



Aquaculture Decision for coastal permit U240514 in Anakoha Bay, Marlborough Sounds

Decision Date:	21/08/2024
To:	Christine Bowden, Manager, Aquaculture & Fisheries Permitting
From:	Damian Cloeter, Senior Analyst, Aquaculture & Fisheries Permitting
Reviewed by:	Summer Norgate, Analyst, Aquaculture & Fisheries Permitting
Coastal Permit:	U240514
Coastal Permit Applicant:	Sanford Limited
Regional Council:	Marlborough District Council
Date of Request:	16/08/2024
Location of marine farm site:	Anakoha Bay, Marlborough Sounds
Size of consent:	4.52 hectares (ha)
New space:	1.78 ha
Species listed on consent:	Greenshell mussel (<i>Perna canaliculus</i>)
Farm structures:	Standard longline shellfish marine farming structures
Delegations:	Decisions under section 186E of the Fisheries Act 1996 (the ' Fisheries Act ')

PURPOSE OF THIS REPORT

1. This report recommends you make a determination¹ on coastal permit U240514 on the basis that the proposed aquaculture activities will not have an undue adverse effect on recreational, customary or commercial fishing.

STATUTORY CONTEXT

2. Section 186E(1) of the Fisheries Act requires the decision-maker to, within 20 working days after receiving a request for an aquaculture decision from a regional council, make a determination or reservation (or one or more of them in relation to different parts of the area to which the request relates).

3. Section 186GB(1) of the Fisheries Act specifies the only matters the decision-maker must have regard to when making an aquaculture decision:

- a. the location of the area that the coastal permit relates to in relation to areas in which fishing is carried out;
- b. the likely effect of the aquaculture activities in the area that the coastal permit relates to on fishing of any fishery, including the proportion of any fishery likely to become affected;
- c. the degree to which the aquaculture activities in the area that the coastal permit relates to will lead to the exclusion of fishing;
- d. the extent to which fishing for a species in the area that the coastal permit relates to can be carried out in other areas;
- e. the extent to which the occupation of the coastal marine area authorised by the coastal permit will increase the cost of fishing; and
- f. the cumulative effect on fishing of any authorised aquaculture activities, including any structures authorised before the introduction of any relevant stock to the Quota Management System (QMS).

¹ A 'determination' is a decision that the decision-maker is satisfied the aquaculture activities authorised by the coastal permit will not have an undue adverse effect on customary, recreational, or commercial fishing.

BACKGROUND

4. Marlborough District Council (the Council) Proposed Marlborough Environment Plan Variation 1 (PMEP) sets out objectives, policies and rules on how marine farming activities will be sustainably managed in Marlborough. Proposed Variation 1: Marine Farming (Variation 1) mainly addresses shellfish longline farming. Variation 1 includes provisions that all marine farms in the enclosed and near shore waters of the Marlborough Sounds can only take place within specified Aquaculture Management Areas (AMAs) that sit within a band of 100 metres (m) - 300 m from the mean low water mark (MLW).

