



Ministry of Fisheries  
PO Box 1020  
WELLINGTON

15 December 2009

**Submission: Re-starting Aquaculture – Report of the Aquaculture Technical Advisory Group**

Forest & Bird appreciates the opportunity to comment on the report of the Aquaculture Technical Advisory Group (TAG).

**Summary**

- Forest and Bird supports the proposal to continue to manage aquaculture within the framework of the RMA
- Environmental groups, including Forest and Bird, should be included in a targeted consultation process during the development of policy and drafting of legislation, and consideration should be given to wider regional consultation.
- The proposed Aquaculture Agency should *not* be involved in the development of objectives, policies or rules or in the processing of resource consents under the RMA.
- Forest and Bird supports the proposal to develop a national environmental standard and national policy statement for aquaculture and to include a policy in the New Zealand Coastal Policy statement. The provisions should be prepared by the Department of Conservation in the first instance with support from the Environmental Protection Authority
- Ministers already have provisions to direct changes in RMA plans through the national policy statement and national environmental standard processes under the RMA, Ministers do not need additional powers specifically for promoting aquaculture.
- Forest and Bird supports the proposal to establish an aquaculture fund and to impose an aquaculture levy on marine farms but this should be designed so it is compatible with any subsequent coastal occupation charging system
- If the prohibition against aquaculture outside aquaculture management areas is removed, a transitional period is needed for councils to exclude aquaculture resource consent applications in inappropriate areas and for a coastal spatial planning exercise to give more certainty for aquaculture, other marine users and the protection of the marine environment.

- If aquaculture zones are to be introduced, councils should be able to define species which may or may not be permitted within the zones and any other restrictions aimed at avoiding adverse environmental effects
- Forest and Bird supports the proposal to include an independent commissioner on hearings panels for aquaculture matters. It is important, however, that the list of approved experts is compiled by an independent party such as the Environmental Protection Authority
- The Minister of Conservation should retain the responsibility for call-ins on aquaculture matters along with other call-ins within the coastal marine area
- Forest and Bird opposes the proposals to change the renewals process for aquaculture consents, as the current system under the RMA provides a good balance between certainty for resource consent holders and the rights of the public to the coastline and environmental protection.
- Forest and Bird opposes any proposal that zones or resource consents should be flexible enough to enable switching between self fed and supplementary fed aquaculture
- Forest and Bird supports the proposal to lapse consents after 3 years
- Forest and Bird supports the proposal to develop a standard set of information requirements for resource consent applications
- The current RMA rules which enable new evidence to be introduced at an Environment Court hearing should not be changed

### **Forest & Bird**

Forest & Bird (The Royal Forest & Bird Protection Society of New Zealand Inc) is New Zealand's largest independent conservation organisation. Established in 1923 we have campaigned for over 80 years for the protection of New Zealand's native species and the habitats on which they depend.

The constitutional purpose of Forest & Bird is to:

*"To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and natural features of New Zealand, for the benefit of the public including future generations."*

*Protection of natural features includes indigenous forests, mountains, lakes, tussocklands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas.*

Forest & Bird has a long history of advocacy for the protection of New Zealand's coastal spaces and the range of plants, animals and ecosystems within them. The Society has run numerous planning workshops nationally, many centred around aquaculture and the Resource Management Act (RMA).

Forest & Bird has published a number of books and guides in relation to environmental planning, resource management and aquaculture, including the '*Marine Farming Guide: the law, the environment, and how to have your say*'.

Forest & Bird played a major role in the 2004 aquaculture moratorium and has worked closely with regional councils and the aquaculture industry in progressing sustainable aquaculture development, particularly in Marlborough, Northland and Waikato. We have also been at the forefront of efforts to ensure that New Zealand's aquaculture industry progresses in an environmentally sound, transparent and sustainable way.

Forest & Bird welcomes the TAG report as a useful tool to discuss aquaculture management in New Zealand. However, we consider that there are a number of very serious implications that require a far more thorough and considered assessment. In particular, the consequences of the reports proposals will be enormous, not only for the aquaculture industry itself, but for the many other use and non-use interest groups and the New Zealand public.

Whilst recognising the government's desire to enhance New Zealand's aquaculture industry, this should not come at the cost of our environmental integrity, our other New Zealand industries, user groups and communities.

## **Major Issues**

### **Consultation and Process**

Forest & Bird does not support the processes to date that have led to the development of the TAG and its report. It has been poor in transparency, rushed and biased in favour of economic utilisation over social, cultural and environmental sustainability. The LECG report was of poor quality, highly contradictory and gave little direction. Its existence was poorly communicated to environmental stakeholders and the wider New Zealand public.

The TAG Report also lacks proper balance and recognition of the wide public interest and concern for management of the coastal environment. . It mainly considers commercially aquaculture interests, lacking crucial consideration of the views of other user groups, the wider public and in particular environmental stakeholders. Aquaculture can have considerable direct and indirect impacts on the marine environment.

