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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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0105	East Bay Conservation Society	
0070	Eastern Seafarms Ltd and Whakatohea Mussels (Opotoki) Ltd	
0100	Environment and Conservation Organisations of NZ Inc	
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0078	Environmental Defence Society	
0073	Forest and Bird Golden bay Branch	
0033	Friends of Golden Bay	
0044	Friends of Nelson Haven and Tasman Bay Inc	
0042	Gold Ridge Marine Farm Ltd	
0007	Griffiths	Liz
0018	Gulf Mussel Farms	
0004	Hammond	Tyson
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0082	Huia Aquaculture Ltd	





## 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*.

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

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



## **East Bay Conservation Society (EBCS)**

EBCS has longstanding and proven credentials to submit on these proposals. The Marlborough District Council has by far the most extensive and longest experience with development of marine farming of any local body and we can claim to have made a valuable contribution and played a significant role in that story.

Please read attached Appendix One, which describes our experience in East Bay, Queen Charlotte Sound and gives background for our responses to the template questions.

Monday 14 August 2017

## ***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 agree with the concept of an NES for marine aquaculture. It can potentially provide a common regulatory environment for the industry and greater certainty for investors, operators, the community and environmental protection. We do not agree with all the detailed proposals put forward.

Consistent, environmentally sustainable and biologically secure farming practises are the proper objective for all types of farming in NZ, and of MPI. We support those objectives and are well aware that Marine Aquaculture is well behind other types of farming in terms of funding for research, biosecurity risk identification, environmental sustainability and standard best practice.

The addition of NES for Marine Farms to the planning framework of the RMA provides a very useful tool for enhancing outcomes for primary industry operating in this natural environment. The NES regulations come under the overarching umbrella of S6 of the RMA, Matters of National Importance - which include the following matters of particular relevance to marine farming.

- (a) the preservation of the natural character of the coastal environment
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (h) the management of significant risks from natural hazards.

We thought that some of the discussion seemed to dismiss the centrality of these concerns to this project. For example, a statement (p13,para1) that "there are also community concerns over environmental limits and cumulative effects", seems to imply in context that environmental limits and cumulative effects of marine farming are not fully recognised. Our own investigations, as well as a substantive body of scientific research, have conclusively proven that these effects are significant and central to this proposal.

The primary focus of the proposals, and of this first question, is on the replacement/extension of existing farms, with the intention of standardisation and simplifying processes which developed somewhat haphazardly. We agree with that practical objective but we do not think that one size fits all the relevant



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situations found in the Marlborough Sounds.

Even if that were not the case, our experience is that the best outcomes result from consideration of local knowledge through a role for local body discretion. This is not possible when restricted discretionary status is imposed on all replacement applications – even with a prescribed list of matters to be considered by Council. We cannot assume these matters cover all foreseeable factors that need to be considered by local bodies now or in the future, yet that is the essence of the restricted discretionary status – only the prescribed matters in NES can be taken into account by the local body.

We find it salutary that the local bodies in Tasman and Waikato Wilson's Bay areas are exempted from this NES, because they have developed appropriate frameworks, appropriate for their location and industry needs, through local consultation. This exemption is also extraordinary as, despite the stated intention, these NES clearly do not provide national standards.

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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 do not think restricted discretionary is an appropriate status for replacement consents for all existing marine farms in Marlborough Sounds.*

It is implicit in Chapter Three discussion that the effects of existing farms were appropriately dealt with by the original consent and have been managed adequately since. We know that is not the case in some of the existing farms in the Marlborough Sounds. They were established at a time when very little information was available about benthic habitat, flow data and environmental effects – and some were put in the wrong place. The experience of King Salmon speaks to this very clearly, but it also applies to mussel farms sited over important benthic reefs, fish nurseries and the long term effects of the farms on other species.

This history must be appreciated in designing NES relating to these farms. We – the industry, council, scientists and community in the Marlborough Sounds - have all learnt from our long standing experience. EBCS does not believe that a restricted discretionary status is adequate to remedy fundamental past mistakes nor to manage risk of some changes that will be sought.

In some instances the appropriate designation should be notified discretionary so that the local body can look at the evidence accumulated over the years, and correct any mistakes in location and species.



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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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For the reasons given above, we consider that the rule framework should include discretionary status. But, as we understand it, that is not being proposed.

We have made recommendations below where we think notified discretionary status should be required.

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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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We strongly agree that replacement consents where supplementary feeding occurs would require additional terms under a restricted discretionary status – if that status was imposed.

However, we consider supplementary feeding adds such biosecurity and environmental dangers to sensitive sites that we consider replacement of such farms should have notified discretionary status – see our response to Q 6.

We note the suggestions on p28 of terms relevant to replacement where supplementary feeding is required, and see that they are included under Reg 13 in Appendix F. We make the point that these terms can be relevant to all replacement applications, or may become so in future, eg see mention in Appendix One of water pollution and starfish predation. It would be simple for any irrelevant conditions, eg no underwater lighting, to be identified by the applicant and council.

We **recommend** that the terms in Reg 13 relating only to supplementary feeding farms are considered for every replacement application and new consent.

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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, along with Appendix B, lists known or supposed environmental impacts of farms without any discussion regarding the size of these effects, or of the existence of environmental limits. There is relevant scientific research that relates to these effects and acceptable limits. We don't think that Appendix G is adequate.

As noted earlier (Q1) S6 of the RMA provides that specific environmental issues are matters of national importance, yet the proposed NES regs (Appendix F) do not mention environmental impacts. It is strange that a "National Environmental Standard" contains almost no actual environmental impacts. Biosecurity does not cover environmental impacts. Appendices B and G are starting points for looking at these matters more thoroughly.

We strongly **recommend** that the size and effect of environmental impacts from the operation of marine farms are more thoroughly incorporated into the NES. See also our response to Q 10.

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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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As noted in response to Q4, we consider supplementary feeding adds such biosecurity and environmental dangers to sensitive sites that we consider replacement of such farms should have notified discretionary status.

It is only by monitoring and reviewing effects, and with up to date scientific studies that the long term effects can be identified and acted upon when replacement is due. The community has played, and will continue to play, an important role in providing evidence for these critical decisions.

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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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See response to Qs 4 and 6

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**Question 8:**

*Should the extent of an acceptable overlap of existing marine farms with*





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*outstanding areas due to margins of error in mapping be defined?*

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Yes.

We agree with the overlap defined in Reg 3(c), 4(b) and Reg 9.

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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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We strongly **recommend** that the areas/values listed in Policy 11 of the NZCPS should be identified as requiring a specific discretion in a similar way to the rules applying to replacement of farms in outstanding landscape.

We **recommend** that replacement applications in outstanding landscape areas should be notified discretionary, (see also Q11 below).

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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 Policy 11 values indicated in the P 30 discussion include significant seabed values and biogenic habitats, including marine mammals and birds. These values are precisely the values of critical importance to the environment in which marine farms are placed. See also the EBCS Appendix.

We commented in response to Q5 that it seems strange the "National Environmental Standard" has almost nothing about actual environmental impacts, and noted that biosecurity does not cover environmental impacts. We **recommended** that the size and effect of environmental impacts from the operation of marine farms should be incorporated into the NES. The inclusion of these values in Reg 2 is a sensible and practicable way to do this.

Although they may not be fully identified in all coastal plans at present, the clear intention under the NZCPS is that these values should be recognised and protected. Non-inclusion in these regs shuts the door on their application in future development of plans. Their exclusion might even be seen as a reason for local bodies not to include such features in future plans.



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The discussion gives as an excuse for exclusion that there are not yet clear boundaries in Plans, so councils must use their discretion. That does not seem a logical reason as inclusion in the Reg 2 category would simply recognise the future identification in Plans of areas with these outstanding natural features. And local bodies will already be exercising discretion in their consideration of possible conditions to be imposed under NES restricted discretionary status.

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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, we **recommend** that the activity status for replacement consents in Reg 2, which includes outstanding landscapes, should be notified discretionary.

This is because marine farms have such profound impact on landscape where, as in the Marlborough Sounds, major recreation and residential activities co-exist with the marine farms. The sight lines are of significance to all who live and go to these areas and enjoy the wild, non industrial features of the natural landscape – increasingly unique as inaccessible in populated areas.

In addition, the presence of marine farms has environmental effects which change the richness and diversity of the animal and bird life in the landscape, eg by reducing the shell types and diversity on the seashore and adding debris from farms, and reducing the habitats for birds and marine mammals. These aspects of the landscape are highly valued by those who go to the Marlborough Sounds.

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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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We **recommend** that the following types of replacement applications should be publicly notified

- Reg 2 replacements (which we also think should incorporate Policy 11 values) for the reasons given above.
  - All replacements that include a change in the species to be farmed, for the reasons given below.
  - Any existing marine farms consented originally under marine farm licences not the RMA so as to ensure they are appropriately located. Grandfathering
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an existing inappropriately situated farm would be an abuse of process.  
(No Assessment of Environmental Effects was presented in the early farm applications and many were placed on top of inappropriate habitat, were installed off site and over sized. This situation has only partly been addressed by renewals to date as most reports have been directly commissioned by the applicant not by MDC. See also Q 17.)

- If our recommendation in Q18 is adopted, applications for renewal would include a complete habitat picture and, if this discloses a sensitive or rare habitat within the benthic footprint, would go to notified discretionary status.
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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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Reg 18 allows the councils to set more "lenient replacement activity classifications than in Regs 2 and 6, so as to align with their regional coastal plans. The discussion gives the example that a Council may wish to make an activity "controlled" because the Council has been through the appropriate planning processes, eg in Northland.

S44A of the RMA uses similar terminology to require a local body to amend the Plan to reflect the NES where it conflicts with a NES. Reg 18 allows the Council to change the classification in the NES if it conflicts with the Plan, in relation to replacement applications. In effect, it negates the application of the RMA provision for replacement applications.

In any case, we find it confusing. The heading for Reg 18 states that plans may have more "lenient or stringent activity classifications". But only leniency is included in the actual words of the reg. So it would appear that this discretion cannot be exercised in favour of plan changes that are more stringent, ie where plans tighten the activity classifications in order to protect or preserve particular situations.

We **recommend** amendment to wording in Reg 18 to clarify its intention.

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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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The exemption provides a strong argument for NES to give more discretion to local bodies, and allow adaptation to suit local situations where this is appropriate. As we noted above, the exemption of local bodies in Tasman and Waikato Wilson's Bay areas is because they have developed appropriate local frameworks, appropriate for their location and industry needs, through local consultation.

On the other hand, the exemption also sends a message that local bodies can opt out of NES. Yet the whole point of NES is to ensure compliance with standards and mitigate risks. If the standards are different in different locations the risks, such as spread of disease or environmental damage, are more likely to eventuate, and may then affect all farms.

We **recommend** that there should not be local body exemption from standards that relate to serious biosecurity and environmental risk.

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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 consider that the RMA planning and consultation processes should be followed in identifying locations of importance to both aquaculture and the public.

We submitted against the recent King Salmon attempt to set aside sites in a process separate from normal planning processes. We would not support provisions that might allow this kind of special treatment for aquaculture. If there are sites that are important to aquaculture and not important to the rest of the community, the planning framework would enable development of those sites for aquaculture.

The reality, from our experience in Marlborough, is that many current aquaculture sites are in places of high public value. It follows that these particular sites should actually be protected for the public, not industry, by the planning framework.

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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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The MDC Aquaculture Plan is still being developed and is not yet publicly



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available. It is vital that these Regs do not constrain the development of that Plan by making rules for replacement that, in effect, give license to existing farms to occupy areas that may be inappropriate.

Some of the discussion suggests that the writers consider the MDC Aquaculture Plan is settled. However, a MDC official said recently that “not all the details are being released during the review period in order to protect the integrity of the process and maintain the trust of the participants. There will be a public consultation stage”<sup>1</sup>. Exclusion of meaningful public consultation on this Plan, because of NES regs, would negate community involvement in critical planning decisions and be an abuse of the RMA process.

The discussion offers a way to manage future planning if that conflicts with the existing siting of marine farms. It proposes (P33) that a discretionary activity rule should be included in the NES to cover the situation where future planning determines that some existing marine farms occupy inappropriate locations. In our view, such a rule should also provide a fair but limited time solution for affected farms to adjust to the new activity status for that location. This would prevent the gazumping situation alluded to above where the NES Regs could shut down consultation on a relevant Plan that is still underway. It would ensure the integrity of any planning processes underway in local bodies at the time the NES comes into force.

(We are uncertain whether the Rule discussed on p33 is in the Appendix F regs? This may be the purpose of Reg 18, but as discussed above (Q13) we find that wording confused, and it does not indicate that there should be a fair but limited time for affected farms to adjust to the new situation.)

We **agree** that a rule to ensure alignment of the NES with future planning that may change the activity classification should be included. We **recommend** that a rule should provide a fair but limited time solution for affected farms to adjust to a new activity status for that location introduced in a future plan.

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Further in relation to future planning, Policy 11 of NZCPS has values considered significant in future planning. For this reason we **recommended** (Q10) that the existence of relevant and significant environmental impacts should be incorporated into the NES, and that the inclusion of the Policy 11 Values in the NZCPS in Reg 2 is a way to do this.

We can confidently expect future dynamic changes in marine farming and population spread and councils need to be empowered to manage these changes without rigid constraints. This is why we have **recommended** notified discretionary status for replacement applications in areas of particular landscape and environmental sensitivity, and where a change of species is sought.

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<sup>1</sup> Update to Sounds Advisory Group



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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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Agree in part.

A distinction should be made where there has been no independent Assessment of Environmental Effects meeting current best practice. In those cases Restricted Discretionary Status does not give the receiving environment adequate protection. In the experience of EBCS many of the early farms are less than 10ha and these are the ones that are most inappropriately sited. All aquaculture changes (including realignment under 10Ha) should first pass the test of sensitivity. If there are no values that will be undermined by the realignment only then should that application be treated as Restricted Discretionary.

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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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EBCS suggests that all Assessments of Environmental Effects for aquaculture renewals to present a complete habitat picture within the benthic footprint of the farm for initial triage appraisal by the consenting authority. If any sensitive or rare habitats are impacted by the renewal then that renewal should automatically be treated as notified discretionary and go to a full hearing of affected parties so that effects can be considered under current best practices.

We **recommend** that applications for renewal should include a complete habitat picture and, if this discloses that a rare or sensitive habitat within the benthic footprint, go to notified discretionary status.

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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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We consider the matters as defined are all relevant, and in addition have **recommended** (Q4) that the matters in Reg 13 should be applied to all farms not just those with supplementary feeding. It would be simple for applicants and council to exclude any irrelevant factors from consideration.



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**Question 20:**

*Should the proposed NES address change in farmed species?*

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Yes

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We strongly **recommend** that a change in species should be a discretionary activity, requiring notification.

The complexity of the matters involved, and the length of the list suggest very strongly that the local body should hear from all those with relevant information or affected by the possible change. In addition, there are high biosecurity risks with changes in species, not well understood at present, and minimisation of those wider risks are very important.

EBCS is very concerned about the increased risk of transmission of bacterial, viral, parasitic or fungal diseases from the farmed fish into the native fish populations. The risk of this is far greater if the fish farmed are native species.

Biosecurity risks can be expected to expand as marine farming expands and accountable management of those risks is only beginning. It seems unreasonable and in fact irresponsible to put the responsibility for managing such risk solely on oversight by the Council and the industry. Our long standing experience is that the current resources of local bodies are insufficient for the level of investigation and analysis that the proposed Regs for restricted discretionary status will require.

We consider that the matters listed for the Council to consider if setting conditions under a restricted discretionary status would provide a very useful basis for consideration by Council, applicants and interested parties under a notified consent process.

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**Question 21:**

*Should the proposed NES limit the species it relates to?*

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As noted above, we believe that a change in species requires notification.

In case our recommendation above is not followed, we comment here on a potential change from shell-fish to fin-fish, which would have a huge increase in environmental impacts. Category 4 in the Regs allows the "addition of one or more species to a finfish farm" which would not allow, for example, mussel farms to become fin fish farms. Reg 44(c) states that a "complete change in farm species



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from a non-fed species to finfish” is not covered by these regs. But a question remains as to what the word “complete” in this context might mean?

We would not agree with a change from shellfish to finfish farm without notification, if that were contemplated and recommend that Reg 44 should be very clear on this point.

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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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As noted above, we believe that all change in species requires notification. The issues identified here re structures provide useful guidance.

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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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As noted above, we believe that a change in species requires notification.

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**Question 24:**

*Should herbivorous finfish be treated differently from carnivorous finfish?*

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As noted above, we believe that a change in species requires notification.

One of our reasons is that there is insufficient scientific evidence about the wider effects of such changes, which includes the differences in management, environmental impacts and biosecurity risks between herbivorous and carnivorous finfish.

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**Question 25:**

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

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As noted above, we believe that a change in species requires notification.

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**Question 26:**

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

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No, for the reasons give above.

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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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As noted above, we believe that all change in species requires notification.

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**Question 28:**

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

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As noted above, we believe that a change in species requires notification.

Another reason, in addition to those already given, is illustrated by this question. It is not possible to be certain at this point in time that the regs include all the issues of discretion that should be taken into consideration. There needs to be flexibility for local bodies to learn from the growth of knowledge and take into account significant matters that have yet to be identified.

At a time when marine aquaculture science and the industry is fast expanding, a rush to provide a rigid framework in relation to all species seems dangerous for the environment, the industry and the wider NZ community.

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**Question 29:**

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

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As noted above, we believe that a change in species requires notification.

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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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We have **recommended** (Qs9,10 ) that the areas/values listed in Policy 11 of the



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NZCPS should be identified as requiring a specific discretion in a similar way to the rules applying to replacement of farms in outstanding landscape.

We also **recommend** (see Q41) that all re consented aquaculture applications have a condition of consent added to prohibit any plastic from entering the environment unless it is attached to the farm

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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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As noted above, we believe that a change in species requires notification.

We have **recommended** (Q11) that the activity status for replacement consents in Reg 2, which includes outstanding landscapes, should be notified discretionary.

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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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We read this question as asking about all applications not just replacement changes?

We consider that new consent applications for all species in the Marlborough Sounds should be notified, even if the location is zoned for marine farming. The enclosed Sounds are a place with multiple users and activities, quite unlike private ownership of land. We consider notification of new applications to be vital as a matter of public information and accountability, and to ensure that all interests are transparent and treated equitably.

Community consultation on this point is one of the important matters included in the, as yet unpublished, MDC Aquaculture Plan. We are not opposed to limited notification and consultation, if that is possible and responsible in the particular circumstances.

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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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We consider the BioMP concept to be a good concept for both replacement applications and new consents, and in fact are surprised if similar plans are not already standard practice.

We suggest that designing efficient electronic processes for those preparing, monitoring and updating BioMP's in accordance with the regs is important.

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**Question 34:**

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

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We consider a deadline of approximately 8 years far too long to wait for existing farms to implement the biosecurity and other protections that the BioMPs require. We assume that for many operators the elements of such plans are part of their management practises.

We **recommend** that all farms should have BioMPs in place as soon as practicable and in any case within 3 years of the regs being in force.

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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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We **recommend** a nationally consistent approach to BioMPs but suggest that it could allow the addition of matters unique to specific locations, eg managing specific biosecurity risks relating to sea temperature that may differ in different locations.

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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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No comment possible without considerably more time for submissions.

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**Question 37:**

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



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We support this approach but its efficacy remains to be tested. We are surprised that there is not more discussion about the critical factors required to ensure it does not simply remain a bureaucratic tickbox.

We **recommend** that adequate funding for expert advice and to promote research is provided and equitably split between industry, local and central government. In comparison with other primary industries, there is a long way to go in this respect.

See also our response to Q38 below

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### Question 38:

*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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This is critical matter for the efficacy of BioMP, and whether they can achieve anything at all. Independent, professional experts must be used and local bodies must have the means to fund this expertise, as noted above. We have experience of biased expert reports presented by marine farm operators.

Our experience is also that councils are typically, and understandably, reactive in the sense that they investigate breaches after being notified by the public. For this reason there must be a process for members of the public to notify councils where a BioMP plan is not being followed or risk is observed.

