

## Contents Page: Jade - Local

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

Written Comments Number	Business/Organisation/Iwi/Surname	First Name
0023	Jade River Oysters	
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0040	James	Kate
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0066	James Beard Environmental Trust	
0093	Johnston	Robina L Rickard
0052	Kaiaua Citizens and Ratepayers Association	
0038	Kenepuru & Central Sounds Residents Association	
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Proposed National Environmental Standard for Marine Aquaculture Submission

To the Ministry for Primary Industries

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

8 August 2017

**Submitter Details**

**Full Name of Submitter**

Mr David Owen Morgan and /Mrs Dianne Morgan

**Organisation Name : Jade River Oysters**

**Address for Service: 8 Valerie Close, RD3 Warkworth 0983**

**Email:** [REDACTED]

**1.0 Introduction**

Insert information about your marine farming business; particularly

Where I farm: Mahurangi Harbour, Warkworth

What species I farm: Oysters

How many employees I have: 2

We agree with the below submission and it's content:

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 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

You can choose to answer any or all of these questions. You can refer to the AQNZ submission for guidance, answer these in your own way or use the answers below. Alternatively, you could delete this section entirely.

*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.

*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.

\* The Mahurangi Harbour is a valuable oyster spat catching area, and should be recognised as such in the NES.

**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 DAVID OWEN MORGAN DIANNE LILLIAN MORGAN

Signature D.O. Morgan Date 3/8/17 DL Morgan 3/2



## Proposed National Environmental Standard for Marine Aquaculture Submission

To the Ministry for Primary Industries

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

8 August 2017

### Submitter Details

#### Full Name of Submitter

Mr/Mrs/Miss/Ms (Full Name) Jeffrey Bernard Walker and Cargill Trusteed Limited as trustees of the J. B. Walker Family Trust

#### Organisation Name

J. B Walker Family Trust

#### Address for Service

[REDACTED] Invercargill 9810

#### Email

[REDACTED]

### 1.0 Introduction

We farm at Big Glory Bay, Stewart Island. The sites have a nitrogen allocation for the farming of salmon, however, at present, the farming has been green-lipped mussels and Bluff flat oysters. We don't have any employees and operate as a share farm system.

We value the long term sustainability of farming mussels and oysters in Big Glory Bay, Stewart Island. Currently, there is now some doubt as to the future of farming flat oysters in Big Glory Bay. We plan to farm sustainably into the future with green-lipped mussels being the foundation of the business.

The business adds value to the local community by:-

- The wages paid to staff working for our share farming partner;
- Providing work for local marine carriage firms;
- Purchasing and installing various items on the farm, which provide income for others.

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.
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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.

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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

Jeffrey Bernard Walker

Signature



Date

8<sup>th</sup> August 2017



## Proposed National Environmental Standard for Marine Aquaculture Submission Template

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

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

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

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

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

### Contact details

Name:

Dr Kate James

Postal address:

[REDACTED] Coromandel, 3581

Phone number:

[REDACTED]

Email address:

[REDACTED]

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

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

[REDACTED]

### 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?

Yes, a National Environmental Standard for marine aquaculture, including guidance material, is required.

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### Question 5:

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

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In addition to "biosecurity risks need ongoing management" it could be noted that existing marine farms have already caused significant environmental effects via the introduction and spread of invasive species (for example mussel farms and the spread of *Styela clava*, *Sabella spallanzanii* and *Undaria pinnatifida*). Will these infestations be considered "part of the existing environment" or dealt with in a different way?

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### Question 8:

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

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Yes.

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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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Yes.

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**Question 26:**

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

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Yes.

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**Question 33:**

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

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Yes, it is essential that marine farming operations take responsibility for on-farm biosecurity management. Introduced pests and diseases and the negative environmental impacts associated with their introduction and spread are a serious problem associated with marine farming which needs to be urgently addressed. The relationship between marine aquaculture and the spread of pests and diseases is well known. Managing biosecurity risks can help ensure the health and sustainability of aquaculture species, moreover, the wider environment and native species and ecosystems need to be protected from the introduction and spread of pests and diseases via aquaculture transfers and activities.

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One concern with requiring such Biosecurity Management Plans is the difficulty with which they may be effectively implemented, monitored and enforced.

Whilst cost recovery for non-compliance may be an incentive for marine farmers to aim towards compliance, managing biosecurity issues on marine farms in an effective way could be beyond the existing capabilities of some marine farming operations.

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**Question 34:**

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

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This is a very reasonable amount of time to organise Biosecurity Management Plans, assuming the guidance material is completed in good time. There is an urgent need to begin efforts to limit the introduction and spread of pests and diseases via marine aquaculture activities.

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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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A nationally consistent approach is the only way to achieve an appropriate level of marine farm biosecurity. Regional differences should be accommodated within individual BioMPs.

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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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While the guidelines in the template are generally comprehensive and detailed, it does not appear to include guidelines/procedures around marine farms which are already known to be infested with



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marine invasive species, unwanted and notifiable organisms (e.g. farms infested with *Sabella*, *Styela*, *Undaria*). For example, are marine farming operations expected to aim for control? Containment? Eradication? of invasive pests already present on farms? And how should they protect the surrounding marine environment from invasive species already present?

I think a really high level of detail is needed for BioMPs to be effective. Specific standards, for example a breakdown of how to assess the biosecurity risk associated with vessels or equipment, and for determining if vessels and equipment are cleaned/disinfected adequately are required.

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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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Yes, despite the requirements of the RMA, the positive effects of the aquaculture industry on communities and economies have for too long been given more weight than potential negative effects on the coastal marine environment. The adverse effects from the introduction and spread of pests and diseases are not in line with the preservation of the natural character of the marine environment in a way which will be sustainable for receiving ecosystems for future generations. Trying to mitigate the impacts from introduced pests and diseases by requiring a BioMP using an NES under the RMA seems a logical approach.

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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?

Certification, auditing and enforcement of BioMPs could be a difficult and complicated task. The use of external professionals may be the only way to ensure that BioMPs are completed adequately and to a certifiable level from the start. Compliance will also rely on training and guidance from professionals to assist industry in navigating and managing new policies and guidelines effectively.

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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. It is important that the approach to biosecurity is consistent across all marine farms. In addition to the legal responsibilities set out in the RMA, aquaculture occupies public water space, businesses who utilise this space for commercial gain therefore have a social responsibility to manage adverse environmental effects resulting from the use of this space. The introduction and spread of pests and diseases across the marine environment is one such adverse effect which must be comprehensively addressed.

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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. This is the only way to ensure improved biosecurity outcomes for marine aquaculture and, in turn, the wider marine environment.

Monitoring, reporting and external auditing are essential to building a successful baseline for marine farming biosecurity, ensuring plans are appropriate and that they are implemented on an ongoing basis. External auditing can provide an opportunity to assess how the plans are working and offer guidance and advice around implementation to help ensure plans are both cost effective and achieving appropriate biosecurity outcomes.

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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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With regards to the introduction of improved biosecurity management, it is correct that all users of the coastal environment could benefit from this. Reducing the spread and impacts from marine pests and diseases at marine farms will benefit marine farmers but also the wider marine environment and consequently the associated local communities. Benefits may include reduced adverse effects on recreational values such as diving and fishing, tourism and cultural values, and scientific, environmental and social values held in the protection/preservation of representative native ecosystems.

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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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The Aquaculture Biosecurity Handbook outlines the need for on-farm biosecurity best practice, for example cleaning and disinfection of aquaculture equipment, vessels and vehicles, however, there is a need to be consistent around the cleanliness, maintenance and monitoring of council operated and public structures such as boat ramps, moorings, marinas, wharves and jetties, with which aquaculture vessels interact (for example where dedicated loading areas may not be available). These structures may pose biosecurity risks to marine aquaculture and the transfer of organisms from such structures to marine farming vessels or equipment would potentially reduce the effectiveness BioMPs for marine aquaculture. Although this is beyond the scope of an NES for marine aquaculture, it is vital that consistent measures are applied across marine infrastructure to minimise marine biosecurity risks and not disproportionately increase the pressures on any one sector.

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Peter James  
PO Box 173  
Coromandel  
3543

27<sup>th</sup> July, 2017

Ministry for Primary Industries  
Private Bag 14  
Port Nelson 7042  
*By email to: [aquaculture@mpi.govt.nz](mailto:aquaculture@mpi.govt.nz)*

Dear Sir/ Madam

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

Thank you for the opportunity to make a submission on the above proposed document. I and my family have been marine farmers in the Coromandel area since marine farming started as trials in the 1970's. We have been subject to a wide range of national and regional policy changes over the years that have impacted on us in various ways. In this context we reinforce the issues you raise around the importance of future certainty and business continuity. These are critical to the on-going viability of our industry, and are particularly linked to our overall investment in and growth of the industry.

At the present, we consider that there is a very uncertain future in the Waikato. The timing of the review of the Waikato Coastal Plan has again been shifted into the future and is unlikely to be completed before renewal consents are required.

We wish to state that we strongly support the initiative to develop a National Standard and generally support the approach being taken, as a means for making the upcoming consenting process for existing farms more efficient and certain.

We strongly urge you to proceed with this NES and as rapidly as possible.

We make the attached more specific submissions and trust they are helpful in further developing this NES. If you have any queries please do not hesitate to contact me for further information.

Yours sincerely

Peter James  
Chairman Area B Consortium Ltd and  
Director Karkariki Marine Farms Ltd

General Comments and Specific Gaps		
Issue	Submission	Relief Sought
General	Support the intent of the NES – agree with the objective & reasoning provided in the supporting material.	As per below
Gap in the NES relates to spat catching/ lifespan of a species  Refer: Qu 23 – other categories that should be considered in the NES Qu 26 excluding spat catching farms. Reg 42.	<p>While the document refers to a change in species, there is a significant gap in that there is no general reference to the lifespan of a species (and in particular spat catching) in the rules. Spat catching should not be excluded from the NES when it is an activity undertaken on a farm structure.</p> <p>We strongly disagree with the statement on p36 that “spat catching farms have considerably different effects from a production farm” and disagree with the subsequent discussion. It is considered that this discussion has an extremely narrow perspective and should be reconsidered and “operationally” verified. We also consider that it is contrary to the thinking behind the discussion on change of species. If the effects of a change of species can be addressed in an RDA context then the same considerations should also apply to spat catching/ marine farming.</p> <p>It is also considered that this section has ignored the consequences that have arisen as a result of prohibited rules in RCPs (in particular Waikato’s RCP). In this instance applications have been made for spat catching as full marine farming is prohibited.</p> <p>Across NZ under the RMA plans, there is no common definition of spat catching as opposed to marine farming. As the information on the effects of aquaculture has increased significantly over the past 15-20 years, it is no longer considered necessary or appropriate to make this distinction between different life-cycles.</p>	<p>Include spat catching as a specific part of the NES.</p> <p>Delete Reg 42.</p> <p>Provide for spat catching as an RDA <u>or</u> acknowledge through a definition that spat catching is already captured by the proposed RDA rules.</p> <p>Provide for changes from existing spat catching farms to full farming (or vice versa) as RDA status, with appropriate matters of discretion specified.</p>

	<p>The environmental issue is fundamentally “occupation of space”, as changing from spat collection to full farming (or indeed vice-versa) has minimal additional RMA effects. An RDA matter of discretion could be applied to assess any additional level of effects.</p> <p>To exclude spat catching on farm structures is to exclude a significant component of the future certainty for aquaculture operations (especially given the current mortality rate of 90-mile beach mussel spat).</p>	
<p>Gap in NES re: existing prohibited rules</p> <p>Refer: 6. Implementing the NES Appendix F Reg 2 footnote 29</p>	<p>P45 makes the statement “Rules in RCPs will not be able to be more stringent than the NES”</p> <p>This is supported but there does not appear to be any indication of how this will be translated into the NES.</p> <p>This is critical in the context of the Waikato RCP where a prohibited rule applies outside original lease/licence areas but still underlies existing consented farm areas (ie those previous leases/licences that were off-site but are now consented).</p> <p>It is not clear if this prohibition remains as an underlying zone for these farms. Therefore it is not clear if these farms can apply for a renewal consent or not. ie this issue is wider than just the references made under Reg 2.</p>	<p>Add to the directive in Appendix F that any prohibited rule has been over-ridden in terms of any farm holding a consent issued subsequent to the “off-site” process.</p>
<p>Gap in NES re: UAE test</p>	<p>There is no clarity nor discussion around what value the Undue Adverse Effects test adds to a farm that is undergoing a renewal consent. The farm is already in situ and the relevance on the UAE test in this scenario is questioned.</p>	<p>Add a new regulation that states that an UAE test is not required for a renewal farm.</p>

Submissions on Sections of the Discussion Document		
Issue	Submission	Relief Sought
<p>Recognise special Spat catching areas</p> <p>Qu:15 – recognise special sites</p>	<p>Notwithstanding the comments made about spat catching being a gap in the NES, we consider that the mussel spat catching farms in Aotea Harbour are of significant importance to the Coromandel industry and as such we request that special provision is made for Aotea Harbour, (as per suggestion for the Wainui Bay spat catching farm in the South Island).</p> <p>The farms in Aotea Harbour are the North Island equivalent of the Wainui site. Currently approximately 600,000m/year of mussel catch rope goes to the Coromandel area for grow out. There is also a further farm under application, which should also be recognised in this context.</p> <p>Unless the Aotea farms are addressed in the NES, there is a high risk to the on-going future of the farm due to almost the whole of the Harbour being captured as an outstanding area in a technical report (not yet added into the RCP review).</p> <p>It is important to treat all existing farms in an equitable manner and not to create an unintended barrier to future consent renewals.</p>	<p>Include Aotea mussel spat catching farms as a specific part of the NES.</p> <p>Delete Reg 42.</p> <p>Provide for mussel spat catching as an RDA <u>or</u> acknowledge through a definition that spat catching is already captured by the proposed RDA rules.</p>
3.8: Policy Objective	Support consistent approach and that any strategic planning in an area should be addressed through RCPs.	
Qu 1: Is an NES required?	<p>Strongly yes</p> <p>Need to address the issue of renewal consents now (as plan changes take so long) but renewal dates are looming.</p> <p>Provide for national consistency on expectations for managing aquaculture.</p>	Proceed with NES asap. Preferably by the end of 2017 in order to provide as much certainty as soon as possible.



