for the renewal of existing consents. In the absence of a non-notification provision, many of the benefits of restricted discretionary activity status would be lost, including improving the efficiency of the consenting process and increasing investor confidence. We regard this provision as a fundamental component of the proposed NES and request that it be retained.

### **Change of Species**

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

25. NZ King Salmon broadly supports the inclusion of change of species provisions in the NES.
26. We support the proposal to exclude a complete change in species from a finfish species to another species, such as a bivalve, from Category 4.<sup>6</sup> Experience has proved that there is a limited amount of space suitable for growing finfish in the Marlborough Sounds. Given that King salmon is a high value species, it is appropriate to preserve the existing space for the farming of finfish.

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

27. There is no reason for herbivorous finfish to be treated differently by the NES. The Act seeks to manage environmental effects. Feed inputs, for example, still ultimately result in sedimentation on the benthos.

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

28. We support the classification as restricted discretionary. The specified matters of discretion ensure that effects can be adequately managed through consent conditions, and still gives a consent authority the ability to decline consent.

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

29. The scope of the proposed matters of discretion is appropriate on the whole, save for the following requested changes:
- (a) 36(n) should be deleted in its entirety. Fallowing and rotation are addressed by 36(j) and (k).
  - (b) 36(o), (p) and (q) should be narrower in scope. In each case, the discretion should be limited to managing any adverse effects on amenity. Our reasoning for the proposed changes to the matters of discretion at indicative provision 13 apply equally here.

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

30. The proposed matters of discretion are appropriate, subject to the specific suggested changes noted at paragraph 29.

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<sup>6</sup> Discussion Document at p 35.



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

31. NZ King Salmon opposes the proposal not to preclude public or limited notification of a change of species application under category 4. For introduced species, the restrictions under the Hazardous Substances and New Organisms Act 1996 will apply. Introduced species will fall under the definition of “new organism” in s 2A. Approval must be sought under that Act to import or release a new organism. That is a public process. That provides sufficient opportunity for public input so far as introduced species are concerned. No separate notification is required under the resource management process.
32. For a change to another indigenous species, biosecurity risks, genetic effects of escapees on the wild, and benthic and water column effects are all expert matters. Provided there is adequate expert input, NZ King Salmon does not consider public notification is justified in these circumstances. Limited notification may be appropriate in exceptional cases where effects are likely to be significantly different to the status quo, or where the effects of farming a certain species are unknown. Aquaculture will have already been determined to be appropriate in that location (given the presence of an existing farm), and the consent authority will have discretion to manage effects from changes such as alteration to structures or lighting. There is no real need for additional public input.

#### **Biosecurity Management**

*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?*

33. NZ King Salmon broadly supports the proposal that all marine farms (existing and new) should be required to prepare, implement and keep up to date a BioMP to manage biosecurity risks from farm activities. The company already has a comprehensive BioMP in place to reduce the commercial and environmental risks posed by biosecurity threats.

*Question 34: Is the deadline of 31 January 2025 appropriate, and why?*

34. Where salmon farming is concerned, NZ King Salmon sees no reason why a BioMP complying with the NES should not be implemented sooner than 31 January 2025. From a risk management perspective, NZ King Salmon will amend its BioMP to comply with the NES provisions as soon as reasonably practicable.

*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?*

35. NZ King Salmon considers that a tiered approach will most likely be appropriate, whereby there are nationally consistent standards, which are reinforced by local rules and site specific requirements.

*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?*

36. NZ King Salmon supports the development of an external document specifying the matters to be included in a BioMP, which would be incorporated by reference into the NES.<sup>7</sup> This will allow the document to be refined and evolve overtime in accordance with developments in best practice.
37. NZ King Salmon already has a reviewable and comprehensive BioMP in place, and has extensive experience in biosecurity risk management from a King salmon species perspective. Given that the company would be obligated to comply with the NES requirements, it would expect to be involved in the drafting of the externally referenced document.

*Question 37: Is requiring a BioMP using an NES under the RMA the best approach to nationally requiring a Biosecurity Management Plan for aquaculture?*

38. Currently there is a degree of confusion regarding the scope for addressing biosecurity issues under the Act, compared with the Biosecurity Act 1993. Requiring a BioMP as a condition of a resource consent is, in our submission, one way to address this confusion.

*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?*

39. Yes, provided NZ King Salmon has input into the drafting of the externally referenced document, so that any changes required to its existing BioMP are justified based on its experience and are consistent with current best practice for farming the King salmon species.

#### **Decisions Requested**

40. NZ King Salmon requests that the NES be implemented, and that no further restrictions on re-consenting existing farms or changing species are added.
41. We request that restricted discretionary activity status be retained for applications to re-consent existing marine farms and for a change of species and, crucially, that the provisions excluding public or limited notification are retained. If public or limited notification is allowed, then we request that re-consenting of existing farms be classified as a controlled activity, so that the policy objective of the proposed NES can be achieved.
42. We request implementation of the proposal to treat applications for replacement consents for marine farms where supplementary feeding is required in the same manner as other aquaculture.
43. We request that the NES expressly allows regional councils to impose more lenient requirements than indicative provisions 3(f) and 7(f) in Appendix F, to enable salmon farming in Marlborough to be managed according to best practice.

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<sup>7</sup> Schedule 1AA Resource Management Act 1991.

44. We request that the suggested amendments to the additional matters of discretion for feed aquaculture at indicative provision 13, as set out in the table, be incorporated.
45. We request that similar amendments are made to the matters of discretion in indicative provisions 36(n), (o), (p) and (q) for a category 4 change of species application.
46. We request that the proposed on-farm biosecurity management plan provisions of the NES be implemented, with an expectation that NZ King Salmon would have input into the drafting of the externally referenced document.

**Concluding Remarks**

47. Where changes are proposed in this submission, further consequential amendments may be required. Alternative relief securing the same outcomes could be granted.
48. Should there be an opportunity, NZ King Salmon wishes to be heard in support of its submission.



.....  
Q A M Davies and A L Hills

Solicitors for NZ King Salmon

Date: 8 August 2017

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# **Tikapa Moana Enterprises Ltd**

C/o Whenua Kete Limited  
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ph: (07) 873 8059 fax: (07) 873 7388  
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Submission to: MPI Nelson - [aquaculture@mpi.govt.nz](mailto:aquaculture@mpi.govt.nz)

Submission re: Proposed National Environmental Standard for Marine Aquaculture

## Submission in Summary

Tikapa Moana Enterprises Limited makes this submission on the Aquaculture NES

Tikapa Moana Enterprises Limited unreservedly supports the submission of the Coromandel Marine Farmers Association already filed with you.

Tikapa Moana Enterprises Limited (TME) is a company, first registered in 1987, the shareholders of which are the 11 Marae of Hauraki. Accordingly it represents many thousands of people, most of whom live in the general Hauraki area.

Although Maori, TME has always operated on a strictly commercial basis - it started with nothing except a cash deposit of \$1,500 from each Marae, a total of \$16,500, and the whole of its development has been achieved through reinvestment of profits and bank loans. It first applied for and was allocated in 1987, three marine farming sites in the Manaia Harbour with a total area of 17 hectares, and then in process of time, applied for and was eventually allocated, a total of 170 hectares in Wilsons Bay Area A, in the Firth of Thames. TME has not yet been able to complete the development of the whole 170 hectares in Wilsons Bay, but is working towards this as finances allow.

The farms in Wilsons Bay all have the "controlled" status, but the three farms in the Manaia Harbour are those in respect of which the NES is required. Although these three farms are comparatively small, they are vital to our Company as being the best areas for growing seed, being situated in sheltered and comparatively calm water, for on-seeding out on to the Wilsons Bay Farms.

It would be an absolute disaster for our company if the Resource consents for the three Manaia Harbour farms could not be renewed.

MERILYN CONNOLLY  
SECRETARY

7 August 2017





## 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

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████████████████████

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?

We do NOT think that this document is actually a National Environmental Standard at all – it is a plan to change the way that marine farms are consented and the way consents are renewed – and to overcome possible restrictions on aquaculture.

It should be entitled A National Strategy for Aquaculture. Of course, a REAL Environmental Standard would be needed to protect the environment from the adverse effects of marine farming and also to protect marine farming from disease.

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MFE states that national environmental standards are for maintaining a clean,





healthy environment. They prescribe technical standards, methods or other requirements for protecting the environment. Regional bodies are required to follow the same standards but can also enforce stricter standards. All the 5 current standards adhere to this concept.

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Near the bottom of page 13 of the MPI document on the proposed Standards it states:

*The lengthy process of development of the **interim** aquaculture management areas (AMAs) in Tasman and Wilson Bay AMA in Waikato means...*

We object to the use of the word *interim* as they are prescribed in law. Golden Bay should also be included in this list.

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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?

We believe that the Wainui Spat farm in Golden Bay should remain a **temporary discretionary** activity because it was so designated in law by Judge Kenderdine in the 1999 Environment Court decision. This legal decision was made because Wainui Bay is adjacent to Abel Tasman National Park and is an outstanding landscape. Industry is wholly inappropriate in this Bay and the spat farm should not remain there any longer than necessary.

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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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**Question 5:**

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

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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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**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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**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 NZCPS 2010?



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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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**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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**Question 12:**

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

Yes – any replacement consent application for the spat farm in Wainui should be publicly notified because it was designated a **discretionary** activity in law by Judge Kenderdine in the 1999 Environment Court decision. This legal decision was made because Wainui Bay is adjacent to Abel Tasman National Park and is an outstanding landscape. Industry is wholly inappropriate in this Bay and should



not remain there longer than necessary.

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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?

No, I don't because local politicians are very likely to be pressured by industry to cut corners in order to increase profit at the expense of the environment and at the expense of the public's privacy, comfort and use of the sea space.

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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:**



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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?

As long as Wainui spat farm is an important source of spat for the mussel industry, it should be allowed to remain but AS A DISCRETIONARY ACTIVITY ONLY with requirement to have an annual consultation with the people of Wainui as decided in the mediation process between the original owners of the spat farms and the residents of Wainui. This mediation was necessary because the residents at Wainui have had to endure years of discomfort in their own homes from the **noise** of the mussel boat engines and radios and from the **spotlights** on the boats lighting up their bedrooms in the dark mornings when the mussel boats start working.

When the Wainui spat farm's consent expires, a public notification of its renewal should be required.

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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?



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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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**Question 26:**

Should spat catching farms be excluded [from the change of species provisions]?  
Yes, definitely in the case of the Wainui Spat Farm. Should the owners decide to change from spat collection, the farm should be **dismantled** and Wainui Bay left free from industrial activity. It is an area of outstanding natural landscape.