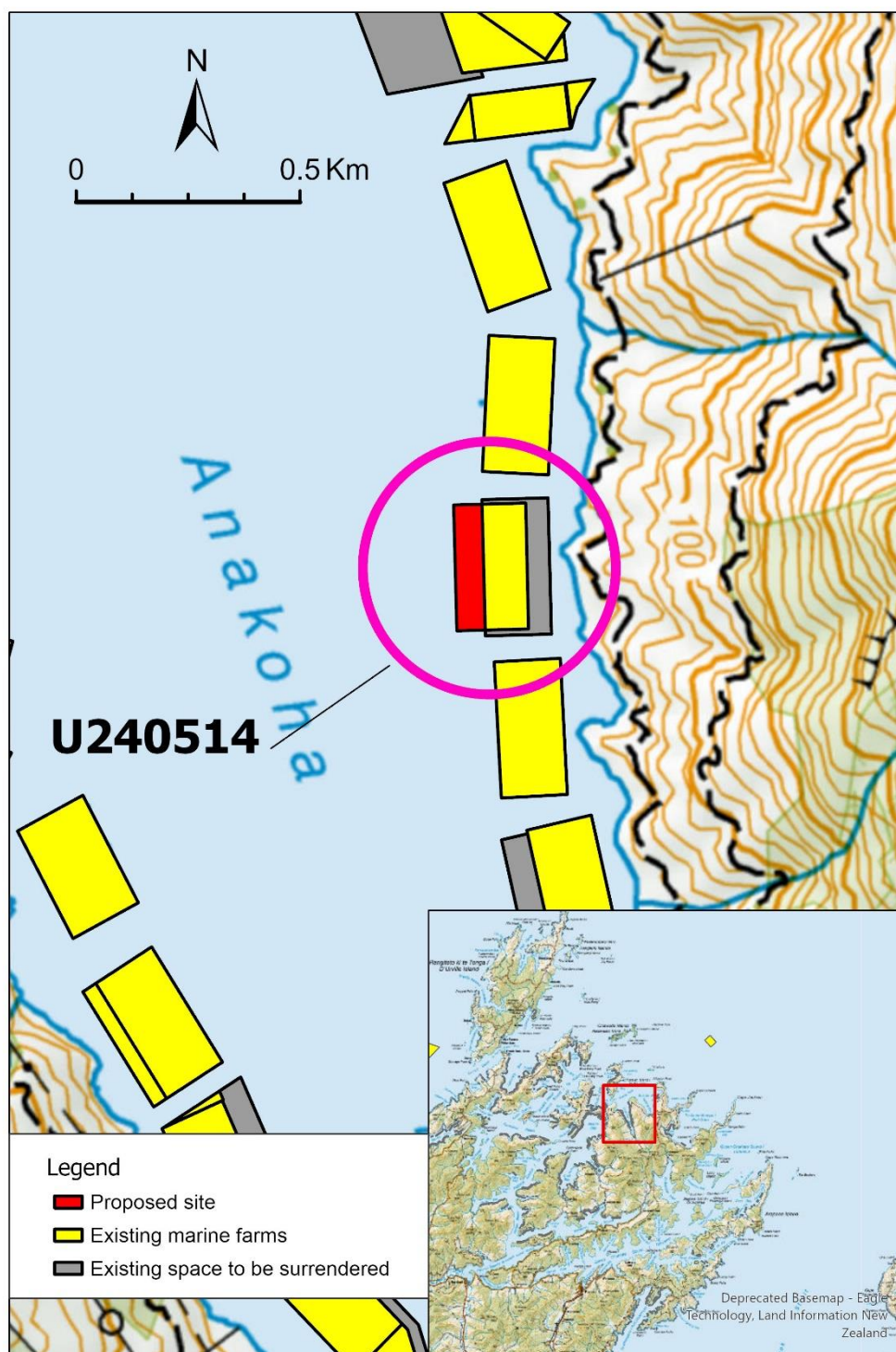
5. Most marine farms in the Marlborough Sounds are currently located within a band of 50 m – 250 m from MLW. The new provisions will require more than 320 individual marine farms to be relocated or realigned to fit within the AMAs over three years. In consenting these farms, all relocated or realigned farms will require an aquaculture decision (UAE test) on the area of the farm previously unconsented.

DESCRIPTION OF FARM

6. Coastal permit U240514 is located within the new AMA under the Council's Variation 1 plan change in Anakoha Bay, Marlborough Sounds (see Map 1). The coastal permit authorises 1.78 ha of new space on the seaward side of the existing consent (the **proposed site**), with equivalent space in the inshore part of the consent to be surrendered.

7. The proposed marine farming structures are conventional marine farming long lines. The distance between the long lines is approximately 19.05 m. Structures lay-out of the proposed site can be found in Appendix A.

8. Water depths at the proposed site range from 20 m – 25 m over a soft benthos of silt and clay. The proposed site is not located in any sensitive ecological areas (Davidson *et al.*, 2023).



Map 1: Location of the proposed site in Anakoha Bay, Marlborough Sounds.²

² Disclaimer: Maps and all accompanying information are intended to be used as a guide only, with other data sources and methods, and should only be used for the purpose for which they were developed. The information shown in the Maps is based on a summary of data obtained from various sources. While all reasonable measures have been taken to ensure the accuracy of the Maps, MPI: (a) gives no warranty or representation in relation to the accuracy, completeness, reliability or fitness for purpose of the Maps; and (b) accepts no liability whatsoever in relation to any loss, damage or other costs relating to any person's use of the Maps, including but not limited to any compilations, derivative works or modifications of the Maps. The maps are subject to Crown copyright administered by MPI. Data Attribution:

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ASSESSMENT

9. The proposed site has been assessed as part of the Variation 1 Report dated 29 April 2024 ([Assessing the effects on fishing - Marlborough District Council Proposed Marlborough Environmental Plan Variation 1 UAE Advice Paper](#)). The Variation 1 report assessed the adverse effects on fishing of all new space created by the AMAs within the enclosed Coastal Management Units (CMUs), including the new space within the proposed site.

10. The Variation 1 report considered the six matters set out in s186GB of the Fisheries Act 1996 and concluded the aquaculture activities authorised by the coastal permits in the AMAs, including the proposed site, will not have an undue adverse effect on fishing. You agreed with that conclusion.