<p>Qu 2: RDA status</p> <p>Qu 11 – activity status in ONL, ONC, ONF</p> <p>Qu 13 – allowing councils to take a more lenient approach</p>	<p>Support RDA rule status as a national benchmark and also support the provision that would enable regional differences to be recognised as controlled activity status. However where controlled activity status is already applied in a RCP, this should not be undermined in the future plans. i.e., the presumption should be that controlled activity status would be retained and continued in any RCP unless there is a significant reason to determine otherwise.</p> <p>Allowing councils to take a more lenient approach would enable local issues to be addressed, while recognising the importance of social, cultural and economic factors (as well as environmental impacts).</p> <p>We are particularly concerned at the risk future consent renewal applications may face in terms of outstanding classifications in plans, and consider that the NES provides an opportunity to clarify the principle that the farms in general have no or minor effects on outstanding areas.</p> <p>We consider the RDA status is relevant to any farm located in an ONL, ONC, ONF area. The NZCPS introduced the concept of outstanding in 2010, most farms have been in situ for years and the category of “outstanding” has been assessed with those farms in situ. Therefore it is appropriate to retain RDA and include assessment of the effects of the farm on the values that contribute to making that area outstanding, while recognising the investment already made.</p>	<p>Retain RDA status as currently outlined.</p> <p>Reinforce that controlled activity status currently in place should be ongoing unless there is a significant reason to determine otherwise.</p> <p>Adopt the Auckland example as a principle and specifically include in the NES – ie that existing farms have no or minor effects on outstanding areas, unless proven otherwise. i.e. the outstanding classification has been applied on top of existing farms and this presence of farms has not detracted from the “outstanding-ness” of the area.</p>
Qu. 8 Overlap with Outstanding area	Yes it is considered an overlap provision should be included to address error margins in mapping at different scales.	Include provisions to address mapping scale issues.
Qu. 14 Exemption for Aquaculture zones	There is no certainty on what the upcoming RCP review in the Waikato will do to the rules relating to aquaculture in the Wilsons Bay zones. Therefore there is a risk that a different future management regime is introduced.	Rather than an exemption it is considered that the NES should clearly state that farms within zoned areas have CA status, ie to provide for continuity

	<p>The NES must avoid creating a circular loop for rules relating to zones areas. I.e the principle that RDA applies unless RCP states otherwise should be retained, and the exemption provides recognition that within a zone it is already deemed that CA is an appropriate status – and this should be reinforced. This would give guidance to Council's on continuity of provisions into the future.</p>	<p>across future plan reviews and avoid ambiguity in the future re: what rule status applies.</p> <p>RDA status within an overall zoned area is not logical, when the zone has already been assessed. This approach would also support new zoned areas for the future.</p>
<p>Qu 20 &amp; 21 Change in species &amp; limitation on species</p> <p>Qu 25 – RDA status</p>	<p>We support that the NES should address a change in species, but do not support any limitations on the species. It is considered that the NES needs to recognise innovation into the future, including future farming of species that are currently not farmed.</p> <p>The RDA status allows for decision-makers to consider effects of farming the "new" species.</p>	<p>Provide for species changes but do not limit the species.</p> <p>Retain RDA status.</p>
<p>Qu 28 feedback on the scope of matters for discretion</p> <p>Reg 12</p>	<p>We agree that careful and relevant drafting of provisions will be required to ensure that RDAs do not become de facto DAs. To this extent we consider that it is important to restrict matters for discretion to environmental issues and not matters which would be used as information to describe the activity, or which could be used to curtail a practical or operational requirement.</p> <p>Across NZ, there is a strong level of inconsistency in monitoring requirements. It is considered that the NES should not remain silent on this issue, given the wealth of monitoring data already collected by industry players.</p>	<p>P37 delete reference to details of structures (this is information) and delete reference to "timing of occupation" (as this is determined by weather patterns, changes in seasons etc)</p> <p>Neither of these references are relevant to a decision-makers discretionary judgement – rather they are practical operational matters/ descriptors of the activity.</p> <p>Amend Reg 12 accordingly (and anywhere else this is also raised)</p> <p>Provide guidance on: a requirement for monitoring that is appropriate to the scale and knowledge base of species and location of farming; and which takes into account the financial burden on the business. (ie any monitoring conditions should be subjected to a cost-benefit analysis).</p>

Matters of discretion 12(b) & (c)	<p>Oppose reference to “timing” of seasonal activities. This is a business decision not an environmental assessment. It is very much dependent on a range of natural weather &amp; water drivers. This is not relevant to RMA considerations as a matter that needs to be subjected to decision-makers discretion.</p> <p>Oppose 12(c) – this is not a matter for “discretion” rather it is an information requirement that defines the activity. Navigation safety requirements are controlled under the Maritime Transport Act and guidance documents. Approval rests with MINZ and is not a matter for RMA “discretion”. Rather it is subject matter of a consent condition. A clear distinction needs to be retained between the role of “matters for discretion” and the role of “consent conditions”.</p>	Delete 12(b) and (c)
Qu 30 ONF, ONL, ONC	<p>The NZCPS requires councils to identify the values or characteristics that make an area outstanding. The applicant should then have clear criteria to assess the presence of the farm against. What is not clear is whether the outstanding classification occurs with or without the farms which are already in situ.</p>	<p>Retain RDA status for farms in any outstanding area.</p> <p>Clarify if the “avoidance” policy directives of the NZCPS apply to the on-going presence of the farm or just to any effects over and above those that existed prior to the outstanding classification.</p> <p>le while adding this to matters of discretion is supported – there is no national guidance on how the “decision-makers” for a particular consent are to apply the outstanding criteria assessment. If avoidance is taken to mean “prohibit” then this undermines the purpose of setting an RDA status. This potential problem needs to be addressed in the NES.</p>
Exempt areas 19 & 41	<p>Oppose reference to “Waikato Wilson Bay”. This is loose and unclear terminology. For the purpose of the NES it needs to be very clear what farms/ zones are being referred to. This is critical as the RCP review is due to commence and could result in a different outcome.</p>	<p>Need to define exactly what area(s) are intended to be covered in this exemption.</p>

Change of species 20 a) & b)	Query type – if this is not a double up in intended meaning – it needs further clarification.	Amend clause 20 to clarify if there are 2 sub-sets (or not)
Qu 12. Non-notification	<p>We agree that public participation for consent renewals should be focused on the extent to which an existing farm is changing its impacts on the environment.</p> <p>We support that further public participation is more appropriate at the strategic level through the RCP review process.</p>	<p>Retain non-notification as default position for renewal consents.</p>
<p>Qu 33: Biosecurity Management Plan</p> <p>Qu 38 – Certify/ audit/ enforce Bio Plans</p> <p>Qu 36 Does template cover all matters Biosecurity Appendix K</p> <p>Qu 39 – existing permits to be reviewed</p> <p>Qu 40 – is monitoring and reporting as well as external auditing and enforcement justified?</p>	<p>Support as we agree that Biosecurity is critical to the industry's future. While the suggested approach should provide much clearer guidance on scope of RMA for addressing biosecurity issues, it is also clearly just one step in managing biosecurity and we look forward to seeing what Biosecurity provisions will be put in place for other non-aquaculture coastal permits and for recreational vessels (which is a source of significant risk to the industry).</p> <p>This requirement for a BMP needs to remain practical and we are concerned that not only does the applicant have to get an "expert" to help develop but Councils will probably also need to hire "experts" to assess/ audit the BMP. This double handling is not efficient and it is queried as to how many biosecurity experts are available in NZ to do this work?</p> <p>In the discussion there is emphasis on "comprehensive guidance material" as well as on the need for experts. We do not consider the process as currently discussed to be streamlined in a way that would achieve the objective for having BMPs. It is also emphasised that guidance material will also be required for the consent holders/ farmers.</p> <p>A more streamlined process to information dissemination about risks and responses is required, as well as for certification and auditing processes ie this should focus on operational</p>	<p>Retain, but make sure that the template requirements are operationally practical, feasible and that the plan can be responsive to change.</p> <p>Remove requirements for external auditing.</p> <p>The template for BMPs need to be targeted to the species and structures used in different types of farms, instead of being the generic approach taken in Appendix K.</p> <p>The template needs to provide more guidance on expectations behind the terminology used (eg what is intended by "contingency plans")</p> <p>The template needs to clarify what the roles of different players are in terms of managing biosecurity, and how these work in practice. (ie what are the practical links that need to be made between farmers and agencies)</p>

	<p>practicalities and feasibilities rather than just being an “administrative” box to tick. In my opinion a “stick approach” will not achieve the objective of the Biosecurity provisions.</p> <p>External auditing is considered to be excessive and unnecessary. The aquaculture industry is well aware and informed of biosecurity issues but the biggest risk will not arise from a BMP systems failure, it will arise from an unanticipated and unmanageable incursion (from an external source).</p> <p>It is critical that consent holders/ farmers are directly involved rather than BMPs being left to “experts” to argue over.</p> <p>It is acknowledged that significant work is required on template K but it would be more appropriate to separate into different types of farming.</p> <p>Appendix K currently places very little emphasis on information sharing/ identification of new species etc.</p>	
Biosecurity – 46(c)	<p>Do not support change/ update process – as currently indicated this would provide a strong disincentive (including cost-wise) for any marine farmer to promote a change once a BMP is in place.</p>	<p>Provide for a more flexible and responsive updating option, which includes clarification on how new technology/ new understandings etc are to be conveyed to operational farmers.</p>



Submission to

Proposed National Environmental Standard for Marine Aquaculture

By

James Beard Environmental Trust

David Kaye  
Secretary,  
James Beard Environmental Trust  
PO Box 8, Takaka 7142  
Ph [REDACTED]  
[REDACTED]

I am submitting on behalf of the James Beard Environmental Trust.

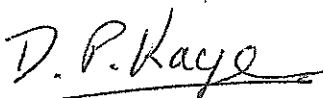
1 JBET submits:

- a) A National Environmental Standard for Marine Aquaculture (NES) is not required.
- b) The status quo should be maintained.
- c) Provisions already exist for biosecurity of aquaculture. They can be strengthened under the existing regimes without recourse to an NES.

2 Our reasons for the submitted position follow.

- 3 The proposed NES explicitly addresses what the authors of the discussion document see as a problem for investors in aquaculture; that consenting processes are complex and inefficient, give no certainty, are a burdensome cost to the industry.
- 4 The NES seeks to solve that problem by granting a use as of right to existing consents, essentially removing the ability for an existing consent to be declined. This is the core of the proposed NES.
- 5 The primary effect of the NES is a de-facto privatisation of resource.
- 6 This is contrary to the intent, purpose, and direction of the RMA, and specifically, the Marine and Coastal Area (Takutai Moana) Act 2011.
- 7 Related effects are removal of public input to consenting of existing marine farms and dilution of protection of environmental values as provided by the RMA.

8 August 2017



David Kaye  
for the James Beard Environmental Trust





Draft sent 08/08/2017

Robina L Rickard Johnston

[REDACTED], Gore 9777

No I am not submitting on behalf a organisation or have vested interest. I network with like minded individuals with also tikitanga values. Often submitting to find get the best management practice solutions.

**Question 1** – Do I think an N.E.S. for marine aquaculture etc is required etc? I don't support the N.E.S. the process is incredibly disappointing, I feel the whole approach now is against human rights and Local Government Act, Constitution etc and the process is illegal.

Yes the STATUS QUO where Council decide the activity status. They were highly surprised with your actions in Murihuku recently. Councils know their region best and with numerous Councillors's from multiple districts there is better local knowledge than Industry or Central Government.

Our Regional Council satisfy us as they work alongside and listen well to the many ratepayers views. Submitted on the Regional Policy Statement RPS 2012 with the Coastal Plan being part of that feedback. Cost of campaigning for Land & Water Plan for ratepayer would be substantial compared to the undemocratic process by Central Government observing with N.E.S. feedback. Industry and Iwi had more notification and notification was deliberately calculated. Our Southland Regional Council deliver a greater democratic process even though they don't have a terrific gender balance, industry balance or wide range of ages but repeat clear consultation they've campaigned their policy views well to get the message. Do believe that they aren't balanced and overlook large scale industry over smaller enterprises as evidence shows. Lack of transparency to Councillors, Public etc. Monitoring especially is Regional Councils downfall but there is more opportunity to cover costs and Industry ignoring sometimes process they've now dubious I'm sure of facts and clean up costs of industry.

**Question 2** – Do you think restricted discretionary is an appropriate status for replacement consents for existing marine farms? Don't support replacement of consents as any activity status. Our Regional Council need to complete the R.P.S. and Coastal Plan which is not till 2018. Understand you want certainty but when consents can be 30 years the renewal consents is a time when the industry needs to look at best management practice BMP just like Dairy Industry or CONDITIONS in consents will take charge.

Salmon Feedlots are one of the biggest concerns with so many variables and if industry isn't willing to change and mitigate prior to consent renewal then harsh zones need to apply and no increase in the industry by 300% that they are forecasting. Non Alaskan species of Salmon have greater global health risks which are being minimised by the aquamarine industry especially and new technology viewed 2014 -2016 on SBS Australia "Label my Fish", what's the Catch by Matthew Evans shows that industry can mitigate also The "Water Bros" from Canada talk about Salmon sustainability. Sustainability is an over used word and is too broad and unless these guys use ISO global tools then they can't be trusted, the Marine Biologist and I discussed the aquaculture in Southland at Marine Reserve meeting at Bluff Marae and the lack of resilience due to dredging etc. We require thorough baseline analysis measurements in the current aquaculture zones and the future zones need recording also so governance can penalise industry for pollution if need be just as onland management. Independent modelling needs to carried out, to guarantee resilience for citizens. The industry by no means should monitor itself and should use the most precise and qualified equipment for new consents after 2025 or for new species investors prior to that date.

**Question 3** – Does the N.E.S. need to provide a full rule framework, including discretionary activity for those marine farms that cannot meet the requirements to be a restricted discretionary? I alone can not qualify that question as it's not N.E.S. role in my opinion. Councils throughout Aotearoa have shown to work together since the National Party has made many restrictions on Local Governments, so they individually work together as a network of voices to be heard loudly by Central Govt who have been cutting back expenditure like roading etc. The Mainland Councils are the qualified authority to answer once public has been through the democratic process. At the workshop of 25 public attendees in Murihuku there was only one fisherman (Willy) which is unfair to the fishing industry especially while they are hamstrung with the oysters virus.

**Question 4** – Do provisions covering replacement consents for existing marine farms where supplementary feeding occurs require additional terms to define what qualifies to be restricted discretionary activity? The terms should be defined for the far greater democratic process to come that is required, as N.E.S. has failed to deliver discussion consultation debate in a professional manner in my opinion. Regional Council two days notice, doesn't quite cut it and scheduling with policy staff this consultation well in advance is weak. Replacement consents need to mitigate there GMP and they have five to eight year's to sort out so they better be quick smart. Omega 3 content, viruses, increase in employment, supplementary feed are just some of the numerous issues in response farmed aquaculture.

**Question 5** – Do you have any feedback analysis of effects contained in Appendix G? Not enough time given to comment, will have to follow up and forward data post the 08/08/2017

**Question 6** – Should applications for replacement consents for existing marine farms where supplementary feeding occurs be treated differently under the proposed N.E.S. or not addressed at all? Replacement consents need to mitigate especially when using the controversial supplementary feed that we need to reduce. Crikey we can't carry on using old methods and thinking that's adding value as it becomes a commodity product. Look at China they've harsh restrictions on milk, water etc for heavy metals, other pollutants we need to be practising more approved wild Alaskan methods and the grasp new technology. Pollution in Sydney harbour and waterways see huge numbers of jellyfish increase as they survive in acidic and polluted waters, Asians do have some edible species.