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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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**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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**Question 32:**

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



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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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**Question 34:**

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

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**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?

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



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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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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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Have the range of costs and benefits arising from the proposed national environmental standard, and who might bear the costs or receive the benefits,



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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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[illegible]



Submission No:0069

Submission by Transpower New Zealand Limited on a Proposed National  
Environmental Standard for Marine Aquaculture

Ministry for Primary Industries

8 August 2017

*Keeping the energy flowing*



TRANSPOWER



**ADDRESS FOR SERVICE**

Transpower New Zealand Limited  
PO Box 1021  
Wellington 6140



Transpower New Zealand Limited The National Grid

## SUBMISSION BY TRANSPower NEW ZEALAND LIMITED ON A PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR MARINE AQUACULTURE

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### SUMMARY OF SUBMISSION

1. Transpower New Zealand Limited (Transpower) appreciates the opportunity to provide comment on the proposed National Environmental Standard for Marine Aquaculture (NESMA).
2. Transpower seeks one change to the proposed NESMA to prevent the realignment of existing marine farms into the Cook Strait Cable Protection Zone (Cook Strait CPZ<sup>1</sup>).
3. The National Grid Cook Strait submarine cables are vital to New Zealand's electricity and communications systems and to our economy. The Cook Strait CPZ ensures that this critical piece of national infrastructure is kept safe. The importance of protecting the National Grid from adverse environmental effects is recognised in the National Policy Statement on Electricity Transmission (NPSET).
4. Below is our requested change to the NESMA, along with background information on Transpower and the National Grid, including the Cook Strait submarine cables.

### TRANSPower'S REQUESTED CHANGE TO THE NESMA

5. Transpower proposes a change to provision 10. c) vi) of the indicative NESMA provisions on page 64 in Appendix F of the consultation document. The change would include the Cook Strait CPZ as an exception to the NESMA realignment provisions for existing marine farms. Our proposed change is underlined in the excerpt below.

#### Realignment of existing marine farms (excluding fed aquaculture) in all other areas

##### 10. Requirements:

- a) At the time of application under 9, the marine farm holds a current coastal permit for occupation of the coastal marine area (pursuant to the Resource Management Act 1991); and
- b) The existing marine farm shall not exceed 10 hectares in size; and
- c) The application is for the realignment of an existing marine farm, provided:
  - i) No part of the existing authorised area has been realigned in the last ten years, and
  - ii) A minimum of two-thirds (2/3) of the existing authorised area remains, and
  - iii) The new area is no more than one-third (1/3) of the existing authorised area, and
  - iv) The new area is contiguous to the existing authorised area, and
  - v) The new area will not be located within an area identified as non-complying or prohibited for new aquaculture in an operative or proposed regional coastal plan, and
  - vi) The new area will not be located within the Cook Strait Cable Protection Zone, or natural landscapes, areas of outstanding natural character, and/or significant ecological areas that have been identified in an operative or proposed regional policy statement or regional coastal plan;
- d) The consented area to be occupied is the same or less than that which is authorised by the current coastal permit; and

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<sup>1</sup> Cook Strait Cable Protection Zone means "Area 7 – Cook Strait" described in the Schedule to the Submarine Cables and Pipelines Protection Order 2009.

TRANSPOWER NZ LTD - SUBMISSION ON PROPOSED NES FOR MARINE AQUACULTURE  
AUGUST 2017

- e) The structures are materially the same as those authorised by the current coastal permit (with the necessary modifications in location as required by the realignment); and
  - f) The species to be farmed are only those authorised by the current coastal permit.
11. a) Where an application for consent for an existing marine farm cannot meet the requirements of 10(a) or (d), the application is classified as an application for new space and is not covered by these provisions.

## TRANSPOWER NEW ZEALAND LIMITED AND THE COOK STRAIT CABLES

- 6. Transpower is the State-Owned Enterprise that owns, maintains, operates and develops New Zealand's high voltage electricity transmission network, the National Grid. The National Grid is a network of some 12,000km of transmission lines with assets - towers, poles, lines, cables and 167 substations - located across 75 regional, district and city councils.
- 7. The National Grid also includes vital cable links in the Cook Strait, which consist of:
  - 7.1. High Voltage Direct Current (HVDC) cables that transmit power between Benmore in the South Island and Haywards in the Hutt Valley in the North Island; and
  - 7.2. Fibre optic cables that carry telecommunications across Cook Strait, used by New Zealand's main telecommunication companies for domestic and commercial traffic and by Transpower for control of the HVDC link.
- 8. The Cook Strait cables are vital to New Zealand's electricity and communications systems. The cables lie unburied on the seabed across the Cook Strait. The cables are protected by the Cook Strait CPZ, which is about 7km wide for most of its length. The width of the zone narrows where the cables enter the water at Fighting Bay on the eastern-most peninsula of the South Island's Marlborough Sounds and at Oteranga Bay on Wellington's southwest coast in the North Island.
- 9. The Cook Strait CPZ bans all anchoring and most types of fishing to prevent cable damage. However, the CPZ does not contain any controls relating to marine farms.
- 10. Submarine cables are only designed to withstand tidal and seabed conditions. Simply catching a cable with a fish hook can damage the protective outer layer. Hooking a cable with an anchor or fishing gear can damage a cable to such an extent that costly repairs are required. Damage to power cables can cause electrical failure, which could in turn could result in power outages in the North and/or South Island depending on the direction of the electricity flow.
- 11. Both the NPSET and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA), which also apply only to the National Grid, confirm the national significance and critical importance of the National Grid.
- 12. Appendix A contains maps showing the entire Cook Strait CPZ as well as maps of the zone where the Cook Strait CPZ starts and ends at Fighting Bay in the Marlborough Sounds and Oteranga Bay in Wellington.

## NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION 2008 (NPSET)

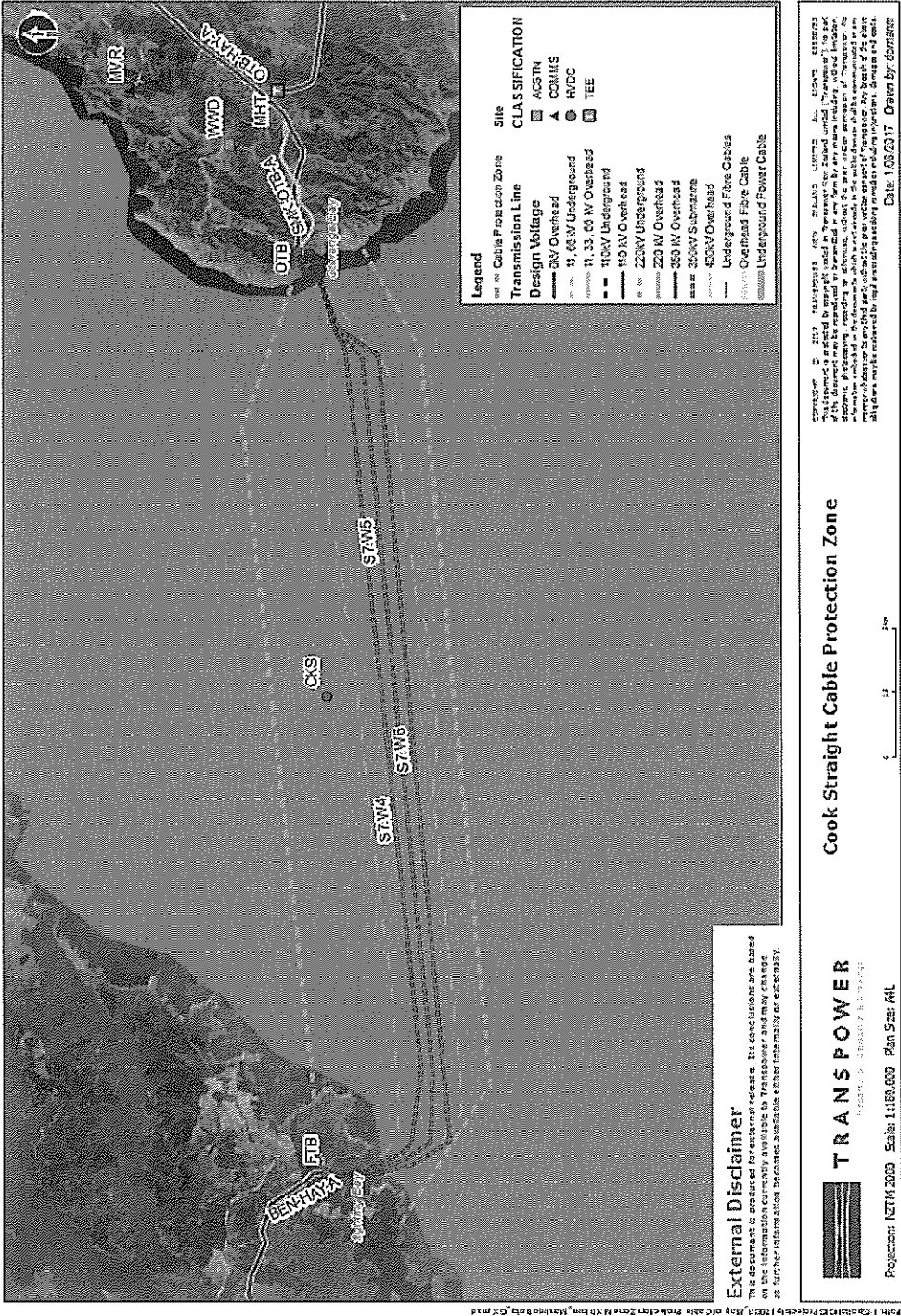
- 13. The NPSET recognises the national significance of the National Grid and requires councils to provide for its effective operation, maintenance, upgrading and development.
- 14. One of the central aims of the NPSET is to protect the National Grid network from inappropriate development or activities near Transpower assets. Policy 10 directs councils to avoid reverse sensitivity effects to the extent reasonably possible and ensure the operation, maintenance, upgrade and development of the Grid is not compromised.

TRANSPower NZ LTD - SUBMISSION ON PROPOSED NES FOR MARINE AQUACULTURE  
AUGUST 2017

15. It is important for national planning tools (such as national environmental standards) to recognise the presence of nationally significant infrastructure and the impacts that activities may have on that infrastructure.
16. Excluding the Cook Strait CPZ from the permitted area of realignment of an existing marine farm is consistent with the NPSET as it will ensure vital National Grid infrastructure is not inadvertently damaged by marine farm activities.