11. Based on the available information, I consider coastal permit U240514 will not have an undue adverse effect on fishing because the proposed site provides an offshore extension to an existing marine farm by 1.78 ha only, with an equivalent inshore area of the consent surrendered. Very little fishing would be displaced from the proposed site. Furthermore:

Recreational and customary fishing

- the main species likely to be targeted by recreational and customary fishers within and around the proposed site are snapper, kahawai, gurnard, tarakihi, flatfish and moki, which are widespread throughout the Marlborough Sounds. The total area of the new space created by the proposed site is small compared to the available area in the Marlborough Sounds (s186GB(1)(a) of the Act);
- the likely effect of the proposed site on recreational or customary fishing is small given the amount of fishing activity known to occur within the site relative to the wider Marlborough Sounds (s186GB(1)(b) of the Act);
- not all recreational or customary fishing methods would be excluded from the proposed site. For example, rod/line fishing, which is the predominant fishing method in the Marlborough Sounds, could still occur within the proposed site. Therefore, the degree to which the aquaculture activities within the site will exclude recreational and customary fishing is negligible (s186GB(1)(c) of the Act);
- alternative areas in the Marlborough Sounds could absorb the recreational and customary fishing displaced from the proposed site. Also, species targeted and caught by customary and recreational fishers are not unique to the site and therefore could be caught and targeted in other areas (s186GB(1)(d) of the Act);
- occupation of the proposed site is unlikely to increase the operating costs of recreational or customary fishing as fishers are unlikely to need to travel greater distances and can still use the most popular fishing methods of rod and handline within and around the site (s186GB(1)(e) of the Act); and
- the cumulative effect on recreational or customary fishing of any authorised aquaculture activities is small given many of the existing aquaculture activities are mussel farms that are popular for recreational fishing, and the alternative areas available for use (s186GB(1)(f) of the Act).

Commercial fishing

- a negligible amount of commercial fishing for mobile finfish species occurs in the proposed site, with the species caught in the area widely distributed and fished across FMA 7 (s186GB(1)(a) of the Act);
- effects on commercial fishing catch will be negligible. CatchMapper estimated that on average 11,025 kgs of fish per year were caught from the footprint of all the marine farms within the AMAs. This was less than 1% of the total commercial catch in FMA 7 for the 2022 – 2023 fishing year. The largest proportion of any fishery caught within the footprints of the AMAs is 0.17% hapuku bass (HPB7) (s186GB(1)(b) of the Act). The proposed site would contribute a negligible proportion of the fish caught within the footprints of the AMAs;
- bottom longlining, longlining, trawling, trolling, potting and set netting would be excluded from the footprint of the proposed site, but available information suggests that the proposed site is not an area with a substantial amount of commercial fishing (s186GB(1)(c) of the Act);
- alternative fishing grounds are available within the FMA for any fishing excluded from the proposed site, given the percentages caught in the proposed site are negligible proportions of the total catch (s186GB(1)(d) of the Act);
- occupation of the proposed site is unlikely to increase the operational cost of commercial fishing as the proposed site will only exclude fishers from a relatively small area, with a negligible amount of fishing displaced (s186GB(1)(e) of the Act); and
- the cumulative effect on commercial fishing of the existing authorised aquaculture activities is relatively small, with the highest effect assessed as 5.28% on SNA7. However, cumulative effects are likely to be less because finfish are mobile and not restricted to the area of existing farms, and the existing authorised aquaculture activities include large seasonal and rotational spat catching sites where fishers can fish for at least six months every year. The amount of additional catch that could be displaced by the proposed site will have a negligible increase on cumulative effects on commercial fishing for any fishstock (s186GB(1)(f) of the Act).

RECOMMENDATION

12. I recommend that you:

- a) **Note** you are required to read the Variation 1 Report before making your decision on coastal permit U240514.

Noted

- b) **Note** the information provided in this report and the Variation 1 Report to inform your aquaculture decision.

Noted

- c) **Agree** to a determination as the aquaculture decision on coastal permit U240514.

Agreed / ~~Not Agreed~~

- d) **Agree** to sign the attached Gazette Notice for publication in the Gazette which notifies your decision.

Agreed / ~~Not Agreed~~

Damian Cloeter
Senior Analyst

Date: 21 August 2024

AQUACULTURE DECISION

13. I am satisfied - based on all relevant information available to me – that the activities proposed for the area authorised by coastal permit U240514 will not have an undue adverse effect on fishing.