[http://www.huffingtonpost.co.uk/2013/07/30/increase-in-jellyfish-linked-climate-change-pollution\\_n\\_3675098.html](http://www.huffingtonpost.co.uk/2013/07/30/increase-in-jellyfish-linked-climate-change-pollution_n_3675098.html)

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

**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? Concerned about ONL and impacts. D.o.C. has lost its voice due to continuous threats and restrictions by the National Party and cuts to expenditure qualified staff etc and deeply concerned who will be buying these consents as overseas ownership has huge impact to our GDP and employment. Our GDP is at risk and therefore the sustainability of economy so unless they can prove and accountable to those projected forecast as we've seen time and time again over inflated projections of jobs or money with perhaps 15% validity. Industry must be accountable for the entire process, like the ETS was intended.

**Question 9** – Outstanding natural features, outstanding natural landscapes and areas of outstanding natural character have been identified as requiring specific matter of discretion because of the direction provided by the NZCP2010. Are there other areas/values that should also be identified, such as those listed in Policy 11 of the NZCPS 2010? Thankyou for asking it is a great question and will be able to be communication when local Regional Council consult. Being surrounded by ONF, ONL, ONC I have lobbied for many of these in several of our

LG authorities. With more tools available with technology such as papers past this provides historical information. Bit Iwi had mixed feeling about the Preservation Act 1903 and the way compensation was made to Maori as weren't the same courts. Reserves were generally treated as a prohibited places to hunt and fish. In 1920 circulation notices about potential prosecution of unauthorised individuals use of customary resources in NZ reserves. Hone Keke wished to protect the loss of more forests in 1903.

**Question 10** - If so, what are these area/values and what are the potential effects of concern caused by existing marine farms on those areas/values? My concerns are many – biosecurity, disease, light pollution & ecosystem, methane, true sustainability, new technology, traffic management, ecological corridors etc etc. Dairy pollution is visible and invisible to the naked eye but it's accumulation in growth has touched every landscape and every water pathway so I don't wish growth in an uncontrolled manner like Dairy in Southland. Pollution is often invisible to the naked eye like methane and highly scientific technology is required to monitor especially a full 360 buffer surrounding operation. High water flow is not to be treated as a way to assist in pollution discharge like Queensland issues.

**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? Yes, but wish to go through the full consultation process with our RC in the democratic process discussion. Consultation time has been limited.

**Question 12** - Are there certain types of aquaculture for which replacement consent applications should be publicly notified? Understand industry and central government want certainty but when you get an F for failure to be democratic. If kelp farming less likely you wouldn't need public notification if there was no artificial supplement feed. Wish to go through the process with Environment Southland and match areas best to the practices they'd be using to identify areas. Marine Reserve consultation is only one aspect and controversial for recreational fisherman and doesn't mean open slather for fishing and oil industry to deplete and pollute our resources.

**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? (comment to follow - ctf)

**Question 14** – Do you agree that the areas zoned specifically for aquaculture in Tasman and Waikato should be exempted from the provision of the proposed N.E.S. relating to replacement consents for existing marine farms? (comment to follow ctf)

**Question 15** – (ctf)

**Question 16** – (ctf)

**Question 17** – (ctf)

**Question 18** – (ctf)

**Question 19** – (ctf)

**Question 20** – (ctf)

**Question 21** – (ctf)

**Question 22** - (ctf)

**Question 23** – (ctf)

Question 24 – (ctf)

Question 25 – (ctf)

Question 26 – (ctf)

Question 27 – (ctf)

Question 28 – (ctf)

Question 29 – (ctf)

Question 30 – (ctf)

Question 31 – (ctf)

Question 32 – (ctf)

Question 33 – (ctf)

Question 34 – (ctf)

Question 35 – (ctf)

Question 36 – (ctf)

Question 37 – (ctf)

Question 38 – (ctf)

Question 39 – (ctf)

Questions 40 – (ctf)

Question 41 – (ctf)

Question 42 – (ctf)

Summary.....

Thankyou Robina L Rickard Johnston



## Proposed National Environmental Standard for Marine Aquaculture Submission Template

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

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

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

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

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

### Contact details

Name:

GEORGE PAKE

Postal address:

KAIKUA VIA POROENO 2473

Phone number:

Email address:

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

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

KAIKUA CITIZENS AND RATEPAYERS ASSOCIATION

MEMORANDUM

TO: MINISTRY FOR THE ENVIRONMENT  
PROPOSED NATIONAL ENVIRONMENTAL STANDARD  
FOR MARINE AQUACULTURE

FROM: KAIAUA CITIZENS AND RATEPAYERS ASSOCIATION  
MARICULTURE ACTION COMMITTEE

DATE: 7 AUGUST 2017

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**BACKGROUND:**

The Mariculture Action Committee (MAC) of the Seabird Coast, Western Firth of Thames, has several concerns about the Proposed National Environmental Standard for Marine Aquaculture rules that would replace Regional Council Rules.

The MAC (previously known as The Marine Farm Action Committee, MFAC) is a sub-committee of the Kaiaua Citizens & Ratepayers Association Inc. (KCRA) and has been in existence for 17 years, mainly in opposition to a plethora of proposals for extensive additional and existing Aquaculture areas adjacent to the Seabird Coast.

In this case the NES Objective to:

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

**HISTORY:**

As the MFAC in 2003-04, we successfully lobbied the Auckland Regional Council to prevent the proliferation of marine farming activity in the Western Firth of Thames. Existing marine farms, and some existing areas set aside for further development (mainly in the Eastern Firth at Wilson Bay) continued as permitted activities. At present, of the 1106 ha of consented water for shellfish farming at Wilson Bay (plus an allocation of 108 ha to Te Ohu Kaimoana, so far unconsented), between 300 and 350 ha remains undeveloped. Wilson Bay is already the largest marine farming area in the country, and once it is in full production there will be 1214 ha under cultivation. Ever since then we have maintained a watching brief on developments in the Firth of Thames and maintain very good working relationships with Hauraki District Mayor John Tregidga and Local MP Scott Simpson.

**PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR MARINE AQUACULTURE:**

The Mariculture Action Committee (MAC) has some sympathy for the NES proposal. However being at the coalface of a number Aquaculture initiatives, we are disappointed that the Group was not included in the initial consultation process and as a result is under pressure to review and report on our findings by due date of 8 August.

Nevertheless we are confident you will review our submission and record to note our interests and include us in future correspondence emails etc.

The Economies of Scale that this comprehensive document proposes makes sense but we have concerns that the Ministry Of Primary Industries is the right forum for, and encapsulates the real time sensitivities that are unique to seaside Communities such as Kaiaua, and other similar areas throughout NZ.

Suffice to say that recent Bio Security risk and outbreak affecting the Oyster industry in the South Island, the unusual deaths of King Salmon in the Marlborough Sounds and the continued delays in the National Governments proposal for Marine Protected Areas is causing concern to us both from an Environmental and Economical point of view. The big positive of creating job opportunities does not work for Kaiaua as the Industry moves toward centralised processing centres, usually in places with Port and Airport Facilities such as Tauranga and Auckland.

We are not opposed to the existing Marine Farm operations on the Western Side of the Firth Of Thames, particularly the resident local family Marine Farm Mussel operation.

We are however, opposed to the proliferation of Aquaculture on the Kaiaua Coastline and have already expressed these sentiments in our proposal to MPI regarding Marine Protected Areas. The complexity of the environmental factors of the Firth poses more questions than answers.

## **INNER HAURAKI GULF/FIRTH OF THAMES**

The future from an environmental point of view has, and is still, subject to much research and literature among the many Firth of Thames authorities governing, Agriculture, Aquaculture, Recreational Fishing, Boating as well as Civic Statutory requirements that is almost choking the progress and development across the board. Why should Aquaculture Management be different as a notified activity?

The compliance costs will have a negative impact on balance sheets as a result of Objections, either for or against Compliance Objections. There is a significant cost of proof to the objector as well and this in itself negates the incidence of frivolous claims.

Other issues we have identified are:

- Marine Farmers are in a unique position in that there is no cost for water (as opposed to land based farming ownership/leasehold). We believe there is a responsibility to advise the Public for the use of a Public Amenity.
- The Right Of Renewal with notification is a pre requisite (in view of the foregoing) and is not an expensive cost – the outcome might be- but that will be as a result of well researched information and environmental developments- 25 years is a long time for a review in such a finely balanced environment.
- It follows that a change in farming operations without notification, defies belief. Spat Farms have a different infrastructure to Mussel farms, fish farming, and will be used as a loophole to avoid the Resource Consent Process as would be the case for new Operations. This cannot be condoned nor can the potential for Bio Security Breaches as a result of this practise.
- As the Executive Summary warns “The consenting processes for existing farms can be complex, uncertain and inefficient”. As far as we are concerned it only strengthens the resolve for a “Central approval processes” to be open, publicised and transparent, mitigating all industry risks.

- The requirement that all marine farms (existing and new) prepare, implement and keep up to date **Bio Security Management Plans** to manage bio security, should be publically notified in the approval process.
- MAC has opposed the Fin Fish farming in Wilson's Bay on the Eastern Firth. We are aware that the scientific evidenced produced on the impact of feed stations and artificial and imported foods destabilises the Natural Environment. While Marine Aquaculture currently provides "burley" for recreational fishing, it follows that over time our natural stocks could be become affected and no amount of "burley" will retrieve the situation. Remembering that the Firth and Inner Hauraki Gulf encompasses Auckland City, the pressure on Recreational Fishing Grounds is unlikely to diminish into the foreseeable future.
- MAC believe that Bio Security is the single most damaging risk to the industry, the environment , business operations , risk and financial management, consumer health, that the Bio Security review should be carried out annually and needs to be assessed independent of the MPI, gazetted and the operation publically approved as an ongoing concern.  
We are aware that existing owners already have Bio Security Plans and there are stringent compliance and reporting requirements to be completed viz water quality and product standards.
- As mentioned we questioned the viability of MPI as the monitoring agency. MPI cannot have a dual/multiple role in this process. We see the role of MPI as a Fiscal and Budget driven responsibility and should have nothing to do with "Operations, Environmental Control Issues, Consultation and Industry watch dog" as this is a direct conflict of interest.
- We know the area, we are scientifically connected, we know that production time for mussel growth is now out from 14 months to 17 months, we know that hundreds of metres and ropes and mussel lines are slowing down water and nutrient flows, but we are also keen to foster the relationship between Commerce and Common Sense. It needs to a good fit for firstly the **ENVIRONMENT**, then Industry and preserving the right for everyone to gather their own.
- We refer page 15 of the NES proposal 3.7 – farm biosecurity management;  
"A report prepared for MPI in 2016 noted that there is a large variation in biosecurity practices within the aquaculture industry and the high level of industry concern regarding pests and diseases is not always reflected in their biosecurity practices" We are saddened to learn of these malpractices, however heavy penalties need to be enforced. There is no better deterrent than the threat of delicensing.  
That doesn't mean that an existing operator or a new comer can simply walk in and takeover. All applicants need to go through the same application process.
- We believe that initially a **task force** of a maximum of 8 people be formed for the Firth whose findings' and recommendations will form part of the discussions formulating strategy for the proposed NES RMA review process.

Thank you for the opportunity to participate in the process and we look forward to be included in all future developments.



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7 August 2017

Dear Sir/Madam

**Submission - Part 1 Re-consenting matters — Discussion Document - Proposed National Environment Standard (NES) for Marine Aquaculture**

I submit this submission on the above Ministry for Primary Industries (MPI) discussion document in my capacity as President of the Kenepuru and Central Sounds Residents' Association (KCSRA).

**Introduction**

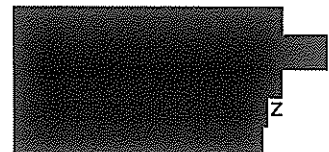
1. **Who we are:** KCSRA was established in 1991, and currently has around 260 household members whose residents live fulltime or part-time in the Kenepuru and Pelorus Sounds. The KCSRA's objects include, among others, to coordinate dealings with central and local government, promote the interests of residents of Kenepuru Sound and adjacent areas, to promote and act in the best interests of residents, ratepayers, and persons associated with the Kenepuru and Central Sounds area.
2. **What we do:** Our website ([www.kcsra.org.nz](http://www.kcsra.org.nz)) demonstrates that KCSRA is very busy representing the interests of members in a wide variety of matters. For example, advocating for better and safer roads and the provision of public toilets in places of high visitor use, refurbishing small but locally important infrastructure, liaison and representations to the local council, and involvement in local environmental/conservation issues.

**Background**

3. **Why we are interested :** An overriding and important aspect of the Sounds is the public "ownership" nature of the marine space. Since 2011/2012 our member's unease at the seemingly relentless sprawl of marine farming in the Sounds (primarily mussel farming)

**Kenepuru & Central Sounds Residents Association Inc.**

President	Ross Withell
Vice President	Andrew Caddie
Secretary	
Treasurer	Stefan Schulz
Chairman Roding Committee	Robin Bowron



has been communicated to successive committees. Members were alarmed at the prospect of the Kenepuru and Central Sounds, with its treasured land and seascapes and unique biological diversity, being downgraded to “an industrial zone”. Indeed the MDC quite correctly refers to the Sounds from the perspective of its environmental values as the “Jewel in the Crown” of the region. However there was an increasing awareness by the Association that industry, the Regional Council and central government were largely ignoring the significant cumulative adverse environmental effects from aquaculture.

4. In true kiwi style KCSRA has done its bit to provide a measure of balance, sanity and reason to these unfortunate proposals notwithstanding our limited resources and the voluntary nature of KCSRA. For example, one large inappropriate new mussel farm application that we opposed has been turned down at every stage, but the applicant’s deep pockets mean that they are now appealing yet again to the Court of Appeal.
5. We submitted in opposition at the 2012 Board of Inquiry to the King Salmon proposal for nine new salmon farms in the Sounds in areas hitherto off limits to high adverse impact marine salmon farming operations. We are well aware of (and applaud) the ground breaking litigation whereby the Supreme Court decided to stand fast in defence of the requirements of the New Zealand Coastal Policy Statement (NZCPS) and reject one of these farms targeted for inclusion in an area of Outstanding Natural Landscape. The nine farms were thus scaled back to three with significant staged adaptive management and environmental monitoring requirements.
6. With some disbelief we now realise that almost immediately the Ministry for Primary Industry (MPI) began planning how to circumvent the outcomes of the Board of Inquiry process. In due course MPI put forward its own ill-conceived proposal for the “missing” new salmon farms. We actively participated in the subsequent MPI controlled “review” process, which sought, we submit, to limit effective examination by the public, as best as it could.
7. We have actively participated in the process around the proposed Marlborough Environment Plan (MEP). We were startled to realise the pressure industry and MPI had placed on the Marlborough District Council to withdraw its chapter on Aquaculture from the notified MEP. We now have a representative on the MDC convened Aquaculture Review Working Group (ARWG) which is also considering the issue of existing marine farm renewal applications on a bay-by-bay process. This is hard work but a process with more potential to result in a good outcome for sustainable environmental values than the proposed NES.
8. We have spent a little time outlining the above so the reader can grasp that as an organisation we have travelled a hard road and learnt much. We have learnt how to maximise our limited means and resources, and to put forward and advocate for community expectations and values. We have commissioned our own legal advice and expert witness evidence. We have formed alliances with other like-minded local community and environmental groups to leverage our meagre resources. We have developed our own in-house expertise in depth in the relevant areas. To the chagrin of some we have performed very effectively.
9. In other words **we want to stress** that our submissions that follow are soundly based on science and legal principles and developed from hard won experience.
10. We are aware of the enthusiasm central government has developed for the marine aquaculture industry as evidenced by the release of the Government’s policy back in 2012 with its aspirational economic objectives. However we were comforted by the apparent and repeated commitment to sensible and environmentally sustainable development

including the preservation of environmental values as set out in that policy<sup>1</sup>.