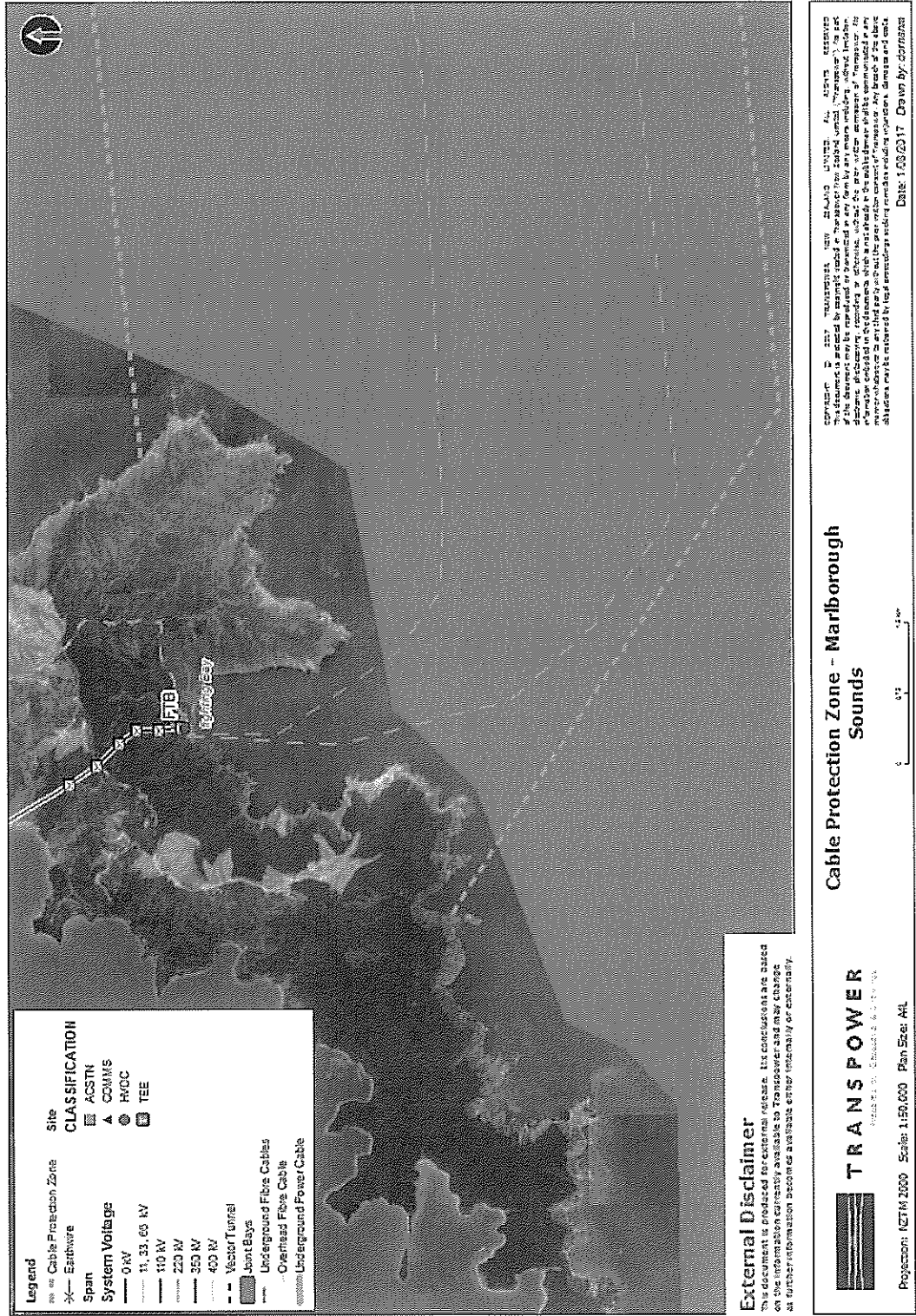
TRANSPower NZ LTD - SUBMISSION ON PROPOSED NES FOR MARINE AQUACULTURE  
AUGUST 2017

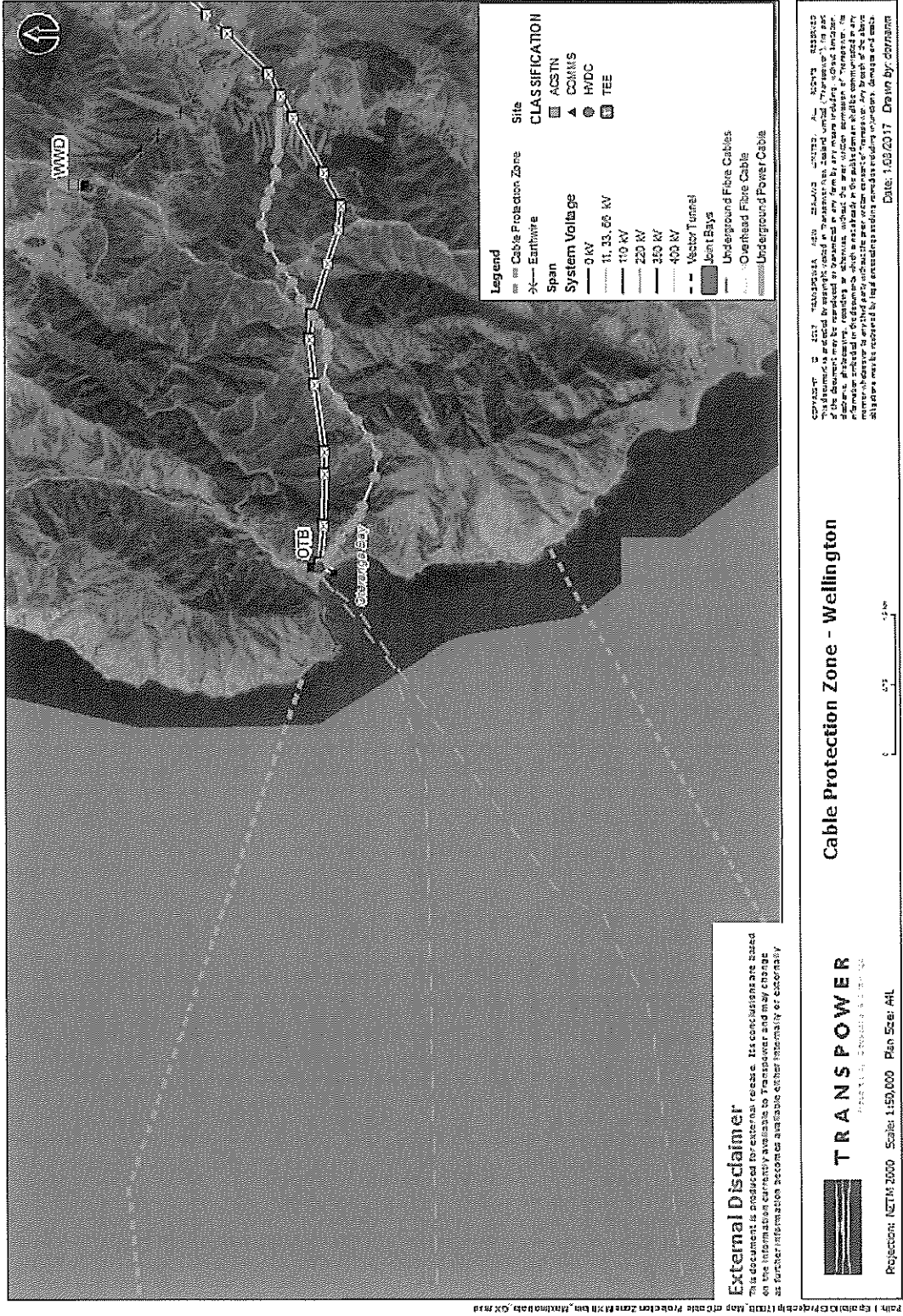
APPENDIX A: MAPS OF THE COOK STRAIT CABLE PROTECTION ZONE





TRANSPOWER NZ LTD - SUBMISSION ON PROPOSED NES FOR MARINE AQUACULTURE  
AUGUST 2017











## 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:

Tina Janson

Postal address:

██████████ Takaka 7183

Phone number:

██████████

Email address:

████████████████████

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

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



## Tui Spiritual and Educational Trust and Tui Community

### **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



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be a restricted discretionary activity?

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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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**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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**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 NZCPS 2010?

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Yes. Areas of historic significance should be recognised as outlined in Question 5

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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 those farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character.

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

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

## 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 reconstituting 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.

**Michael Nielsen**

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**From:** Alan Vaughan [REDACTED]  
**Sent:** Tuesday, 8 August 2017 2:00 PM  
**To:** Mailbox\_Aquaculture  
**Subject:** NES

Sirs,

Initially, may I say that the title of your proposed Standard is dishonest. I have read the entire full 81 page document and I can find very little reference to any proposed action to enhance or protect the environment from the negative impacts of marine aquaculture. So in reality, this is not a proposed Environmental Standard, It can best and possibly only be seen as a proposed standard to facilitate, establish and control the management of the operation of marine aquaculture to apply to all regional Councils. Biosecurity concerns are included but the New Zealand record of biosecurity control is something of a joke. A new cow disease allowed to come into the country.

It would be much more honest and transparent to entitle the proposed standard as I suggest above. I accept that that may not be so politically attractive in an election year.

I do not believe that there should be any special provisions made for sites of claimed importance to the industry, such as Wainui Bay, if such provisions ignore the outstanding amenity values of the area and also shut out the public who have to put up with the frequent ignoring of the so called 'code of practice' drawn up between residents and industry. I also believe that any special provisions to give recognition to such areas will prevent the removal of such areas when other more suitable and reliable sources of spat become available over time. New Zealand has a history of enacting rules and laws that remain in operation long past their useful or relevant date.

Sincerely  
Alan Vaughan



**SUBMISSION ON PROPOSED NATIONAL ENVIRONMENT STANDARD FOR**  
**MARINE AQUACULTURE IN NEW ZEALAND**

To Ministry for Primary Industries,  
Private Bag 14,  
Port Nelson 7042.

From Jo-Anne Vaughan,

[REDACTED]  
Takaka 7110.

19<sup>th</sup> July, 2017.

Email – [REDACTED]

Phone – [REDACTED]

I was present at last night's presentation by the two aquaculture representatives of MPI responsible for facilitating the development of new aquaculture standards. I was also a very involved in development of aquaculture standards for Golden Bay during the 1990s when there was a virtual 'gold rush' to seize space for marine farming. They were attempting to pre-empt the development of standards yet to be developed for the Tasman Resource Management Plan.