Forest & Bird was party to workshops that discussed the Ministry of Fisheries 2030 policy and is supportive of the ministry's recognition that:

- biodiversity and the function of ecological systems, including trophic linkages are conserved
- habitats of special significance to fisheries are protected
- adverse effects on protected species are reduced or avoided
- impacts, including cumulative impacts, of activities on land, air or water on aquatic ecosystems are addressed.

With a wealth of local, regional and national expertise in coastal management and aquaculture development in New Zealand, we would hope that future processes would include Forest & Bird.

*Forest & Bird recommends that the TAG report be treated as an initial first step and that wide regional consultation processes be implemented prior to any consideration or uptake of the TAG's proposals.* Aquaculture activity can cause significant environmental problems for sensitive environments, and raises complex issues about environmental management in public open space. Accordingly, the involvement of environmental experts is crucial to the process. Forest and Bird has experts in aquaculture planning who would be available to contribute to the process.

## **Aquaculture Agency**

The creation of an Aquaculture Agency may offer a positive step for the industry and be a useful vehicle for promoting and directing growth. However, it may also result in significant costs to the environment, other coastal user groups and communities and the New Zealand public. We do not see it as a quasi-statutory planning agency and aquaculture applicant.

Currently, aquaculture is managed under the Ministry of Fisheries, which is required to provide for utilisation whilst ensuring sustainability. The TAG proposes that the purpose of the new agency would be to 'promote the sustainable economic growth of aquaculture' whilst also managing its environmental performance.

This process would contrast with current government policy in relation to the confusion of applicant and decision maker roles. The Ministry of Fisheries (and Minister of Fisheries) is also responsible for implementing, either solely or in conjunction with other Ministers, spatial management tools such as closed areas, seasonal closures, mataitai, and marine reserves.

*Forest & Bird recommends that aquaculture management remain within the Ministry of Fisheries, until such time that immediate alternative solutions are proven ineffective or a comprehensive management and legal framework has been developed to ensure appropriate decision making roles are in place.*

## **Development outside Aquaculture Management Areas (AMAs) or Aquaculture zones**

Forest and Bird opposes the lifting of the prohibition on aquaculture outside of AMAs/Aquaculture areas in the manner proposed by the TAG report, as this is most likely to revive the speculative environment that led to the 2004 moratorium on aquaculture and in doing so unleash a large public backlash against the industry.

Forest & Bird considers that before opening up the coastal space to aquaculture, an extensive assessment of current coastal management be completed to include evaluations on:

- Where existing AMAs are
- What proportion of current AMAs are being used
- Whether existing AMAs are appropriately placed
- Which, if any, AMAs require modification

Where additional space is sought, or where existing AMAs require alteration, a comprehensive spatial planning exercise should be completed. To aid efficiency, this could be incorporated into current work on marine protected area planning by the Ministry of Fisheries and Department of Conservation. In doing so it would not duplicate efforts to identify areas inappropriate for aquaculture (such as shipping lanes, marine mammal migration routes, sensitive habitats such as mud and areas of importance for regional or national biodiversity). It could also improve the efficiency of identifying areas where aquaculture could be appropriate.

In addition, it is important that councils are given strong tools to exclude aquaculture in inappropriate areas. Any changes will need to ensure that Councils retain the ability to exclude aquaculture from specific areas by making it a prohibited activity in the regional coastal plan. Proposed plan changes to achieve this would need to have immediate legal effect, to avoid applicants getting in ahead of the rules. It will also be important to exclude parties initiating private plan changes to enable aquaculture in 'exclusion' areas.

## **Permitting regime**

Forest and Bird does not support the minimum 20 years proposed by the TAG. The current rule of a maximum of 35 years has never been reached, indicating no need for change. Most important however is the fact that by specifying a minimum of 20 years, it effectively prevents enforcement of environmental standards, allowing poorly managed farms to continue operating below sustainable levels.

The more relaxed renewal process also provides less incentive for poorly run farms to continue, rather than having to improve to justify their renewal. The current system provides a better means of balancing certainty for consent holders against the rights of the public and environmental protection

### **National Policy Statement and National Environmental Standards**

Forest and Bird agrees with the TAG that the implementation of a new legislative framework for aquaculture would be a positive step. We support the suggestion that a National Environmental Standard, and later, a National Policy Statement for Aquaculture, should be drafted.

### **Minister's powers**

The TAG proposes amendments to the RMA to enable Ministers to directly insert provisions into RMA plans, outside the National Policy Statement process. Forest and Bird opposes a for bypassing the provisions for a board of inquiry or other independent process. An independent assessment of the measures being proposed prevents direct political interference in the RMA system. We strongly believe that the system of checks and balances created by the RMA should not be undermined by measures such as this.

### **Experimental aquaculture**

Forest and Bird supports the proposals for experimental aquaculture, it would provide more certainty for research providers and guide the public on the future use of these areas.

Should you have any queries regarding our comments, please do not hesitate to contact:

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