11. It needs to be **stressed** that KCSRA is equally supportive of marine farming in appropriate areas in the Sounds on that basis. However, over the last five years we have learnt that there is often a gap between “talking the talk” and “walking the talk”. We fear there is much in this proposed NES for marine aquaculture that, unfortunately, illustrates this gap all too well.
12. Finally, as a locally based community organisation **our focus** in this submission is on the adverse impacts of the proposed NES on the Marlborough Sounds. In particular, the intensively farmed marine space of the Kenepuru and Central Sounds areas<sup>2</sup>.

## Structure of this Submission

13. Due to limited time and resources, in this submission we focus on those parts of the proposed NES that deal with the proposed provisions for and their rationale around a new regime for replacement consents for existing marine farms in the Sounds. KCSRA may also, if time and resources permit, submit a further and separate submission on other aspects of the proposed NES e.g. those provisions dealing with biosecurity management plans.
14. By a country mile the main aquaculture operation in the Sounds is mussel farming<sup>3</sup>. Finfish (largely salmon) farming is an extremely contentious activity but as MPI has effectively taken over the placement of this activity the re-consenting aspects of the proposed NES seems of little relevance. Oyster farming in the Sounds seems to have taken a severe knock with the latest biosecurity debacle.
15. Accordingly, unless we say otherwise references to marine farming in this submission should be taken as references to **mussel farming**. We have also assumed that mussel farms will **not be** permitted to apply for and receive consents that will allow supplementary feeding.
16. In **Part A** we first deal with some overarching issues/concerns we have with the thrust, direction and assumptions seemingly behind the proposed NES. In **Part B** We then identify some more specific issues with the NES. Then in the attached **Schedule**, we respond to some of the questions MPI proposes in the discussion document.

## PART A - Overarching Issues and Concerns

### 1. Issue – Public Rights & Values are Inappropriately Marginalised

- 1.1 Marine space in the Marlborough Sounds is public domain. Indeed, the NES identifies as a key problem the increasing competition with other users and records that a careful balance is required between aquaculture and other uses.
- 1.2 However the NES does not strike such a balance. Rather, it goes on to re-articulate the problem as one of conflict with industry which gives rise to investment uncertainty. The NES solution is this is to remove the public and public values from the re-consenting process. There is no balance at all. It is simply the environmental subsidisation of an

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<sup>1</sup> The Governments Strategy and 5 Year plan to support Aquaculture – Hon D. Carter ( 2012).

<sup>2</sup> A key component of the area we refer to as the Central Sounds is the Pelorus Sound (Te Hoiere).

<sup>3</sup> There are over 2,500 hectares of consented marine farm area in the Sounds, the bulk of which are in the waters of the Kenepuru and Central Sounds.

exploitive industry at the expense of the New Zealand public.

- 1.3 This will frustrate the proper evolution of the Marlborough Sounds. It assumes that the existing level of aquaculture will represent the optimal public utilisation of Marlborough Sounds public water space going forward. No industry (or other user) of public domain can ever be so precious as to justify an assumption that it represents the optimal use of public space going into the future.
- 1.4 It is no answer to suggest that this can be dealt with at the plan level through 'appropriate area' determinations. The purpose of a plan is to *accommodate* the future, not *dictate it*. Moreover, under the NES consented farms will be able to renew their consents, whether in appropriate areas or not, *before* any second generation plans even have the chance to take effect - and for terms that will out-survive the second generation plans.
- 1.5 Similar proposals to the NES were put to Cabinet following the Doug Kidd led Aquaculture Technical Advisory Group in 2009 but were rejected by Cabinet. Nothing has changed. The NES is fundamentally mis-founded, cutting as it does across public rights to participate in the consenting of activities in highly valued public domain. It should be withdrawn on this basis alone.

## **2 Issue – Investment Certainty, Consistency and Cost**

- 2.1 Investment certainty, consenting consistency across regions, and costs are touted as reasons for circumscribing environmental tests and cutting the public out of the Marine farm re-consenting process.
- 2.3 We note there has been no lack of new investment in the Marlborough Sounds over the last couple of decades and this under a regime of either full discretionary or non complying activity status. Indeed the industry is now financially mature in the Sounds. If there is any threat to the maintenance of investment in the Marlborough Sounds it can only come from changing or evolving public values. Suffice to say investment certainty for an environmentally exploitive industry in highly valued public areas is no basis for suppressing the recognition of changing and increasing public values in those areas. To the contrary, no industry can have standing to deny the recognition of increasing public values in an area, not least for a nationally significant area such as the Marlborough Sounds.
- 2.4 Consenting differences across regions are touted as another issue the NES seeks to address. However regions are fundamentally different and thus demand fundamentally different approaches to marine farming matters. Moreover the significance of any apparent regional inconsistencies in the consenting process to the efficient operation of the industry nationally is not actually made out in the NES and in fact appears to be a weak proposition. How is marine farm investment in Marlborough affected by how aquaculture consenting occurs in, say, the Waikato region ?
- 2.5 Re-consenting cost is the final problem the NES seeks to address. We support an efficient and effective consenting process. However we cannot support any process that simply suppresses environmental and public values in order to save consenting costs. Cost has never been, and can never be, a basis for the suppression of public and environmental considerations. That might make consenting more efficient but it makes it less effective, frustrating as it does core principles of the Resource Management Act 1991 (RMA).
- 2.6 We also note the suggestion that reducing resource consent costs (reported by NZIER as between \$40M and \$80M in Marlborough - but based on unsupported industry analysis) has economic benefits through saving the industry this expense. Nothing could be further

from the truth. The costs saved by the industry through winding down the resource consent procedure will simply manifest themselves through the system as lost jobs to the region – and largely relatively high value jobs as well.

- 2.7 In this regard the NES will *actually add nothing to the national economy* (beyond moving wealth from the pockets of employees and support industries up to the pockets of farm owners) *whilst at the same time both jeopardising the environment and suppressing public rights and community values.*

**3. Issue – Mass re-consenting is a chance for review**

- 3.1 KCSRA and, we feel MDC, saw the date of 2024 as a chance for a review of existing mussel farm operations in the Sounds - a chance to step back and look at the good, the bad and the ugly aspects. Accordingly, we are disappointed at MPI's attitude as expressed in the discussion document and in conversation with MPI representatives.
- 3.2 We would promote a wholesale level area by area re-consenting process for circa 2024 renewals as the most efficient and effective option for managing the process and any public and industry conflict. Such would enable public values and the public to be properly considered and heard and thus the optimal utility of public space to be found - whilst at the same time minimising costs and uncertainty for industry.
- 3.3 The NES approach seems instead to have been hurriedly prepared and pushed out under the guise of a National Environment Standard administrative measure that seems focussed **on avoiding** any environmental review of existing farms. This for an industry that has grown since the 1970's in a fairly random way without any overview of sustainable environment assessment to date. Indeed that is precisely what MPI seems most concerned to avoid.

**4. Issue - Administrative Convenience and the RMA**

- 4.1 The discussion document's overriding objective is ensuring existing marine consents are rolled over as easily as possible as their term expires. This is necessary, the discussion document believes, to ensure marine farmers' investment will be protected and economic benefits will continue to accrue to marine farmers and thus the wider public.
- 4.2 Thus its actual focus is, we submit, on a small part of Part 2 of the RMA – "*providing for economic wellbeing*"<sup>1</sup> - and a small group of beneficiaries to the exclusion of all other required considerations.
- 4.3 To this end the discussion document proposes a structure that **will exclude** public values and public participation in reviewing the environmental sustainability and appropriateness of activities being carried out in public space. It will, we submit, severely restrict the Marlborough District Council from properly assessing aggregations of existing marine farms in terms of avoiding, remedying and mitigating any adverse effects of the activity. It seems to have been designed to cut across and avoid the likes of the NZCPS.
- 4.4 We submit that this focus is, at law, fundamentally flawed as it ignores or frustrates any consideration as to the other values of Part 2 of the RMA or established case law. Accordingly, it should be withdrawn.

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<sup>1</sup> Section 5 (2) of the RMA

**5. Issue - The single farm approach**

- 5.1 A fundamental design/logic flaw in the proposed NES and discussion document is that the appropriate unit of examination is deemed to be a **single** farm.
- 5.2 This ignores the reality that in intensively farmed areas such as the Sounds there are often dozens of existing farms in low flush bays<sup>1</sup>.
- 5.3 By this device the proposed NES is seemingly designed to frustrate any consideration of a cumulative effects assessment in the re-consenting or not of existing marine farms. Accordingly it needs to be withdrawn and this issue addressed so the MDC can consider matters on a bay-by-bay basis in a re-consenting situation.
- 5.4 In this regard it is undeniable that aquaculture in the Sounds, at least cumulatively, has a significant adverse effect on the Sounds environment. The NES seeks to allow the existing degree of aquaculture activity under section 43A(1)(b) of the RMA but section 43A(1)(3)(a) requires that resource consents must be required. These RMA provisions contemplate the management of significant adverse effects through the resource consent process. However, the NES process as proposed denies the management of significant cumulative effects through the legislatively required resource consent process. The NES process as proposed thus falls short of the required standard and should be withdrawn.

**6. Issue - Effects of Existing Marine Farms are Ignored**

- 6.1 As noted the focus of the proposed NES is on the re-consenting of existing mussel farms. A key and disturbing underlying assumption behind much of what is repugnant in the proposed NES is the assumption that the environmental effects of existing mussel farms are well known (impliedly benign) and their operations have been carefully managed, monitored and regulated over the years<sup>2</sup>. <sup>3</sup>On this basis environmental impact considerations in a re-consenting process can be and are largely ignored. The reality is, we submit, **vastly different**.
- 6.2 The spatial distribution of the existing mussel farms has much to do with convenience and adhocery and little to do with sound environmental planning design. There is no substance, we submit, to the view that an environmental assessment done for a single farm a decade or more earlier can be safely seen as still fit for purpose or even reflecting the current situation of a vastly expanded farming effort. The reality is that a lot of historical coastal permits (deemed or otherwise) do not meet today's environmental standards. Almost all existing farms have been consented or licensed devoid of any assessment of cumulative effects – certainly at an ecological level and generally at a landscape and natural character level as well. It cannot be denied that the intensity of the existing farming in some areas would not be re-consented if it were all applied for together today and properly assessed with the benefit of today's information and environmental standards.
- 6.3 Further, there has been little in the way of an effective holistic monitoring regime undertaken by the MDC. We do not wish to get into the whys and wherefores (but lack of resources and money figures largely) but that is the reality. The industry itself is also quite secretive about releasing production figures on even an aggregated bay-by-bay basis. The proposed NES provides no mechanism for requiring these and other production related matters to be collected by the MDC. **This oversight needs to be addressed.**

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<sup>1</sup> Thus in Beatrix Bay alone there are some 37 farms covering over 300 hectares.

<sup>2</sup> See for example on the top right of page 13 of the MPI Discussion Document.

<sup>3</sup>

- 6.4 Perhaps the most staggering issue has been the avoidance, until quite recently, of the scientific fact that mussels are in fact prolific filter feeders near the bottom of the food web. They feed on what is in the water column - phytoplankton, zooplankton, fish eggs, larvae and other particulate matter. Thus they compete with and predate upon living organisms in the water column. The greater the intensity of mussel farming the greater the adverse impact on the wider ecosystem. It does not take much thought to realise that intensive mussel farming in low flush bays will be anything but environmentally sustainable. And so the latest science and referred to in the next section demonstrates.
7. **Issue - MPI has ignored or is unaware of the applicable Science and has ignored NZCPS**
- 7.1 An MPI representative was recently invited to give a more specialised briefing on the proposed NES to the MDC convened ARWG referred to above. Our representative initiated some discussion as to the MPI representative's view that the existing science supported that all was well from an environmental perspective as to the effects of the level of existing mussel farms on the likes of the water column. Part of the science relied on was an MPI and MDC commissioned biophysical study<sup>1</sup>. In actual fact this demonstrated, in the likes of low flush intensely farmed bays such as Beatrix Bay, Clova Bay, Crail Bay and the Kenepuru Sound, the massive adverse impact mussels were having. The model predicts that up to **90% or more of zooplankton** in these areas is being consumed by the existing mussel farms. This is *all year round* in the Kenepuru Sound and over the ecologically important summer period in the other areas. The point at which 100% of zooplankton is consumed represents **system collapse** - i.e. wherein the ecosystem cycle has been rendered down to one of just nutrient-phytoplankton-cultured mussels-detritus<sup>2</sup>. In other words, **a state when the only surviving marine creature in the ecosystem is that as is being cultured.**
- 7.2 In a recent Environment Court Case at which the KCSRA was a participant, one of the lead authors of that report, appearing as an independent witness and under oath, **confirmed these adverse outcomes.**
- 7.3 Not surprisingly the MPI representative at the ARWG meeting was forced to resile from his initial position.
- 7.4 The MPI representative also placed some reliance on a recent Coring study.<sup>3</sup> Again his understanding of what that study showed in terms of the historical existence of indigenous shellfish communities in the Sounds and how that could be related to the current level of intensive mussel farming was quite wrong.
- 7.5 The proposed NES lacks any structure for the MDC to examine issues around ecological carrying capacity on a bay-by-bay basis when considering re-consenting. This is, we submit, a shocking oversight given the clear references in the Governments own policy as wanting to work to best practice and achieve sustainable environmental outcomes.
- 7.6 To its credit MDC has been working with the ARWG on developing a bay-by-bay approach. Part of the discussion at the ARWG has been working through the differences between the production carrying capacity of a bay and the ecological carrying capacity. If marine farming is exceeding the ecological carrying capacity then this will be having a significant deleterious effect on the wider ecosystem.