We were Forest and Bird members who united with others in our community to set up the Friends of Golden Bay Inc. Soc. to fight inappropriate development in Golden Bay and took an appeal to the Environment Court for adequate, negotiated standards. We were never against aquaculture, we wanted good environmental standards. We saw, as was stated last night that mussel farming done well was a very good quality way of cultivating food with low impact on the environment.

I was very re-assured by the presentation. I am very relieved that the standards will be based on the New Zealand Coastal Policy.

I see many flaws in the way regional councils manage the marine environment under their control. I like that standards will be nationally directed and controlled but I also like that it was mentioned that Regional Councils could have a funded role in management by providing for rental of coastal marine space.

We were absolutely shocked when recently the Tasman District Council very carelessly demolished the environmental standards set by the 1999 Court directive as a result of the Enquiry into Aquaculture Environment Court Hearing Judge Kenderdine and created an AMI in place of the existing time limited discretionary activity status. The following was her ruling for Wainui Bay:

The Environment Court Hearings took place over a period between 1999 and 2000 and the Judge, Judge Kenderdine, released her interim report and findings to the Minister of Conservation and the Tasman District Council. Her findings were adopted into the Tasman Resource Management Plan. Her ruling for Wainui Bay is as follows and comes from the Court's first Interim Report and Findings on page 150, sub-heading...Golden Bay.

*' Golden Bay has natural character values which are of national importance*

*. Golden Bay is an outstanding natural landscape/natural feature which is of national importance and is to be noted as such.*

*. A sensitive transition to further marine farm development can only be achieved in Golden Bay through distance from shore.*

*. The Wainui Bay site has a major adverse effect on natural character and visual landscape amenity values but because no-one has sought its deletion in a submission or reference, its right to remain in that location for the duration of the permit continues.*

*. The Wainui site is not to be located in an AMA but accorded discretionary activity status because of its sensitive location'.*

(We want the new granted AMI returned back to the discretionary status. We are scheduled to be back again in the Environment Court on this matter, this September).

## WHAT I LIKE:

- I like that you plan most replacement consents for existing farms to be processed as non-notified, restricted discretionary activities.
- I like that you will require all marine farms to prepare and implement plus keep up to date, biosecurity management plans and that farms will be required to be managed within environmental limits.

Please think very carefully about nuisance to land dwellers whilst harvesting at night. This was a very big issue for land dwellers during the hearings in 1999. The low thrum of diesel engines, the lights and loud voices and loud radios. Also the marine farm debris left in the environment. These were all issues brought to the Hearing by local residents of Golden Bay.

Golden Bay has been seriously damaged by poor environmental practice by all types of fishers in its waters. Still in living memory old timers talk of how things, (especially the benthos) used to be.

Golden Bay could once have been used by its locals as a treasure for helping them to earn a living via tourism but the Fisheries Act not only allowed for the destruction of the bay's ecology by allowing all kinds of commercial fishers to seize control of how the bay was managed and damaged, but it alienated the locals from the one place which we could have developed into a sustainable tourist venue for activities on the water. Tourism next to our dairying industry is what sustains our population. Now the Golden Bay itself is pretty much wrecked. Maybe it might recover one day but I am not holding my breath. The scallop industry started with certain rules ie 3 year rotational harvesting, but the Scallop Enhancement Company changed this.

To finish, I like the mussel industry. I like that its farms can also be a means of supporting life on the benthos below. I like that raising mussels can be a benign way of raising food and providing jobs and export earnings. I just don't like it when greed and ambition are able to override the good environmental standards you are seeking to provide for. Good industries can so easily go bad. Be extra diligent to tighten all provisions and regulations from being weakened and exploited. We land dwellers shouldn't have to stand back silently from the shore and watch damage happen which we have no power of control over.

Jo-Anne Vaughan

Michael Nielsen

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**From:** J R Caristo-Verrill [REDACTED]  
**Sent:** Friday, 4 August 2017 10:01 AM  
**To:** Mailbox\_Aquaculture  
**Subject:** Wainui Spat-Catching Operations

Dear MPI Members and Representatives,

Since seeing Wainui Bay for the first time at the beginning of this century, I have come as a visitor to Golden Bay from as far as Boston, Massachusetts, on the east coast of the US, half way across the planet, for the last 15 years, for one half of each year. By now, I am considered to be part of the Golden Bay Community. I am 72 years old and have worked and/or travelled in much of the world, and have expertise in the area of environmental interaction and protection.

It is my opinion that, from a planetary perspective, Wainui is a precious, unspoiled and unique wilderness, perhaps the last, and has great value to the world community and that any permanent decision made now regarding fishing or spat-catching operations in Wainui that would preclude responding to a complexity of future needs and events would be an enormous error in judgment and therefore, Wainui farms should remain a discretionary activity until 2024, when their re-consenting can be a public process.

As a foreign visitor to New Zealand, I continue to be impressed by sensible and responsible governmental decision-making that is in the greater public interest and immune to limited special interests.

Yours sincerely,

Janet Verrill





File No: 22 12 05  
Document No: 11113017  
Enquiries to: Russell O'Leary

Submission No:0098



4 October 2017

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Dear Sir/Madam

**Waikato Regional Council resubmitted submission on the Proposed National Environmental Standard for Marine Aquaculture**

Thank you for the opportunity to make a submission on the Proposed National Environmental Standard for Marine Aquaculture (NES-MA). Please find attached Waikato Regional Council's resubmitted submission to the proposed NES-MA, adopted by Council on 28 September. This replaces the previous staff submission submitted to the Ministry and includes the Council's position on replacement consents under points 11 and 12. Waikato Regional Council looks forward to being involved in further discussion regarding the development of the document.

Should you have any queries regarding the content of this document, please contact Russell O'Leary directly on (07) 859 0533 or by email at [Russell.O'Leary@waikatoregion.govt.nz](mailto:Russell.O'Leary@waikatoregion.govt.nz).

Regards

A handwritten signature in black ink, appearing to read "Tracey May".

**Tracey May**  
Director Science and Strategy

Waikato Regional Council's freephone 0800 800 401

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## Introduction and regional context

1. Waikato Regional Council (the council) appreciates the opportunity to make a submission on the proposed National Environmental Standard for Marine Aquaculture (NES-MA). Council supports the submission prepared by Local Government New Zealand.
2. In preparing this submission the council considered the provision for aquaculture in the Operative Regional Policy Statement, the Operative Regional Coastal Plan, other council strategic documents, and the recently completed non-statutory document the Hauraki Gulf Marine Spatial Plan Sea Change - Tai Timu Tai Pari.
3. The Waikato region is a significant player in the aquaculture industry and contributes 12 per cent of New Zealand's aquaculture GDP. Aquaculture in the Waikato primarily occurs in the Firth of Thames and Hauraki Gulf, with 1600 hectares of marine farms producing about 36 per cent of the green-lipped mussels and 24 per cent of the Pacific oysters farmed nationally. The region is poised for significant growth with shellfish farming still to occur within the Wilson Bay marine farming zone and the introduction of fin fish farming in the Coromandel Marine Farming Zone.
4. The council is the main regulator of marine farming and with responsibilities set out in national legislation. The Resource Management Act 1991 (RMA) sets out the council's responsibility to control the effects of aquaculture activities under [S30(3)]. These responsibilities are reflected in objectives and policies in the Regional Coastal Plan (the plan). The plan recognises the importance and contribution of marine farming to the economic and social outcomes. The plan's objective is that marine farming is developed in an efficient and sustainable manner which avoids adverse effects as far as practicable. The policies in the plan recognise the complexity in managing marine farms and emphasise the following key principles regarding the development of marine farms:
  - A precautionary approach is used and adverse effects are remedied or mitigated if they cannot be completely avoided
  - Safe recreation and navigation should not be compromised
  - Integrated and consistent management between all agencies with marine farming responsibilities
  - Space allocated to marine farming should be used efficiently.
5. The implementation of the above-mentioned policies anticipates the following environmental results as stated in the plan:
  - Natural character, landscape, amenity, ecological, coastal processes, water quality and cultural values are protected
  - Sprawling and sporadic development of marine farm structures is avoided
  - Marine farms do not cause recreation and navigation hazards
  - Integrated and consistent management between all agencies with marine farming responsibilities and relevant utility operators.
6. A review of the plan is underway and the aquaculture component is likely to be included in the topics to be publically notified in 2020. Council has already undertaken significant pre-planning and technical investigations to inform the plan review.
7. Additionally the council regulates marine aquaculture by monitoring existing marine farms to ensure compliance with resource consent conditions and processing resource consents for new marine farms.
8. The council also has biodiversity related functions under the Biosecurity Act 1993 (Biosecurity Act). These include responsibilities to undertake monitoring and surveillance of established pests and to prepare and implement regional pest management strategies. Furthermore, the council promotes co-ordination of pest management and biodiversity protection between regions.

## General comments on key elements being proposed

9. Council is generally supportive the overall intent of the NES-MA which aims to provide certainty to existing marine farmers. However our submission indicates opportunities to improve the functionality and transparency of the components proposed in the NES-MA around replacement consenting, realignment of farms, change of species and biosecurity. The council's comments to these components are below.
10. Council is generally supportive of the overall intent of the NES-MA to provide for best practice biosecurity management by the aquaculture industry. However, we believe it is important that the NES-MA support and strengthen the more comprehensive mechanisms provided under the Biosecurity Management Act 1993. We also have some concerns that the management of biosecurity proposed in the NES-MA shifts the focus of regional councils away from the sustainable management of natural resources. Also that the assessment and auditing of proposed biosecurity management plans would be a large undertaking, resulting in a new level of implementation service for which council has not anticipated.