We **recommend** that the Regs require BioMPs to be publicly available, along with the audit reports and measures undertaken by council, under normal LGOIMA provisions.

Enforcement is another critical factor that does not seem to be included in the Regs at present. We consider local bodies must be empowered to impose consequences on farms that fail to implement their BioMP, or if a breach of conditions causes significant damage or spread of disease. The consequences for minor breaches should be credible, speedy and proportionate and not require a Court Enforcement Order. We consider that there should be power to order removal of farms for breaches that result in serious risk.

We strongly **recommend** that the Regs include proportionate consequences for non compliance breach and that removal of farms should be possible as a consequence of breaches resulting in serious risks or damage.

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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, existing coastal permits should be reviewed and required to prepare BioMPs.

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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, marine aquaculture monitoring and reporting as well as external auditing and enforcement of BioMP implementation is necessary so that operators adopt best practise and are accountable.

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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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EBCS has consistently advocated for appropriate coastal occupancy charges to be imposed on marine farms, as in some other locations, in order to offset Council costs of research, monitoring and enforcement. In our experience MDC, as a small council, could not allocate sufficient resources to these functions and local communities bear the practical consequences and cost burdens.

In addition to the costs to the community of constantly responding to applications, Council Plans, NES submissions, there are the real costs of cleaning up the receiving environment damaged by Aquaculture. While some of these costs are met by time if the farms are removed entirely (which seldom happens) some costs are irreversible like plastic and heavy metal pollution. Until councils actually factor in the real cost of pollution the real cost benefit analysis of Aquaculture cannot be assessed.

EBCS **recommends** that all re consented aquaculture applications have a condition of consent added to prohibit any plastic from entering the environment unless it is attached to the farm.

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**Question 42:**



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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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We do not consider the range of costs to be accurately reflected nor all costs identified, as also noted above. We do not find the cost/benefit analysis credible.

We note that the estimate for the costs to Councils across NZ seem quite unrealistic for the scale of the new functions required. Assumptions behind estimates of both costs and benefits of monitoring environmental effects and any conditions imposed on marine aquaculture seem inadequate.

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

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Thank you for the opportunity to provide input to these NES proposals. We agree with the broad NES approach and want to acknowledge the thorough work and clearly set out documentation that comprises the package presented on this most complex topic.

We have some substantive disagreements with the detail of the proposals. In particular, we don't think the restricted discretionary approach is appropriate for all replacement applications.

We suggest that the BioMPs regs will be ineffective unless Councils are appropriately supported and funded to carry out the functions in relation to both replacements and new consents. MPI should not be under an illusion that imposing a biosecurity management plan requirement on the industry, monitored by local bodies, will necessarily streamline processes and lead to sustainable, economically sound outcomes.

For convenience we list here our recommendations that add to, or differ from, the proposals in the regs.

1. We **recommend** that the terms in Reg 13 relating only to supplementary feeding farms are considered for every replacement application and new consent.
  2. We strongly **recommend** that the size and effect of environmental impacts from the operation of marine farms are more thoroughly incorporated into the NES.
  3. We **recommend** that the activity status for replacement consents in Reg 2, which includes outstanding landscapes, should be notified discretionary.
-



4. We strongly **recommend** that the areas/values listed in Policy 11 of the NZCPS should be identified as requiring a specific discretion in a similar way to the rules applying to replacement of farms in outstanding landscape
5. We **recommend** amendment to the wording in Reg 18 to clarify its intention.
6. We **recommend** that there should not be local body exemption from standards that relate to serious biosecurity and environmental risk.
7. We **recommend** that a rule should provide a fair but limited time solution for affected farms to adjust to a new activity status for that location introduced in a future plan.
8. We **recommend** that applications for renewal should include a complete habitat picture and, if this discloses that a rare or sensitive habitat within the benthic footprint, go to notified discretionary status.
9. We strongly **recommend** that a change in species should be a discretionary activity, requiring notification.
10. We **recommend** that all farms should have BioMPs in place as soon as practicable and in any case within 3 years of the regs being in force.
11. We **recommend** a nationally consistent approach to BioMPs but suggest that it could allow the addition of matters unique to specific locations, eg managing specific biosecurity risks relating to sea temperature that may differ in different locations.
12. We **recommend** that adequate funding for expert advice and to promote research is provided and equitably split between industry, local and central government.
13. We **recommend** that the Regs require BioMPs to be publicly available, along with the audit reports and measures undertaken by council, under normal LGOIMA provisions.
14. We strongly **recommend** that the Regs include proportionate consequences for noncompliance breach and that removal of farms should be possible as a consequence of breaches resulting in serious risks or damage.
15. EBCS **recommends** that all reconsented aquaculture applications have a condition added to prohibit any plastic from entering the environment unless it is attached to the farm.

**Summary** of the types of replacement applications we consider should be publicly notified

- Reg 2 replacements (which we also think should incorporate Policy 11 values).
- All replacements that include a change in the species to be farmed, for the reasons given below.



- 
- Any existing marine farms consented originally under marine farm licences not the RMA, so as to ensure they are appropriately located. Grandfathering an existing inappropriately situated farm would be an abuse of process.

(No Assessment of Environmental Effects was presented in the early farm applications and many were placed on top of inappropriate habitat, were installed off site and over sized. This situation has only partly been addressed by renewals to date as most reports have been directly commissioned by the applicant not by MDC. See also Q 17.)

- If our recommendation in Q18 is adopted, applications for renewal would include a complete habitat picture and, if this discloses a sensitive or rare habitat within the benthic footprint, would take notified discretionary status.
-



**Appendix One**  
**East Bay Conservation Society Incorporated (EBCS)**

**Submission on**  
**National Environment Strategy (NES) for Marine Aquaculture**

Monday, 14 August 2017

**1. Introduction**

- 1.1. My name is Mark Denize. I am the President of the East Bay Conservation Society Incorporated or EBCS, as we are generally known.
- 1.2. Based on the information provided, EBCS opposes some of the detail in the proposed NES for Marine Aquaculture. Our opposition stems from our experience with Aquaculture practices over the last 20 years. Our experience has shown us that often local knowledge is the only way to ensure that local values are identified and assessed in a way that protects the receiving environment.

**2. East Bay Conservation Society**

- 2.1. The members of EBCS are principally, but not exclusively, families who own or use property in the Te Aroha and Puriri Bay arms of Otanerau Bay at the southern end of East Bay.
- 2.2. This proposed NES, if passed, will remove the community input to what has become a dominant feature of our valued environment (Marine Aquaculture).
- 2.3. My family is currently the only permanent resident in the bay. A demographic shift, created by the death in recent years of six senior members of EBCS families has seen the transfer of other members' family homes to intermittently occupied holiday homes. The part-time owners are based in Wellington, Blenheim, Nelson, Pohara, Tutaki, Christchurch and North Canterbury. They include Puriri Preservation Ltd, a company of 23 shareholder families who use their property on a rostered basis throughout the year. All of the houses are used by multiple family groupings so the number of houses is not indicative of total residents over the course of a year. I speak today on behalf of well over 100 people.
- 2.4. EBCS was formed and incorporated in 2001 to provide a voice for the protection of recognised ecological values in East Bay. Since then, EBCS has been fully engaged in all resource planning issues for this locality, including contributing to the development of the new combined Marlborough Sounds Resource Management Plan and Regional Policy Statement, following an invitation by the Marlborough District Council to join the Marine Focus Group. In relation to stewardship of coastal marine areas in more recent times, we have made substantial submissions to the Boards of Inquiry for the New

## Submission No:0105

Zealand King Salmon application (based on our 20 year experience with the salmon farm in Otanerau Bay), the NZ Coastal Policy Statement 2010 and the Aquaculture Legislation Amendment (No 3) Bill.

### 3. Background to EBCS Involvement in East Bay Aquaculture Matters

- 3.1. We are conscious that historical knowledge of the Society's involvement in coastal marine issues has perhaps been lost with changes to councillors and staff and we are anxious to reassure Ministry for Primary Industries that we are not a community group focussed solely on NIMBY issues designed to protect our patch. Nor are we opposed to the development of aquaculture as an economic mainstay of the Marlborough economy.
- 3.2. Our principal concerns at the outset of the 1999 "gold rush" that triggered our involvement in aquaculture issues were:
  - 3.2.1. the inadequacy of the scientific data supporting the 19 new applications in East Bay and
  - 3.2.2. the inappropriateness of the sites chosen due to the presence of habitats for rare species (e.g. brachiopods, horse mussels, burrowing anemone) and habitats for recruitment of popular fishing species (e.g. blue cod, scallops).
  - 3.2.3. Our focus has remained throughout on the promotion of sustainable management of aquaculture and recognition by all parties of the need for relevant and rigorous baseline research to determine where it is appropriate to locate this industry in the coastal marine area. This is the principal reason for our submission today.
  - 3.2.4. Of the 19 applications for coastal permits in the bay in 1999, including the Salmon farm site at Parea Point, five applications were withdrawn either prior to council hearing dates being set or after council had refused resource consent.
- 3.3. EBCS was involved in the appeals of the remaining 14 council decisions and submitted detailed evidence to the Environment Court on 4 applications. Two appeals were given full hearings in court, one in 2004 involving sites in the Onauku arm of East Bay and this Parea Point site in 2006. Of the 14 applications under appeal:
  - 3.3.1. 4 were voluntarily withdrawn by the applicant,
  - 3.3.2. 1 was significantly reduced in area to accommodate anchor blocks only,
  - 3.3.3. 1 was reduced in area to avoid a significant reef and inshore habitat,
  - 3.3.4. 1 (Parea Point) was granted but under an adaptive management regime with permission for only 3 of the 9 longlines initially applied for to be installed,

- 3.3.5. 7 were withdrawn by the applicants in acknowledgement of the benthic information brought to the table by EBCS.
- 3.4. EBCS did an independent investigation of the seabed biodiversity for the 2004 and 2006 appeals at the locations of the proposed new farms mentioned above. The field work was done voluntarily by our members. MFish has a qualification they grant to biologists who they regard as competent to investigate seabed ecology and has granted that qualification to our member Ben Wybourne who has an aquaculture degree (ref: MFish Science Group Scientific Review East Bay August 2006). As a result of the data collected, the Society was able to engage expert witnesses to prepare and present evidence about East Bay to the Environment Court and subsequently the Ministry of Fisheries on:
- 3.4.1. the benthic data reported by Ben,
  - 3.4.2. recruitment to the blue cod and scallop fisheries,
  - 3.4.3. modelling of wind driven currents showing, by comparison, that tidal currents in East Bay on which the applicants' evidence was based, are insignificant in comparison to wind driven currents and consequent distribution of sediments from marine farms,
  - 3.4.4. the quantity of fine sediment created by growing mussels,
  - 3.4.5. dispersal of fine sediment by currents,
  - 3.4.6. the effect of this fine sediment on the indigenous biodiversity of the seabed within the likely footprint of each application,
  - 3.4.7. the landscape,
  - 3.4.8. navigational issues,
  - 3.4.9. the planning regime.
- 3.5. EBCS has been recognised by the Ministry of Fisheries as an environmental stakeholder since 2001. In this capacity we have been consulted on all applications for marine farming permits in the bay. In August 2006 all of the papers concerned with the benthic and hydrodynamic evidence above were peer reviewed by the Ministry of Fisheries Science Group and judged to be scientifically adequate to use as a part of all the research results that need to be considered to make an informed assessment of potential impacts of proposed developments on the aquatic environment in East Bay (Ref: MFish Science Group Scientific Review East Bay August 2006). These data were integral to the Chief Executive's assessment of the applicant's FRIA in determining the issue of Marine Farming Permit Number: MF 936 that expired on 25 September 2011. (Ref: MFish Final Decision Paper 13 April 2011, C18-703)

## 4. The NES for Marine Aquaculture - Our Main Concerns

### The Process

- 4.1. EBCS saw the proposed NES Aquaculture for the first time on 2/8/17 just after the minutes of the Sounds advisory group was sent to us. We do not think the remaining time (until the deadline of 8/8/17) was anywhere near enough for us to give adequate consideration to the entire NES – Aquaculture. However we are grateful to MPI for allowing an extension and hope that our submission will be useful in achieving a balance between speedy renewal of Aquaculture consents and protection of the environment.

### The cost of the renewal process

- 4.2. Much has been made by the industry of the user pays cost of the renewal consenting process. However this cost is minuscule compared to the profits accrued over the last consent cycle from the use of the public estate by aquaculture companies, without any compensation to those communities. Those communities, including EBCS, have spent tens of thousands of dollars defending the receiving environment without any revenue or recovery of costs.
- 4.3. In addition to date no coastal occupancy charges have been charged in Marlborough.

### What would be better?

- 4.4. EBCS submits that all aquaculture replacement consents that impact on important values for the community and the environment should be notified discretionary, and that coastal occupancy charges be levied on aquaculture to pay for independent sound science. That would give us confidence that the receiving environment is being protected instead of degraded by aquaculture

### Existing farms inappropriately sited

- 4.5. Many of the existing marine farms in East bay were consented originally under marine farm licences not under the RMA. At this time the main concerns were navigation and direct impact on residential activity. No AEE was presented in the very early farm applications and this meant that many were placed on top of inappropriate habitat and were installed off site and over sized. This situation has only partly been addressed by renewals to date with most science directly commissioned by the applicant and not commissioned by the Marlborough District Council or any independent 3rd Party.

### Change of species

- 4.6. There are huge issues associated with some changes of Aquaculture species especially if it is a change from filter feeders such as GSM to a fed species such as fin fish. Some include:-

- 4.6.1. Increase in Benthic deposition of nutrients resulting in a reduction of habitat
- 4.6.2. Increase of predators and scavengers such as seals and gulls
- 4.6.3. Increase in the frequency and volume of noise and shipping traffic (24/7 generators for example)
- 4.6.4. Increase in impact on landscape values with the change in built infrastructure such as large buildings and marine farm lights all night.
- 4.6.5. An increase in impacts on the fauna of the receiving environment (such as the effect of a change of diet and night lights on native species of bait fish)
- 4.6.6. A change to finfish also brings an increased risk of transmission of bacterial, viral, parasitic or fungal diseases from the farmed fish into the native fish populations. The risk of this is far greater if the fish farmed are native species.
- 4.6.7. Increased risk of the introduction of noxious marine pests from the farms themselves and the increased boat traffic. [The sea squirt is an example of this.]

### **Benthic Issues**

- 4.7. Concentration of Nutrients
- 4.8. Feeding and enhancing predator populations like seals and 11 arm starfish
- 4.9. Damage to nursery fisheries
- 4.10. Damage to rare and native species

### **Effects of Sedimentation on Habitat**

- 4.11. The photograph below shows two samples of soft sediment taken from 40m in East Bay. The jar on the left shows healthy oxygenated sediment taken from a control site away from aquaculture structures. The other jar shows typical anoxic sediment taken from down current of a line of Green shell Mussel farms. This change can be found under both finfish and Shellfish aquaculture and is most damaging to sensitive habitat such as hard bottom, rocky and coarse habitats favoured by all manner of species.



4.12. Most of these species are excluded by the smothering effect of the toxic sediment that results from concentrated nutrient waste. EBCS submits that local communities are often the only ones with sufficient local knowledge to know where structures such as reefs are.

4.13. It is EBCSs experience that dive surveys by themselves seldom find all these habitats. One way to assess a whole site (in Marlborough anyway) quickly and easily could be to use the recent side scan sonar survey done by NIWA. EBCS understands that this survey included the Benthic habitat under Marlborough aquaculture structures and this survey shows what type of habitat existed at that time in detail.

**What would be better?**

4.14. EBCS would like to see all Assessments for Environmental Effects for aquaculture renewals present a complete habitat picture within the benthic footprint of the farm for initial triage appraisal by the consenting authority. If ANY sensitive or rare habitats are impacted by the renewal then that renewal should automatically be treated as notified discretionary and go to a full hearing of affected parties so that effects can be considered under current Best Practices at that time.

- 4.15. MDC produced a report entitled 'Ecologically Significant Marine Sites in Marlborough, New Zealand' in September 2011. It identified numerous sites in the Marlborough Sounds that deemed ecologically significant, several of which were in East Bay (4.20 to 4.25). These areas should be protected from future farming activities.

### 5. Hector's Dolphins

- 5.1. No one really knows if the Hector's Dolphins, or other dolphins have been affected by the aquaculture in East Bay as no-one has studied it. I have observed Hector's dolphins in my area for many years and never seen them anywhere near a mussel farm, so find it hard to believe that there is no effect.
- 5.2. Removing public input for Aquaculture renewals will remove one avenue for the public to add to the knowledge of the habitat of these rare and endangered species

### 6. Landscape

- 6.1. I refer to our experience of one Environment Court in East Bay case Decision *W106/2006* relating to a marine farm at Parea point.
- 6.2. Parea Pt is one of just three Peninsulas (where you need to make a 180 degree course change to follow the coastline) in East Bay that make up the primary features that EBCS members recognise as an outstanding landscape. These peninsulas (Parea Pt, Matiere Pt and Clark Pt) mimic the ends of Long Island and Cape Jackson when viewed from the elevated viewpoint of our members' properties.
- 6.3. We found support on landscape and natural character issues in the Environment court Decision *W106/2006* in 2006 when the court accepted that the matter was "finely balanced"
- 6.4. The applicant's landscape expert, Mr Langridge reversed his position on a key section 6 matter at the hearing. In his written brief he clearly did not consider the landscape behind the farm to be an outstanding natural landscape as it fell outside an area of Outstanding Landscape Value in the Plan (EIC para 5.21). However, on questioning from the Court he accepted that Parea Point was in fact an outstanding natural landscape. (Transcript 14 Feb 2006 p93).
- 6.5. This was a critical matter since the decision notes that "We acknowledge the issue is finely balanced as we do not wish to compromise what is an outstanding landscape behind the farm" (para 112)
- 6.6. The NZ coastal Policy statement 2010 contains seven objectives. EBCS believes the first two are very relevant to landscape considerations:
- 6.6.1. Preserving the Coastal environment

## 6.6.2. Preserving natural character and protecting natural features and landscapes

### 7. Navigation

- 7.1. The NES Aquaculture appears to support moving existing aquaculture away from the shore with no increase in size. Most existing farms in East Bay are consented to be between 50 and 200m from shore (i.e.150m) yet the proposal is to allow them to be 100-300m from shore an increase of 50m or 33% in area into bays that are often only 500m wide. This would have a major impact on night time navigation in certain areas.
- 7.2. EBCS submits that where local values of benthic diversity, landscape and Navigation are ENHANCED by a move off shore it should be able to be achieved in consultation with the local community. However this should be achieved by at least making a restricted notification to those parties directly affected by the proposed move.

### 8. Residential and Recreational Amenity Values

- 8.1. East Bay was one of the earliest settlement areas in the Cook Strait region after the arrival of the first European immigrants in 1840. The flatter areas around the shoreline of Otanerau Bay received title through some of the first Crown Grants issued in 1860.
- 8.2. The many archaeological sites around the bay are testimony to the generations of iwi who have resided there over several centuries and our members feel a great affinity for the history that has preceded our tenure of the land.
- 8.3. There has always been a high residential amenity provided by the areas of flatter land and more gentle lower slopes of Otanerau Bay. This is enhanced by ready access to a wide variety of seafood. The opportunities to utilise these amenity values will increase in the future with the availability of new residential sections in the Otanerau Bay basin.
- 8.4. Aquaculture applicants have described the bay as a working environment. We suggest it could equally be described as a residential and natural environment that is worth preserving for future generations to enjoy, with the presence of existing marine farms and houses carefully balanced. EBCS suggests that the introduction of larger mussel farms further from the shore (closer to the middle of the bay) will tip the balance towards marine farming. This has the potential to discourage people from taking up the opportunities currently provided for the development of new holiday homes.

### 9. Fishing

- 9.1. This area is a popular fishing spot. Despite the assertion by the aquaculture industry that GSM farms act as a good place to fish, most boats avoid the existing farms. They may be put off anchoring due to concern that they will get caught up in the mussel farm mooring warps. This is essentially an alienation of public space.