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1 Brockhuizen,N., Hadfield, M., et al (2015) - A biophysical model for the Marlborough Sounds, Part 2 : Pelorus Sound

2 Predicting the carrying capacity of bivalve shellfish culture using a steady, linear food web model. Weimin Jiang, Mark T. Gibbs, Cawthron Institute, Nelson, New Zealand, November 2004

3 S Handley et al (2017) – A 1,000 year history of seabed change in Pelorus Sound , Marlborough.

- 7.7 In order to assist this discussion KCSRA prepared and circulated a technical paper proposing how this analysis might be carried out. That paper, among other things, looked at assessing the impact of the current level of marine farming on the base elements in the food and ecosystem web – phytoplankton and zooplankton. For phytoplankton KCSRA used the internationally recognised Aquaculture Stewardship Council (ASC) Bivalve Standard Version 1 Jan 2012. The ASC standard provides a method to review if marine farming is exceeding the ecological carrying capacity. In short, the KCSRA technical paper demonstrated, using the ASC standard, that things are not looking good in the likes of Beatrix and Clova Bays.
- 7.8 For zooplankton KCSRA referred to the Niwa Biophysical model<sup>1</sup>, pointing out the extreme zooplankton depletion rates being reported in the Kenepuru Sound, Beatrix Bay, Clova Bay and Crail Bay areas, and suggests that a 20% depletion rate might be environmentally acceptable.
- 7.9 There is no suggestion in the NES discussion document that any such analysis has been carried out in order to justify the paper's assertions and assumptions as to the lack of significant environmental effects from existing farms. Indeed MPI has relied on the NIWA Biophysical Model when it in fact shows that some areas are at risk of ecosystem collapse. We submit this analysis should have been done and on that basis alone the proposed NES is flawed and should be withdrawn.
- 7.10 The NES also assumes that the existing level of marine farming meets the landscape and natural character adverse impact standards as set out under NZCPS policies 13 and 15. These require the **avoidance** of significant adverse effects on landscape or natural character in **any** coastal marine area. Alarming, the MPI representative freely admitted that no regard has actually been had to these standards when making its determination that existing farms are appropriate. This notwithstanding that almost all existing farms were consented *before* the NZCPS standards were introduced.
- 7.11 As can be seen from the above we are rapidly developing the science and law around the existence and treatment of a range of cumulative effects, a matter that NZCPS policy 7 requires local authorities to identify and address in their regional plans. Indeed, the NES itself notes that NZCPS 7 is fundamental to the on-going consideration of existing marine farms - but then simply states that it does not actually address it.
- 7.12 As we see it the proposed NES slams the door shut on NZCPS 7 considerations on re-consenting. This is underlined by the proposed NES focus on single farms and limiting the MDC to designating areas as either inappropriate or appropriate.
- 7.13 This NES will curtail any ability of MDC to manage an area that is suffering adverse environmental effects from the intensity of existing marine farms. For example, if the science demonstrates that on the balance of probabilities the activity is creating significant adverse ecological effects and, say, desirably the intensity of the cumulative farming effort needs to be wound back, the proposed NES stands in the way. The NES affords no capacity to deny some or all of a consent application on these grounds. This is also the case for significant landscape or natural character effects which also need to be avoided under NZCPS 13 and 15.
- 7.14 We stress this scenario - which is a reality, we submit, in many of the low flush intensively farmed bays - envisages a **remedy**, which is quite different from classifying an area as inappropriate for any marine farming. We submit that the proposed NES prevents MDC from considering ways to avoid, remedy or mitigate these effects on a re-consenting. This is totally contradictory to both best management practice and the provisions of the RMA.

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<sup>1</sup> Supra



- 7.15 Because of this the NES should be withdrawn with a view to it being reworked to properly accommodate the management of area by area level cumulative effects on re-consenting.

**8. Issue - NES Stands to Frustrate the Determination of Appropriate Areas for Another Generation**

- 8.1 The proposed NES stands to enable *all* existing resource consents, whether currently in appropriate areas or not, and whether likely to be in inappropriate areas or not under a second generation plan, to be renewed for up to 35 more years as restricted discretionary activities unless and until a second generation plan determines the area inappropriate for marine farming. This stands as a striking frustration of the NZCPS and core resource management principles.
- 8.1 We note MPI's fear that regional authorities will not have their second generation plans ready in time to meet the circa 2024 consent renewal rush and the suggestion that this justifies enabling all existing farms to renew now without any material assessment, and whether in appropriate places or not. The fact that we struggle to see why farms coming up for renewal circa 2024 is a basis for cutting across fundamental RMA principles aside, we note that the Marlborough District Council (MDC) is in fact well down the second generation plan path. It is extremely unlikely that the determination of appropriate areas for marine farming in the Marlborough region will not be legally effective before 2024. Indeed, they are likely to be determined and with legal effect under section 86B(3)(e) of the RMA within the next 12 months.
- 8.2 If the NES is gazetted as drafted there will undoubtedly be a rush of individual applications to renew existing marine farms in areas that are likely to be considered inappropriate under the Marlborough second generation plan before the Marlborough Plan takes legal effect. A large proportion of existing Marlborough farms are non-complying activities and virtually all of them are located closer than 100 meters to shore. There are also a small handful of existing marine farms in the Coastal Marine One zone where marine farming is not considered appropriate but where these few farms have, for historical reasons, been allowed to stay for one renewal under the original MDC plan.
- 8.3 It would obviously be a fundamental frustration of the proper planning process were the NES to effectively dictate what is considered appropriate places for marine farming for another generation just short of MDC *properly* determining that for itself.
- 8.4 In short, not only is the NES proposal to facilitate the re-consenting of all existing farms before second generation plans take effect *mis-founded* (i.e. circa 2024 consent costs should *not* ride above environmental concerns), but there is also no realistic prospect of this mis-founded concern actually manifesting itself in Marlborough in any event. This is because section 86B(3)(e) of the RMA will give the Marlborough plan immediate legal effect on notification, notwithstanding it may be some time beyond before it is operative independent of the existing plan.
- 8.5 The NES should be withdrawn with a view to it being reworked to properly accommodate regional authorities determining appropriate areas for farming. At the **very least** an NES should transition in the following manner:
- The NES should not take effect in a region until a second generation plan identifying appropriate areas for aquaculture in the region has legal effect under section 86B(3)(e) of the RMA. This is pertinent to Marlborough which is already well down the track of preparing aquaculture rules identifying

appropriate areas for aquaculture.

- The NES **should clarify** that, in terms of proposed Rule 5 of the NES, a regional council determines through a regional coastal plan that an area is inappropriate for existing marine farming *when that regional coastal plan has legal effect under section 86B(3)(e) of the RMA*.

8.5 We note that the vast majority of the 2024 problem rests in Marlborough. If, in the extremely unlikely event a Marlborough second generation plan is not legally effective before 2024, then the provisions of section 165 ZF of the RMA can be invoked. These enable farms in areas to be grouped and assessed for renewal jointly - if that renders re-consenting more efficient and enables the better assessment and management of cumulative effects.

## 9. Issue – Proposed treatment of outstanding areas

9.1 As drafted the NES allows the regional authority to have regard to the effects of aquaculture on the values that make an area, feature or landscape outstanding. However, applications in outstanding areas cannot be publicly notified.

9.2 Protecting the integrity of outstanding areas is a core principle of the NZCPS. It was thus more than surprising for the KCSRA representative at a Marlborough ARWG meeting to be advised by MPI that the only reason the public is excluded from applications in outstanding areas is to make it easier for applications in these areas to proceed.

9.3 This is yet another feature of the NES that is repugnant to the core principles of the RMA. Clearly Parliament has not contemplated that a national environmental standard be used to prevent the public from participating in the consent procedure for activities in highly valued public domain simply because it will suppress the full consideration of those public values and thus make it more likely that the application will proceed.

9.4 Because of this the NES should be withdrawn with a view to it being reworked to properly accommodate the public's fundamental right to participate in resource consent applications for activities in highly valued public areas.

## PART B - More Particular Issues

The above higher level issues demonstrate why the NES is fundamentally flawed and should be withdrawn.

For the sake completeness we note in this section that there are a plethora of more particular issues that, if anything, simply reinforce that the NES is flawed and should be withdrawn.

## 10. Solution Analysis Considered The Wrong Problem

10.1 Various options for addressing the problems identified by the NES are analysed in section 4. However, the NES identifies the problem as *only* being:

*‘the problem of variable plan frameworks leading to uncertainty about the process for consent applications for existing marine farms or change of species and the need for a consistent approach to on-farm biosecurity*

*management.*<sup>1</sup>

- 10.2 As noted in our comments above, the NES does not actually identify why ‘variable plan frameworks’ lead to uncertainty. More to the point, and biosecurity aside, the NES does not actually target ‘variable plan frameworks’ problem. Rather, it is made clear in Part 3 that the key driver of the NES is *conflict with public values* and it is undeniably clear that this is what the NES actually focusses on.
- 10.3 To this end neither the first order nor second order assessment criteria for solutions to the problem of ‘variable plan frameworks leading to uncertainty’, looked at in section 4, actually address the core issues actually identified by the NES in section 3. The result is that appropriate *industry* outcomes are found but the assessment does not even consider public value outcomes. The NES is thus wrong to conclude that the process adopted leads to appropriate RMA outcomes. It does not.
- 10.4 The NES also fails to consider as an option processes specifically added to the RMA to address re-consenting efficiency and cumulative effects, namely the likes of section 165ZF of the RMA. Under these provisions a regional authority may invoke a process of processing and hearing together applications for coastal permits to occupy space in a common marine and coastal area for the purpose of aquaculture activities *it if would be more efficient and would enable better assessment and management of cumulative effects of the permits*.

## 11. Dictation of Activity Status in Inappropriate Areas is Inappropriate

- 11.1 Proposed Rule 5 provides that if a regional council determines an area inappropriate for marine farming then applications to renew existing farms in that area are to be discretionary.
- 11.2 This addresses no issue or problem identified by the NES. If a regional authority has gone through the plan review process and determined an area as inappropriate for marine farming then it should simply be up to the regional authority to determine the activity status for marine farming in that area. It is perhaps telling that the NES seeks certainty *for industry* in *appropriate* areas for marine farming but then looks to deny the same courtesy *to the public* for marine farming in areas considered by a regional authority to be *inappropriate* for marine farming.
- 11.3 An NES has no place in denying the public the ability to attain certainty in inappropriate areas by dictating an activity status in these public areas. This should be removed from Rule 5.

## 12. Change of Activity

- 12.1 The NES contains provisions dealing with change of *species*. However, it does not address change of *activity*. This is relevant to, for example, spat farms. As it reads there appears to be nothing preventing an application to culture and grow *mussels* from being processed under Rule 6 if the existing consent is for *mussel* spat catching.
- 12.2 Mussel culturing has a significantly greater benthic and water column impact than mussel spat catching. Moreover, there are also spat farms that were only ever originally consented because they *are* spat farms, because industry claimed a vital need for spat, and where it was anticipated that the need and the appropriateness of the spat catching

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<sup>1</sup> Section 4, page 17

facility would be fully reviewed on termination of the consent.<sup>1</sup>

- 12.3 The NES should thus clarify that it does *not* apply to applications for a different *activity* than what the existing consent allows.

## 13. Change in Intensity of Farming

- 13.1 Standards for restricted discretionary activities under Rules 2, 6 and 9 do not prevent applications encompassing an *increased intensity* of farming. This is *not* appropriate as increasing farming intensity may have unacceptable benthic, water column, hydrodynamic, public access or other impacts.
- 13.2 An application for an existing farm that facilitates **any** increased intensity of farming must be treated as if it was a new farm and rendered subject to Rule 5 accordingly.

## 14. Prevention of Inappropriate Plan Review Occurring

- 14.1 The NES anticipates regional authorities addressing cumulative effects through the plan review process. We have noted that this will be frustrated to the extent that the NES nonetheless facilitates farms in inappropriate areas to renew in advance of a second generation plan taking effect.
- 14.2 This will also be an issue in advance of *third* generation plans taking effect for farms that might be considered to be in appropriate places currently. This is because farms will undoubtedly apply to renew their consents under the NES RD provisions in advance of any third generation plans taking effect if there is any risk they might lose space to help accommodate a reduction for cumulative effects. As such, properly addressing the effects will be frustrated for yet another generation.
- 14.3 If the NES is to proceed it must prohibit re-consenting if it has an effect of frustrating the consideration and addressing of cumulative effects through the plan review process. We note that there does not appear to be an easy way of achieving this, given consents must have a minimum term of 20 years. If this cannot be addressed then it represents yet another fundamental flaw in the NES.

## 15. Navigation and Realignment

- 15.1 We are generally comfortable with farms being able to realign within or into areas considered appropriate for marine farming. However, a re-alignment will also result in a new coastal permit and thus a new minimum 20 year term. As above, this needs to be controlled so that the ability to address cumulative effects at the plan review level is not frustrated (as noted above). If this can't be controlled then it represents another fundamental flaw in the NES.
- 15.2 We also note that navigation is not included as a discretionary matter under Rule 15. Whilst relocation within areas considered appropriate for aquaculture might ordinarily be appropriate from a navigational perspective it cannot be assumed that it always will be.
- 15.3 We also believe it should also be made clear that a realignment cannot result in any increase in intensity of activity.

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<sup>1</sup> For example Site 8553 in Clova Bay, Pelorus Sound

## 16. Change of Species

- 16.1 Page 37 of the NES states that research has shown that farming filter feeding species does not significantly reduce the phytoplankton densities. This is *not* correct and we note that the research relied on in this statement is *not* cited. The reality is that bivalves and other filter feeders can be prolific filterers of the water column and intensive farming has the capacity to significantly change the ecosystem foodweb structure<sup>1</sup>. This is particularly so in low flush estuaries such as the Kenepuru and central Sounds areas.
- 16.2 The NES itself acknowledges vast differences across different filter feeding species. For example, page 35 records that sponges appear to have very high filtration rates compared with even mussels.
- 16.3 The NES also overlooks zooplankton depletion – a potentially serious issue. We have noted that the best available science today estimates that existing mussel farming in the Kenepuru Sound and in some central Sounds areas is depleting **circa 90%** of zooplankton in the water column<sup>2</sup> - which effectively renders the cultured product **the only marine creature in the ecosystem**.
- 16.4 It is thus fundamental that ecological carrying capacity, including nutrient depletion or foodweb structure change, be subject to a full discretion for *any* species change proposal.

## 17. Discretionary Criteria Unnecessarily Restrictive

- 17.1 On that note we record that some discretions under the NES RD proposals appears to be deliberately restricted to matters such as *adopting measures* to avoid, remedy or mitigate the issue or to facilitate some *management* of the issue - rather than allowing the issue to be addressed through *consent decline*. These include effects on marine mammal and seabird interactions with the marine farm, biosecurity risks, noise, rubbish and debris and water quality and benthic effects. This issue transcends consents for renewal as well as for realignment *and species change*. Precluding the *decline* of consents on the basis of these effects is **not** justified in the NES and nor can it be justified. To this end the NES fails to meet appropriate environmental protection standards.

## 18. NZCPS 11

- 18.1 Noticeably missing is any regard to the requirements of NZCPS Policy 11. There is no basis for assuming that the existing level of marine farming is sustainable. Indeed, current jurisprudence<sup>3</sup> suggests it may well not be. Again, it is simply an abrogation of core RMA principles to ignore these effects in considering consent renewals and to this end the NES fails to meet appropriate environmental protection standards.

## 19. Relationship of Rule 2 and Rule 5

- 19.1 There is no basis for granting marine farms in outstanding areas immunity to Rule 5. Thus, it should be clarified that Rule 2 *does not* apply to an application for a marine farm in an outstanding area if the area has been determined as *inappropriate* for marine farming by a regional authority.