### Replacement consents for existing marine farms (replacement consenting)

11. Council supports the overall intent and approach proposed in the NES-MA for replacement consenting of existing marine farms to provide certainty to existing marine farmers. Council is of the view that replacement consenting of existing marine farms should be a controlled activity. Where controlled activity status is not achievable (e.g. due to effects within areas identified as 'outstanding natural features', 'outstanding natural landscapes' or areas of 'outstanding natural character') then Council supports the 'restricted discretionary' status as proposed in the NES. Council also supports the 'non-notification' status as proposed in the NES.
12. Council is of the view that the matters of control and/or discretion for replacement consenting of existing marine farms should be broadened to enable improved planning, monitoring and consideration of the effects of marine farming. These matters should be expanded to include:
  - water quality
  - significant habitat and ecological values of the local and regional area
  - consideration of customary title and other statutory considerations relevant to iwi
  - stocking density effects on benthic habitats.
13. Section 12 lists the matters over which discretion shall be restricted when considering a consent application for renewal of existing marine farms. The matters set out in section 12 do not include effects associated with stocking density/longline density which is linked to the level of adverse effects.
  - Include stocking density/longline density effects in the matters of discretion.
14. Section 12(e) states:
 

*"[tangata whenua values, such as effects on waahi tapu, taonga] – note that this is a placeholder matter that needs further discussion with iwi authorities as part of the consultation process for the proposed NES: Marine Aquaculture"*

Matter 12(e) provides uncertainty for Council as a submitter to this draft NES-MA. The solution sought is suggested below:

  - Provide further details and/or guidance on values; processes to identify values; timeframes etc. (see suggested wording for additional matter of restricted discretion).
15. Section 12(f) states:
 

*"Significant adverse effects on reefs and/or biogenic habitat underneath and within 20 metres of the marine farm"*

Assessments of effects on benthic habitat submitted with previous consent applications for marine farms in the Waikato region state that benthic adverse effects can extend up to 115 metres beyond the mussel farm boundary.

Biogenic habitat could include mussel shells that have dropped off the farm.

Our submission is to:

- Increase the distance from the marine farm in which significant adverse effects on reefs and/or biogenic habitat can be assessed.
- Define the terms 'reefs' and 'biogenic habitat'.

16. Section 12(j) states:

*"Management of noise..."*

Current case law would provide for conditions related to boat (including radio music), machinery, and equipment etc. noise as long as it is 'logically connected to the activity'.

It is unclear whether the insertion of the new section 108AA RMA as part of the RMA amendments taking effect in October 2017 will weaken or strengthen the current provisions for noise as it relates to conditions that are 'directly connected' to adverse effects or a NES-MA.

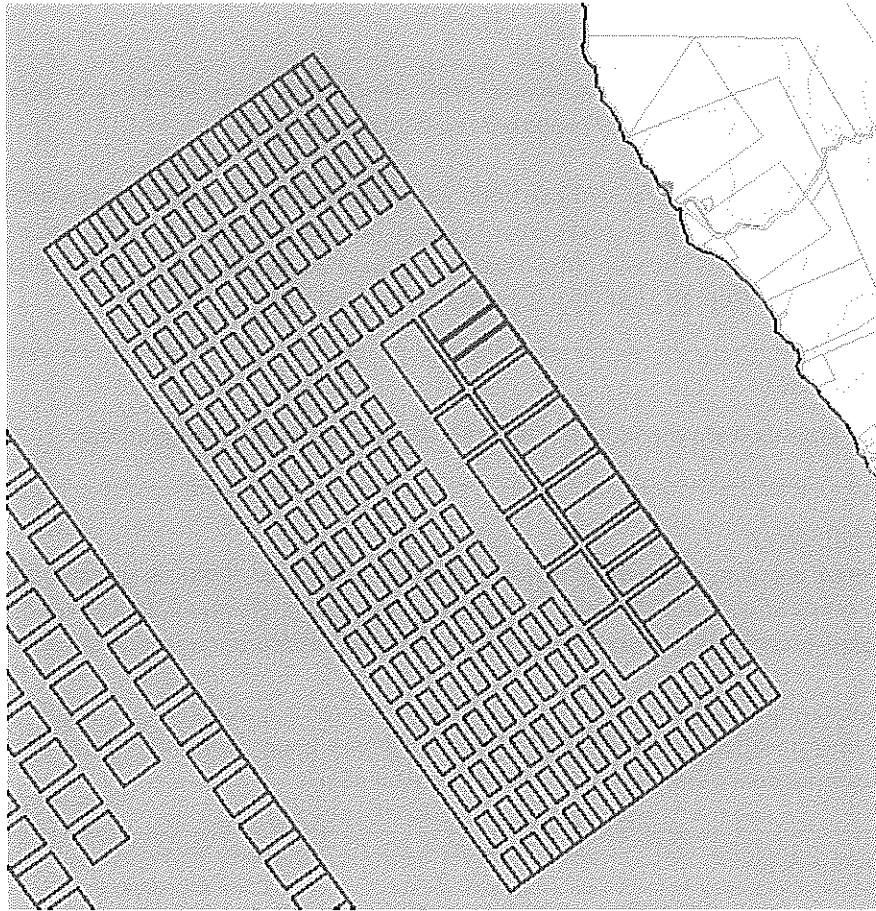
Our submission is to:

- Clarify that noise includes but is not limited to noise associated with vessels, equipment and machinery.

## Existing Exempt Farms

17. Sections 19 and 41 state that certain marine farms are exempt from this regulation including Waikato Wilsons Bay. The reason for excluding Wilsons Bay Areas A and B is that these areas were zoned for aquaculture following extensive public consultation processes, are subject to adaptive management and co-ordinated monitoring of effects, the planning and consenting structure aims to manage cumulative effects and therefore it is not seen as appropriate or necessary to alter the rules through the proposed NES-MA.

Wilson Bay Area A as defined in the Coastal Plan in Appendix 3, Map 11 consists of 171 individual 2.75 hectare marine farm blocks and 18 marine farming blocks of various sizes (see Figure 1).



*Figure 1 Wilson Bay Area A showing the location of the 2.75 hectare blocks wrapped around a cluster of marine farm blocks of various sizes.*

The 2.75 hectare blocks are subject to the same planning and consenting structure that aims to manage cumulative effects through co-ordinated monitoring and adaptive management.

In contrast, the 18 marine farming blocks of various sizes are subject to the planning structure that applies to existing marine farms to which this NES-MA applies. Most of the blocks were initially authorised under the Fisheries Act and were later deemed resource consents. A few blocks were authorised through a resource consent application prior to the establishment of the Wilson Bay Area A zone. No monitoring of effects is currently undertaken for the 18 farm blocks.

Should the 18 farm blocks be exempt from the NES-MA the activity status for re-consenting would be discretionary activity.

Our submission is to:

- The NES-MA shall apply to the 18 marine farming blocks of various sizes as the reasoning for the exemption does not apply to these farms and at the time of re-consenting the activity status would be contrary to the objective of the NES-MA.

#### **Realignment of existing farms**

18. Council agrees with the overall intent and approach proposed in the NES-MA for realignment consenting of existing marine farms. Council supports that the realignment criteria and provisions including that the realignment provisions not applying where the realigned portion of a farm would be in areas of high and outstanding natural character in the coastal environment.

19. Section 9 of the indicative NES-MA provisions provides for small alignments of marine farms provided that requirements set out in section 10 are met.

Section 10 (v) states:

*"The new area will not be located within an area identified as non-complying or prohibited for new aquaculture in an operative or proposed regional coastal plan."*

Mussel farming outside existing and currently authorised areas are a prohibited activity in the Waikato region. Therefore, small realignments would only be possible for oyster or spat catching farms. The realignment of mussel farms does not appear to be an issue in the Waikato region. However, comments from the industry may be provided on this matter.

Our submission is to:

- Seek comments from the industry whether there is a need for realignments.

20. Section 10 (vi) states:

*"The new area will not be located within outstanding natural features, outstanding natural landscapes, areas of outstanding natural character, and/or significant ecological areas that have been identified in an operative or proposed regional policy statement or regional coastal plan."*

Areas of outstanding natural features, outstanding natural landscapes, outstanding natural character, and/or significant ecological areas have not been identified in an operative or proposed regional policy statement or regional coastal plan.

Our submission is to:

- Maintain the requirements in section 10 as indicated as it is anticipated that any new plan provisions as a result of the Coastal Plan review would provide for new aquaculture areas (more lenient activity status than prohibited or non-complying) while considering the location of outstanding natural features, outstanding natural landscapes, outstanding natural character, and/or significant ecological areas; or
- Add 'proposed and operative' to the term 'regional coastal plan'.

## Change of species farmed

21. Council agrees with the overall intent and approach proposed in the NES-MA for realignment consenting of existing marine farms. However we believe that the potential effects associated with change in species justifies it being dealt with under a new consent application and not under replacement consenting to fully assess potential environmental effects.

## On-farm biosecurity management

22. Council supports the key objective in the proposed NES-MA of achieving consistent and effective biosecurity practices in marine farming nationally and at each marine farm. Marine farms and their practices are a potential vector for the movement and transfer of marine pests and diseases within a region, and between regions.
23. The view of Council is that Biosecurity Management Plans (BMPs) do not address the risk of inter-regional vector movements. We strongly advocate for a National Marine Pathway Management Plan to address these risks.
24. Pest species may be present in the Coastal Marine Area (CMA) or arrive via vectors related to other marine activities, such as commercial shipping and recreational boating and fishing, and then establish themselves within a marine farm and further spread from there. Under these pest spread scenarios, BMPs will likely prove ineffective and become an unnecessary burden on Councils and marine farmers.

25. A comprehensive and integrated approach is required to fully manage biosecurity risks both, to marine farms, and from marine farms. This would be achieved with an adequately resourced National Marine Pathway Management Plan in conjunction with BMPs which are enforced.
26. Section 45 and 46 require biosecurity management plans for all farms at the time of (re)consenting and through a s128 RMA review by no later than 2025.

Council supports the requirements for Biosecurity Management Plans for all farms. The unnamed section after section 46 refers in (b) to a 'certified' Biosecurity Management Plan. The definition of this term is not clear (by whom, in what capacity, for what purpose). The same section also refers to an 'external' audit. It is not clear whether the 'external' auditor includes the regional council or its agent(s).

Guidance material should include templates for Biosecurity Management Plans to ensure consistency between areas and regions.

Our submission is to:

- Maintain biosecurity requirements
- Define the term 'certified'
- Require Biosecurity Management Plans to be audited by the consent authority or its agent(s)
- Provide MPI guidance including templates for Biosecurity Management Plans.

## Implementation of Biosecurity Management Plans

27. Council supports marine farm monitoring and reporting as well as external auditing and enforcement of BMP implementation which would be paid for by the marine farm consent holder. Council also support the approach of less audits on farms which have track records of maintaining high standard BMPs.
28. Council also notes an advantage of monitoring marine farms is that early warning detection is improved given that these structures and the associated activities are considered high-risk. We recommend that every year, the species found on marine farms are recorded and added to a regional/national database.