## 10. Mussel Farm Debris

10.1. I believe 50% of the rubbish that NZKS (who are responsible for beach clean ups in our area) have been collecting from the beaches is actually from the mussel farms. The worst rubbish comes from the small pieces of rope such as those shown below in the boxes. Because the pieces are so small they are not possible to pick up before they are broken up and distributed widely.

10.2. Despite organised beach clean ups, I have never walked across the beach in front of our property without picking up at least some aquaculture plastic waste. Although a specific complaint has been made to the Marlborough District Council no attempt was made to prosecute the offending vessel. It is EBCS submission that our generation has a responsibility to put real measures in place to stop plastic being discarded into the environment. Removing public input to consent conditions will make the problem of plastic in the environment even worse not better.



## 11. CONCLUSION

EBCS **recommends** that farms that threaten the values of the receiving environment are re consented as notified discretionary, as identified in our template submission.

EBCS **recommends** that all re consented aquaculture applications have a condition of consent added to make it clear that it is prohibited for any plastic to enter the environment unless it is attached to the farm.



**Eastern Seafarms Ltd and Whakatohea Mussels (Opotiki) Ltd  
Submission on Proposed National Environmental Standards  
With reference to the MPI Consultation Document June 2017.**

This submission dated 5<sup>th</sup> of August 2017

**Contacts:** John Wilson, Email: [REDACTED], Phone [REDACTED]  
Peter Vitasovich, Email: [REDACTED], Phone: [REDACTED]

Postal address: [REDACTED], Opotiki 3162

## **1. Introduction**

Eastern Seafarms holds a resource consent for a mussel farm offshore from Opotiki in the Eastern Bay of Plenty. Whakatohea Mussels (Opotiki) Ltd, is involved in developing and operating this farm as well as providing farm servicing to other mussel farmers.

This submission is primarily focused on matters of direct concern to these companies however some comments are made on wider issues.

## **2. Aquaculture New Zealand submission**

The Aquaculture New Zealand submission made on behalf of the whole aquaculture industry is broadly supported.

## **3. General**

The intent of the proposed National Environmental Standard (NES) is supported. The introduction of an NES with provisions as generally proposed in the Document is broadly supported. - Some specific provisions such as those where changes have been requested below or in the Aquaculture NZ submission excepted.

## **4. Lowest common denominator**

A potential problem with introducing this sort of standard is the risk of arriving at a lowest common denominator, which improves the situation for some but makes the situation worse for others. The Consultation Document (the Document) includes the following measures to minimise this risk:

- a) where existing or future rules are more lenient than those proposed in the standard, the more lenient rules should apply,
- b) areas with competent plan provisions such as Tasman and Waikato are excluded from the NES.

These measures are strongly supported.

## 5. Bay of Plenty Regional Plan

The Bay of Plenty Regional Coastal Plan also contains competent provisions for aquaculture. These provisions have been arrived at through an extensive public planning process, including Environment Court mediation. Eastern Seafarms has been fully involved in this plan process. There is a risk that despite the best intentions on the part of those drafting the NES, that the NES imposes rules that are less enabling than those in the current plan.

## 6. Specific example of a Bay of Plenty issue if the NES is introduced as proposed in appendix F.

The provisions in appendix F are complex but as currently drafted they appear to create a potential restriction for renewal of aquaculture consents in the Bay of Plenty, compared to the current plan rules.

Plan rule 2 A. relates to the renewal of aquaculture consents and specifies that renewal of existing consents is a controlled activity and allows that the area of the marine farm can be extended by not more than 10%.

Proposed NES Provision 8 says that if an application falls outside of provision 7 a), b), or c) then the application is **classified as an application for new space** and falls outside these provisions.

If an application is made that seeks to increase the area of the consent then it would not comply with 7 c) and would be classified as an application for new space. It would then appear that the provisions in rule 2A would no longer be available i.e. – the application could no longer be dealt with as a controlled activity as rule 2A only applies to re consenting of existing space.

This appears to mean that the rule 2A. provision to increase the area of a consent on renewal by not more than 10% and still have the renewal treated as a controlled activity would no longer be available under the NES.

This particular example should be able to be dealt with by appropriate drafting but it highlights that unintended consequences from the introduction of the NES are possible.

### Actions requested:

That great care is taken over the drafting of the NES to achieve the stated intention that regional plan rules which are more lenient than the rules in the NES are retained.

That the NES provisions be drafted in a way that prevents the potential problem outlined above.

**7. Non-notification of applications for re-consenting (except where statutory notification is required)**

This is an important part of the overall scheme of the NES and will vastly reduce the (unproductive) costs for all involved with these applications.

This is strongly supported

**8. Biosecurity Plans**

**8.1** The requirement for biosecurity plans is supported with two caveats:

- a) The plans must be simple, practical and economic to develop and maintain.
- b) Biosecurity vectors unrelated to the marine farming industry must also be controlled.

Control of other biosecurity vectors should be by:

MPI and other departments of Government

Regional Councils, including through provisions in Regional Coastal Plans

For example:

There should be provisions which require that hulls of **all** vessels are kept clean and don't become reservoirs for the transfer of unwanted organisms. There should be requirements for inspections and penalties for owners and operators that don't comply. This is particularly important for permanently moored vessels that travel to other areas.

The A plus scheme operated by Aquaculture New Zealand would be one suitable option for the development and maintenance of biosecurity plans.

**8.2** That consideration be given to encouraging all marine farm operators in particular subregions, for example the Eastern Bay of Plenty, to collectively agree minimum standards for biosecurity plans in that subregion.

Rationale – Biosecurity in an area is only as effective as its weakest link. By collectively agreeing minimum standards a common level of protection can be obtained.

**9. Answers to questions from the Document**

**Question 2** – Controlled activity status is appropriate for re-consenting of existing farms. Existing farms are literally part of the landscape, and any ecological effects well known. Controlled status would give additional security to both marine farmers and supporting industries, providing greater confidence for investment.

**Question 5 – Analysis of effects in Appendix G.**

The analysis is reasonably well balanced.

Ecosystem services including filtering suspended sediments and stabilising the seabed beneath suspended shellfish culture should also be included as potential effects.

Shading - We are not aware of any cases where shading has been an issue and suggest this is removed as a potential effect.

Wild Fish – We agree that mussels and oysters do not have negative effects on wild fish populations but consider that the possibility of positive effects due to the additional habitat provided both by structures and on the seafloor should be left open.

**Question 15** – Yes sites of significant importance to the industry such as Wainui Bay and Aotea Harbour should be recognised in the proposed NES to help to ensure that product from these sites remain available to the industry.

**Question 26** – No, There is no reason to exclude spat catching farms from the change of species provisions of the NES. This section in the Document seems to confuse change of species with a change in activity ie spat catching compared to production farming.

**Submission ends**



**ENVIRONMENT AND CONSERVATION ORGANISATIONS OF NZ INC.**

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8 August 2017

## **Submission on Proposed Aquaculture National Environmental Standard**

### **1.0 Introduction**

The Environment and Conservation Organisations of NZ Inc (ECO) is the national alliance of about 45 groups with a concern for the environment and conservation. Some of these member bodies are themselves federations or multiple groups. Not all are conservation or environmental groups.

ECO has followed issues of conservation and environmental management and practice, law and policy since its formation in 1971-2 and we have member groups from all around New Zealand. We have an Improved Environmental management and Law Working Group and another on Conservation, Biodiversity and Biosecurity. This submission was prepared by members of these working groups.

### **2.0 Submission**

This submission is on behalf of the Environment and Conservation Organisations of NZ inc PO Box 11-057, Wellington.

This submission is on all part of the proposed NES.

ECO in general opposes this NES as being unnecessary addition to the NZCPS and rules in the coastal plans.

ECO would support measures to strengthen improve biosecurity by marine farmers, including monitoring of farms.

In the following sections we set out the reasons for our submissions and if the NES proceeds some changes we think should be made.

ECO is aware of members who are making submissions on this proposal and this submission adds to and does not replace those submissions.

## **3.0 Key Submissions**

While a national standard may seem seductive to officials and the industry there are problems with this approach especially given the uncertainties in the marine environment. ECO Considers the NZ Coastal Policy Statement sets the baseline against other activities and associated measures should be considered.

Aquaculture in New Zealand is a relatively young industry which has developed in a haphazard way due to the legal structures that applied to marine farms. ECO notes that still not all farms are subject to the same rules.

There are regional differences that need to be considered. This includes the cumulative effects of a range of activities on the marine environment.

There are major challenges ahead for marine farming that need to be considered:

- The impacts of climate change will affect where it may be possible to farm (eg the effect of increased water temperatures on salmon farming);
- Ocean acidification will impact on shellfish species in shells they create and may effect other farmed species in subtle ways;
- Changes in new biosecurity risks as warmers seas bring new diseases and pests to New Zealand or spread them from places where they are currently confined.

Climate change and ocean acidification should be a consideration of any NES. Under section 7(i) the effects of climate change should be considered.

## **3.1 Status of activity**

The proposal is inconsistent in its approach while claiming to provide national consistency:

Firstly it proposing to exempt farms in the Tasman AMA and Waikato Wilsons Bay from these provisions (clause 41);

Secondly it is proposing to allow councils to provide more lenient classification (clause 40).

Thirdly it proposing not to apply it to future farms after the date of gazettal (clause 43).

These three elements undermine the claim for an NES in the first place.

Councils should be able to set plans that are more stringent than those set out in any NES. ECO is strongly opposed to the proposal in clause 40 to allow more lenient activity status.



### 3.2 Biosecurity

Over the last 10 years there has been a range of issues over biosecurity management of marine farms. These include:

- The spread of the invasive algae via marine farming gear;
- The spread of invasive ostreid herpesvirus-1 (OsHV-1) that caused a 30-80 per cent die-off of oyster spat in most North Island harbours earlier this decade.
- The spread of the parasite *Bonamia ostreae*, on oysters recently discovered in Big Glory Bay, Stewart Island.
- The spread of alien species or species not found in the area.
- Farms acting as a reservoir for diseases and parasites which could spread to surrounding unfarmed species.
- Movement of adults, larvae or juveniles from different areas spreading diseases and parasites.

Some of these matters are dealt with under the Biosecurity Act and others via measures under the Regional Plans. The addition of Biosecurity management plans is

Management responses to biosecurity events or avoiding them have included:

- increasing the distance between farms;
- reducing the number of animals farmed;
- Growing different year classes at different sites;
- Ensuring hatchery or wild spat collection does not spread risk;
- Ensuring farms are sited in areas by depth, current flow or other factors reduce biosecurity risk.

### 3.3 Impacts of marine farming

There are many impacts of marine farming that need to be considered.

ECO notes that farming occurs in the habitat of New Zealand marine mammal species including fur seals, dusky dolphins, and threatened species such as Hector's Dolphin.. The effects of marine farms on marine mammals have only been minimally researched. Impacts may include displacement from areas used for feeding, calving, and nursing, and disturbance from service vessels. This needs to be considered and included in any proposals.

The impact of marine farming on marine mammal sanctuaries needs to be considered.

The overlap with marine mammals has been identified by the Department of Conservation<sup>1</sup> which for example recommended that no further marine farms be developed in Admiralty Bay in the Marlborough Sounds, that existing farms not be extended, and be removed if

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<sup>1</sup> Markowitz, TM, Harlin AD, Wurrsig B, (2002) *"Habitat use by Dusky dolphins in the Marlborough Sounds: Implications for aquaculture and fisheries management. A report to the Department of Conservation"*

possible. Current marine farms in Admiralty Bay were generally close to shore but there have been application for farms in the middle of the bay.

A range of baleen whales are at risk from entanglement from mussel lines. Lloyd noted (2004)<sup>2</sup> that as baleen whales (eg Bryde's, southern right and humpback whales) don't echolocate they are prone to entanglement.

*"Thus far, the only adverse effects reported within New Zealand are the deaths of two Bryde's whales in mussel spat-catching lines. Because of the limited extent of mussel farms to date, effects on wildlife were dismissed as inconsequential. However, the proposed increase in the area used for mussel farming changes the scale of effects and prompts concern. The construction of large offshore farms across the seasonal migration routes of large whales is particularly worrying."*

Scientific research is limited about the functioning of coastal ecosystems and the environmental effects of large-scale farming. Environmental effects include possible changes to current and sediment flow from the curtain of marine farming lines, shelldrop and other farm debris smothering benthic (bottom living) communities, dramatic change in populations of predatory species such as starfish and nutrient depletion.

Phytoplankton are the basic building blocks in the marine food web. Reduction of nutrient levels over thousands of hectares from mussels "grazing" on phytoplankton has unknown effects on other species and the healthy functioning of marine ecosystems.

Other aspects include seascape and amenity values as well as impact on other users of the marine environment including yachties and vessels.

### 3.4 Zoning of areas

Due to uncertainties over the marine environment councils have been slow in identifying and protecting significant natural areas.

As a minimum farms should not be sited in currently identified outstanding natural features, outstanding natural landscapes, significant ecological areas (including areas of significant conservation value) and areas of outstanding natural character.

### 3.5 Marine farming review

There should be a regional process of reviewing farms as new consents are required or prior to that. Marine farmers could act early in a sequential way prior to end of the consent.

There is an assumption in the NES (eg on page 12) that all marine farms should be re-consented. That should not be assumed. The environmental standards in 2017 are certainly

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<sup>2</sup> Lloyd, B D (2003) Potential effects of mussel farming on New Zealand's marine mammals and seabirds: a discussion paper. Department of Conservation, Wellington. vii + 34 p.

stronger than when farms were consented in the 1970s and 1980s. The move to second generation regional coastal plans will also see an evolution in standards in the same way as has occurred in land or freshwater management.

Some farms may need to be moved or removed. There is already a precedent for this in the Marlborough Sounds where farms have been removed in some areas.

## **4.0 Conclusion**

Finally, ECO welcomes the opportunity to have input into this policy and for the consideration that you give to this submission. ECO would welcome an opportunity to discuss this submission with the agencies involved.

Best regards,

Barry Weeber,  
ECO Co-Chair.





31 July 2017

Aquaculture Unit  
Ministry for Primary Industries  
Private Bag 14  
Port Nelson 7042  
aquaculture@mpi.govt.nz

Our Reference: A337027

Dear Sir/Madam

***Consultation on a Proposed National Environmental Standard for Marine Aquaculture***

**Introduction**

Environment Southland welcomes the opportunity to submit on the proposed subject matter of a National Environmental Standard for Marine Aquaculture. Environment Southland supports the submission of the Southland Regional Development Strategy. We also share Local Government New Zealand's concerns about the potential costs for regional councils from biosecurity management plans, however we have proposed an alternative solution to address the issue.

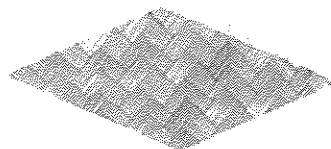
Southland has 46 marine farms covering approximately 290 hectares that cultivate Bluff dredge oysters, salmon, and green-lipped mussels. The farms are located mainly in Big Glory Bay, Stewart Island (36), and Bluff Harbour (7). Three are in Horseshoe Bay, Stewart Island (under one consent). All consents will expire on 1 January 2025, except the Horseshoe Bay consent, which expires in 2019. The farms in Bluff Harbour and Horseshoe Bay are located within outstanding natural features or landscapes as noted in the Southland Regional Coastal Plan and the Invercargill City District Plan.

**A National Environmental Standard for Marine Aquaculture**

Environment Southland supports the development of a National Environmental Standard for Marine Aquaculture. We consider it is appropriate to make consenting for existing marine farms more consistent and efficient, to ensure the values of the coastal marine area are protected while providing investment certainty for the aquaculture industry.

Aquaculture is specifically mentioned in the Council's Strategic Plan, and the Long-term Plan 2015-2025, as an activity of importance to the Southland region. The proposed Standard provides an opportunity to stabilise Southland's existing aquaculture industry, while possibilities for further expansion are explored.

For now  
& our future



Environment Southland is particularly supportive of the focus on biosecurity in the proposed Plan. The recent incursion of *Bonamia ostreae* in farmed oysters at Big Glory Bay and the subsequent biosecurity response has reinforced the importance of biosecurity for marine aquaculture. Implementing biosecurity practices on marine farms consistently and effectively will help protect the environment, communities, and the aquaculture industry from the introduction, exacerbation, and spread of marine pests and diseases.

## **Activity status for Existing Farms**

Environment Southland supports the proposed restricted discretionary activity status for replacement consents for existing marine farms. We also support the additional matters of discretion for existing marine farms:

- in areas defined as outstanding natural features, outstanding natural landscapes, or areas of outstanding natural character; and
- where supplementary feeding is required as part of normal operations (such as finfish farms).

In terms of alternative activity statuses, we consider that a discretionary activity status would not address the issue of variation and regional inconsistency in aquaculture management. As the Ministry has identified, consenting processes would likely remain complex, uncertain, and inefficient.

While some regional councils have a controlled activity status for replacement consents for existing marine farms, we consider this would be too lenient for the Southland coastal marine area. Some marine farms in Southland were established before the Resource Management Act 1991 (RMA) came into force. Some of these farms may not have been subject to an assessment of environmental effects under the RMA, therefore, it is appropriate that Council retains the right to decline applications.

Environment Southland supports in part non-notification of consent applications for most existing farms. We agree that holders of Statutory Acknowledgements (Ngāi Tahu in Southland) should continue to be notified of applications. We recommend that the National Environmental Standard contains a presumption for non-notification, but enables regional councils to assess applications on a case-by-case basis in certain circumstances (for example, where the marine farm is having significant adverse effects on the marine environment), to determine whether notification is warranted.

## **Biosecurity Management Plans**

Environment Southland strongly supports the biosecurity focus in the proposed National Environmental Standard for Marine Aquaculture. We consider it is critical that the proposal provides regional councils with a cost-effective and efficient framework for assessing and managing the biosecurity effects of marine farming.

We support in part the requirement that all marine farms prepare, implement, and maintain biosecurity management plans. However, we are concerned that biosecurity management plans will not achieve a nationally consistent approach to biosecurity management.

Environment Southland considers that minimum standards to mitigate biosecurity risks in the marine farm environment should be included within the proposed National Environmental Standard, and supported by a national marine pathway management plan under the

Biosecurity Act 1993. This would ensure that all marine farms have clear and consistent rules to follow which can be easily and efficiently enforced by regional councils.

Biosecurity management plans are devolved instruments which are likely to be developed, implemented, and managed in a variety of ways around the country. We anticipate that there will be unnecessary variation in key elements of the plans, such as equipment and vessel cleaning and the health and movement of stock, that will create duplication of effort for industry and increases costs for regional councils. This will give rise to a range of inconsistent biosecurity practices on marine farms which could expose the industry to higher biosecurity risk.

Given the recent events in Big Glory Bay, and previous marine biosecurity incursions, we consider there should be a joint effort on the part of industry, Government, and regional councils, to expedite the introduction of consistent and effective biosecurity measures on marine farms.

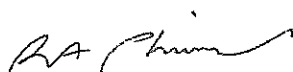
We consider that biosecurity management plans should be used to implement biosecurity rules contained within the proposed Standard. For example, the proposed Standard may impose requirements around the health of imported stock or the cleanliness of equipment, a biosecurity management plan could explain how a particular marine farm will comply with the requirements. There may also be regional conditions or issues that affect how a rule in the Standard is implemented, which could be detailed in a plan.

Environment Southland considers that the cost of regional councils' assessment of biosecurity management plans, as proposed in the discussion document, would require significant expertise and resources that regional councils will struggle to access. Including biosecurity rules within the proposed Standard, and using the biosecurity management plans to implement the rules, would significantly reduce the time, cost and level of expertise required to review the plans, as the core requirements would be in the Standard itself.

We support the deadline of 31 January 2025 for biosecurity management plans. Environment Southland notes the efficiency gains of reviewing biosecurity management plans at the same time as applications for replacement consents. We consider it is critical that regional councils can recover the cost of assessing biosecurity management plans from marine farm operators, regardless of whether the assessment is part of, or sits outside, the replacement consent process.

Thank you for the opportunity to provide comment on the proposed National Environmental Standard for Marine Aquaculture and we look forward to the Government's consideration of our submission. I am happy to discuss any points in our submission further.