<sup>1</sup> For example see *Weimin Jiang, Mark T. Gibbs supra* and the *Aquaculture Stewardship Council Bivalve Standard Version 1.0 Jan 2012*.

<sup>2</sup> *NIWA Biophysical Model supra*

<sup>3</sup> Refer *RJ Davidson Family Trust v Marlborough District Council* ENV-2014-CHC-34 [para 300].

## 20. Cost of Notification Not Relevant

- 20.1 Page 31 of the NES records that public notification is precluded because it will save time and cost in the consent procedure. The public have a fundamental right to participate in decisions affecting what is a highly valued public resource and cost is **not** a valid excuse for not doing so.

## 21. Effects of Aquaculture

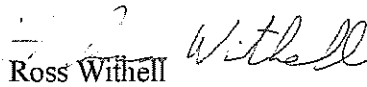
- 21.1 We note that there are numerous obvious errors or understatements on the effects of aquaculture in Appendix G, the following being some examples:
- The NES suggests that the effects of existing marine farms on landscape and natural character have been assessed over time and cumulative effects will be assessed and dealt with at the plan making stage. Nothing could be further from reality. Landscape and natural character assessments have **not** been undertaken on existing farms to NZCPS standards and will not be appropriately dealt with at the plan making stage because the NES proposes to allow all existing farms to renew their permits without any landscape or natural character assessments *before* regional plans have the opportunity to address the issues through spatial allocation.
  - As noted above, the NES is well wide of the mark in stating that filter feeding farms do not cause significant water quality issues. Recent work indicates that some mussel farms are depleting embayments of virtually all zooplankton to the point of ecosystem collapse<sup>1</sup>.
  - The NES states that currents can be altered by 30% by mussel farm structures and that the hydrodynamic effects of mussel farms have already been caused and are thus part of the existing environment. The reality is currents can be changed **up to 70%** by mussel farms<sup>2</sup>. The current softening caused by suspended structures in the water column significantly increases the likes of siltation in affected areas and the alteration of tidal currents fundamentally changes nutrient delivery patterns. The NES suggestion that because these effects are already occurring they have 'become part of the environment' attempts to somehow 'normalise' adverse effects and is a nonsense. If adverse effects exist and can be remedied, mitigated or avoided then under the RMA *they must be*.
  - In this part the NES does appear to acknowledge that cumulative plankton depletion effects may arise but suggests these are best dealt with at the plan stage. We have noted above that the NES in fact frustrates a plan from addressing these issues. Moreover, science and information changes, the environment changes and public standards change - all faster than plans change. Because of this there is a fundamental need to address ecological carrying capacity issues *at the consent renewal stage*. Further, and as already noted, the NES will facilitate the renewal of existing farms ahead of second generation plans coming through, thus pushing attempts to deal with cumulative effects out for yet another generation.

<sup>1</sup> NIWA Biophysical Model zooplankton depletion for Kenepuru Sounds, Clova Bay, Beatrix Bay and Crail Bay – existing mussel farm vs no mussel farm scenario. See also definition of ecosystem collapse *Weimin Jiang, Mark T. Gibbs supra*

<sup>2</sup> Plew DR 2011. *Shellfish farm-induced changes to tidal circulation in an embayment, and implications for seston depletion. Aquaculture Environment Interactions 1:13*

- The NES suggests that recreational fishing may often be enhanced by marine farming. However, this is most unlikely to be the case in the Kenepuru and central Pelorus Sound area of Marlborough where intensive farming is showing the consumption of virtually all zooplankton – including the likes of fish eggs and larvae<sup>1</sup>, and where bays have lost up to 25% or more of their natural benthic habitat through mussel farm bio deposits.

Yours sincerely

  
Ross Withell

President  
Kenepuru and Central Sounds Residents' Association

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<sup>1</sup> NIWA Biophysical Model *supra*

## Schedule One

The discussion document identifies various questions to which MPI is seeking a specific response. As can be seen, KCSRA believes that the proposed NES needs to be withdrawn and extensively reworked so it truly is an environmental standard rather than an administrative ruse – being as it is one designed to:

- roll over for another 20 to 50 years (50 years because farms will be able to re-consent again under the NES in advance of any further system re-setting) all existing marine farms without any review against environmental principles, and
- exclude the public from any input as to the desirability or otherwise of on-going use of public space, and
- severely restrict local regulators scope under the RMA.

Nevertheless in order to assist we briefly consider and respond to a number of the questions formally raised by MPI in the discussion document.

### **Question One (See Page 25 of the discussion document): Is an NES for marine Aquaculture Required?**

**In short no.** Section 165ZF of the RMA already offers a more appropriate solution to what is, in effect, the real problem targeted by the NES. Alternatively, prescribed bay by bay consenting systems would be more appropriate than an NES. For example, a dual consent structure for aquaculture incorporating a *master consent* for a bay or management area under which all farms in that area are primarily consented and pursuant to which aquaculture intensity and cumulative effects are addressed, and then individual marine farm coastal permits within the bay or management area to address any farm specific residual issues such as benthic matters.

### **Should Regional Authorities Decide Activity Status ?**

**Yes.** The basis of NES interference is industry uncertainty due to different regional approaches across the country to aquaculture consenting. We have noted that this basis is at best difficult to discern, if not simply a fiction. The introduction of a standardised *and concessional* consenting process on this basis is, frankly, open environmental subsidisation of an exploitive industry at the expense of public values and utility.

We support consenting efficiency but not at the expense of consenting effectiveness. Whatever the system we submit that the scope and intensity of marine farming in certain areas of the Sounds needs to be holistically **and urgently** reviewed under the purpose and principles of the RMA and associated case law. A well designed and thought out NES may well be an appropriate way to go about that exercise.

The proposed NES totally **fails to meet** those environmental and legal standards. The MDC is currently attempting a bay-by-bay exercise, which KCSRA believes is a good start and preferable to what the proposed NES suggests.

### **Question Two (page 28) – Restricted Discretionary Activity (RDA) Status– appropriate?**



**We do not support RDA.** Regional authorities should be left to determine appropriate activity status through the Schedule 1 process. A Discretionary Activity (DA) status approach is to be preferred for farms in appropriate areas - particularly in addressing that part of the problem as set out in the discussion document - community concerns over environmental limits and cumulative effects from existing marine farming. A DA status approach would also facilitate a better conversation around the question of **entitlements (or not)** to the proposed use of iconic public space in an exploitive way for extremely long time frames. **We understand that this is precisely what MPI wishes to avoid.** This is, we submit, unacceptable in a country that believes it is a first world democracy.

**Question Three – Does the NES need to provide a rule framework for farms that fail to meet the NES requirements.**

**No.** As already recorded, there is simply no basis for the NES dictating what activity status a marine farm should have when it is in an area determined *inappropriate* for marine farming through a public plan review process.

**Question Four (Page 28) – Replacement Consents re supplementary feeding**

Marine farming activities requiring supplementary feeding **should not**, under any circumstances, be given RDA status and KCSRA **does not support** their inclusion as proposed in the discussion document. We know so little about the effects that it would be foolhardy to “grandfather in” such activities as the proposed NES suggests. For a fuller discussion of this aspect see the submissions to the MPI convened Advisory Panel in the context of proposed new salmon farms in the Pelorus from organisations such as KCSRA, Friends of the Nelson Haven, EDS and other concerned submitters.

It is nothing short of ridiculous that, as proposed, salmon farms in the Marlborough Sounds that fail best management practice standards will nonetheless be entitled to renew their consents with existing feed levels *without any regard to their significant adverse effects*.

**Question Five – (Page 28) – Appendix G – Analysis of Effects**

In addition to the observations made at paragraph 21 above, **we have serious reservations with the misleading picture** Appendix G is designed to create. Very briefly we make a few comments to illustrate.

- The approach is to focus on a single farm model and make no attempt to assess cumulative effects.
- The benthic section makes no attempt to factor in a loss of important habitat as tackled by the Environment Court in the *Davidson Case*<sup>1</sup> in relation to the King Shag. The related comment about bird life effects being able to be ignored is at best ignorant.
- The Appendix is misleading in suggesting that benthic habitat recovers after three years. Case studies show that the time frame is more like 10 years in areas where all farms are removed. Further, given that the thrust of the proposed NES is to dramatically increase

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<sup>1</sup> Supra

occupation this “assurance” is a little contradictory/insulting.

- There is no discussion that the “well known effects” include massive aggregations (up to 39 times over non marine farm areas) of predatory mobile populations of 11 armed starfish (*cosinasterias muricata*)<sup>1</sup>. There is no hint from the discussion document that it a proven fact that a mussel farm generates deposits of 250 to 400 tonnes per hectare per annum.
- For some reason water column effects are not squarely addressed. What the appendix concentrates on is phytoplankton and slides past now known significant adverse zooplankton effects. See the body of the submission for more discussion concerning:
  - the alarming adverse impacts the NIWA Biophysical model identified re zooplankton, and
  - what using the ASC standard to assess effects on phytoplankton and ecological carrying capacity demonstrated, and
  - the conclusions from the NIWA Coring study.

## Question 6 (page 29) – Approach to Supplementary feeding re-consenting

See our response to Question four above. Supplementary feed consenting should *not* be included in an NES.

## Question 7 (page 29) – Supplementary feeding

See our response to Questions 4 and 6 above.

## Question 8 (page 30) – Overlap of marine farms into ONL's

**No.** There should in fact be **no** marine farms within proximity of outstanding areas, let alone with overlap.

## Question 9 (page 30) – Overriding the NZCPS

We query the legal ability for the NES to override the NZCPS in the manner proposed. Existing marine farms in appropriate areas and in the proximity of ONL's (as they are finally settled in the MEP) should only ever be considered for re-consenting on a **full discretionary basis with public participation**.

The NES is also fundamentally short of the mark in failing to accommodate NZCPS 11 matters. This is not only in relation to threatened species and their habitat, but also in regards to avoiding the likes of significant adverse effects on the Sounds estuary ecosystem through **cumulative benthic and water column effects**.

The NES also fails to recognise **NZCPS 21** which requires priority to be given to improving water quality where it has declined (including through aquaculture nutrient depletion) to the point it is having a significant impact on the ecosystem.

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<sup>1</sup> Inglis and Gust (2013) Potential Indirect effects of shell fish culture on the reproductive success of benthic predators- Journal of Applied Ecology 2003, 40 1077 – 1089

**Question 10 - (page 30) – What are the Values and Concerns Caused by Existing Marine Farms ?**

Aquaculture brings some values to the Sounds and has some place in the Sounds. However it is just another user of the Sounds public water space like everybody else and it needs to manage itself within that parameter. The NES seeks to do otherwise though, inappropriately affording aquaculture preferential rights over Sounds water space.

In terms of concerns, refer to the body of this submission. Broadly, in some areas existing marine farms have an unacceptable cumulative impact on the benthic environment, on the water column and thus on the foodweb and thus the wider ecosystem, on natural character and landscape values, on public access and on navigation.

**Question 11 - (page 30) – What status should existing marine farms have in ONL areas?**

As noted, existing marine farms in appropriate areas that are in ONL's (as they are finally settled in the MEP) should only ever, we submit, be considered for re-consenting on a **full discretionary basis with public participation**.

**Question 12 - (page 31) – Should any replacement consents have to be notified publically?**

**Yes.** As noted, there is no basis for the NES abrogating the notification principals established in sections 95 to 95G of the RMA. Regional authorities should be left to determine public notification in accordance with their plans and established RMA law on the matter.

**Question 13 - (page 31) – Giving Councils a more lenient approach**

Under the terms of the proposed NES lenient effectively means allowing the MDC to approach re-consenting with a view to awarding **controlled activity** status. We find **repugnant** the idea that future generations could be denied optimal utility of such highly valued public areas for periods for of up to 50 years on the at best nebulous if not fictional grounds as made out in the NES.

**Question 14 - (page 31) – Not relevant to KCSRA.**

**Question 15 - (page 31) – The proposed NES identify specific sites for aquaculture due to unusual importance to the Industry.**

**No we do not agree.** *It is not the role of an NES to make assessments of comparative values in an area.* This can only be done through a full public process such as a plan change or public resource consent process. Moreover, what might be considered important for the likes of spat catching today may not be tomorrow. For example hatchery spat is now set to see local wild spat a remnant of the past<sup>1</sup>. There are also spat farms in the Marlborough Sounds that were once claimed as vital to the industry but which today sit virtually unused<sup>2</sup>.

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<sup>1</sup> See <http://www.sanford.co.nz/operations/innovation/spatz/>

<sup>2</sup> Site 8553 in Clova Bay is an example. Approved in 1995 against strong community opposition because of a claimed vital importance to the industry, it is now acknowledged by local farmers to actually be a relatively bad site and sits largely unused for the vast majority of the time.

## Question 16 - (page 33) – Are there other ways in which the proposed NES could recognise councils future planning processes.

The proposed NES needs to be expanded to allow, encourage and facilitate MDC to take a bay-by-bay approach to re-consenting issues. This would allow a consideration of a range of cumulative adverse effects with DA status designed to facilitate MDC **effecting a reduction in intensity of the marine farming effort if required** under the likes of an adaptive management framework for ecological, landscape or natural character effects.

An NES should also **encourage** industry to adopt **environmentally positive** planning initiatives. A good example is the Marlborough initiative to relocate marine farms from inappropriate areas to appropriate areas – notably farms to the extent they are located within 100 meters of shore or that are in the current MDC coastal marine zone 1 (where marine farming is prohibited). The NES might achieve this through including a provision allowing or endorsing regional authorities to change an area from appropriate to *inappropriate* (i.e. without a schedule 1 plan change process) if:

- it is zoned appropriate because of an association with a farmed area that is in an *inappropriate* area (e.g. associated with a farm within 100 meters of shore or a farm in a CM1 zone); *and*
- a successful application is not made to relocate the *inappropriate* farm area to the appropriate farm area within a 3 year period of the appropriate area being made available.

## Question 17 - 19 - (page 34) – Realignment of existing marine farms

Refer to our comments in the body of our submission. We note that KCSRA has seen far too many realignment proposals that appear in fact to be nothing more than a device to extend the life of the current term of the consent past a planning review time line and expand the area of the farm at the same time.

Accordingly, we submit the proposed NES is far too supportive of realignment proposals. Realignment proposals should not be given RDA status *unless and only to the extent it is the movement of a farm from an inappropriate area into an appropriate area*. Further, in order to cater for the ability to realign farms found to be inappropriate (due to say benthic impacts) the proposed NES should clearly give the MDC an ability/duty to shift such farms at its or concerned stakeholders instigation.

## Question 26 – Should Spat Catching Farms be Excluded ?

**Yes.** As noted above, mussel farming has a significantly different and greater environmental impact than spat catching. In terms of benthic impacts, mussel culturing can deposit between 250 and 400 tons of bio-deposits onto the sea floor per annum<sup>1</sup>. And in terms of water column, cultured mussels can each filter up to around 310+ litres of water a day<sup>2</sup> - leaving cultured mussels able to clear bays of nutrients faster than nutrients can be replenished by either tidal flushing or primary production<sup>3</sup>. On ecological grounds alone it would thus be inappropriate to consider a change from spat catching as nothing less than a **full discretionary activity**.