14. Accordingly, my decision is a determination for coastal permit U240514.

15. The area of the determination totals 1.78 ha within the following coordinates (NZTM2000):

U240514 (1.78 ha):

Point	Easting	Northing
1	1,692,261.2449482	5,458,690.6358426
2	1,692,196.8600000	5,458,690.4100000
3	1,692,195.8800000	5,458,967.4000000
4	1,692,260.2244756	5,458,967.6282556

16. The reasons for my decision are set out in paragraph 11 in this report.

Signed on the original document

Christine Bowden

Manager, Aquaculture & Fisheries Permitting
Fisheries New Zealand – Tini a Tangaroa
Ministry for Primary Industries – Manatū Ahu Matua
Dated: 21 08 2024

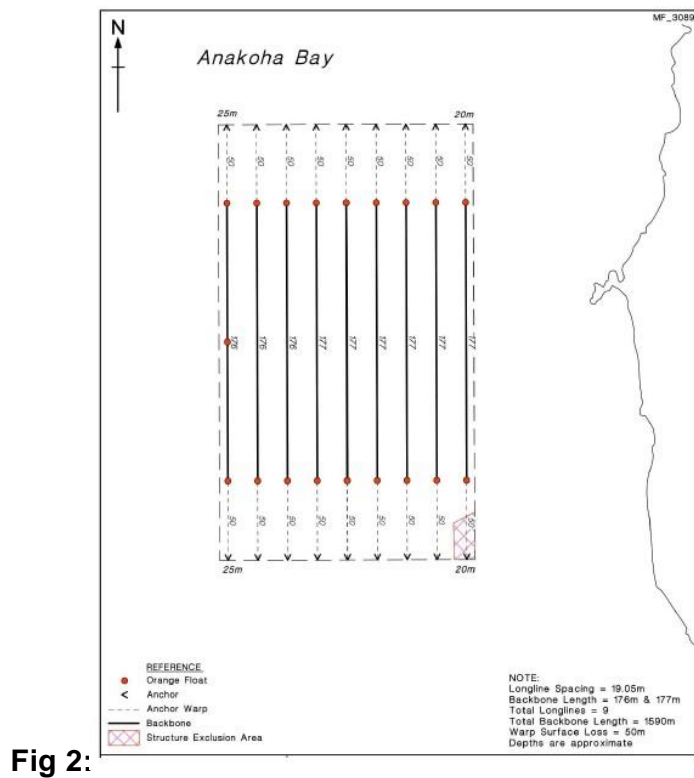
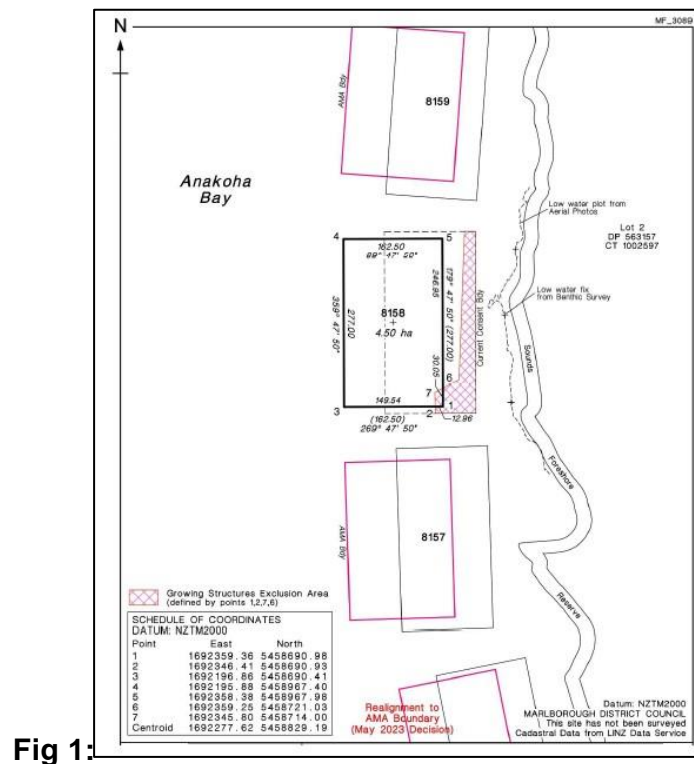
REFERENCES

Davidson, R.J.; Richards, L.A.; Scott-Simmonds, T.; Rayes, C. (2023). *Biological report for the re consenting of marine farm 8150 in inner Anakoha Bay, outer Pelorus Sound*. Prepared by Davidson Environmental Ltd. for Sanford Limited. Survey and monitoring report no. 1207.

Fisheries New Zealand. (2024). *Assessing the effects on fishing – Marlborough District Council Proposed Marlborough Environmental Plan Variation 1 UAE Advice Paper*. Fisheries New Zealand Advice Paper.

APPENDIX A

Site and Structures Map



Figures 1 & 2: Copy of site map showing location of the site and lay-out of structures authorised by coastal permit U240514 (taken from Marlborough District Council coastal permit U240514).