Yours sincerely



R A Phillips  
Chief Executive







8 August 2017

**Title of Consultation: Proposed National Environmental Standard for Marine Aquaculture**

Name: Environmental Defence Society (Contact: Madeleine Wright)

Postal Address: PO Box 91736, Victoria Street West, Auckland 1142

Telephone Number: [REDACTED]

Email Address: [REDACTED]

**1. INTRODUCTION**

The Environmental Defence Society (EDS) is a not-for-profit environmental organisation comprised of resource management professionals who are committed to improving environmental outcomes. EDS was first established in 1971 and operates as an environmental think tank on environmental management and litigator on environmental matters of national importance. EDS has a long interest in the management of New Zealand's marine space. EDS was represented on the Aquaculture Reference Group that assisted with the development of options for re-consenting of marine farms. There are a number of matters that EDS wishes to submit on as set out below.

**2. SUMMARY OF SUBMISSIONS**

- a) EDS considers that a NES is unnecessary and that a regional assessment under Policy 7 New Zealand Coastal Policy Statement (NZCPS) combined with 'bay-wide' re-consenting is a better approach (bay-wide approach). If an NES is to be pursued, it should include a framework for a regional assessment under Policy 7 NZCPS combined with a bay-wide approach.
- b) A bay-wide approach would significantly reduce the costs of re-consenting and ongoing monitoring while achieving better environmental outcomes. It should therefore be the focus of efforts to resolve the re-consenting issue.
- c) Where an operative or proposed plan identifies an area as suitable for the type of aquaculture to be re-consented as part of a Policy 7 NZCPS assessment, then it is reasonable that this be a restricted discretionary activity.
- d) Where an operative or proposed plan indicates that an area is inappropriate for the type of aquaculture concerned, then all effects and provisions of the plan should be considered (i.e. discretionary or non-complying activity status) with full public submission rights.

- e) The matters of discretion need to be broadened to include effects on marine ecosystems, significant effects on natural character and natural landscapes, cumulative effects, and the adoption of best practice design and operational practices. As currently framed the proposal does not give effect to Policies 11, 13 and 15 NZCPS.
- f) Applications for re-consenting or new species located within or next to an outstanding natural landscape (ONL) or area of outstanding natural character (ONC), as identified in the operative or proposed plan need to consider effects on the values of these areas as a matter of discretion.
- g) A NES should not provide discretion to councils to include plan provisions more lenient than the NES. It should provide discretion for councils to include plan provisions more stringent than the NES if necessary to give effect to the NZCPS or respond to local conditions.
- h) All marine farms should be required to prepare Biosecurity Management Plans by 2020.
- i) Blanket exclusion of notification of marine farms is opposed. Public participation is a core tenant of the RMA. This is particularly important in situations where consent grants exclusive occupation of and gain from public space.
- j) Marine farms should be required to pay occupation charges to be used for marine environmental management purposes.

### 3. GENERAL MATTERS

EDS considers that the following matters need to be considered when designing new provisions for re-consenting marine farms:

- a) Re-consenting marine farms individually under current RMA and regional plan provisions will likely be a costly exercise, and will not necessarily result in good environmental outcomes.
- b) The cumulative effects of marine farms need to be effectively addressed, and this may not be achieved through case-by-case individual consenting. Analogies can be drawn between managing cumulative effects of marine farming and of land-based farming on the freshwater environment. A bay-wide approach is the marine equivalent of the freshwater catchment or sub-catchment management approach.
- c) Local communities need to have a say in how aquaculture is managed within their regions, particularly as to whether the extent and current locations of marine farms are appropriate for the future. This is the process envisaged by Policy 7 NZCPS.
- d) Scientific knowledge about the impacts of marine farms has increased since many of them were originally consented, as has our understanding of ecosystem-based management.

- e) The *EDS v King Salmon*<sup>1</sup> Supreme Court decision has changed the law around how the RMA, NZCPS, and regional coastal plans are to be applied in terms of environmental bottom lines, particularly in respect of matters of national importance such as ONLs.
- f) Marine farms occupy public space in competition with other potential users. Such occupation should not be turned into a perpetual right through guaranteed re-consenting. Failure to do so will see replication of issues already faced in the freshwater context. Government should learn from policy failures not replicate them.
- g) Marine farms need to be paying for their occupation rights, with such funds channelled back into improved marine environmental management.
- h) Aquaculture is a valuable industry for New Zealand creating jobs, incomes, and economic wealth and commercial certainty is important for investment.

#### 4. NEED FOR NATIONAL INSTRUMENTS

EDS is not persuaded that there is a need for a national instrument. The issue of re-consenting could better be addressed through provisions in regional coastal plans and a focus on working with industry and councils to undertaking a bay-wide approach as described below, given the relatively small number of councils involved in this issue.

#### 5. BAY-WIDE APPROACH

EDS considers that a regional scale bay-wide approach to re-consenting is preferable to national direction. A bay-wide approach is where all farms within a specified marine area are considered for re-consenting at the same time, effectively via one application with one environmental assessment. The appropriate size of a marine area may vary<sup>2</sup> and those areas should be identified as part of the strategic assessment required under Policy 7 NZCPS (i.e. identification of appropriate and inappropriate areas).

A bay-wide approach, would serve to considerably save costs while at the same time resulting in improved environmental outcomes.

The cost savings would come from the need to only prepare one assessment of environmental effects and to resource one joint process. In addition, ongoing monitoring requirements could be bay-wide rather than the current situation where individual farm monitoring is required, both saving ongoing costs and providing more useful data.

The environmental benefits would derive first from strategic, regional identification of appropriate and inappropriate areas (with appropriateness being determined by reference to other NZCPS provisions) and second from the ability to fully consider the cumulative effects of the farms, and to put in place measures to address them if necessary.

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<sup>1</sup> [2014] NZSC 38.

<sup>2</sup> For example, in Marlborough a strategic assessment may take a 'bay' specific approach in Port Gore with Pig Bay being treated different to Melville Cove, whereas it may point to the entire Waitata Reach being treated in the same manner.

## 6. RELATIONSHIP TO NZCPS

As subordinate legislation, a NES must be consistent with the purpose of the RMA. This means it must be consistent with the NZCPS because the NZCPS “gives substance to Part 2’s provisions in relation to the coastal environment”<sup>3</sup>. It supplants Part 2 in the coastal environment.

Directive policies in the NZCPS must be applied according to their terms. As proposed, EDS is concerned the proposed NES is inconsistent with the NZCPS (in particular Policies 7, 11, 13 and 15 NZCPS).

## 7. ROLE OF REGIONAL PLANNING

It cannot be assumed that all places where marine farms are currently located, or the density of farms in some areas, are suitable for the future. EDS does not consider it is valid to:

- a) Assume that “effects on landscape and natural character...will have been assessed when coastal permits were first granted.”<sup>4</sup>
- b) Restrict consideration of Policy 11 NZCPS matters on basis that areas identified by councils under Policy 11 have been wide in extent or without clear boundaries. EDS’s experience is to the contrary. Further, the loss of habitat from existing marine farms is a critical pressure on marine creature persistence. A creature will still die if its breeding habitat is protected but its food source extinguished (e.g. King Shag via loss of foraging habitat for flat fish because of marine farm exclusion).
- c) Assume that seabed assessments undertaken as part of original consent applications mean effects on seabed have been considered.

In general, EDS holds this view because regional coastal planning under the RMA has often been weak and many marine farms were established prior to such planning even being in place. In addition, scientific knowledge about ecosystem management has advanced significantly. This means that local communities, through regional coastal planning processes, need to retain the ability to identify in planning document areas which are appropriate and not appropriate for aquaculture. Where an area is identified in an operative and any proposed plan as suitable for the type of aquaculture concerned, then a restricted discretionary activity status for re-consenting of such aquaculture would seem reasonable. Notification should follow the current law.

Where an operative or proposed plan indicates that an area is inappropriate for aquaculture, such as through identifying aquaculture as a non-complying activity, then those provisions should apply along with full public notification for re-consenting applications. This is because the application is not in accordance with the plan. Any affected marine farmers will have the opportunity to have their views heard and fully considered during the planning process, including appeal rights. It is not appropriate to impose a restricted discretionary status on such applications, which carries with it an

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<sup>3</sup> *EDS v King Salmon* at [85].

<sup>4</sup> Discussion document pg 27.

implication that the site is suitable, and serves to undermine the planning process and the strategic rationale for the plan.

## 8. MATTERS FOR DISCRETION

Where a restricted discretionary activity status is applied to re-consenting applications which are located in areas identified in the regional coastal plan as appropriate for aquaculture, it is important that all relevant matters that might arise from on farm design and operation are included in the discretion. In addition, the adoption of new equipment and practices to reduce adverse effects needs to be encouraged, so that the re-consenting process does not cement in old, and less environmentally-friendly technologies. Notable omissions which should be included are:

- a) The need to avoid significant adverse effects on natural character and natural landscapes (that are not outstanding) and avoid, remedy and mitigate other adverse effects under the NZCPS. In order to achieve this, these matters need to be considered as a matter of discretion.
- b) Adverse effects on marine ecosystems – scientific understanding of the marine area is increasingly emphasising the need to consider impacts on ecosystems rather than on species or habitats *per se*. This also ensures compliance with Policy 11 NZCPS.
- c) Any cumulative effects arising from a farm's location and operation. Assessment of cumulative effects is required by the RMA.
- d) The desirability of adopting best practice design and operational practices

Additional matters need to be considered for farms using supplementary feeding as proposed in the discussion document.

## 9. ENVIRONMENTAL BOTTOM LINES

The King Salmon case has confirmed that the RMA contemplates environmental bottom lines. Under the NZCPS these include the preservation of areas of ONC and protection of ONLs. These matters, therefore, need to be a matter for discretion when considering the re-consenting and change of species of farms within ONLs and areas of ONC as is proposed in the discussion document.

However, further consideration of effects on ONCs and ONLs is required:

- a) Applications for re-consenting should require such consideration when the ONL is identified in the operative or proposed plan, not both as proposed, as the weight given to a proposed plan depends on how far it has progressed through the submission process. If it has just been notified, with no public submissions considered, it is given less weight than the operative plan, which has gone through this rigorous process. The proposal in the discussion document would give the notified plan more weight than the operative plan, irrespective of where it is in the process, which is contrary to current law and practice.

- b) Some plans have not yet identified (i.e. mapped) ONCs and ONLs. The discussion document is unclear as to how such areas would be treated. Mapping of ONCs and ONLs is not expressly required by the RMA or NZCPS. This means it is critical that lack of mapping does not prevent consideration of effects on these areas.
- c) A NES should make clear that the landscape values of a particular area must be assessed as if the existing aquaculture activity were not there. Otherwise landscape effects are essentially locked in permanently, which would cut across the sustainable management purpose of the RMA<sup>5</sup>. It would also support permanent allocation of a portion of the public domain to a private entity.
- d) Effects of marine farm activities next to (e.g. within an identified buffer zone) should be considered. An activity does not need to be in an ONL or ONC to have an impact on it. Many such features are land-based, such as a headland. The presence of a marine farm nearby has the potential to adversely affect the visual and experiential elements of the area.

## **10. BIOSECURITY**

Biosecurity is an increasing threat to the marine environment and to the marine farming industry as highlighted by the recent outbreak of disease in Big Glory Bay. EDS supports the requirement for all marine farms to prepare Biosecurity Management Plans, but considers the date of 2025 to be too far in the future. 2020 would be more reasonable.

## **11. NOTIFICATION & OCCUPATION CHARGES**

Extensive exclusion of public notification is opposed. Marine farms are given permission to exclusively occupy public space. The public should be therefore consulted on whether that should be allowed to continue. The public domain must be treated differently to private land.

Given marine farms are occupying public space consent holders should be providing some form of financial payment for that occupation. Such payment could be used to fund better marine management, which would be to the benefit of the industry, other marine users, and the public more generally. EDS understands that the aquaculture industry is not necessarily opposed to making such payments and government needs to put in place a fair and transparent system to enable this to happen.

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<sup>5</sup> [2012] NZEnvC 72 at [140]; [2016] NZHC 2948 at [63]-[68].

Takaka, 7183.

3.8.17

The Ministry for Primary Industries,  
Private Bag 14,  
Port Nelson,  
Nelson 7042  
aquaculture@mpi.govt.nz

**Re: Submission on Proposed National Environmental Standard for Marine Aquaculture**

To whom it may concern,

Forest & Bird is a charitable, not-for-profit community-based organisation with a constitutional purpose to protect the flora, fauna and natural features in New Zealand.

The Golden Bay Branch is deeply concerned about aquaculture in Wainui Bay.

The Environment Court under Judge Kenderdine in 2008 ruled that the spat catching farm located in Wainui Bay be a discretionary activity, and that Wainui Bay was an Outstanding Natural Landscape (ONL).

Wainui Bay has been identified as an ONL by the Tasman District Council ONL working group. The outstanding features of crystal clear blue waters, golden coarse sand, granite rocks, a wide bay with significant sandspit, and part occupied by the Abel Tasman National Park which is in a process of restoration called the Project Janszoon. The famous Abel Tasman Track begins here at Wainui.

The Wainui spat catching farm is located extremely close to the eastern shore of Wainui Bay, with a rocky coastline in its largely natural state and attractive for kayaking, boulder hopping and swimming, and walking on around to the neighbouring Tata Beach.

The Discussion document suggests that the NES may recognise sites such as Wainui spat catching as of special importance and deserving of "special provision".

We are COMPLETELY OPPOSED to any cementing in of protection for the Wainui spat farm on the basis that:

1. The Wainui spat catching should not be where it is for the above landscape and recreational reasons.
2. The breeding of mussel spat in hatcheries is a fast developing industry and should replace wild caught spat in the future. Whatever the contribution of Wainui spat is to the mussel industry at the present time, this will change rapidly with hatchery developed spat.
3. Marine farming so close to the Wainui shore should not be given any form of special protection, but should be regularly reviewed for effects on the landscape and natural character.

4. Restricted discretionary status is too limited in what effects can be considered by council. Special protection status will inevitably weaken any process to mitigate noise, and lights, which are a constant and ongoing issue.  
It is recognised that the Wainui farm operators have done much to mitigate effects, but this is very easily eroded. Engine noise and lights all night even if intermittent, is a serious effect on residents.  
Adverse effects on marine mammals is excluded from farms close to shore.
5. Under the National Coastal Policy Statement, the Wainui spat catching farm does not meet the test for avoiding outstanding Natural Character, Natural Features and landscapes.

To conclude, the Golden Bay Branch of Forest and Bird would like to see the Wainui spat farms as temporary in the present, and removed in the future.  
Special protection status and restricted discretionary will make this much more difficult for the community to get changed.

Yours sincerely,

Celia Butler,  
Chairperson,  
Golden Bay Branch of Forest and Bird

[REDACTED]

[REDACTED]



# Friends of Golden Bay (Inc.)

P O Box 274  
Takaka  
Golden Bay 7142



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## **Submission on Proposed National Environmental Standard for Marine Aquaculture.**

Friends of Golden Bay Inc (FoGB) is an environmental group working in Golden Bay, with a high focus on the coastal environment. It has a membership around 100. We actively involve ourselves in planning issues, and have had a long history of involvement in the aquaculture area and specifically in the current AMAs.

We are currently also involved in the appeal regarding the Wainui spat farms, and the proposal for this area to become an AMA.

This submission regards the Wainui farms and the suggestion they become a "special area".

We consider Wainui Bay to be of outstanding character. This has also been the conclusion of the Outstanding Landscapes for Golden Bay group, which we were a part of. FoGB was also part of the long court case to decide on aquaculture remaining 3 km off shore because of this outstanding character. The Wainui farms were given an extension, in acknowledgement that they were important, on the understanding that eventually they would be removed. This is now extended until 2024 - quite some time away.

Time has since moved on and this area is about to be given 'Outstanding' designation. The aquaculture industry is on the verge of having landbased spat production. There are already vast areas in the current AMAs designated for spat production.

We maintain that the current status of the Wainui farms should remain until 2024 when we will be in possession of far more information as to whether these farms need to remain. It is entirely inappropriate for any decision to be made now while the case regarding their becoming an AMA is in the Environment Court.

The public in Golden Bay has strong feelings on the value of landscape, as has been demonstrated amply by the willingness to take the matter to the Environment Court. The public should always have the opportunity to review and decide on the appropriateness of aquaculture in outstanding landscapes, and must have proper channels for comment on matters that affect them. Removing the public's opportunity to comment through appropriate channels, apparently as a response by MPI to the strength of expressed public feeling, would be a disastrous policy.

The current suggestion by MPI that the Wainui farms become a 'special area' would deny the public any chance to have input, and therefore the Wainui farms should NOT become a 'special area'.

Andrew Yuill

Chair, Friends of Golden Bay.

6th August 2017.



Written submissions by Friends of Nelson Haven and Tasman Bay  
on Proposed National Environmental Standard for Marine  
Aquaculture.

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

From: Friends of Nelson Haven and Tasman Bay Inc. PO Box 365, Nelson.

August 7<sup>th</sup> 2017.

**General Submission**

This is a submission by Friends of Nelson Haven and Tasman Bay Inc. (**Friends**) on the Proposed National Environmental Standard for Marine Aquaculture (**NES**). Friends are an incorporated society of concerned local citizens and scientists who monitor and take an active interest in issues concerning the marine and coastal environment of the top of the South Island.

The Society was formed in 1973, and is one of the oldest community organizations still active today campaigning on coastal and marine matters. Our response to the NES will draw on our experience and involvement in RMA matters in the coastal marine area, in particular from our long experience, expertise and involvement in aquaculture development in the top of the South Island, including Golden Bay, Tasman Bay and the Marlborough Sounds. This submission is directed primarily at how the NES proposes to deal with consenting of historic marine farms in the enclosed waters of the Marlborough Sounds, but will compare and contrast with aquaculture development in the Tasman region where appropriate.

Matters of uncertainty (cumulative impacts, ecological and environmental thresholds, and the pre-conditions necessary for adaptive management to be a useful environmental management tool) are problematic and arguably the 'elephant in the room' for the NES. Resource allocation in the Marlborough Sounds (including licenses and coastal permits for marine farms) has not been based on a coherent and enduring set of parameters or standards for managing environmental effects. Nor has there been any coherent strategy for achieving a balance between the areas affected by aquaculture development on the one hand, and the intrinsic and other environmental values that are safeguarded by a lack of structures and development, on the other (ie a strategic planning approach, as encouraged by policy 7 of the NZCPS 2010).

There has been an ad hoc and relatively experimental approach to aquaculture development in the Marlborough Sounds, which can trace its origins to the early history of development under the Marine Farming Act 1971, and which has continued in that same experimental vein under the Marlborough Sounds Resource Management Plan (**MSRMP**). For the top of the South Island, the Marlborough Sounds was forced to bear the brunt of pressure for aquaculture development

in the 1980's, 1990's and early 2000's because of the prohibition on marine farming in Golden Bay and Tasman Bay (by a central government Gazette Notice), which remained in place until resolution of the Tasman District Council's aquaculture plan provisions in 2004. However, since 2004 Golden Bay and Tasman Bay have provided very substantial opportunities for the mussel industry to grow and expand, with even more opportunities for expansion available following resolution of the challenge by fishing interests to the MPI aquaculture decision for the Golden Bay and Tasman Bay interim aquaculture management areas in 2016. These opportunities for expansion of the mussel industry in the top of the South Island since 2004 receive scant attention in the discussion of the NES and provide no justification for the essential underlying assumption of the NES, that it is necessary for existing Marlborough Sounds farms to be given a relatively 'free pass' in terms of consenting processes in order for the industry to be able to confidently plan for its future.

Nor is there any justification for creating a 'favoured status' for the Wainui Bay spat catching marine farms through the NES. Marine farming development within Tasman Bay and Golden Bay (including Wainui Bay) does not require an imposed planning regime, and the NES should not seek to interfere in those areas, which are already subject to a comprehensive planning framework through the Tasman Resource Management Plan. The NES risks creating confusion and unintended consequences by seeking to introduce some kind of 'favoured status' for the Wainui Bay farms in circumstances where large areas for spat catching in Tasman Bay and Golden Bay are either not fully developed or have only just become available for development. The planning framework for marine farming in the Tasman Resource Management Plan should not be interfered with by the NES, and it is not discussed further in this submission.