<sup>1</sup> Hartstein and Rowden 2004, Hartstein and Stevens 2005

<sup>2</sup> *The Nutritional Biology Of Perna Canaliculus With Special Reference To Intensive Mariculture Systems*. Roger P. Waite May, University of Canterbury, 1989

<sup>3</sup> Refer KSCRA paper *supra* applying the methodology of the *Aquaculture Stewardship Council Bivalve Standard Version 1 Jan 2012*.

Note also that some spat farms in the Marlborough Sounds were only consented in the first instance because of a perceived urgent industry need for spat<sup>1</sup>. Extensions to others have only been condoned by affected parties because it was required for spat catching purposes<sup>2</sup>. It would obviously be inappropriate to facilitate a change of species (or activity) at these sites without a full public review of the appropriateness of such a change.

## **Other Questions 20 to 32 (pages 34 to 39) – Proposed provisions around changing the species to be farmed in an existing marine farm.**

Refer to the specific comments in the body of our submission.

Subject to time and resources KCSRA may consider these specific questions in a later separate submission. However as a general comment it **beggars belief** that the proposed NES contemplates that a species switch from a non-supplementary fed species to one requiring supplementary feeding should be given a RDA status on a re-consenting application on a **farm by farm basis**. Accordingly, KCSRA is of the view that the existing pathway in the RMA is adequate and provides a better environmental framework for a review of cumulative effects than that suggested by the proposed NES.

## **Question 30 to 40 - (pages 40 to 44) – Provisions around better biosecurity management on marine farms.**

As indicated earlier KCSRA will address these matters in a separate submission. However, as a general comment KCSRA has been closely involved in bringing to the public gaze the existence of disturbing unexplained mortality spikes in King Salmon Marlborough farms. Continued pressure for a thorough investigation by independent experts has led to revelations of an inadequate biosecurity plan, inconsistent application of the plan, a low awareness of biosecurity risks by management, and management practices not up to best international standards in relation to bio security matters<sup>3</sup>.

In the Marlborough Sounds KCSRA is quite nervous about the threat salmon farm generated *Rickettsia* like organisms (**RLO**) might pose to the few remaining and highly stressed treasured indigenous scallop beds.

In addition there have also been the recent revelations concerning the spread of a serious parasite from farmed Marlborough oysters to marine farms in Stewart Island and the consequential threat to iconic indigenous natural oyster beds resulting in belated efforts to restrict the spread of this organism. It will no doubt be a year or two before we see a thorough MPI report into this matter but the threats are clearly real.

Clearly New Zealand needs to get serious **QUICKLY** about the biosecurity threat from intensive marine farming. Sadly, we feel that the proposed NES provisions fall well short of an appropriate response and lack clear guidance around auditing /monitoring requirements (particularly in light of the NES proposals surrounding facilitating change of farmed species). It needs to be withdrawn and reassessed in the light of these recent experiences.

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<sup>1</sup> Site 8553 Clova Bay supra

<sup>2</sup> Site 8559 Clova Bay

<sup>3</sup> See for example page 28 of the MPI Intelligence Report - NZ - RLO & T. maritimum 2015 Response (May 2017).

Submission No:0038

## Kenepuru & Central Sounds



Kenepuru & Central Sounds Residents Association Inc.

Ministry for Primary Industries  
Private Bag 14  
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Ross Withell  
President KCSRA



Pictou 7282

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7 August 2017

Dear Sir/Madam

### Submission - Part 2 Biosecurity Management Plan — Discussion Document - Proposed National Environment Standard (NES) for Marine Aquaculture

I submit this submission on the above Ministry for Primary Industries (MPI) discussion document in my capacity as President of the Kenepuru and Central Sounds Residents' Association (KCSRA).

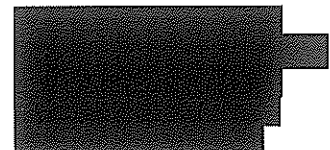
### Introduction

1. **Who we are:** KCSRA was established in 1991, and currently has around 260 household members, whose residents live fulltime or part-time in the Kenepuru and Pelorus Sounds. The KCSRA's objects include, among others, to coordinate dealings with central and local government, promote the interests of residents of Kenepuru Sound and adjacent areas, to promote and act in the best interests of residents, ratepayers, and persons associated with the Kenepuru and Central Sounds area.
2. **What we do:** Our website ([www.kcsra.org.nz](http://www.kcsra.org.nz)) demonstrates that KCSRA is very busy representing the interests of members in a wide variety of matters. For example, advocating for better and safer roads and the provision of public toilets in places of high visitor use, refurbishing small but locally important infrastructure, liaison and representations to the local council, and strategic involvement in local environmental/conservation issues.

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#### Kenepuru & Central Sounds Residents Association Inc.

President	Ross Withell
Vice President	Andrew Caddie
Secretary	
Treasurer	Stefan Schulz
Chairman Roading Committee	Robin Bowron



## Background

3. Why we are interested: An overriding and important aspect of the Sounds is the public “ownership” nature of the marine space. Since 2011/2012 our member’s unease at the seemingly relentless sprawl of marine farming in the Sounds (primarily mussel farming) has been communicated to successive committees. Members were alarmed at the prospect of the Kenepuru and Central Sounds, with its treasured land and seascapes and unique biological diversity, being downgraded to “an industrial zone”. Indeed the Marlborough District Council (MDC) quite correctly refers to the Sounds from the perspective of its environmental values as the “Jewel in the Crown” of the Marlborough region. However there was an increasing awareness by the Association that industry, the MDC and central government were largely ignoring the significant cumulative adverse environmental effects from aquaculture.
4. In true kiwi style KCSRA has done its bit to provide a measure of balance, sanity and reason to these unfortunate proposals, notwithstanding our limited resources and the voluntary nature of KCSRA. An area of particular concern has been the attempts to ram through massive increases in high impact salmon farming in the Outer Pelorus region of the Sounds.
5. We submitted in opposition at the 2012 Board of Inquiry to the King Salmon proposal for nine new salmon farms in the Sounds in areas hitherto off limits to high adverse impact marine salmon farming operations.
6. Contemporaneously with the BOI process, in 2012 a significant salmon mortality event took place at the King Salmon Waihinau farm. Questioning of NZKS expert witness at the BOI proved difficult. Nevertheless, KCSRA realised the importance of biosecurity considerations as a result of these unexplained mortalities and investigated. In due course for example, it obtained an MPI interim report after OIA requests and a complaint to the Ombudsman<sup>1</sup>. This report showed that MPI was of the view that no direct cause was identified, nor a disease agent. In 2013 and 2014 no further mass mortalities were reported by NZKS to the media or MPI Biosecurity, but we have since learned that they kept happening.
7. In April 2015 the Marlborough Express broke the news about significant mortalities at the Waihinau farm, a multimillion dollar problem that would not go away<sup>2</sup>. MPI Biosecurity initiated a response and this time their laboratory identified two pathogens in the farmed salmon, which retesting subsequently showed had also been present in the 2012 salmon. Further OIA requests from KCSRA led to a meeting with Biosecurity staff and the start of a formal relationship through the Response Liaison channel.
8. Given the difficulty of getting any or straight answers to these mortality events KCSRA prepared and published a technical paper “Salmon Mortality in the Pelorus – Why?”, documenting the existence of ongoing unexplained mortality spikes in NZKS’s farms in the Marlborough Sounds <sup>3</sup>. Continued pressure for a thorough investigation by independent experts has led to the fairly slow preparation and release of a further MPI report<sup>4</sup>. MPI’s independent experts reviewed NZKS biosecurity arrangements and concluded that the biosecurity plan of NZKS is inadequate, inconsistent application of this

<sup>1</sup>Salmon mortality 2012 – Interim investigation report into a Chinook salmon mortality event in Pelorus Sound – MPI information Paper prepared for NZKS

<sup>2</sup><https://www.google.com/url?q=http://www.stuff.co.nz/marlborough-express/news/67314620/Millionslost-after-warm-seas-kill-salmon>

<sup>3</sup> June 2016 KCSRA Paper - Salmon Mortality in the Pelorus - Why?

<http://kcsra.org.nz/documents/salmonFarmMortality/160604%20KCSRA%20Paper%20-%20%20Salmon%20Mortality%20in%20the%20Pelorus%20-%20Why.pdf>

<sup>4</sup>Intelligence Report - NZ-RLO& T. maritimum 2015 response MPI Technical Paper 2017/39 prepared for Governance Group by Jeannine Fischer and John Appleby (May 2017)

biosecurity plan by NZKS, a low awareness of biosecurity risks by NZKS management and also that NZKS's management practices were not up to best international standards in relation to biosecurity matters.

9. We need to be clear that KCSRA believes it has well founded reasons to be quite nervous about the threat salmon farm generated Rickettsia like organisms (RLO-NZ) might pose to the few remaining and highly stressed, treasured indigenous scallop beds in the Marlborough Sounds. As can be appreciated we are horrified at the casual attitude of NZKS management to Biosecurity matters that the MPI report records.
10. In addition there have also been the recent biosecurity revelations, concerning the spread of a serious parasite from farmed Marlborough flat oysters to marine farms in Stewart Island and the consequential threat to iconic Bluff oyster beds resulting in belated efforts to restrict the spread of this organism<sup>1</sup>. It will no doubt be a year or two before we see a thorough MPI report into this matter but, the threats are clearly real when all farmed oysters in Marlborough and Big Glory Bay have to be removed.
11. We have spent a little time outlining the above so the reader can grasp that as an organisation we have traveled a hard road and learnt much in the area of Biosecurity .
12. Based on that hard won experience it is clear to KCSRA that there are real biosecurity risks with marine aquaculture operations in the Sounds and there must be real doubt whether we have a good system of checks and balances. To that extent the provisions of the NES and its attempts to address Biosecurity issues is a good thing. However we are not at all confident the NES provisions regarding biosecurity matters adequately address this issue.

### Structure of this Submission

13. Due to limited time and resources, in this KCSRA submission we focus on those parts of the proposed NES that deal with those provisions regarding biosecurity management plans.
14. We first deal with some overarching issues / concerns we have with the thrust, direction and assumptions seemingly behind the proposed NES re Biosecurity management plans. Then in the **attached** Schedule, we respond to some of the specific questions MPI poses in the discussion document on this subject area.

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<sup>1</sup><http://www.mpi.govt.nz/protection-and-response/responding/alerts/bonamia-ostreae/>



## Overview Issue – Proposed Biosecurity Management

15. The policy objective of the proposed NES is, appropriately, to develop a consistent and efficient regional planning framework for on-farm biosecurity management. The proposed implementation is for the regional environment plans to have a rule inserted, specifying that regional and district councils may only grant a permit for a marine farm, that has an approved Biosecurity Management Plan (BM plan) for that farm. The permit itself will have a condition specifying that all BM plans have to be implemented and kept up to date. It is to be up to the Regional and District Councils to approve the BM plan for each farm and later on to check each farm for compliance with the permit conditions regarding the BM plan.
16. Structurally, will this accomplish improved biosecurity? **KCSRA has real doubts.** Firstly, KCSRA submits that good Biosecurity Management has to be implemented at a national level for marine aquaculture. It should not/cannot be left up to each regional or district council to interpret the specific biosecurity requirements, approve BM plans and implement a biosecurity inspection, auditing and surveillance scheme fitting those requirements. Nor indeed to carry out regular holistic ( versus on a farm basis) reviews of the suitability of any implemented regime.
17. MPI Biosecurity, in a recently published Intelligence report about the salmon mortality investigation<sup>1</sup> lists a number of failings and shortcomings of biosecurity practices on and around salmon farms, such as:
  - A need for national direction by MPI on how councils should consider and address biosecurity issues, when making resource consent decisions for marine farming operations.
  - A need for implementation of international best practice for the prevention of disease. Separation of different year-classes of salmon and the regular fallowing of farm sites are key strategies employed internationally to mitigate disease risks in salmon farming operations.
  - A need for an adequate and workable Biosecurity Management Plan.
  - A need for consistent daily application of the prescribed actions detailed in the Biosecurity Management Plan.
18. Given these abject findings of failure in what all would regard as a high risk aquaculture operation it is unfortunate and disappointing that MPI and MfE have not taken the opportunity to introduce a gold standard for marine aquaculture biosecurity. Biosecurity for coastal areas has to be handled at a national level, as the consequences can play out on a national level. The ongoing spread of the *Bonamia ostreae* infection, first discovered in marine farms in the Marlborough Sounds two years ago, and now detected in marine farms in Stewart Island, thus posing an imminent threat to the Bluff oyster wild fishery, is a clear example of the need to deal with marine farm biosecurity incursions on a national level. It is also a good example of the threat posed by marine farming to wild fisheries in this case the Bluff oysters.
19. According to a MPI Biosecurity Technical paper prepared for the NES<sup>2</sup> the greatest benefits of biosecurity are achieved through **preventive rather than reactive action.**

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<sup>1</sup>Intelligence Report - NZ-RLO& T. maritimum 2015 response  
MPI Technical Paper 2017/39 prepared for Governance Group  
by Jeannine Fischer and John Appleby (May 2017)

<sup>2</sup>see page 23 of Georgiades, E.; Fraser, R.; Jones, B (2016). Options to Strengthen On-farm Biosecurity Management for Commercial and Non-commercial Aquaculture.

MPI Technical Paper No: 2016/47

Preventive biosecurity measures are for instance, aquaculture area management, increased inspection frequency, health surveillance, year class separation, fallowing, etc. The implementation of preventive biosecurity in New Zealand aquaculture should take advantage of the lessons learned internationally.

20. KCSRA submits that this is what is seemingly missing in the proposed NES marine Aquaculture framework; no clear National Regulations for Aquaculture Management Areas, no clear identification of what are Best Management Practice requirements and most importantly, a lack of detailed Aquaculture Surveillance and Monitoring Requirements as well as Permitted Environmental Standards.
21. According to a report<sup>1</sup> commissioned in 2013 by MPI, New Zealand is the only salmon farming country that does not have these types of National Regulations. NZ does not monitor the health of the salmon farms adequately, lacking even clearly defined mandatory mortality reporting requirements. Tasmania for instance has a salmonid health surveillance program in place initiated and managed by DPIPWE (Department for Primary Industries, Park, Water and Environment) for over 25 years. It has been instrumental in early detection of pathogens and diseases<sup>2</sup>.
22. New Zealand lacks health surveillance programs for farmed marine species, the existing marine biosecurity surveillance programs are limited to a few high profile pests<sup>3</sup>. Even when a serious mortality event has occurred, such as the 2012 salmon mortality at a farm in the Marlborough Sounds, no follow up health surveillance checks are done, nor further investigation into the causes, despite the following recommendation in the Investigation Report<sup>4</sup>: *“No cause for the mortality event was identified by the investigation, however in retrospect sampling was only carried out after the peak mortality. Further investigation to identify the cause of this annual mortality increase, and whether it is related to the external ulcers, heart pathology and suspected intracellular parasites is recommended in the future.”*
23. Had this recommendation been acted upon, the suspected intracellular parasite NZ-RLO would have been identified in 2013 instead of 2015, maybe at a time when the pathogen was confined yet to the Pelorus Sound and eradication still a viable option.
24. KCSRA submits that the proposed measures in the NES for biosecurity fall far short of what is needed as outlined above. Having a biosecurity plan per farm is a start, but is only one aspect of what is needed. We submit that the current NES proposals in this area fall short of what even MPI has previously seen as necessary.
25. The MPI biosecurity report “Options to Strengthen On-farm Biosecurity” is a good example of this. The authors of that report saw a need for communication and education to foster an understanding of sound biosecurity practices, a need for good record keeping of biosecurity actions, a need for staff training in biosecurity and stock health management procedures. Any proposed Biosecurity Management plan should operate at the farm level as well as among neighbouring sites and within a defined aquaculture management area. This will require the establishment of an area-based management agreement. KCSRA **submits** in support of this holistic approach and urges the proposed NES on this issue be revisited to incorporate such elements.