## Timeframe

29. Council is concerned that there could be a lack of capacity and capability in the industry to develop and implement BMPs by 1 January 2025.
30. In 2013 Sabella was detected in Coromandel harbour by industry. Since then, biosecurity has been an ongoing conversation with aquaculture industry. Given this has been an issue for marine famers for quite some time council staff disagree with the 1 January 2025 timeframe to prepare BMPs. A delay in implementing BMPs may allow the establishment of new pest organisms.
31. The RPS requires identification of areas of high and outstanding natural character in the coastal environment using specified criteria. The Waikato Regional Coastal Plan review (Coastal Plan review) has commenced. To support the review and in accordance with the RPS, the council commissioned a technical report to identify outstanding natural character values in the Waikato coastal environment. Some of the existing marine farms are located within areas identified as having outstanding natural character.

Section 2 of the indicative NES-MA provisions states:

*"Existing marine farms located within outstanding natural features, outstanding natural landscapes and/ or areas of outstanding natural character that have been identified in proposed*

*or operative regional policy statements or regional coastal plans are a restricted discretionary activity if the requirements under 3 are met."*

Section 5 of the indicative NES-MA provisions states:

*"Where, following the gazetting of this national environmental standard, a regional council determines through a regional coastal plan that an area of the coastal marine area is inappropriate for existing aquaculture, existing marine farms located within that area are a discretionary activity."*

Section 2 and 5 refer to a 'proposed or operative regional policy statements' and 'regional coastal plan'. Section 43AA RMA defines that a regional coastal plan means an operative plan only.

Currently, the RPS and Coastal Plan do not identify areas of outstanding natural character or areas inappropriate for existing aquaculture. Therefore, there is a risk that existing marine farms may be re-consented in areas that may (through the Coastal Plan review) be identified as inappropriate areas or as areas of outstanding natural character.

If the NES-MA was gazetted in 2018 it is likely that the council would receive consent applications for renewals of these existing marine farms. But because the areas in which some existing farms are located have not been identified as having outstanding natural character in the RPS or Coastal Plan, the assessment of the application could not consider effects on natural character.

Our submission is to:

- Add 'proposed and operative' to the term 'regional coastal plan'
- Existing marine farms in the Waikato region do not expire prior to 1 January 2025 and it is likely that the Coastal Plan review has progressed to at least a proposed plan at that time. Making the NES-MA operative in the Waikato region in 2024 will provide for the re-consenting of existing marine farms while considering any new plan provisions.

## Capacity and capability

32. As much of the biosecurity risk falls on marine farmers, council believes the following would be required for BMPs to be effective in managing biosecurity risks:

- Template – providing a BMP template, along with the guidance handbook, would provide consistency across regions and make the process easier for applicants, regional councils and any third party assessor.
- Regionally significant marine pests – management measures for pests that are regionally significant to the industry and marine environment should be detailed in the BMP, even if the pest is not identified in a Regional Pest Management Plan.
- Pest identification training – council staff strongly recommends that marine pest identification training workshops be developed and delivered regularly to capture staff attrition. These workshops should be offered to any person who is expected to be able to identify marine pests, including auditing personnel and aquaculture farm workers.

33. Council supports appropriate external professionals being engaged to assist in certifying, auditing and enforcing BMPs.

## Costs and benefits arising from the NES-MA

34. Council is concerned the costs of implementing the NES-MA have not been adequately considered. There is an initial cost to councils of inserting the rules and provisions of the NES-MA into their plans. However, the greater issue is the ongoing cost to council of reviewing, approving and auditing on farm biosecurity management plans. Regional councils do not have the capacity or capability to do this at present. The ability to fully recover costs is limited and this requirement would place an on-going burden on regional councils.



35. Council strongly recommends further thought be given to biosecurity management being supported through Aquaculture New Zealand or a similar national organisation to support their members in preparing plans and to cost recover the services of a third party to carry out audits of on-farm biosecurity management plans.

## Definitions

36. Section 24(c) includes reference to 'materially'. Without a definition the word may be interpreted differently.

Our submission is to:

- Define 'materially'.

## Farming of Spat

37. Section 42 states:

*"All regulations in this National Environmental Standard (with regard to change of species) will not apply to the farming of spat."*

This section appears uncertain. It should be made clear that the exclusion for the farming of spat shall only apply to a change of species by referencing the relevant sections (rather than a note in brackets).

Also, spat catching shall be added to farming of spat as rule 16.5.1 of the Coastal Plan refers to 'spat catching' and legal opinion provided to us has confirmed that the phrase means spat catching only and not the on-farming of spat.

Our submission is to:

- Include a reference to the particular sections that the farming of spat does not apply to
- Add underlined: "...will not apply to the catching and farming of spat."

38. Council supports the intent of section 42 that the provisions for the change of species do not apply to the catching and farming of spat.

The Coastal Plan prohibits mussel farming except for the currently authorised mussel farms. However, the Coastal Plan provides for spat catching as a discretionary activity (Rule 16.5.1). That rule refers to devices, buoys and lines and was unlikely intended for large scale marine farming. If the NES-MA sections for the change of species would apply to the farming and catching of spat a risk exists that the council would receive large scale spat catching applications concurrently with an application for the change of species (to mussel farming) under the NES-MA. This would result in the unplanned and unanticipated expansion of aquaculture in the Waikato region. The Coastal Plan review would provide a more appropriate platform for addressing aquaculture expansion in the Waikato region.

Our submission is to:

- We support the exclusion of spat catching and farming from the provisions for the change of species.

## Other

39. An issue currently exists with rule 16.5.3 "Current Marine Farm Structures" (Discretionary Activity) of the Coastal Plan and any farms that were relocated as part of the off-site farm review as provided for by the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

The current wording of rule 16.5.3 means that those areas of the old lease and licence farms that were outside the area originally authorised by the Ministry of Fisheries under the Marine Farming Act would be a prohibited activity under rule 16.5.6 of the Coastal Plan at the expiry of the consents in 2025. This is because rule 16.5.3 specifically refers to the old lease and licence areas as authorised by the Ministry of Fisheries (not the area authorised by any other legislation thereafter).

The indicative NES-MA would address this matter as:

- The indicative NES-MA rules for re-consenting override the Coastal Plan provisions
- The indicative NES-MA refers to 'existing marine farms' as defined in footnote 26. There is no reference to the farm areas as authorised by the Ministry of Fisheries.

However, the industry raised concerns that this issue has not been made clear in the NES-MA and therefore a further review of this matter is recommended.

Our submission is to:

- Undertake a legal review of this matter to provide for certainty.

## Additional provisions for consideration

40. Council believes the proposed NES-MA presents a missed opportunity to provide some guidance to the industry and regional councils for the development and management of future marine farms and seeks that MPI consider including the following in the NES-MA:

- High level statement about the expectations of imposing both occupation charges and bonds for marine aquaculture including nationally consistent methodology for how charges and bonds should be calculated and an explanation of the rationale for charging.
- National guidance and decision-making criteria for identifying areas suitable for new marine farms.
- National guidance and decision making criteria for identifying areas unsuitable for marine farms.

Council would welcome ongoing involvement on refinement and expansion of the NES-MA and its component parts to ensure long term environmental outcomes and development of pragmatic standards, as part of achieving sustainable success for the marine aquaculture industry.

**Michael Nielsen**

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**From:** Heather Wallace [REDACTED]  
**Sent:** Saturday, 5 August 2017 2:46 PM  
**To:** Mailbox\_Aquaculture  
**Subject:** Submission Proposed NES. aquaculture.

Submission regarding Wainui Spat farms becoming a special area. I would like these farms to remain as they are until their consents expire when we can relook at their appropriateness. At that point we will have more information and research in to the industry which will give us more study to make a good decision on their continuation. The industry have surety for many more years, and it is not appropriate to be making hasty decisions at present. Thanks you Heather Wallace

[REDACTED] Takaka 7182

[REDACTED]

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>



## Proposed National Environmental Standard for Marine Aquaculture Submission

To the Ministry for Primary Industries

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

8 August 2017

### Submitter Details

#### Full Name of Submitter

Mr Iain Alexander Sheves

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Wakatu Resources Ltd and Kono NZ LP

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PO Box 440, Nelson 7040

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[REDACTED]

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### 1.0 Introduction

Wakatu Incorporation is a Maori Incorporation based in Te Tau Ihu, with significant land holdings across the region. Wakatu along with its subsidiaries, Wakatu Resources Limited and Kono NZ LP, own considerable land holdings and marine licences and employ up to 500 staff across the region.

Kono NZ LP is a significant farmer, processor and exporter of oysters and mussels with the bulk of its production coming from the Marlborough Sounds, which is then processed in Blenheim and exported worldwide. This generates considerable economic activity and secures employment in the Marlborough region.

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, Bluff 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, 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 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. Non-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 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?*

Yes, there may be scope for expanding this to include sites of cultural significance including wahi tapu and mahinga kai areas.

*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.

Name Iain Sheves, GM Property, Wakatu Incorporation

Date 8 August 2017



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8 August 2017

Ministry for Primary Industries  
Private Bag 14  
Port Nelson 7042

Dear Sir/Madam

**Submission on Proposed NES for Marine Aquaculture**

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

**Areas of support**

The West Coast Regional Council (WCRC) generally supports most of the national environmental standard proposals to make the processing of replacement consents for existing marine farms, and changes of species on existing marine farms, more efficient and streamlined. We specifically support requiring biosecurity management plans for all marine farms, not notifying replacement consents, and allowing Councils to have rules in their coastal plans that are more lenient than the NES. The latter will give the WCRC flexibility to set an activity status that is appropriate to the degree of effects of marine farming on the West Coast.

We also support excluding from the NES an additional requirement to assess effects of existing marine farms on significant indigenous coastal biodiversity, to give effect to Policy 11 of the NZCPS. This approach is pragmatic, and we agree that the other matters of discretion that are proposed adequately address Policy 11.

The Jackson Bay marine farm in South Westland has a current consent that is valid until 2024. If it continues to operate in the future beyond the expiry of the current consent so that a replacement consent is required, the above-mentioned features of the proposed NES will enable such consents to be processed with minimal costs and delays. This is provided that the NES does not require an unnecessarily in-depth assessment of effects of the marine farm on the natural character values of the area, as explained further below.