The result of the Marlborough Sounds being the focus for growth of the marine farming industry in the top of the South Island has been that in allocating space and opportunities for aquaculture development, there has been scant regard for the need to manage that activity as part of wider environmental management. Despite ongoing and increasing development of aquaculture in the Marlborough Sounds, there has been no proper investment in scientific investigation and monitoring of matters of ecological and environmental uncertainty, either by the marine farming industry as user of the marine resource, or by Marlborough District Council under its state of the environment monitoring obligations. On numerous occasions, Friends have criticized this ad hoc approach to the consenting process. Environmental strategic planning encouraged by the current (and earlier) NZCPS has been largely ignored. Policy 7 of the NZCPS 2010 provides (relevantly):

**Policy 7 Strategic planning:**

- (2) Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits

to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.

The underlying assumption of the NES is that cumulative impacts, and ecological and environmental thresholds have been adequately and satisfactorily addressed during the processes for granting marine farm licences and coastal permits that have led to the extensive development of aquaculture in the Marlborough Sounds. In particular, the NES assumes that in granting licenses and coastal permits for approximately 3000 ha of marine farming consents, cumulative effects have been taken into account. There are many decisions which have identified the lack of environmental investigation and monitoring that has occurred during a period of very substantial marine farming development in the Marlborough Sounds. Only a handful of the coastal permits (and none of the marine farm licenses) authorising marine farming in the Marlborough Sounds have any kind of monitoring or resource impact investigation obligation. Marine farming has already developed with something of a 'free pass' in the Marlborough Sounds and it is no exaggeration to say that in terms of marine farm development, the Marlborough Sounds have been the subject of a large-scale ecological and environmental experiment with no feedback mechanisms to determine whether what has been allowed is sustainable.

The situation is exacerbated by the Council's failure to implement any kind of coastal occupancy charge which might have assisted it in carrying out targeted state of the environment monitoring. The industry has already been the recipient of a 'free pass' to that extent. The NES seeks to continue that lack of environmental accountability on the cumulative effects of development within the Marlborough Sounds by the proposed reconsenting provisions. The NES approach lacks integrity and does not address important aspects of the ecology and environment of the Marlborough Sounds that have been neglected for far too long.

Friends believe that proposed matters of 'discretion' for the reconsenting process contained in the NES would repeat the failure to address the cumulative effects of marine farming in the Marlborough Sounds in perpetuity. The NES will effectively allow the existing marine farming space to continue to be occupied beyond 2024 (and with no end point) without first obtaining the necessary scientific information that this amounts to sustainable development. Any instrument promoted under that RMA must achieve the purpose of the Act. For the Marlborough Sounds, the NES does not do that.

In Appendix G of the discussion paper accompanying the NES, the relevance of cumulative effects for the reconsenting process are identified as<sup>1</sup>:

- *Effect is wider than can be considered on a consent by consent basis*
- *Needs to be dealt with at the planning stage, through specific provisions for aquaculture and/or through policies on baywide management*

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<sup>1</sup> Proposed National Environmental Standard for Marine Aquaculture. Ministry for Primary Industries MPI Discussion Paper No: 2017/23. Page 70.

In 1995, the Department of Conservation's Guideline for Ecological Investigations of Proposed Marine Farm Areas<sup>2</sup> acknowledged a number of wider ecological issues related to marine farming. However, neither the MDC nor the Department provided a framework on how to address these issues. The published Guideline suggested that a responsibility to address cumulative effects may not necessarily lie with individual applicants but with the industry as a whole. The industry as a whole did not proactively take up that exhortation given in the 1995 Guideline, nor did the MDC develop this part of the Guideline into a regulatory requirement and a case by case application process has been maintained ever since. Many of the farms have now expanded their footprint beyond the original consented area. No resource impact monitoring has been required of those farms, or their extensions.

Now MPI appear to be suggesting that these important matters were dealt with at the (MSRMP) planning stage. They were not and never have been. Only much more recently, and following the NZKS Board of Inquiry highlighting the extraordinary deficiency in MDC's state of the environment monitoring of the effects of marine farms, has there been any attempt to address the wider ecological effects of marine farming within the Marlborough Sounds. This has also been the subject of recent decision-making scrutiny.<sup>3</sup>

The Handley study identifies that further acceleration of growth of aquaculture in the Marlborough Sounds started from 2004<sup>4</sup> and was already predicted in 2009 to continue for the subsequent 15 years<sup>5</sup>. The authors advised that a better understanding of the wider ecosystem effects of shellfish aquaculture was required, particularly with regard to the cumulative effects of additional aquaculture development, with a particular focus on ecological carrying capacity.

In 2013, MPI identified cumulative effects in aquaculture as<sup>6</sup>:

- Ecological effects in the marine environment that result from the incremental, accumulating and interacting effects of an aquaculture development when added to other stressors from anthropogenic activities affecting the marine environment (past, present and future activities) and foreseeable changes in ocean conditions (such as in response to climate change).

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<sup>2</sup> Davidson, R.J. 1995. Guideline for ecological investigations of proposed marine farm areas. Department of Conservation. Occasional Publication No.25.

<sup>3</sup> See: FINAL REPORT AND DECISION OF THE BOARD OF INQUIRY – 22 February 2013 and R.J.Davidson Trust v Marlborough District Council [2016] NZEnvC 81.

<sup>4</sup> Handley, S. 2015. The history of benthic change in Pelorus Sound (Te Hoiere), Marlborough. NIWA CLIENT REPORT No: NEL2015-001

<sup>5</sup> Keeley, N., Forrest, B., Hopkins, G., Gillespie, P., Knight, B., Webb, S., Clement, D., Gardener, J.. 2009. Sustainable Aquaculture in New Zealand: review of the Ecological Effects of Farming Shellfish and Other Non-Finfish Species. Prepared for the Ministry of Fisheries. Cawthron Report No. 1476.

<sup>6</sup> OVERVIEW OF ECOLOGICAL EFFECTS OF AQUACULTURE - Ministry for Primary Industries PO Box 2526, Pastoral House, 25 The Terrace Wellington 6140. ISBN 978-0-478-40536-1 (online) August 2013.

In 2014, the Supreme Court released its decision in *Sustain our Sounds v NZ King Salmon (SOS v NZ King Salmon)*. The Supreme Court set out the tests to be applied in determining whether an adaptive management approach is appropriate for managing environmental risk. The Court found that it depended on an assessment of the following four factors:

1. The extent of the environmental risk (including the gravity of the consequences if the risk is realized).
2. The importance of the activity (which could in some circumstances be an activity it is hoped will protect the environment).
3. The degree of uncertainty.
4. The extent to which an adaptive management approach will sufficiently diminish the risk and the uncertainty.

It is clear, based on the available information about marine farming in the Marlborough Sounds to date, that there is a significant degree of 'uncertainty' about the overall effects of the activity, particularly at the current level of development. Space has been allocated without knowledge of the extent of the environmental risk involved, strongly suggesting that a precautionary approach should be adopted. Unfortunately, the draft NES provides a framework that contradicts the acknowledged uncertainty. The proposal will treat past developments of aquaculture in the Marlborough Sounds as having been based on an appropriate understanding of the extent of the environmental risk involved, while not addressing the important thresholds required for sustainable management of this activity in this environment. Accordingly, the NES fails to take into consideration the cumulative effects of aquaculture on the wider environment, and importantly, whether it promotes sustainable management.<sup>7</sup>

The RMA places particular emphasis on preserving the natural character of the coast, where natural character includes the natural processes, elements and patterns which are present in the coastal environment. Issues have arisen since the RMA was enacted that the Friends consider require revised planning provisions. These issues have not been accommodated in the NES and they include:

1. Continuing ecological and wildlife degradation in the coastal marine area, including the Marlborough Sounds;
2. Decline in biodiversity and loss of ecosystem services and natural capital;
3. Increasing resource conflict in the marine environment;

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<sup>7</sup> 'Sustainable management' as defined in Section 5 of the RMA (1991): "managing the use, development and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystem; and (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment."

4. Cumulative effects of land use activities, including urban development, forestry and farming on the water quality of coastal waters;
5. Increased exposure to coastal natural hazards exacerbated by climate change; and
6. Deteriorating quality of recreational values, including for fishing, swimming and boating.
7. Cumulative effects of activities on natural character, landscape and recreational values from activities and structures in the coastal marine area, including jetties, moorings, reclamations and marine aquaculture.

There is a clear conflict between important objectives of the NZCPS (in particular objective 2) and the NES. Preservation of the natural character of the coastal environment and protection of natural features and landscapes through recognition and identification of areas where use and development would be inappropriate have not been provided. Also, restoration of areas where development was inappropriate is part of objective 2 of the NZCPS. Activities and developments which can significantly impact on natural character include marine activities such as aquaculture.

The contribution of marine farming to the regional and national economy is recognised by Friends. However, the potential for this industry to occupy space in the future depends on the resilience, functioning and integrity of the marine ecosystem. It is only recently that these matters have been the subject of any kind of responsible scrutiny. The development of ~3000 ha of marine farms in the Marlborough Sounds has taken place without such an analysis. As previously mentioned, it is no exaggeration to say that what has occurred in the Marlborough Sounds has been in the nature of a large-scale ecological experiment without any feedback mechanism to determine what the overall ecological effects are. This can be contrasted with the planned and staged development for aquaculture in Golden Bay and Tasman Bay, where ecological investigation and monitoring is a critical component of the consenting process.

It is known that marine farming can give rise to adverse effects, including:

- Change in currents
- Change in water quality through increased sedimentation
- Negative impact on landscape and natural character.
- Modification of benthic habitat through accumulation of shell, live mussels and pseudo faeces
- Interruption of natural biotic patterns across the seabed and in the water column
- Changes in marine biodiversity, in particular on benthic species.
- Impact on feeding habitats of New Zealand King Shag.



**MATTERS THAT HAVE NOT BEEN DEALT WITH DURING THE PLANNING STAGE OF MARINE FARMS UNDER THE MSRMP**

**BENTHIC BIOGEOCHEMISTRY**

The impact of mussel farms on the benthic environment relates to changes in benthic biogeochemistry, resulting in a high abundance of nematodes and polychaetes tolerant of enriched, low-oxygen conditions<sup>8</sup>. Shallower redox depth<sup>9</sup> and higher organic matter content with a reduction in the abundance of some taxa that appear to be relatively intolerant of conditions below the farms (but increases in abundance of other species) has been recorded<sup>10</sup>. Taxa that became absent underneath a mussel farm compared to the control site are important prey species for a variety of flatfish.

Sedimentation from mussel farms causes an increase in oxygen consumption through changed biogeochemical cycles of N and P. Anaerobic conditions with the release of hydrogen sulphide results in significant reductions of in-faunal species abundance<sup>11</sup>. A decreased ecosystem performance means decreased biodiversity<sup>12</sup>.

**DENITRIFICATION**

Annual nitrogen extraction through mussels has been estimated to be between 373 tonnes<sup>13</sup> to 266 tonnes for the Pelorus Sound and 11.8 tonnes for the Queen Charlotte Sound<sup>14</sup>. Where this removal of nitrogen is an ecosystem service, the spatial context and ecosystem occupancy of marine farms compared to the serviced area has never been taken into consideration. Where there is a net removal of phosphorus and nitrogen from the ecosystem in the form of mussel meat, mussel farms increase the retention time of both nutrients in the coastal area, through the deposition of faeces and pseudo-faeces on the sea-bed. The amount of nitrogen associated with deposition is approximately twice that of what is harvested and the amount of phosphorus is approximately five times higher<sup>15</sup>.

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<sup>8</sup> Taylor, D., Knight, B., Atalah, J., Clement, D., Clark, D., Forrest, R. and Keeley, N. 2011. Assessment of the Environmental Effects of Converting a Mussel Farm to a Finfish Farm, MF8230, Beatrix Bay. Cawthron Institute Report No. 2054.

<sup>9</sup> Organic enrichment of sediments usually leads to reduced conditions which equate to “bad” sediment quality, wherein natural benthic communities undergo substantial changes. The oxidation-reduction (redox) conditions in surface sediments depend on the degree of organic enrichment.

<sup>10</sup> Brown, S., Stenton-Dozey, J., Hadfield, M., Cairney, D. 2009. Fisheries resource impact assessment for a marine farming permit application in Horse Bay, Pelorus Sound, Site U990821. NIWA Client Report:2009-039, Sanford Havelock.

<sup>11</sup> Vaquer-Sunyer, R., Duarte, C.M. 2010. Sulfide exposure accelerates hypoxia for marine biodiversity. Proceedings of the National Academy of Sciences 105. 1542-15457.

<sup>12</sup> Lohrer, A.M., Thrush, S.F. and Gibbs, M.M. 2004. Bioturbators enhance ecosystem function through complex biogeochemical interactions. Nature: 7012: 1092-1095.

<sup>13</sup> Taylor, D., Keeley, N., Forrest, R., Knight, B., Dunmore, R.. 2010. Assessment of the environmental effects of converting a mussel farm to salmon farm, MF 8080, Port Ligar. Report No. 1883.

<sup>14</sup> Gillespie, P., Knight, B. and MacKenzie, L. 2011. The New Zealand King Salmon Company Limited: Assessment of Environmental Effects – Water Column. Report No. 1985 – August 2011.

<sup>15</sup> Brigolin, D., Maschio, G.D., Rampazzo, F., Giani, M., Pasters, R. 2009. An individual-based population dynamic model for estimating biomass yield and nutrient fluxes through an off-shore mussel (*Mytilus galloprovincialis*) farm. Estuarine, Coastal and Shelf Science 82: 365-376.

Denitrification and nitrification are processes of fundamental importance to ecosystem functionality of the Marlborough Sounds and are integrated in the NIWA biophysical modelling of these coastal waters. In the ‘with denitrification’ scenarios it is assumed that 75% of any particulate organic nitrogen (from any source) which settles to the bed will be lost from the system through denitrification (whilst the remaining 25% is returned to the water column as ammonium)<sup>16</sup>. Nitrification is the aerobic process where bacteria change ammonia to nitrite and nitrite to nitrate. Denitrification is the anaerobic process where other bacterial species can take nitrate and change it back to nitrogen gas. The denitrification rate used in the NIWA model is of fundamental importance. It requires further cross referencing and continual updates and review to improve the reliability of the model predictions.

### ZOOPLANKTON

Consumption of zooplankton and fish eggs by suspension-feeding bivalves has now, for some time, been recognized as a common feeding strategy of bivalves of all types. Whereas bivalves were formerly considered to feed only on phytoplankton, it is now accepted that they can also digest a wide range of zooplankton and fish eggs<sup>17,18,19,20,21,22</sup>. Initial support for larviphagy has also been recorded in a preliminary study on mussel feeding in the New Zealand situation<sup>23</sup>. The larval grazing bivalves in filter feeding aquaculture operations have been raised by Ministry of Primary Industry (MPI)<sup>24</sup> as an ‘effect’:

*‘The presence of high densities of filter feeders could reduce larval recruitment into fishery populations through consumption of fish eggs and larvae by farmed mussels and oysters.’*

and

*‘Effects occur within the farm but may have longer-term consequences at the population level, depending on the species and population range.’*

and

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16 Broekhuizen, N., Hadfield, M., Plew, D. 2015. A biophysical model for the Marlborough Sounds. Part 2: Pelorus Sound. NIWA Client Report No. CHC2014-130. NIWA Project: MDC13301.

17 Lehane, C; Davenport, J. (2002). Ingestion of mesozooplankton by three species of bivalve: *Mytilus edulis*, *Cerastoderma edule* and *Aequipecten opercularis*. *Journal of the Marine Biological Association U.K.* 82:3999/1–6

18 Wong, W.H., Levinton, J.S. (2006). The trophic linkage between zooplankton and benthic suspension feeders: direct evidence from analyses of bivalve fecal pellets. *Marine Biology* 148: 799-805.

19 Troost, K., Kamermans, P., and Wolff, W.J. 2008. Larviphagy in native bivalves and an introduced oyster. *Journal of Sea Research* 60: 157-163.

20 Lonsdale, D.J., Cerrato, R.M., Holland, R., Mass, A., Holt, L., Schaffner, R.A., Pan, J., Caron, D.A.. 2009. Influence of suspension-feeding bivalves on the pelagic food webs of shallow, coastal embayments. *Aquatic Biology* 6:263-279.

21 Troost, K., Stamhuis, E.J., and van Duren, L.A.. 2009. Feeding current characteristics of three morphologically different bivalve suspension feeders, *Crassostrea gigas*, *Mytilus edulis*, and *Cerastoderma edule* in relation to food competition. *Marine Biology (Dutch waters) Describes lab set-ups for feeding rates data suitable for geoduck studies. Mar.Biology* 156: 355-372.

22 Peharda, M., Ezgeta-Balic, D., Davenport, J., Bojanic, N., Vidjak, O., Nincevic-Gladan, N... 2012. Differential ingestion of zooplankton by four species of bivalves (Mollusca) in the Mali Ston Bay, Croatia. *Marine Biology* 159

23 Robinson, K., Zeldis, J., and Ross, A. 2002. Do mussels eat zooplankton. *Water and Atmosphere* 10(3) 2002.

24 Ministry of Primary Industries: Literature Review of Ecological Effects of Aquaculture. 2013. ISBN 978-0-478-38817-6

*'Further modelling (and validation) is required to improve estimates of larval mortality associated with mussel and oyster farming and, in turn, the effects of shellfish aquaculture on wild fish populations'*

#### FARM SEDIMENTATION AND BIOTURBATION

Mussel farms concentrate the sedimentation of C and N that would otherwise be distributed in the water column over a wider area. Both faeces and pseudo-faeces have high sinking rates and settle in small discrete areas in and around the farms. In low flush or shallow water there is a strong correlation between the models of deposition and ground controls with deposition distances <50m<sup>25</sup>. In more exposed sites with strong tidal current, the footprint can be more than 250m<sup>26</sup> away from the source. In Beatrix Bay, macro invertebrate communities of farm-affected stations were distinctly different from the reference station 250m away<sup>27</sup>. The dissimilarity was primarily due to an enhancement of the small surface deposit-feeding polychaetes, accompanied by the displacement of a number of species (and species groups) that could be important with regard to sediment bio-turbation. A number of taxa that would be expected to play an important role in irrigating and maintaining aerobic conditions in surface sediments were either not present or considerably reduced in the farm-influenced sediments. Examples of displacement were a number of subsurface deposit-feeding species of polychaete worms, two species of suspension-feeding bivalves, a burrowing cumacean and a brittle star. Displacement of the relatively large burrowing brittle star has a significant impact on the sediment bio-turbation capacity at the farm-affected stations.

#### MINERALISATION

Accumulation of organic material below mussel longlines enhances mineralization rates and changes the nitrogen turnover route:

*Higher mineralization rates, in particular, may result in an enhanced sulfide production. Nitrogen removal through denitrification may be reduced and the nitrogen turnover pathways changed so that a dissimilative reduction of nitrate to ammonium may conserve nitrogen in the coastal environment instead of removing it<sup>23</sup>.*

#### NIWA BIOPHYSICAL MODEL - NOTIONAL BASELINE

The NIWA hydrodynamic model for the Pelorus Sound<sup>28</sup> uses a notional baseline of mussel farm development as at 2012. A baseline with no aquaculture was perceived as not 'realistic'<sup>29</sup>. This appears to deny the existence of effects that can, and which might need to be remedied, mitigated

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25 Hartstein, N.D. and Stevens, C.L. 2005. Deposition beneath long line mussel farms. *Aquacultural Engineering* 33: 192-213.

26 Keeley, N., Forrest, B., Hopkins, G., Gillespie, P., Knight, B., Webb, S., Clement, D. and Gardner, J. 2009. Sustainable Aquaculture in New Zealand: Review of the Ecological Effects of Farming Shellfish and Other Non-Finfish Species. Cawthron Report No. 1476.

27 Christensen, P.B., Glud, R.N., Dalsgaard, T. and Gillespie, P. 2003. Impacts of logline mussel farming on oxygen and nitrogen dynamics and biological communities of coastal sediments. *Aquaculture* 218: 567-588.