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<sup>1</sup>Sim-Smith, C.; Forsythe, A. (2013). Comparison of the international regulations and best management practices for marine finfish farming.

NIWA client report AKL2013-13 prepared for the Ministry for Primary Industries.

<sup>2</sup>Zainathan, S.C. (2012). Detection of Aquareovirus in Farmed Tasmanian Atlantic Salmon (*Salmo Salar*) . National Centre For Marine Conservation And Resource Sustainability.

<sup>3</sup>Castinel, A; Forrest, B; Hopkins, G (2013). Review of disease risks for New Zealand shellfish aquaculture: Perspectives for Management. Cawthron Institute.

<sup>4</sup>Norman, R. et al. (2013) Salmon Mortality Investigation -Pelorus Sound, see page 4  
MPI Technical Paper 2013/19.

## Biosecurity Management Plan template

26. KCSRA submits that not all types of marine aquaculture have the same impact on the environment, nor the same level of biosecurity risk or options for mitigating that risk. In the appendix K of the proposed NES for Marine Aquaculture, all marine farmers are treated as if they have identical farming practices and biosecurity risks. There is only a single template provided as the basis for the creation of a Biosecurity Management Plan document for every farm. This template basically treats all marine farms as finfish farms. A one size fits all approach. KCSRA submits that the proposed BM Plans as envisaged run the danger of being just a paper exercise, a ticking of boxes, instead of a way of managing and lowering the biosecurity risks.
27. Furthermore, the Biosecurity Management Plan template (Appendix K) appears to be a work in progress. It is we submit nowhere near finished by the looks of it. The template spans two columns, one column with the Guidelines plus one column with an example management policy. The Guidelines are grouped in twelve categories, with 32 items in total. The example column is only (partly) filled out for the first three categories, after that it is left to the marine farmer's imagination. KCSRA submits this template needs a whole lot more work from MPI so it is more prescriptive and complete.
28. KCSRA submits that a separate BM plan template needs to be created for several categories of marine farmers, grouping similar biosecurity risks, growing environments and growing methods and intensity. To begin with, a separate template is needed for land based, fresh water and marine based farms, as these have different biosecurity risk pathways. Closed containment land based farms have far fewer biosecurity risks than farms situated in the coastal marine environment. Templates should also be different for finfish, mussels, other types of shellfish, seaweed, paua, sea cucumbers, etc.
29. The coastal marine environment is a shared resource for all New Zealanders, but fin fish farmers are granted exclusive use of their consented water space, as opposed to for instance the mussel farmers who share their water space with other members of the public and cannot deny the public access. The table below lists some more differences between two groups with regards to biosecurity risk pathways and management.

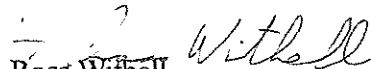
<b>Finfish (salmon) farmers</b>	<b>Mussel Farmers</b>
Exclusive use of public waterspace	Shared use of public waterspace
Daily visits of farm	Occasional visits of farm
Stock is kept in sea cages or net pens	Mussels hang on ropes
Fish escape risk	Shellfish are more or less stationary
Underwater lighting attracts bait fish	n/a
Farm attracts predators, seals, sharks, gulls	n/a
Farm attracts wild fish to feed pellets	n/a
Feed is an additional biosecurity risk	n/a
High water temperature – stress	n/a
Low dissolved oxygen - stress	
Toxic algal blooms – low dissolved oxygen	Toxic algal blooms – shellfish poisoning, a threat to human health

These and other differences need to be worked through and Biosecurity Management Plan templates reflecting these differences worked up. This should not be a one size fits all exercise.

### Conclusion

Clearly New Zealand needs to get serious QUICKLY about the biosecurity threat from intensive marine farming. Sadly, KCSRA feels that the proposed NES provisions fall well short of an appropriate response and lack clear guidance around independent and accountable auditing /monitoring requirements (particularly in light of the NES proposals surrounding MPI's desire to facilitate easier approval to change the farmed species). It needs to be withdrawn and reassessed in the light of the recent experiences with disease /mortality outbreaks on salmon farms and the subsequent mortalities and now the parasite spread at oyster farms.

Yours sincerely

  
Ross Withell

President  
Kenepuru and Central Sounds Residents' Association

## Schedule One

The discussion document identifies various questions to which MPI is seeking a specific response regarding its biosecurity suggestions. As can be seen, KCSRA believes that the proposed NES needs to be withdrawn and extensively reworked so it truly is an environmental standard, rather than an administrative exercise in central government pushing operational and administrative responsibility on to ill equipped and resourced regional councils. Nevertheless in order to assist we briefly consider and respond to a number of the questions formally raised by MPI in the discussion document with regard to biosecurity management plans.

### **Questions 33 to 40 - (pages 40 to 44) – Provisions around better biosecurity management on marine aquaculture.**

#### ***Question 33 - ( Page 40) - Are Biosecurity Management Plans ( BMP) Required for marine farms?***

We submit that for the likes of reasons set out in paragraphs 6 to 12 of the body of this submission a properly designed, implemented and monitored on a national basis BMP for individual marine farms is long overdue.

#### ***Question 34- ( Page 40) - is the timeframe of 2025 appropriate?***

Bear in mind that KCSRA believes that there is a lot of work to be done to first get the framework of the monitoring and implementation up to best practice, let alone the operational detail. Only on this basis is the suggested time frame realistic. However just to be clear, once that framework has been constructed KCSRA believes full implementation among existing marine farms should be completed in three years.

#### ***Question 35 - ( Page 40) - should there be a National (led by central government approach to BMP's?***

KCSRA submits that there must be a National approach to BMP in the aquaculture sector. Unfortunately what is proposed by the MPI Discussion Document and indicative Regulations is NOT a national approach. Rather it is one where the national regulator (central government) is trying to foist the implementation and ongoing operational oversight and monitoring responsibility to those least able to carry out that role for, among other things, competency and resource reasons - local government. Further, whilst MPI in its current format has an inherent conflict of interest ( being expected to be both an advocate and an impartial regulator) it is submitted local government has even more opaque governance issues and accordingly should not be so tasked.

#### ***Question 36 - (-Page 42) - is the suggested BMP template adequate?***

KCSRA submits that the proposed template is VERY inadequate for the reasons set out in paragraphs 25 to 28 of the body of our submission.

***Question 37 - ( Page 42) - is a NES with a BMP approach the best way to address the real current short comings of biosecurity re aquaculture?***

KCSRA submits that the current approach as set in the discussion document is deficient in a number of important areas as detailed and discussed in the body of this submission. A more detailed NES, with ownership of implementation and ongoing operational control at national level, is urgently required.

***Question 38 - ( page 42) - comment on the ability of regional councils, such as the MDC, to develop, certify, audit and enforce BMP's.***

KCSRA submits for the reasons set out in our response to question 35 above that MDC is NOT the appropriate body to be tasked with such responsibilities.

***Question 39 - ( Page 43) - should existing marine farms with costal permits be required to put in place a BMP?***

Subject to the reservations and recommended changes set out in this submission KCSRA submits that the answer to this question is an emphatic YES.

***Question 40 - ( Page 44) - should the holders of marine farm consents be permitted to entirely self regulate their compliance or otherwise of the requirements of the NES and BMP's or should MPI be responsible for their external independent review and enforcement?***

KCSRA submits that it should be blindly obvious that MPI commissioned independent oversight IS required. KCSRA is astounded the question was raised. New Zealand's history of the consequences of self regulation causing systemic failure as typified by the leaky building debacle is example enough!



## Proposed National Environmental Standard for Marine Aquaculture Submission Template

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

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

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

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

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

### Contact details

Name:

Paul Ashley Keown

Postal address:

████████████████████ Takaka 7182

Phone number:

Email address:

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

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



## ***Privacy Act 1993***

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

## ***Official Information Act 1982***

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

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

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

## **Questions for submitters**

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

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### **Question 1:**

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

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**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?

In most cases this is fine. However, in the case of Wainui Bay in Golden Bay

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It is not. As I understand it MPI wants the Wainui spat farm area to become a permitted activity prior to the 2024 date set for public review of the special area status it currently holds and replace it with AMA status which would be no public consultation in the consent review in 2024.

I am totally opposed to this change in status at this stage. There is currently an Environment Court case looking at this issue so no moves to change the status of this location should be considered until after the court process has been completed.

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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?

No Comment

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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?

No Comment

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**Question 5:**

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

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No Comment

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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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No Comment

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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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No Comment

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**Question 8:**

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

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No Comment

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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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The key thing here is the Wainui Bay Area must retain it's current "special area" status until the appointed time for review 2024 and/or after the current Environment Court proceedings regarding this area are fully concluded.

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**Question 10:**

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

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**Question 11:**

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

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**Question 12:**

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

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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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The Wainui Bay area is a Outstanding Landscape under the RMA and NZ Coastal Policy Statement and needs to retain its as a discretionary activity into 2024 when it can then be re-evaluated in a public way.



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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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No Comment

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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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No comment - accept that already made that the Wainui Bay area must remain a discretionary area until at least 2024.

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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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No Comment

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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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No Comment

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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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No Additional Comment

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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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No Comment

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**Question 20:**

Should the proposed NES address change in farmed species?

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No Comment

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**Question 21:**

Should the proposed NES limit the species it relates to?

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No Comment

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**Question 22:**

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



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**Question 23:**

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

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No Comment

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**Question 24:**

Should herbivorous finfish be treated differently from carnivorous finfish?

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No Comment

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**Question 25:**

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

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No Comment

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**Question 26:**

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

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No Comment

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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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No Comment

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**Question 28:**

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



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**Question 29:**

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

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No Comment

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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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Yes this policy must be continued in the case of the Wainui Bay Spat Farm Area.  
This has been my argument throughout this submission.

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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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No Comment

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**Question 32:**

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

Yes – spat farms in areas such as Wainui Bay.

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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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No Comment

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**Question 34:**

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

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No Comment

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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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No Comment

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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

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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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No Comment

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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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No Comment

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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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No Comment

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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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No Comment

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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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No Comment

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**Question 42:**

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

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No Comment

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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.

I have made my point clearly above.

No Additional Comments.

**Ministry for Primary Industries**  
Manatū Ahu Matua

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



## 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: Kiwi Buoys**

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**Address for Service: 1620 Manaia Road Coromandel 3581**

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**Email:** [REDACTED]

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### 1.0 Introduction

- Kiwi Buoys is a rotation mussel float producer.
- We supply mussel floats to mussel farmers in Coromandel
- We employ 2 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 re-consenting processes create a cloud over the future shape of the industry

## 3.0 General Support for the Proposed NES

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

## 4.0 Specific Comments on the Proposal

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

## 5.0 Questions for Submitters

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

**Yes.**

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

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

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

**No.**

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

**No.**

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

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

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

**No.**

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

**No.**

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

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

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

**No.**

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

**Not applicable.**

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

**No.**

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

**No.**

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

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

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

**Yes.**

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

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

**We are.  
LGNZ.**



< Local  
Councils play  
an active role  
in keeping  
our  
communities  
healthy. >

## Proposed National Environmental Standard for Marine Aquaculture

Local Government New Zealand's submission to the Ministry for  
Primary Industries

8 August 2017

## We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 councils are members. We represent the national interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's Vision: "Local democracy powering community and national success."

This final submission was endorsed under delegated authority by Malcolm Alexander, Chief Executive, Local Government New Zealand.

## Introduction

Thank you for this opportunity to submit on the Proposed National Environmental Standard for Marine Aquaculture (NES Marine Aquaculture) This submission has been prepared on behalf of New Zealand's local authorities.

We support the overall purpose of the NES and commend the collaborative process run by MPI to develop the draft set of regulations.

Local authorities will submit on aspects of the proposals as they relate to their own plans. This submission highlights some collective concerns, focusing on the biosecurity aspects.

## Specific comments

### Biosecurity Management Plans

LGNZ considers that Biosecurity Management Plans should not be required by way of regulation under the NES. The concerns and reasons for this are outlined below.

#### The right mechanism for the right outcome

There is an underlying driver behind the content relating to biosecurity within the Proposed NES to strengthen on-farm biosecurity management for commercial and on-commercial aquaculture. We question whether the use of an NES as a regulatory mechanism with respect to biosecurity is an appropriate mechanism.

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

If a mechanism under the Biosecurity Act 1993 is implemented, elements of practises by the aquaculture industry could be captured by such regulation. As such, compliance with these regulations would be necessary.

#### Assessing then auditing Biosecurity Management Plans

The Aquaculture Biosecurity Handbook places an emphasis on plans being developed for risks associated with the farming operation itself, for example for organisms that can affect stock health.



However, a regional and unitary council's primary role in this area is the protection of the natural marine environment and the sustainable use of natural resources. Placing the assessment and auditing responsibility on councils of these stock-protection focussed Biosecurity Management Plans does not align with the roles and responsibilities of regional and unitary councils. Industry is best placed to manage this. Industry and the Ministry for Primary Industries hold both the greatest level of expertise and knowledge regarding the protection of stock.

Assessing and the subsequent auditing of Biosecurity Management Plans would be a very large undertaking and would be an entirely new level of service on the part of a council. While it is acknowledged that some of this cost can be recovered through mechanisms provided for under section 36 of the RMA. In reality experience shows that the entire cost would not be recovered, a cost shift from central to local government ratepayers would occur.

## **'Global' vs Farm level plans**

There is an inherent assumption that the factors that affect biosecurity management of every farm are the same in a given geographic area, i.e. a bay. However flow, water temperature and other factors affect a farm's susceptibility to biosecurity threats and also influence biosecurity threats, including the potential to exacerbate these. Given this, the argument that the load on councils regarding assessment and auditing of Biosecurity Management Plans would be reduced does not hold true.

## **Enforcement and level of compliance**

Another driver behind the perceived need to require farms to develop and implement Biosecurity Management Plans is that marine farmers have not bought into industry led initiatives, such as the Aquaculture NZ A<sup>+</sup> scheme. This incomplete buy-in will continue under the proposed NES regulatory environment. While Biosecurity Management Plans can be submitted and assessed, no auditing system will be able to ensure 100 per cent compliance. Compounding this, for cost efficiency, any auditing system would likely be implemented remotely.