We agree that biosecurity management plans for all marine farms are important for reducing the risk of harmful marine organisms spreading to other coastal areas. Some of the Ministry for Primary Industries' (MPI) national priority marine organisms have been detected in the Marlborough Sounds and Tasman/Nelson area. There is a high potential for natural dispersal in these areas to marine farms and nearby vessels, as well as a high potential for human-mediated spread due to their ability to attach to boat hulls. We are not aware of marine farm vessels, equipment or stock being brought

to Jackson Bay, however fishing boats from the Marlborough Sounds and Tasman/Nelson come to Jackson Bay during certain fishing seasons, placing the Bay at risk of an incursion.

Regional differences need to be taken into account in any requirement for biosecurity management plans for marine farms. Areas with multiple farms in relatively close proximity have a higher risk of spread of harmful species. Remote, single farms such as the Jackson Bay farm have a comparatively lower risk of harbouring and spreading these species, so we agree with the NES report that the requirements in a management plan need to be scaleable to the size and type of the farm, and the degree of risk.

It would greatly assist the WCRC to have the comprehensive guidance material on assessing biosecurity management plans as outlined in the NES report. This would help to allay our concerns about the potential costs of having to obtain a qualified expert's assessment of a biosecurity management plan for the Jackson Bay marine farm. The WCRC has no in-house expertise in this area, and we want to ensure that the costs of assessing a biosecurity management plan for the Jackson Bay farm are not unnecessarily excessive for the scale and level of risk.

### **Concern re marine farms in outstanding natural character areas**

The NES document asks whether the activity status should be different (to the proposed restricted discretionary status) for replacement consents for existing marine farms in outstanding natural character and landscape areas, and if so, what status they should be. The Jackson Bay marine farm underwent a robust assessment of effects on natural character and landscape values when the consent was first applied for, even though the surrounding area was not identified in the operative Plan as having outstanding values. The farm has not changed in nature, scale or intensity from what was originally granted, and there has been no change to the outstanding natural character and landscape values from when the consent was granted to now. In situations like this, we consider that the restricted discretionary status, or even controlled status, is appropriate. The NES needs to be relevant for all types of marine farms and should not unnecessarily require further assessments of effects on landscape and natural character values when there has been no change.

This ends our submission. We would be happy to answer any questions about our submission.

The contact for service is:

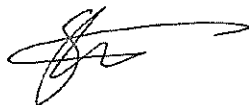
Lillie Sadler

Senior Resource Planner

Ph:

Email:

Yours faithfully



Sarah Jones

**Planning Team Leader**

**WEST COAST REGIONAL COUNCIL**

**SUBMISSION ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR  
MARINE AQUACULTURE**

**To:** Ministry for Primary Industries  
Aquaculture Unit  
[aquaculture@mpi.govt.nz](mailto:aquaculture@mpi.govt.nz)

**Name of submitter:** Westpac Mussels Distributors Limited

**Address:** c/- MinterEllisonRuddWatts  
PO Box 3798  
Auckland 1140  
Attention: R Devine / S de Groot

**Introduction**

1. This is a submission on behalf of Westpac Mussels Distributors Limited (**Westpac Mussels**) on the Proposed National Environmental Standard for Marine Aquaculture (**NES**). The NES was notified for submissions by the Ministry of Primary Industries (**MPI**) on 14 June 2017.
2. This submission relates to the entire NES.

**Background to Westpac Mussels**

3. Westpac Mussels is a New Zealand owned and operated aquaculture business. Its operations include marine farming, particularly for Greenshell Mussels, and all of the main aspects of aquaculture, including spat catching, mussel farming, processing and the sale of product. Westpac Mussels' office and factory are based in Auckland.
4. Westpac Mussels has marine farming interests in the Waikato, Northland and Auckland regions. In the Auckland region, Westpac Mussels currently operates two marine farms at Waimango Point in the Firth of Thames. These marine farms have been established for over 28 years and are consented for spat catching and mussel farming activities. Westpac Mussels also has a marine farm at Houhora Bay, Northland and is in the process of developing a

marine farm at Stephenson Island, Whangaroa. These marine farms are consented for mussel farming activities as well as growing of other species such as scallops (at Houhora Bay and Stephenson Island) and oysters and paua (at Stephenson Island). Westpac Mussels also has three existing coastal permit applications for spat catching and mussel farming activities in the Firth of Thames which are currently being processed by Auckland Council.

5. It is important that marine farmers like Westpac Mussels have a consistent, efficient, and flexible planning and policy framework to enable them to continue their existing operations, to provide investment certainty and to assist in developing the industry. Westpac Mussels would like to ensure that the NES provides a fair and balanced approach to the consideration of applications for new coastal permits for existing farms to enable appropriate aquaculture activities to continue.
6. Westpac Mussels also supports industry growth outside of existing space and the creation of new space for aquaculture. This is a priority for the industry and Westpac Mussels supports and encourages the Government's proposal to address these matters with further national direction.

#### **Key issues**

7. The key issues covered by this submission include:
  - (a) The policy approach to the proposed NES;
  - (b) The approach taken to the New Zealand Coastal Policy Statement 2010 (NZCPS);
  - (c) Proposed activity classifications for re-consenting of existing aquaculture activities or changes to coastal permits for existing farms;
  - (d) Notification approach for re-consenting of existing aquaculture activities or changes to coastal permits for existing farms; and
  - (e) The requirement for biosecurity management plans for all new and replacement coastal permits for marine farms, and existing coastal permits expiring after 31 January 2025.

## Key submissions

8. Westpac Mussels seeks that:
- (a) The proposed NES provides a more consistent, efficient, and flexible planning framework for the re-consenting of existing aquaculture activities;
  - (b) Amendments are made to the NZCPS or a new NZCPS for Marine Aquaculture is developed to provide clear policy direction for regional councils when considering resource consent applications;
  - (c) A controlled activity status regime for the continuation of existing aquaculture activities (including changes to farming methods and species grown within existing farms, and minor realignments of existing farm locations) is provided;
  - (d) Applications for new coastal permits to continue existing aquaculture activities (including changes to farming methods and species grown within existing farms, and minor realignments of existing farm locations) are non-notified;
  - (e) The NES proposals for biosecurity management plans should not be applied in respect of existing coastal permits expiring after 31 January 2025 if those coastal permits already include conditions requiring management of biosecurity risks; and
  - (f) Biosecurity management plans should only be required to be submitted for approval with the relevant regional council within six months of the new coastal permit being granted, or prior to placing any structures in the approved area.

## Reasons for submissions

9. The reasons for Westpac Mussels submission include the following.
10. In general, Westpac Mussels submission will:
- (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA);

- (b) Assist relevant councils to carry out their functions under the RMA; and
- (c) Represent good resource management practice.

11. The parts of the proposed NES that Westpac Mussels opposes are inconsistent with the matters set out above.
12. Further, without derogating from the above, the reasons for Westpac Mussels submissions are as set out below.

***The proposed NES provides a more consistent, efficient, and flexible planning framework for the re-consenting of existing aquaculture activities***

13. Westpac Mussels supports the general policy approach of the proposed NES to provide a more consistent, efficient, and flexible planning framework for the re-consenting of existing aquaculture activities. The proposed NES will generally promote the sustainable management of natural and physical resources and allow the aquaculture industry to continue its significant and growing contribution to New Zealand's economy.
14. Aquaculture operators require sufficient security of tenure to justify the significant financial investment associated with establishing new farms. Generally speaking, a 35-year maximum duration is often sought and granted, although shorter periods may also be granted.
15. Westpac Mussels agrees that the proposed NES is necessary as it will allow marine aquaculture operators to have greater certainty in their businesses which could allow for investment in better technologies, allow for value-added production, and enable the more efficient use of space. It will also recognise the public nature of the coastal marine area and any potential effects of marine aquaculture.
16. Westpac Mussels supports the general provision for iwi interests in aquaculture. Westpac Mussels has relationships with relevant iwi groups in respect of its existing marine farms. It recognises that iwi has an important relationship with New Zealand's coastal marine area. Therefore, iwi should be considered when it is established they have an interest relating to an area subject to an application for a coastal permit for aquaculture.



***Westpac Mussels supports the development of the proposed NES but considers amendments to the NZCPS or a new NZCPS for Marine Aquaculture is required***

17. While Westpac Mussels supports the development of the proposed NES it also considers that amendments to the NZCPS or a new NZCPS for Marine Aquaculture is required to:
- (a) Provide clear policy direction for regional councils when considering coastal permits applications for aquaculture;
  - (b) Assist regional councils to take a nationally consistent approach to aquaculture;
  - (c) Recognise the significant contribution and benefits of the aquaculture industry to New Zealand's economic, social and cultural well-being and the need for investment certainty for the industry;
  - (d) Recognise that aquaculture requires high water quality; and
  - (e) Acknowledge that minor or transient effects of aquaculture within areas of Outstanding Natural Landscapes and High Natural Character areas may be acceptable.
18. Objectives 2 and Policies 13 and 15 of the NZCPS as interpreted (particularly in the case of Policies 13 and 15) by the Supreme Court in the *King Salmon* case<sup>1</sup> contradict Policy 8 (Aquaculture) of the NZCPS. *King Salmon* provides that the level of adverse effects that will be acceptable for any development in or near an Outstanding Natural Landscape (ONL) area is low. The decision contemplates that there either be no adverse effects, or at most that only minor or transient effects may be acceptable. Accordingly, the existence of an ONL and High Natural Character overlay can significantly curtail use and development in and around the area, and on its own could work to defeat a proposed use of the coastal marine area for aquaculture, or the continued use of the coastal marine area for established aquaculture activities. This does not provide confidence to marine farmers that appropriate activities in or near these areas (where there are only minor or transient effects) will be able to continue.

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<sup>1</sup> *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Ltd & Ors* [2014] NZSC 38.

19. While the discussion document highlights that costs are expected to be higher to create a NZCPS, Westpac Mussels submits that in the long-term, having a targeted policy framework in a NZCPS to clearly guide consenting for existing and new marine farms, would outweigh those costs.
20. While it is acknowledged that differences in interpretation of the objectives and policies of any NZCPS for Marine Aquaculture could potentially occur, clarity can be provided through careful drafting, and consultation with stakeholders as part of its development. This will result in greater consistency between regions on how to interpret and apply the objectives and policies of any NZCPS for Marine Aquaculture.
21. In the alternative, Westpac Mussels submits that if the NZCPS is not to be amended or a specific NZCPS for Marine Aquaculture is not to be developed as part of this review for re-consenting of existing marine farms then it should form part of a later review for consenting of new marine farms.