28 Broekhuizen, N., Hadfield, M., Plew, D. 2015. A biophysical model for the Marlborough Sounds. Part 2: Pelorus Sound. NIWA Client Report No. CHC2014-130. NIWA Project: MDC13301.

29 Ulrich, S. 2015. Comment on ecological effects of proposed mussel farm extension, Tawhitanui Reach. Report MDC to B.Brosnan 29<sup>th</sup> May 2015.

or avoided. Since the start of mussel farming in 1977 a total of 3000 hectares of farms have been established<sup>30</sup>.

At this stage we know that a 5% increase in farm space since 2012 (~125ha) has already: '....bay scale effects which amount to a few percent of background concentrations'<sup>23</sup>.

Knowledge of the spatial scale of ecological processes across the seascape can provide direct evidence of connectivity between various ecological, geological and hydrodynamic components in a bay. Main principles that are missing from environmental assessments are:

- a) Environmental heterogeneity exists at multiple spatial scales to which organisms respond differently and at different scales;
- b) Connectivity is an important ecological pattern and process;

Whether the aquaculture developments have already modified the overall ecosystem integrity, is unknown. Several guiding principles that exist at the core of landscape ecology have made major contributions to terrestrial landscape planning and conservation, but in marine systems our understanding of what may have an adverse impact on the resilience, functioning and integrity of ecosystems is still in its infancy.

Fundamental concerns and uncertainties about the cumulative decline of remaining open space in the Marlborough Sounds environment are at the core of most of the submissions presented to MDC in opposition to further expansion. The scale of encroaching aquaculture may well already have an effect on the overall ecological functionality of the Sounds marine environment. The Coastal Marine Zone 2 under the MSRMP provides for marine farming through discretionary provisions (ribbon development) and/or non-complying provisions (mid-bay farming). The 'non-complying' provision for aquaculture has been the area where most expansion in the Pelorus Sound has occurred since the MSRMP became operative. However, no threshold for a minimum area of 'open space' has been set, nor have provisions been made to identify a maximum area that can be developed consistent with establishing an ecological carrying capacity for the bay or bays occupied. Non-complying status requires an 'open mind' approach to adverse effects. This activity status brings into question its 'appropriateness' and requires a specific analysis. Open space is a finite resource and requires a managed approach with a clear benchmark. There has been neither a long-term planning vision, nor a balance between the areas developed for aquaculture within the Marlborough Sounds and the need to retain areas of undeveloped open space. Instead, an ad hoc approach has been followed without a future vision of the Sounds in 20 (+) years' time.

Ad hoc consenting is not in accordance with the NZCPS requirement for strategic planning and has the real potential to become unsustainable. This lack of vision for the future of the

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<sup>30</sup> Handley, S. 2015. The history of benthic change in Pelorus Sound (Te Hoiere), Marlborough. NIWA Client Report No. NEL2015-001, NIWA project ELF15202.

Marlborough Sounds is contrary to the direction provided by the New Zealand Coastal Policy Statement 2010:

Policy 7 Strategic planning:

- Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects.
- Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.

### **Proposed National Environmental Standard for Marine Aquaculture.**

Friends agree that the ecological effects of aquaculture should be considered within the context of cumulative effects from multiple stressor sources (agricultural land use, climate change, fishing, urban development and so on) and incorporated into consideration of impacts at bay-wide or regional scales<sup>31</sup>. However, the NES specifically deals with future consenting processes of existing farms on a per farm basis. The cumulative effects of the activity in the marine environment need to be addressed as well.

It is our submission that the proposed NES does not promote sustainable management in the coastal marine area. The underlying assumption that all of the effects arising from existing development are sufficiently well-known is, in relation to the Marlborough Sounds, fundamentally incorrect. Further, a large number of farms in the Marlborough Sounds were originally developed under the Marine Farming Act 1971. They have not been tested as to whether they occupy appropriate areas, or otherwise amount to appropriate use and development in their current locations. The first occasion when those matters can be properly addressed will be on their expiry at the end of 2024. Those underlying marine farm licenses were granted a 'grandparenting' 20 year term through the 2004 aquaculture reforms in full knowledge that their appropriateness would be a matter for consideration in 2024, when the deemed coastal permits came up for renewal. Some of those locations are not appropriate for marine farm development. The NES would perpetuate inappropriate development in those areas.

This further illustrates the overly ambitious and unwarranted reach of the objective of the NES, by failing to acknowledge that regional differences matter, and failing to accommodate those regional differences. Also, the environmental limits that the objective is referring to are not supported by a framework or context of what is intended. Notwithstanding, if an objective for the NES is to be pursued, Friends would suggest the following changes:

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<sup>31</sup> Literature Review of Ecological Effects of Aquaculture. Ministry of Primary Industries August 2013.

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

to

Allow for the development of an integrated, consistent and efficient regional planning framework for the management of existing marine aquaculture activities and on-farm biosecurity, by ensuring that existing aquaculture development is occurring within sustainable ecological and environmental limits of a finite resource.

### **Specific Comments to NES:**

**2.2 – page 9.** In order to recognize the public nature of the coast, a right of occupation cannot be granted in perpetuity.

**Friends** – Aquaculture is taking place in public space usually without payment of any kind of occupancy charges and it should have full discretionary activity status. Reconsenting marine farms with a ‘closed’ notification provision and restrictive discretionary status is disingenuous and promotes perpetual occupation. Friends submit that full discretionary status is appropriate. In the Marlborough Sounds, the scale of occupation has changed completely over a 40 year period and does not compare to the pioneering stages of the industry in the 1970s and 1980’s. Existing development now amounts to approximately 3000 ha. The public should not be excluded from scrutinising the effects (including cumulative effects) of such an expanded activity and at this stage the reconsenting process is the only option to address these matters.

**3.1 – page 11.** The cultural values of Maori may be affected by aquaculture and there are also community concerns over environmental limits and cumulative effects.

**Friends** – It is only comparatively recently that the cumulative effects of aquaculture and how it has expanded have been recognized as an issue. Currently, the reconsenting process is the only tool to address these matters and consider the most up to date scientific guidance for understanding and addressing ecological impacts. Only then can the wider public be satisfied that aquaculture is being carried out within the environmental and ecological limits of a finite resource. We strongly oppose the restricted discretionary status, which will not lead to ongoing sustainable aquaculture development.

**5.2 – page 26.** Existing marine farms have either:

- been in the water for a significant period of time (some of them for 30 or more years);

or

- that an initial assessment under the RMA was completed at the time that consent applications for the site were first made and that a complete reassessment is not necessary when consents are replaced.

**Friends** - Maintaining discretion is fundamental for sustainable management to integrate scientific research and increased understanding.

**3.1 – page 11.** Variation, inconsistency and conflict can impose unnecessary and unjustified regulation which results in extra time and cost on applicants, consent holders, regional councils and interested parties. In some regions, ongoing second-generation planning for marine activities (including aquaculture) is also occurring. The consenting processes for existing farms can be complex, uncertain and inefficient.

**Friends** – Many knowledge gaps about the effects of aquaculture on the wider environment have been identified by MPI.<sup>32</sup> It is in particular this uncertainty and lack of investment in research that has created the problems identified. The environment and for that matter the community is not safeguarded by the ‘closed’ notification regime and restricted discretionary status, as proposed in the NES.

**3.2 – page 11.** The proposed NES focuses principally on managing the use of existing marine farms as an initial step to achieving one of the objectives of the Government’s Aquaculture Strategy and Five-year Action Plan – to support efficient resource management planning and allocation processes that balances other use, ensures sustainability, and enables investment.

**Friends** – Coastal planning and sustainable use of the marine environment is guaranteed by the RMA, the NZCPS and the local resource management plans. Only through this framework can sustainable use of the environment be achieved. The NES attempts to ‘bypass’ all matters of uncertainty that even MPI has identified as ‘knowledge gaps’. Further, the proposed NES has failed to identify what it means by ‘sustainable aquaculture within environmental limits’. The underlying assumption (that existing development is sustainable) is fundamentally wrong and untested.

The dynamics between NES on one hand and required strategic planning is confusing: (see page 12-3.3) - The proposed NES does not state its definition of strategic planning for the use, development and protection of the coastal environment (as required by Policy 7 of the NZCPS 2010). This is fundamental to the ongoing consideration on how to deal with existing marine farms after their expiry date.

**3.4 – page 12.** In order to maintain its current contribution to the New Zealand economy, the aquaculture industry needs to stabilize its existing production, to provide the certainty to invest in better use of existing space, value-added production and development and adoption of new technologies.

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32 Ministry of Primary Industries: Literature Review of Ecological Effects of Aquaculture. 2013. ISBN 978-0-478-38817-6

**Friends** – The marine farming industry has had very significant opportunities for expansion over the past 20 years. Many of those new development areas are not yet fully developed and there is potential for very significant future development in offshore areas. Giving ‘favoured status’ to existing development within areas such as the Marlborough Sounds does not encourage investment in opportunities in other areas. Rather, it encourages the industry to rely on a government-initiated ‘status quo’ approach. This proposal does not help build innovation, and does not create an incentive for industry research and development in new technologies. Further, the wider public plays a fundamental role in ensuring the sustainability of activities. The NES works very much from an opposite perception - that public participation in the consenting process is ‘the core of uncertainty’. On the contrary, public participation helps ensure environmental accountability.

**3.4 – page 12.** It is reasonable to expect that applications for replacement consents for existing marine farms will be processed without unnecessary costs and prolonged processes, provided existing marine farms are appropriately located, the farmers have been responsible operators and farms have been developed.

**Friends** – This very much begs the question – are existing farms appropriately located, both in location and extent. In the Marlborough Sounds, in a number of instances the answer is ‘no’. What the NES does is to attempt to entrench many of the farms that were granted approvals prior to the planning approach relevant to environmental management today. Avoiding proper scrutiny of ‘appropriateness’ in terms of current scientific knowledge and understanding, and other environmental factors does not amount to sustainable management.

**3.4 – page 13.** Notification provisions. While public participation through notification of resource consent applications can enhance the quality of decision making for new farms or significant changes to existing farms, the effects of existing marine farms that are seeking no or minor changes have already been realized and managed over the years. Thus, public participation should be based on the extent an existing farm is changing its impacts on the environment. In addition, the public can still participate in second generation regional coastal plan processes to ensure marine farms are not located in inappropriate areas. For most existing marine farms therefore, the potentially lengthier process that results from notification of resource consent applications (with the resulting additional time and costs and potential impact on investment confidence) is not necessary.

**Friends** – The explanation captures the uncertainty for the wider public in their role in aquaculture consenting procedures. On one hand, public participation is recognized to have enhanced ‘the quality of decision making for new farms’. On the other hand, the NES assumes that consents have been granted while taking cumulative effects into account. As earlier stated, the latter is not the case at all and further public consultation by consenting farms at the end of their term is necessary to maintain ‘the quality of decision making’ for these existing farms (many of which were originally approved under the Marine Farming Act 1971). To suggest that the public can participate in ‘second generation regional coastal plan processes to ensure marine farms are not located in inappropriate areas’ is at odds with the proposed ‘restricted discretionary activity’ status if the NES becomes operational. Friends observe that if



## Submission No:0044

the NES becomes operational, the community will have no further role to play in long term aquaculture management of existing consents. It is unclear how the wider public can participate in consent processes during the plan making process (see page 16, policy objective).

**5.2 – page 31.** The NES states as a proposition that the potential effects of the existing forms of aquaculture currently operating in New Zealand are well understood. For that reason, replacement consents for existing marine farms should not go to full public notification.

**Friends** – For reasons set out earlier, there is much that is uncertain and evolving in terms of understanding ecological and environmental effects. This underlying assumption of the NES is fundamentally wrong and flawed.

**3.4 – page 14.** Policies 13 and 15 of the NZCPS 2010 direct that adverse effects of activities on areas of outstanding natural character, outstanding natural landscapes and outstanding natural features are to be avoided. Based on the areas currently identified, 18 percent of existing marine farms are located within areas mapped as outstanding in operative or proposed regional policy statements and regional coastal plans.

**Friends** - The decision of the Supreme Court in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC38 [17 April 2014] has clear implications for the allocation of space in the coastal marine area for aquaculture. It would be contrary to the decision of the Supreme Court to allow existing farms to continue without further scrutiny of these matters. It is also noted that policies 13 and 15 are not confined solely to areas that have outstanding qualities and characteristics.

**3.4 – page 14.** The development of second generation regional coastal plans provides opportunity to better plan for areas that would be appropriate for aquaculture, to identify areas where aquaculture is considered to be inappropriate, and to better address the cumulative adverse effects of multiple marine farms.

**Friends** – The NES and its relationship with existing and ‘second generation regional coastal plans’ is unclear and problematic. If it is the intention of the NES to be implemented in regional plans in the first half of 2018, this will preclude opportunities for the public to participate in relation to re consenting of existing marine farms.

**3.4 – page 14.** In Marlborough, marine farms were originally established primarily in a “coastal ribbon” extending from 50m to 200m offshore. In order to provide a wider buffer between marine farms and the shoreline to improve public access and protect ecological values along the shoreline, a more ideal siting in many locations would be between 100m and 300m offshore.

**Friends** - A desire for further expansion of aquaculture beyond existing consented areas has been a long term contentious issue. Clear thresholds for occupation were not set during the processing of these extensions. It seems doubtful that a change from 50-200m to 100-300m is a ‘minor’ realignment.

**4.4 - Page 25.** An NES can also clarify how existing marine farms within and adjacent to outstanding areas will be considered.

**Friends** - The landscape and natural character effects from aquaculture vary with location. Accurately identifying the level or degree of landscape and natural character effects from aquaculture is crucial to make the activity consistent with existing planning instruments and Court decisions. Appropriateness of existing farms within outstanding areas requires further public input.

**5.2 – page 27.** NES wants to develop a focused list of effects that should be subject to matters of discretion for replacement consents for existing farms. At this stage, effects that are considered to be relevant are:

- .....
- marine mammal and seabird interactions with marine farms – particularly entanglement, **but not habitat exclusion**;

**Friends** – Policy 11 of NZCPS requires the protection of indigenous biological diversity in the coastal environment and to:

- avoid adverse effects of activities on indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
- taxa that are listed by the IUCN as threatened;
- **habitats of indigenous species** where the species are at the limit of their natural range, or are naturally rare;
- avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;

The criteria of the IUCN for threatened species has identified King Shag with 32 other New Zealand Birds as “VULNERABLE”, where this “species is facing a high risk of extinction in the wild in the medium-term future”. Area-based conservation for species is an integral part of the activities of the IUCN Species Survival Commission. This activity can be initiated in relation to the specific demands of the particular species, since protection of threatened populations requires protection of the habitat in which they occur. Habitat exclusion is inconsistent with the NZCPS.

On this matter, Friends strongly disagree with this proposal of the NES to allow no discretion to regional councils in relation to the management of marine mammal and seabird interactions with marine farms under Policy 11 (**5.2 – page 30**):

While Policy 11 of the NZCPS 2010 provides similar policy support as Policies 13 and 15, but to areas of indigenous biological diversity, **a similar matter of discretion for effects of existing marine farms on these areas is not recommended for inclusion in the NES.**

Areas identified by regional councils under Policy 11 to date have tended to be either wide in extent, sometimes without clear boundaries, or very confined. Recommended matters of discretion in relation to significant seabed values such as reefs or biogenic habitats, and in relation to the management of marine mammal and seabird interactions with marine farms are considered to provide appropriate flexibility for councils to ensure that decisions on consent applications have regard to the requirements of Policy 11.

**Friends** – We strongly oppose this interpretation, which fails to give effect to important provisions of the NZCPS, and other instruments aimed at ensuring (and enhancing) biodiversity.

**5.2 – page 29.** Existing marine farms in areas defined as outstanding natural features, outstanding natural landscapes or areas of outstanding natural character in the coastal marine area will be treated slightly differently.

**Friends** – The assessment of outstanding natural features, outstanding natural landscapes or areas of outstanding natural character is already affected by developments of aquaculture that have been allowed. As such, on reconsenting assessments of outstanding natural features, outstanding natural landscapes or areas of outstanding natural character in the coastal marine need to be assessed afresh. This position may find some support in the NES (**5.2 – page 33**):

If through its regional coastal planning processes, a council in future identifies an area where aquaculture is inappropriate, the proposed NES should support this. It is therefore proposed that a discretionary activity rule be included in the proposed NES for existing marine farms that may, in the future, be determined through local planning processes to be in inappropriate locations.

**7.2 – page 47.** Environmental benefits would arise from the national environmental standard ensuring the key effects of aquaculture are appropriately managed through relevant matters of discretion. This should lead to improved environmental outcomes over time, particularly as marine farms operating under deemed coastal permits apply for replacement consents.

**Friends** – Many knowledge gaps arising from existing development have been identified by the Environment Court, Environmental Protection Agency, Supreme Court, and for that matter MPI itself. Sustainable management requires the ability to scrutinise existing aquaculture development in the Marlborough Sounds, both in terms of location and extent, when a number of historic marine farm licence areas come up for renewal in 2024. Only then can the public be satisfied that the quality of decision-making will be enhanced by public participation. The proposals contained in the proposed NES amount to a reversion to ‘closed’ environmental decision-making that lacks integrity, and will not ensure that the environment in which the activity seeks to continue to take place is safeguarded. For the Marlborough Sounds, the proposed NES is unsupportable and its implementation is strongly opposed by Friends.

Rob Schuckard

Committee member of Friends of Nelson Haven and Tasman Bay Inc.



## **Proposed National Environmental Standard for Marine Aquaculture Submission**

To the Ministry for Primary Industries

aquaculture@mpi.govt.nz

8 August 2017

### **Submitter Details :**

Mr Gilbert Douglas **JAMES**  
Owner/Director Gold Ridge Marine Farm Limited  
PO Box 716  
**THAMES 3540**

Email : 

### **1.0 Introduction**

Gold Ridge Marine Farm Limited farms mussels at Coromandel and supplies fresh mussels for the North Island supermarket outlets.

The company employs 12 people and is integrated with Future Cuisine Company Limited, a processing and exporting company.

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

No.

*Question 8: Should the extent of an acceptable overlap of existing marine farms with outstanding areas due to margins of error in mapping be defined?*

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

## Submission No:0042

*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.



## Submission No:0042

*Question 19: Are there other specific matters that councils should be able to consider for applications to realign existing marine farms? Are the matters that have been identified all relevant?*

The matters that have been identified are relevant and sufficient.

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

Yes.

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

No.

*Question 22: Are the categories based on change in structure an appropriate approach? If not, can you suggest any other approach that might be suitable?*

The categories are an appropriate approach.

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

No.

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

No.

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

Yes.

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

No.

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

No.

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

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

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

No.

*Question 30: Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified?*

No.

*Question 31: Should the activity status be different for changing species on existing marine farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character? If so, what should it be?*

No.

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

No.

*Questions 33 to 40 – Biosecurity Management Plans:*

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

*Question 41: Have the range of costs and benefits arising from the proposed national environmental standard, and who might bear the costs or receive the benefits, been accurately reflected? Are there any costs and benefits that have been overlooked?*

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

*Question 42: Are the estimates of costs and benefits accurate? Do you have information on costs and benefits that could assist the second stage of our assessment (of the impacts of the final proposal)? Do you have any information on costs and benefits that have not been quantified at this stage?*

As above.

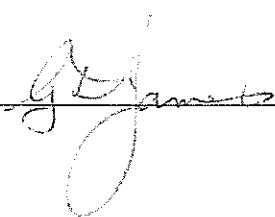
#### **6.0 Summary Statement**

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

Name

GILBERT DOUGLAS JAMES

Signature



Date

8 August 2017

**Proposed National Environmental Standard for  
Marine Aquaculture**

August 2017

**To : Ministry for Primary Industries (MPI)**

Private Bag 14, Port Nelson 7042

**From : Liz Griffiths**

[REDACTED], Tasman 7173

[REDACTED]

[REDACTED]

In the hope that this submission, and all others opposed to aspects of the proposed NES, will be read and carefully considered. Also the hope that this is not just an exercise to allow us to think we have a voice that will be heard, that re-assessment is possible - but that a careful review of the proposal will be an integral part of this exercise. 'Non-notified, restricted discretionary' for this NES is setting a precedent which, if granted, could enable a government in NZ towards further actions which would seriously undermine the democratic processes we value.

**comments and concerns arising from the statements of intention,  
and omissions,**

## **in the MPI document : Proposed NES for Marine Aquaculture**

- (i) Why has MPI not yet required that the Government give priority to initiate a set payment for aquamarine-farm land-occupancy fees ? Where is the NES proposal to require an annual occupancy fee to be paid as the most fundamental part of the condition of receiving consent renewal ?**

Given that the prime intention expressed in the NES document is for greater cohesion and planning in the industry, then why has the most fundamental aspect, to include payment by consent holders for an occupancy charge, been entirely ignored ?

This subject has been often raised before, yet the government lets these significant users of public space pay nothing - nor even to remedy in any way the environmental effects of their activity if it is shown to be environmentally detrimental.

Financial support from MPI for the aquaculture industry (i.e. the NZ tax payers) has already been millions and millions of dollars. All the detailed hours of consultation and preparation of scientific data and reports such as this are levied on the tax payer.

At least part of this MUST be recoverable.

Payment of local occupancy fees needs to be an essential condition for renewal.

Though payment of these fees will be sequential, as current consents expire, it must be remembered that the holders have enjoyed 20 to 30 years of aquaculture returns already, without paying a single levy while operating in public space. Then, at least by 2025, ALL consent holders for marine farms should be required to pay these levies.

Most/all aquamarine farmers are making generous returns from their commercial enterprises.

Why should the NZ tax payers and rate payers keep propping them up ?

As well, consent holders should face the costs of cleaning up significant environmental degradation that has resulted expressly from their aqua-farm activities e.g. Ruakaka salmon farm in Marlborough Sounds.

Pressure is on dairy farmers to fence stream edges and clean up environmental damage from overstocking, and keep streams and rivers less contaminated. That should apply to Ruakaka.

No other land-based enterprise gets such morally and fiscally unsupportable and lenient conditions. Even the pine plantation owners and holiday home owners in Marlborough Sounds and elsewhere in NZ coastal areas will be paying local rates.

New Zealand has claimed ownership of all the area to cover a defined economic zone far out to sea, well beyond the marine edge. These coastal areas are clearly defined as part of the NZ land mass.

- (ii) Blatant subversion of the democratic process : The Resource Management Act 1991 (RMA) expressly requires local councils to grant or decline consents for activities that might affect the environment.**

Although a National Environmental Standard (NES) for Marine Aquaculture could be a positive basis to support planning and consistency across all jurisdictions in NZ, the renewal consents should stay with the local district/regional councils.

The MPI summary states : An NES sets national rules that would replace regional council rules.

Most would agree that clear definitions are preferable and an NES could have value in this.

The councils, however, already have the NZ Coastal Policy Statement 2010 (NZCPS) as their standard, (although it could do with a review, e.g., to better understand sustainable maximum stocking levels).

A fair and robust NES, based on the NZCPS, could augment and support local decision making.

However much that is in the NES proposal has serious flaws which won't be remedied if the NES, as currently proposed, comes in to effect in 2018 :

- Most original consents were based on ad hoc planning processes and were granted before the cumulative adverse effects of long-term aqua-farming on the environment were well understood.
- NES takes a presumption that the long term effects *were* considered and that sustainable management actions *were* in place, when neither is true. And there is nothing in the proposal to affirm that addressing either issue is to be actioned - not when or by whom or how.
- The proposed NES simply does not adequately address the uncertainty arising from long term effects, nor the lack of investment in furthering in-depth knowledge of what it is to be sustainable. Instead, in MPI's haste, is the spectre of on-going, uncontrolled deterioration of the environment.
- There is still uncertainty about the specific role of dense aquaculture farming on the continuing ecological and wildlife deterioration in many coastal areas. NZ has significant bio-diversity loss, and threat of extinction, on land and in marine areas. What does it take to have the government seriously consider these trends. It has taken years to get acknowledgement about the very adverse effects of over-stocked, over-concentrated dairy farms.
- It is NOT clear in the MPI document how the actual processing of the renewal consents is being proposed. NES will take the assessment of sustainable management entirely away from public scrutiny. *'Non-notified' is entirely unacceptable.* This leaves the process exposed to the whim of a small group of interested parties acting for self interest. It is extremely unwise to have an NES make long term irrevocable plans which have a high degree of future environmental deterioration, especially when no aqua-farmers are currently liable for any adverse effects their activities may cause.
- Nor is the detail of the actual terms NES available, so how can anyone evaluate its integrity and especially consistent adherence to the intentions and purpose of the NZCPS. *'Restricted Discretionary' is therefore also entirely unacceptable.* Re-consenting under this is too close to obtaining a virtually perpetual license for consent holders to continue to operate, with no defined opportunity for future modification or remediation.
- Does MPI really believe that to set up an agency in the ministry to do this renewal consenting is truly beneficial to long term NZ interest ? This bid for internal management of a key industry, primarily for the benefit of the relatively few owners of the industry, is stunning in its audacity. If most NZ'rs knew and understood what is being proposed there would be outrage.

## Submission No:0007

I can understand the wish to avoid any lengthy delays with re-consenting aquamarine farms over the next 7 to 8 years. I am aware of the frustration from inconsistencies among councils and sometimes inept delays, with mounting costs with consent processing.

However, I am reminded of the additional calamity for Christchurch residents when the Government designated EQC to process all claims - a role it was never intended to have. The EQC was a Levy-collector of financial support for the insurance companies. It was never intended, nor had the internal structure, to be an insurance company in its own right.

And MPI with the local councils, MPI was **never** intended to be a closed jurisdiction for consents.

IF local councils don't perform well then provide the support for them but *don't usurp their role*. For MPI to process renewal consents is fundamentally illegal and unethical.

We have a democracy that needs nurturing and protecting - it may be clumsy but it is the best.

Moreover, **each area is different**. Each council will have local, particular aspects that can best be evaluated and acted by each council with their special knowledge. And they can more easily visit sites or some staff will already know the areas well. Visual understanding is key in such an exercise.

I am aware that the terms of the RMA have been reduced already, but I do NOT support the legal role of councils to be effectively by-passed in this or any proposal. And this *does* include the public right to have input - and to be informed of the process as renewals occur.

Local councils must remain the ultimate jurisdiction for RMA consent decisions. They know their areas usually better than an outsider. They might be obligated to make re-consent decisions based on parts of the NES, but local councils are far preferable to some amorphous body within the ministry in Wellington issuing re-consents.

Also if the entire NES proposal gets acceptance, what precedent does this set ? what further trends will there be for governments to alter laws in detrimental ways to benefit small select groups in NZ ?

It is wrong and the precedent is dangerous.

Through the whole RMA revision there is an increasing concentration of power from the regions to central Wellington, a trend I am strongly opposed to.

### (iii) Role of MPI in New Zealand's economy, with reference to the Marlborough Sounds :

During this last decade in particular, this government has concentrated on economic growth.

# Submission No:0007

MPI in its logo states it stands for 'Growth and Protection' (presumably of economic drivers).

This is not the place for political comment except to state that the style of economic growth has been too selectively beneficial for corporations over general social welfare and the environment.

MPI is a key ministry in effecting the condition and terms of this 'growth'.

Under three decades of neo-liberalism, globalisation, laissez-faire the inevitable result has been :

- deep erosion of NZ labour laws;
- recruitment of foreign labour across all primary industries (many of whom tolerate lower wages and minimal rights, and are often on limited contracts), for 'cheap' labour to boost private profit;
- increasingly high foreign ownership across all primary industry sectors, with undefined loss of future foreign exchange earnings and national control, (a 'haemorrhaging' of earnings out of NZ);
- industrial scale of farming practises - with over-stocking beyond the environment's ability to process waste, as well as over-concentration of farming type, especially dairying - along with the undeniable fresh water loss, and probable anaerobic outcomes of some deep soil ecologies;
- continual use and abuse of the environment, on and on.

NZ has never had a uniformly proud environmental record - massive de-forestation, mustelids, gorse and pine trees, DDT, asbestos, leaded petrol, coal fires etc - but hopefully we are learning.

Yet today **NZ possibly leads the world in having more native flora and fauna species facing imminent extinction**, along with a significant and growing gap between the rudely rich and desperately poor, (along with pervasive increase in drug use and associated violence etc).

The Ministers FOR the Environment and Conservation have compromised their positions, deeply damaged their credibility, by actions they have taken that first serve corporations and the 'economic growth' mantra, above the special environmental protection of their respective positions. They have devalued their roles by agreeing to a further weakening of the RMA to accommodate the intentions of the NES for marine farm consent renewal, to enable the process to be effectively taken from regional councils and public scrutiny, and managed 'elsewhere' with potentially little transparency of procedure or accountability.

And, given its record to primarily support economic interests, I do not trust MPI to manage the renewal consents.

The NES document gives no description of who or how this is to be enacted - it is vague, but it will presumably be some new agency gathered together, in MPI, without public knowledge or local council control.

**My trust in MPI is greatly diminished because of the recent "Relocation of Salmon Farms in Marlborough Sounds".**

MPI over-rode the Marlborough District Council and wider community management plan for the sounds by proposing to locate five new salmon farms in the already 'prohibited' outer Pelorus Sounds.

This was a dramatic and amoral over-riding of the aims of the local community, expressed in the Marlborough Sounds Resource Management Plan, for the prime benefit of a predominantly foreign-owned company in an area already designated as special.

It has been stunning that a government ministry, backed by the Cabinet and the Environment and Conservation ministers, could be so determined to promote one industry over the local community's expressed wishes and hopes to preserve a special ecology. It is a disgrace beyond words.

As well, at the entrance to Oyster Bay in Tory Channel, the species change of a consented, but unused, mussel farm to a fin-fish farm was illegally taken. That the mussel farm was too shallow proved no obstacle - the site was simply shifted to the centre of the bay entrance.

MPI staff claimed, after extensive searching, that 'there **were no suitable** places in Tory Channel' - which surely simply means that there were no places suitable. So why did someone fabricate an entirely unsuitable place in the absolute centre to the entrance of a bay, without any river in-flows, where sediment would build up over time. And in the middle of an area already having a significant concentration of salmon farms ?

No MPI staff even bothered to check how this would affect amenity values for local land owners. They thought that virtually no one lived there - at most three, so that just 'so few' effectively didn't matter.

At least the local council would have checked records and noted that several families lived close by in Oyster Bay.

This is a rotten record of bullying as well as a *very significant and deliberate lack of cognisance of the NZCPS*.

What has driven the government to operate in this way ? with both MfE and MoC ministers deeply involved in modifying RMA laws to enable this chaos ?

Whether MPI is driven by the Cabinet '*Business Growth Agenda*' to over-ride and ignore established processes I can't decide, but the outcome of some of their actions is very concerning.

**(iv) Should MPI process the renewal consents, what checks will there be for cases where there is over-crowding of farms, or excess sedimentation build up etc ?**

There is the impression that renewals might be virtually 'automatic' - processed as 'non-notified, restricted discretionary activities' with no public right to address, and by-passing the councils



The Government has expressed determination to support the aqua-culture industry in NZ. It does contribute significantly to the economy and employs several thousand people.

Of course no one wants to hobble an industry but just as the environmental damage from dairying is at last being recognised by the government, as well as the wilding pine problem, and deeper understanding of the very hard social and financial consequences from oyster and kiwi fruit diseases, the *'precautionary principle' MUST be the front-line principle.*

The need for streamlining, and simplifying, renewal consents is justifiable but there is not nearly enough certainty that MPI would consider aspects such as the long term cumulative effects, the sedimentation build up, and resulting very adverse effects on wild life etc.

Where and what are the guarantees in this process ?

Our coastal environments are already in significant environmental decline, and aqua-farming is increasingly having an adverse effect - from over-concentration of farms, the over-stocking, and especially from the tonnes and tonnes of fin-fish food and faeces *densely* added to sea water.

What happens with a renewal where the sedimentation has already thickly built up under and around the location of the farm ? All other life under that dies. Cloudy water seriously hinders other fish and bird life as well, as they simply can't see, as well as they need to see, to live.

***Where else in NZ is a farmer permitted to pour the equivalent of many dozens of huge truck loads of 'stuff' directly in to water ? Paying no annual occupancy rates; paying no environmental damage costs; in public spaces; for personal gain - with much of the income received bouncing back overseas to owners off-shore ?***

So who will be the final arbiter ? who will check that the terms of the NES and particularly the NZCPS are expressly being followed ? It seems that renewal of consents could become too guaranteed - too simplified - almost automatic.

Given its recent history it is hard to keep faith in some aspects of MPI intent.

**(v) Bio-security issues :** the NES is correct to address the need to have consistent measures and monitoring of bio-security management of aquamarine farms.

However, given the above instance where MPI over-rode basic terms of the NZCPS to support new salmon farms in Marlborough Sounds, what assurance at all is there that the NZCPS standards will be monitored and enforced ?

MPI is focussed on short term, high return - whereas serious long-term planning is required.

The bio-security measures for staff in management of the farms does not adequately address the long-term environmental cumulative effects from both over-concentration of farms and over-stocking in farms.

Indeed have any limits even been measured ? What is sustainability in this environment ?

But the effect of disease among oysters in Stewart Is is a reminder of both these aspects.

It is in the industry's own interests to have a more thorough understanding of the damaging effects from long term degradation, and sedimentation build up - as is already apparent at Ruakaka Bay.

The urgent need for our land-based fresh-water clean up is finally recognised as resulting from both over-concentration and over-stocking of cows.

Very damaged fresh water systems are at last gaining some protections. But sea water is not.

Salmon farming needs to be especially carefully monitored. It is the most lucrative of the marine industries - in part because overseas disasters have pushed the price up. However it is THE most environmentally damaging of **all** farm industries.

Overseas there are measures being taken to address some of the problems - for example only land-based salmon farming is permitted in some countries; in others some sort of 'pods' are required to gather, and remove from the sea water, the un-eaten fish meal and faeces.

But nothing is yet happening in NZ to mitigate any of these problems. Just Ruakaka to be abandoned.

And how are the local councils meant to fund this monitoring of these new bio-security measures ? no re-consent income - so where does the money come from ? will the checking be adequate ?

Ultimately I don't believe MPI adopts a consistently precautionary approach.

**(vi) Animal rights :** Fin-fish farming is horrible for the fish who are caged until killed - and are treated no more humanely than caged chickens and pigs.

I know there is no easy answer.

A life eating chicken feathers and offal, cramped in a cage for 2 years and then not even subdued with Aqui-S at death is just sad. A truly rotten life.

Finn Sumner

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**From:** Liz Griffiths [REDACTED]  
**Sent:** Sunday, 20 August 2017 11:44 a.m.  
**To:** Finn Sumner  
**Subject:** NES Aquaculture - further questions

Finn, thank you for the chance to get further clarification.

I am involved in all this because I have a grave concern about the rapid and general degradation of the NZ environment in my life time. (and I am aware that, from early settlement, this has always been the case but one hopes that with better understanding and knowledge we would be following the precautionary principle more rigorously).

I note, therefore, your encouraging statement that the NZPCS will remain the dominant marine policy document, and that the NES would 'sit under' it and that councils will continue to be required to give effect to it.

(A) You high-lighted my comment that MPI would effectively become '**a closed jurisdiction**' for the re-consenting process and that it would 'take over' the role of the councils.

I said this because the NES proposes that the re-consenting **default position is for 'non-notifiable restricted discretionary' status** :

(i) This implies the existence of an already established basis - that these marine farms have already been assessed in relation to the values of an area and that the cumulative effects are well understood and monitored  
and managed.

(ii) But many of these re-consenting farms were established before RMA and NZCPS and I doubt they have ever been tested against the standards described. There was probably no regard then for cumulative effects.

(iii) A re-consented farm has a right to exist as is for another 30 - 35 years, uncontested. The NES could enable re-consents to roll-over entirely uncontested and with very uncertain assessment of long-term effects.

(B) Under **non-notifiable restricted discretionary** local councils, the public and legal process all lose their right to contest issues such as cumulative impacts, further loss of bio-diversity, water quality and even recreational use

(i) Under the RMA it is the councils who are directed to protect the natural character of their unique local marine environments.

(ii) The NES will direct the councils, not the other way.

(C) I understand from statements made, that the **government wants to significantly expand aquaculture in NZ, especially fin-fish farming**, given the current high prices. The government is willing, and is already involved, in further adapting the RMA rules with intentions to simplify this - by further weakening the RMA.

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The RMA, along with the NZCPS, addresses the need to preserve natural character :

(i) I believe the NES, under proposed 'non-notifiable restricted discretionary' status has the potential to weaken environmental protection. It does not address cumulative effects adequately at all.

(ii) The NES bio-security proposals, though good, do not identify nor address the matters of constraint expressed in the NZCPS.

(D) There is well documented, well understood, information about the continuing **wildlife and ecological degradation** in our marine environments and local decline in bio-diversity :

(i) Yet even aquaculture depends on the maintenance of ecological integrity.

(ii) There is still much **uncertainty about sustainable thresholds**. Ruakaka in Marlborough Sounds is an apt example - known for years that it was being over-stocked but now the government encourages the area to be abandoned and offers a new area to replace it. In this process MPI has a wobbly record. The King Salmon request for new sites showed little regard for the NZCPS, but had the full backing of the government in the Cabinet and MPI.

(iii) There is still no monitoring of the cumulative effects of aquaculture farms, and no certainty who is to do this in the future - DOC or the councils ? - let alone how the monitoring is to be done **or paid for** or to what standards - and over time to understand the on-going cumulative effects and when critical adjustment times might occur.

(E) Once the NES takes hold as 'established practise' what further limiting of local control will follow ? is this the 'thin edge of the wedge' ?

Given this government's relentless drive for 'growth' at the expense of the environment and social 'welfare' the word **caution** flashes in big red lights.

Does anyone know what percentage of MPI primary industry export earnings do just disappear back overseas ?

How much of the coastal marine aquaculture is owned by people living offshore with no intention of gaining citizenship ?

What is the value to NZ that a Canadian pension funds owns 41 of the dairy farms in the South Island - with no environmental damage costs, free water - all those familiar themes.

King Salmon, primarily owned by Mr Tiong of Sarawak, is only part of his NZ investment - Earnslaw One is his major interest. He is among the 1% who own over 50% of the world's assets and has removed thousands of acres of forest in Sarawak and PNG etc for his massive palm oil industries - yet MPI paid \$600,000 of tax payers money to KS when there was a large mortality in one farm a few years ago - yet our hospitals, schools, social services, police, roads, fresh drinking water, etc all go under-funded. The government has so reluctantly agreed that over stocking of dairy farms has caused the major fresh water degradation. Fin-fish farming, when concentrated is far worse. We hear about the calamity in Chile, Scotland, Canada, Norway but it is all so remote so we rarely bother to learn the lessons. MPI should give some staff a study grant to go and travel and learn.