***Westpac Mussels supports a controlled activity status regime for existing aquaculture activities in the coastal marine area***

22. Westpac Mussels submits that the following activity status classifications should be applied to the consenting of existing aquaculture activities in the coastal marine area:
  - (a) Changing the method of farming of species currently farmed in existing consented marine farms – controlled activity (cf. restricted discretionary activity in proposed NES).
  - (b) Changing the type of species farmed in existing consented marine farms – controlled activity (cf. restricted discretionary activity in proposed NES).
  - (c) Realignment of existing marine farms – controlled activity (cf. restricted discretionary activity in proposed NES).
  - (d) Application for a new coastal permit to continue the same aquaculture activities – controlled activity (cf. restricted discretionary/discretionary activity in proposed NES)

*Changing the method of farming of species currently farmed in existing consented marine farms should be a controlled activity*

23. With respect to changing the method of farming, this would apply in the situation of existing use and occupation rights having been granted for an aquaculture activity, but where the applicant wishes to amend the way in which the particular fishery is farmed. Such an amendment would be entirely consistent with the proposed NES to enable flexibility and innovation but is not currently addressed.
24. There is minimal change in the nature and scale of any effects resulting from such a transition. In respect of a change from spat catching to mussel farming (and vice versa) the structures used and effects of the farm would not materially change. Any differences in potential effects could be addressed through consent conditions. This amendment would promote efficiency and certainty, give effect to objectives and policies which seek to enable aquaculture, and be consistent with good resource management practices. This would also assist marine farmers to ensure there is adequate supply of local spat for aquaculture.
25. For example, a resource consent may have been granted for spat-catching and the new proposal is to change the method of farming to farm fully grown (mature) product of the same species (or vice versa). In this scenario, issues associated with the location and size of the marine farm would have already been considered as part of the original application process. Any remaining issues can be addressed through consent conditions. The matters over which the council could potentially reserve control would be changes to the visual effects of the structures or any changes in ecological effects. Westpac Mussels considers that both types of effects are likely to be less than minor and insignificant, justifying a controlled activity status.
26. If the proposed NES is not to provide a controlled activity status for changing the method of farming of species currently farmed in existing consented marine farms, Westpac Mussels submits that a restricted discretionary activity status (non-notified) would be an appropriate alternative. Again, it would be appropriate to limit discretion to the visual effects of structures or any changes in ecological effects.

*Changing the type of species farmed in existing consented marine farms should be a controlled activity*

27. With respect to changing the type of species farmed, consents for marine farms are often inflexible. With increasing changes in technologies and industry innovation the inflexible nature of the consents means that existing marine farms may not be using their consented space as efficiently or productively as possible.
28. Enabling a change in species or split species at a marine farm would enable more efficient use of space and meet the growing demands of the industry. For example, in different seasons Westpac Mussels could potentially use existing backbone lines and space within existing marine farms to trial or farm other species such as oysters, scallops and paua. Limiting the species that may be farmed, may inadvertently restrict industry innovation, technology and efficiency.
29. In this scenario, issues associated with the location and size of the marine farm would have already been considered as part of the original application process. Any remaining issues can be addressed through consent conditions. The matters over which the council could potentially reserve control would be changes to the visual effects of the structures or any changes in ecological effects.
30. If the proposed NES is not to provide a controlled activity status for changing the type of species farmed currently farmed in existing consented marine farms, Westpac Mussels submits that a restricted discretionary activity status (non-notified) would be an appropriate alternative. Again, it would be appropriate to limit discretion to the visual effects of structures or any changes in ecological effects.

*Minor realignments of existing marine farms should be a controlled activity*

31. Minor realignments of existing marine farms should be a controlled activity. There is minimal change in the nature and scale of any effects resulting from such a realignment. The spatial extent of occupation for the aquaculture activity, which is largely a product of commercial viability and efficiencies together with the functional and operational requirements of the particular activity, would have been considered as part of the initial application, the

structures used would not change, and any differences in potential effects (which are unlikely) from the realignment can be addressed through consent conditions.

32. If the NES is not to provide a controlled activity status for minor realignments of existing marine farms, Westpac Mussels submits that a restricted discretionary activity status (non-notified) would be an appropriate alternative, with discretion being restricted to potential safety and navigation issues.

*New coastal permits to continue the same aquaculture activities should be controlled activities*

33. An application for a new coastal permit to continue the same aquaculture activities should be a controlled activity. A controlled activity status is appropriate as the effects of the marine farm would have already been considered as appropriate as part of the original application and by way of the review functions of councils under the RMA. Any remaining issues could be suitably addressed through consent conditions. Westpac Mussels considers that appropriate matters over which the council may reserve control are effects on safety and navigation from the marine farm, any changes in benthic effects, economic investment in the marine farm, and consent duration.
34. The Northland Regional Coastal Plan provides that an application for a new coastal permit to continue the same aquaculture activities is a controlled activity as long as the activity complies with some conditions and general performance standards in Marine 3 (Aquaculture) Management Areas. If the activity does not meet these conditions or standards it is a discretionary activity. Westpac Mussels supports the approach taken in the Northland Regional Coastal Plan.
35. If the proposed NES does not provide a controlled activity status for applications for a new coastal permit to continue the same aquaculture activities, Westpac Mussels submits that a restricted discretionary activity status (non-notified) would be an appropriate alternative. Matters of discretion would be effects on safety and navigation from the marine farm, any changes in benthic effects, economic investment in the marine farm, and consent duration.

***Applications for new coastal permits to continue existing aquaculture activities should be non-notified***

36. Westpac Mussels submits that all applications for new coastal permits to continue existing aquaculture activities should be non-notified unless the existing farm is changing its impacts on the environment and those impacts are significant. Westpac Mussels also submits that applications for minor realignments, changing the method of farming of species and changing the type of species farmed should also be processed without public or limited notification. This is because:
- (a) As identified in the discussion document, the public is able to participate in second generation regional coastal plan processes to ensure marine farms are located in appropriate areas;
  - (b) Notification would likely create an unnecessary burden on marine farmers, lengthening the consent process and increasing costs;
  - (c) Notification does not result in enhanced decision making for existing farms where any potential effects are already well known and unlikely to change; and
  - (d) Notification does not provide farmers with certainty that consent will be granted and discourages investment.

***Westpac Mussels generally supports the consistent application of requirements for biosecurity management plans***

37. Westpac Mussels generally supports the consistent application of requirements for biosecurity management plans.
38. Marine farm biosecurity is important for the aquaculture industry. Westpac Mussels considers it is in the interests of all marine farmers to ensure that the industry has high standards of biosecurity in line with the Biosecurity Act 2008, RMA and NZCPS. Requiring biosecurity management plans to be consistent between regions will mean that the aquaculture industry can more effectively avoid pests and diseases and reduce the potential for poorly managed farms to impact the environment and New Zealand's international reputation.

39. A biosecurity management plan is often required as part of the conditions of consent for marine farming in New Zealand. Westpac Mussels agrees that these should be required for all coastal permits for aquaculture in New Zealand. However, Westpac Mussels considers that:
- (a) The proposals in the NES relating to biosecurity management plans should not apply in respect of existing coastal permits expiring after 31 January 2025 if those coastal permits already include conditions requiring management of biosecurity risks. In respect of these farms, biosecurity matters have already been considered and management practices in accordance with those conditions already implemented at the farm. Requiring the consent holder to change these practices is likely to be unnecessary, is inefficient and would put the consent holder to additional expense.
  - (b) If the biosecurity management plan proposal in the proposed NES are adopted, biosecurity management plans should only be required to be submitted for approval with the relevant regional council within six months of the new coastal permit being granted, or prior to placing any structures in the approved area.

DATED this 8<sup>th</sup> day of August 2017



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**Stephanie de Groot**

**Counsel for Westpac Mussels Distributors  
Limited**





## Proposed National Environmental Standard for Marine Aquaculture Submission

To the Ministry for Primary Industries

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

8 August 2017

### Submitter Details

Jonathan Large

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[REDACTED]

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[REDACTED], Blenheim

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Email [REDACTED]

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### 1.0 Introduction

I am a marine farmer and have been involved in the mussel industry for 38 years. I holiday, work and play in the Marlborough Sounds. Our family owns a bach in Kaiuma Bay, which we frequently use. The Sounds is my playground. I am a landowner, a marine farm owner and a recreational user that fishes, scuba dives and hunts within the Sounds and the Marlborough region. I enjoy nothing more than taking my family and friends out in the Sounds to give them the "Sounds experience" that I enjoy almost every day.

I consider myself as being in touch with all aspects of the Sounds. I strongly believe in the need to protect the Sounds, so all residents and users can co-exist in a harmonious way.

In 2009 my wife, Narelle, and I purchased as part of my father's estate our family marine farm in Nydia Bay (site 8355). This site has been in our family since the early 1980's.

I hold an Inshore Launch Master qualification (since 2001) and have extensive maritime experience in and around the Hauraki Gulf, Coromandel, Marlborough Sounds, Tasman Bay and Golden Bay.

Currently I am the South Island Marine Farm Manager for Cedneco Aquaculture Limited (Cedenco) based in Blenheim. I am also the Farm Manager for the Marine Farming Association's (MFA) 12 spat sites. I am responsible for the management of a further 15 marine farms in the Marlborough Sounds. These sites comprise of spat catching and spat holding sites (owned by the MFA), plus farming sites owned by various individuals and entities.

From these sites I manage the 3000 tonnes (per annum) of crop. I am involved from the sourcing of spat and spat catching operations throughout the Top of the South, right through to the harvesting operations that provide product for the factories to process.

I own and run my own business, Marine Farm Management Limited, which includes a 12m and a 7m vessel. This enables me to carry out my work for Cedenco and MFA, plus any other companies that contract me to do their on-water work.

I have dedicated a large part of my life to this industry. I have been passionately involved since the early days, both as a marine farmer and as an advocate in through involvement in many different industry organisations.

I am currently the President of the MFA and have been re-elected each year onto the MFA Executive Committee since 2010. I am also the Chairman of the MFA's Environment and Compliance Sub-Committee, which is responsible for the Beach Debris programme, biosecurity, marine farm compliance, industry training, and Maritime NZ Working Group. In recent times this Committee has driven the development of the MFA's Environmental Certification programme. This programme certifies companies that have proven to be committed to responsible environmental performance and monitors their compliance to the programme on an on-going basis.

I am currently a director on the board of Aquaculture New Zealand. Aquaculture New Zealand was formed in 2007 as a single voice for the New Zealand aquaculture sector to protect the current industry, while enhancing its profitability and providing leadership to facilitate transformational growth.

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 The Marine Farming Association (MFA) and 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 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.



Jonathan Large  
8<sup>th</sup> August 2017

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