Enough - thank you Finn - kind regards - Liz Griffiths

## 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

**Jake Bartrom**

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**Organisation Name: Gulf Mussel Farms**

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**Address for Service: 321 Tiki Road RD1 Coromandel 3581**

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**Email:** [REDACTED]

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### 1.0 Introduction

- Gulf Mussel Farms operates in the Hauraki Gulf and Marlborough Sounds
- We farm NZ Green lipped Mussels
- We employ 25 full time staff

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

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

### 2.0 The Issues

- Aquaculture is the heart of regional communities like Havelock, Coromandel, Warkworth, Stewart Island and Twizel.
- Our products provide kiwis with healthy, sustainable food, produced in New Zealand – a far better choice than most other protein sources available worldwide.
- The industry offers tremendous sustainable growth potential for New Zealand to create more regional jobs, support associated industries and bring much needed export earnings into local communities and the economy.
- But for years the potential has been hampered by a regulatory regime that drains vital resources that could otherwise be invested in innovation, product development and building new premium markets
- Under the current regime, variations and inconsistencies for re-consenting rules in different regions create complexity and uncertainty – and creates extra delays and costs for industry, councils and communities
- With up to 75% of marine farm consents due to expire by 2025, at a cost of \$50.3 million in total, the current reconsenting processes create a cloud over the future shape of the industry

## 3.0 General Support for the Proposed NES

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

## 4.0 Specific Comments on the Proposal

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

## 5.0 Questions for Submitters

*Question 1: Do you think an NES for marine aquaculture, including guidance material, is required? Alternatively do you think the status quo (where regional councils decide the activity status for replacement consents for existing marine farms and consents for change of species which can vary from controlled to non-complying) should be maintained?*

**Yes.**

*Question 2: Do you think restricted discretionary is an appropriate status for replacement consents for existing marine farms? How would other activity statuses address the issues identified in section 3 of the discussion document?*

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

*Question 3: Does the NES need to provide a full rule framework, including discretionary activity rules for those marine farms that cannot meet the requirements to be a restricted discretionary activity?*

**No.**

*Question 4: Do provisions covering replacement consents for existing marine farms where supplementary feeding occurs require additional terms to define what qualifies to be a restricted discretionary activity?*

**No.**

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

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

*Question 6: Should applications for replacement consents for existing marine farms where supplementary feeding occurs be treated differently under the proposed NES or not addressed at all?*

**No.**

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

**No.**

*Question 8: Should the extent of an acceptable overlap of existing marine farms with outstanding areas due to margins of error in mapping be defined?*

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

*Question 9: Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified, such as those listed in Policy 11 of the NZCPS 2010?*

**No.**

*Question 10: If so, what are these areas/values and what are the potential effects of concern caused by existing marine farms on those areas/values?*

**Not applicable.**

*Question 11: Should the activity status be different for replacement consents for existing marine farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character? If so, what should it be?*

**No.**

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

**No.**

*Question 13: Are there advantages or disadvantages to allowing councils to take a more lenient approach that you would like us to be aware of?*

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

*Question 14: Do you agree that the areas zoned specifically for aquaculture in Tasman and Waikato should be exempted from the provisions of the proposed NES relating to replacement consents for existing marine farms?*

**Yes.**

*Question 15: Do you agree that there are sites that should be recognised in the proposed NES because of their particular importance to aquaculture? If so, what sort of provisions do you think would be appropriate?*

**Yes. Spat farms of national significance such as the Wainui Bay mussel spat farms in Golden Bay and Aotea Harbour in Kawhia.**

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

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

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

**It is appropriate.**

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

**Yes.**

*Question 19: Are there other specific matters that councils should be able to consider for applications to realign existing marine farms? Are the matters that have been identified all relevant?*

**The matters that have been identified are relevant and sufficient.**

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

**Yes.**

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

**No.**

*Question 22: Are the categories based on change in structure an appropriate approach? If not, can you suggest any other approach that might be suitable?*



**The categories are an appropriate approach.**

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

**No.**

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

**No.**

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

**Yes.**

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

**No.**

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

**No.**

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

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

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

**No.**

*Question 30: Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified?*

**No.**

*Question 31: Should the activity status be different for changing species on existing marine farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character? If so, what should it be?*

**No.**

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

**No.**

*Questions 33 to 40 – Biosecurity Management Plans:*

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

*Question 41: Have the range of costs and benefits arising from the proposed national environmental standard, and who might bear the costs or receive the benefits, been accurately reflected? Are there any costs and benefits that have been overlooked?*

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

*Question 42: Are the estimates of costs and benefits accurate? Do you have information on costs and benefits that could assist the second stage of our assessment (of the impacts of the final proposal)? Do you have any information on costs and benefits that have not been quantified at this stage?*  
As above.

#### **6.0 Summary Statement**

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

Name: Jake Bartrom

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Signature:



Date: 3<sup>rd</sup> August 2017

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Michael Nielsen

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**From:** Tyson Hammond [REDACTED]  
**Sent:** Wednesday, 26 July 2017 10:04 AM  
**To:** Mailbox\_Aquaculture  
**Subject:** Wainui Bay Spat farming

Hello,

I'm a resident here in Wainui Bay, Takaka and became very upset when i heard that the big business of Talley's owns the mussle and spat farms here in Wainui. They seem to be only interested in making money and not about protecting our natural environment at all.

I would like the farms in Wainui Bay to remain a discretionary activity. This is a unique environment here attracting many rare birds like the Kotuku (see back of \$2 coin). There has already been a problem here in Wainui with ropes littering the beach here and I'm sure there's more pollution happening that is unseen.

Please help us protect our local environment.

Thanks

Tyson Hammond

[REDACTED]

Wainui Bay  
Takaka



## Submission on Proposed National Environmental Standard for Marine Aquaculture

**Submitters:** John Hellstrom PhD ONZM  
Judy Hellstrom BA., B.App.Sci

**Contact details:** [REDACTED] Picton 7250  
[REDACTED] Mob. [REDACTED] (no mobile signal whilst at home)  
[REDACTED] [REDACTED]

### 1 Introduction

We, the submitters, are long-time residents of Queen Charlotte Sound, having been full-time residents in Endeavour Inlet for 20 years, and part-time residents for 20 years prior to that. We have an in-depth knowledge of environmental management of the Sounds, and are involved in both local and Sounds-wide conservation activities (John chairs the Sounds Restoration Trust, and is a trustee of the Marlborough Marine Futures group); Judy is also involved in local conservation activities (eg Endeavour Inlet Conservation Trust) and is a member of the MDC Sounds Advisory Group. John chairs one work stream of the MPI-led Biosecurity 2025 initiative, was awarded his ONZM for his contribution to biosecurity policy and planning in New Zealand, and is a ministerial appointment as a Guardian of Te Korowai. Judy has recently completed two terms on the New Zealand Conservation Authority, and prior to that time was a member for 7 years of the Nelson-Marlborough Conservation Board, for two of those years as Chair. Judy is currently a member of the Marlborough Aquaculture Working Group, and was also a community member of the Salmon Working Group.

Whilst we are in support of some of the initiatives of the proposed NES Aquaculture, we see it as generally being short on workable policy, and in particular we see it as potentially silencing the ability of communities to be able to bring their advice, including expert opinions, to inform the on-going environmental sustainability of aquaculture. Our particular interest is in the management of aquaculture in the Marlborough Sounds: however, our comments also apply to the implementation of the NES nationally.

This submission focuses on six aspects in particular:

- the necessity to ensure that communities of interest are able to express their values about the coastal marine area, now and in the future, particularly with reference to Policy 3 (2(c)) of the NZCPS;
- the necessity for regional councils to be able to continue to implement their strategic planning for use, protection and development of the coastal marine area, in order for equitable and sustainable sharing of the coastal marine

environment, as required by Policy 7 of the NZCPS, and for that planning to be able to inform the location of aquaculture;

- the necessity for protection of those areas of outstanding natural values, either features or landscape (which includes seascape), as required by Policy 13 of the NZCPS;
- the inconsistency in the NES Discussion document between the opening statement in the Executive summary (that new space is not provided for) and the suggestion on p. 14 that a “more ideal” siting (in Marlborough) would be in a coastal ribbon that is 33% larger than that which is currently used by aquaculture;
- the lack of provision within the NES for identification of environmental limits, including carrying capacities, “tipping points”, and on-going provision for ecological sustainability;
- the identification of biosecurity policy for any requirement for biosecurity plans, their monitoring, and any consequences should plans not be implemented.

## 2 Community involvement

In the Ministerial foreword to the NES, it is stated that one of the “unique challenges” that the aquaculture industry has “includes ensuring the important values people hold in the coastal marine area are protected” whilst recognising the industry’s need for investment certainty.” (underlining added).

The Executive summary notes that there is increasing competition with other uses and values in the public space of the marine and coastal environment. The proposed NES discusses ways in which existing aquaculture may keep its current space, with the assumption having been made therefore, that this may be at the expense of other uses of the space, including recreation, recreational fishing, tourism, cultural use, and long-term sustainability of the environment. It is noted here that this theme is not followed up through the discussion document: “increasing competition with other uses” does not appear to be considered further within the body of the document.

We note that the majority of marine farms have been consented without detailed spatial landscape analysis and certainly all those consented prior to the RMA. Nonetheless, protection of the coastal marine area is required by the NZCPS (Objectives 2, 7; and Policies 1, 3, 13). The assumption in the NES discussion document (5.1, p.26) that the public had opportunity to be involved in these earlier consents (or licences under the Marine Farming Act 1991) is incorrect: the development of the second-generation plans or the re-consenting processes may be the first significant opportunity for public involvement with respect to these farms.

We therefore object to clause 16 (Notification) of the indicative NES provisions and consider that these renewals, where effects under the RMA have been formally considered, should be notifiable.

## 3 Strategic planning

It is acknowledged (p.12) that Policy 7 of the NZCPS is not addressed by the NES,

however, the proposed NES will pre-empt the ability of regional councils to undertake strategic planning for the use, protection and development of the coastal marine area. It is stated in the summary of options (Table 4.1) that future strategic planning by regional councils that identifies areas that are appropriate may occur: on p.19 it states that provisions “could be included” to recognise future strategic planning by Councils. We consider the “could be” to be entirely inappropriate: to even consider the possibility that Councils may not be able to undertake this important work that will inform environmental management of aquaculture within their regions would give unfettered powers to the NES, from now and into the future.

Given the fact that implementation of the NES is likely to occur before “future strategic planning” occurs, it is thus likely that marine farms may continue to be consented within areas that are later deemed to be inappropriate for aquaculture. This is particularly important for areas deemed to have high landscape or seascape values, or high biodiversity/ecological values. A major drawback of this approach is that, until second-generation environmental plans have been developed, there may have been no opportunity to “better address the cumulative effects of multiple marine farms” (p.14). This is a major issue for the Marlborough Sounds, where there are currently hundreds of marine farms, 96 of which are in outstanding natural areas (as identified under the current resource management plan).

There is a timing issue with clause 5 of the indicative NES provisions (p.63), in that, farms in inappropriate areas may be re-consented (eg for 35 years) following gazettal of the NES, prior to gazettal of the second-generation environmental plan, which specifies those inappropriate areas. We believe that it is essential that the NES does address the importance of policy 7 of the NZCPS, and make allowance for it (by providing for discretionary approval of those marine farms that are within current or proposed areas with high landscape or seascape values, or high biodiversity/ecological values).

#### **4 Protection of outstanding natural values**

The “ultimate uncertainty” (p.12) is seen within the document as that which might lead to a reduction in value of an aquaculture business, or difficulty in obtaining investors. In this context, it appears that outstanding natural character, outstanding natural features and landscapes have secondary value, or may even be seen as obstructions to the process of financial gain for marine farmers. This is inconsistent with the concept of economic value under the RMA.

This issue is closely related to strategic planning (see 3 above). We disagree with the statement on p. 14 that (some) existing marine farms “impinge to a very small extent on areas of outstanding natural character, outstanding natural features or outstanding natural landscape”. There is ample evidence, in the Marlborough Sounds, for example, of farms that seriously compromise areas of natural landscape. This is borne out by the MDC’s admission that some areas that would otherwise have been classified as outstanding natural landscape were not so classified (in the proposed Marlborough Environmental Plan), because of

the existence already in those areas of numbers of marine farms. Marine farms in some locations, therefore, detract from landscape values.

This further confirms our objection to clause 16 (Notification) of the indicative NES provisions.

## **5 Space for aquaculture**

We note that the proposed NES Aquaculture does not address provision of new space for aquaculture (Executive Summary, p.5). We support the statement (p.14) that a “more ideal” siting of aquaculture in Marlborough (taken to mean the Marlborough Sounds) would be within a coastal ribbon extending 100-300 metres offshore. We note however that this is a 33% increase in space, in general, from the current coastal ribbon of 50-200 metres off-shore, in which most marine farms are currently located. We strongly believe that it is the zoning that is important, but that the wider ribbon area should not be taken as an opportunity for an increase in aquaculture space for new or expanded farms. If this should be seen as a potentially enlarged aquaculture area, there would be a major inconsistency with the opening statement in the Executive Summary. Clearly, any expansion must take account of potential effects under the RMA.

This incongruence, and significant increase in potential space for aquaculture, has been commented upon a number of times throughout the process of the Aquaculture Working Group in Marlborough (by community representatives), although silence on this issue has generally been maintained throughout the working group process by the industry and MPI representatives on this group. There is also no undertaking in the NES that this additional space would not be seen as potentially available as new space for aquaculture.

## **6 Environmental limits**

The NES discussion document does not address environmental limits to sustainable aquaculture. The words are used (eg in the policy objective on p.16), but there is no definition of what those limits are. There have been many scientific documents identifying those limits, covering such issues as limits to carrying capacity, limits to the benthic environment, to the water column, biodiversity loss, sedimentation caused by forestry and aquaculture, threats to wildlife and ‘tipping points’. These matters are covered by Policy 11 of the NZCPS in particular, but also by Policies 3 and 4 in part.

This is a major omission in the body of the discussion document although Appendix B gives good coverage to the environmental effects of aquaculture: it does not address the environmental limits. These have in the past best been addressed through the RMA consenting process: there is a real danger that, through the limited discretionary approach, with no notification to the community, environmental limits will be reached or exceeded.

The issue of cumulative adverse effects of aquaculture is only hinted at within the discussion document (p.14). In the context given, it is stated that second-generation environmental plans will be better able to address these effects. The issues listed in the first paragraph in this section of our submission all impact on



cumulative effects. We consider that these effects, which are most relevant to environmental limits, are unlikely to be taken account of adequately through the limited discretionary approach to re-consenting proposed in this NES.

## **7 Biosecurity management**

We support the general intent of this part of the proposal. We note that it is acknowledged that “there is a large variation in biosecurity practices within the (aquaculture) industry” (MPI, 2016). Given the recent outbreaks of *Bonamia ostreae* in the Marlborough Sounds and subsequently in Southland, and the decision by NZ King Salmon to send diseased fish to Auckland to be processed into burley (in spite of a movement ban imposed by MPI), there is ample evidence of both serious biosecurity risk, and in the King Salmon case a decision having been made to ignore their own biosecurity management plan and the precautions imposed by MPI.

Thus, we agree that effective biosecurity provisions at marine farm level are essential. We also consider that biosecurity plans will only ever be as effective as monitoring policy and plans require them to be. There are many different aquaculture companies operating in the Marlborough Sounds for example. We note that, under clause 45 of the indicative NES provisions (Appendix F), the regional council will be responsible for assessing a biosecurity management plan (against some criteria that are not yet specified). The council is also responsible for ensuring that the biosecurity management plan is kept up to date, is implemented, and periodically audited (46b), p.68). This all presupposes a considerable investment by councils in monitoring tools, acquiring competency capacity and capability, and strategies for dealing with any failures to implement such plans.

Monitoring will be central to the Council’s ability to manage its policy and plans for biosecurity management, and this should be both objective and consistent, both over time and spatially. On the basis of experience to date, there is ample evidence that the aquaculture industry cannot be relied on and should not have sole responsibility for monitoring.

We are most concerned that the NES does not provide any policy or guidance for biosecurity plans, and that it moves accountability and financial responsibility for monitoring and implementation to local government, and thus to ratepayers who may not be willing to take on this additional cost. The NES does not specify how the costs of biosecurity failures will be met. With “necklaces” of mussel farms around many bays in the Marlborough Sounds, for example, who will pay for an outbreak of a new pathogen, when it is more than likely that the source of the outbreak may not be discovered?

Currently there is huge variation between regions in their capability and interest in marine biosecurity. Without well-resourced national coordination, this policy is unlikely to achieve anything of value.

John and Judy Hellstrom  
8 August 2017



Michael Nielsen

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**From:** Yana Hoos [REDACTED]  
**Sent:** Tuesday, 8 August 2017 3:52 PM  
**To:** Mailbox\_Aquaculture  
**Subject:** Submission to NES Marine Aquaculture

I, Katharina Hoos, [REDACTED] Takaka, tel. [REDACTED], email: [REDACTED] am making herewith a submission re Wainui Bay, within Golden Bay.

To your question 11:

The activity status in Wainui Bay should become discretionary to allow for it's protection and public input.

To your question 15:

No, not because of their particular importance for aquaculture.

To your question 31:

Yes! it should be discretionary since it's outstandingness is it's foremost value and needs protection.

Thank you,

K. A. Hoos 8.8.2017



**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

Ms Kathleen Mary Mead

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Huia Aquaculture Ltd

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Brightlands, P.B. 65001, Havelock

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[REDACTED] z

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**1.0 Introduction**

We farm mussels in the Pelorus Sound. Our business is mainly operated by employing contractors and thus employs numerous operators and crew.

I have been involved in this industry from the beginning, seeing it as an exciting and “green” innovative method of producing a pristine and healthy consumable product.

I have observed the industry morphing from the vision of a core of diehard and passionate individuals to today's vibrant and successful status.

The enormous employment opportunities it has offered continue today, having grown exponentially along with the immediate town of Havelock, and the surrounding towns and businesses. Offshoot educational opportunities continue to be exciting, and the science initiatives – awesome.

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

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

**2.0 The Issues**

- Aquaculture is the heart of regional communities like Havelock, Coromandel, Warkworth, Stewart Island and Twizel.
- Our products provide kiwis with healthy, sustainable food, produced in New Zealand – a far better choice than most other protein sources available worldwide.
- The industry offers tremendous sustainable growth potential for New Zealand to create more regional jobs, support associated industries and bring much needed export earnings into local communities and the economy.

- But for years the potential has been hampered by a regulatory regime that drains vital resources that could otherwise be invested in innovation, product development and building new premium markets
- Under the current regime, variations and inconsistencies for re-consenting rules in different regions create complexity and uncertainty – and creates extra delays and costs for industry, councils and communities
- With up to 75% of marine farm consents due to expire by 2025, at a cost of \$50.3 million in total, the current consenting processes create a cloud over the future shape of the industry

### 3.0 General Support for the Proposed NES

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

### 4.0 Specific Comments on the Proposal

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

## 5.0 Questions for Submitters

# Submission No:0082

*Question 1: Do you think an NES for marine aquaculture, including guidance material, is required? Alternatively do you think the status quo (where regional councils decide the activity status for replacement consents for existing marine farms and consents for change of species which can vary from controlled to non-complying) should be maintained?*

Yes.

*Question 2: Do you think restricted discretionary is an appropriate status for replacement consents for existing marine farms? How would other activity statuses address the issues identified in section 3 of the discussion document?*

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

*Question 3: Does the NES need to provide a full rule framework, including discretionary activity rules for those marine farms that cannot meet the requirements to be a restricted discretionary activity?*

No.

*Question 4: Do provisions covering replacement consents for existing marine farms where supplementary feeding occurs require additional terms to define what qualifies to be a restricted discretionary activity?*

No.

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

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

*Question 6: Should applications for replacement consents for existing marine farms where supplementary feeding occurs be treated differently under the proposed NES or not addressed at all?*

No.

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

No.

*Question 8: Should the extent of an acceptable overlap of existing marine farms with outstanding areas due to margins of error in mapping be defined?*

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

*Question 9: Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified, such as those listed in Policy 11 of the NZCPS 2010?*

## Submission No:0082

*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?*



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

No.

Submission No:0082

*Question 22: Are the categories based on change in structure an appropriate approach? If not, can you suggest any other approach that might be suitable?*

The categories are an appropriate approach.

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

No.

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

No.

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

Yes.

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

No.

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

No.

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

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

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

No.

*Question 30: Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring a specific matter of discretion because of the direction provided by the NZCPS 2010. Are there other areas/values that should also be identified?*

No.

*Question 31: Should the activity status be different for changing species on existing marine farms in outstanding natural features, outstanding natural landscapes and areas of outstanding natural character? If so, what should it be?*

No.

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

No.

Questions 33 to 40 – Biosecurity Management Plans:

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

*Question 41: Have the range of costs and benefits arising from the proposed national environmental standard, and who might bear the costs or receive the benefits, been accurately reflected? Are there any costs and benefits that have been overlooked?*

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

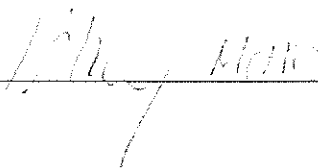
*Question 42: Are the estimates of costs and benefits accurate? Do you have information on costs and benefits that could assist the second stage of our assessment (of the impacts of the final proposal)? Do you have any information on costs and benefits that have not been quantified at this stage?*

As above.

#### 6.0 Summary Statement

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

Name KATHLEEN MARY MEAD

Signature  Date 3/8/17