

“RE-STARTING AQUACULTURE” – CONSULTATION ON AQUACULTURE TECHNICAL ADVISORY GROUP REPORT

Submissions are invited on the proposals set out in the TAG report “Re-starting Aquaculture” and any other proposals you have to enable aquaculture development.

In respect to the TAG report proposals, submitters are asked to focus their submissions on the recommendations and to please follow the structure of the report.

Please use the template provided below and reference the section numbers from the TAG report, where relevant.

Submissions are due by **5.00pm Wednesday, 16 December 2009**.

Comments should be provided in writing, preferably by email, to aquaculturesubmissions@fish.govt.nz

Alternatively, submissions can be posted to:

Aquaculture Submissions
Ministry of Fisheries
PO Box 1020
WELLINGTON

Release of Information

All submissions are subject to the Official Information Act 1982 and can be released, if requested, under the Act. If you have specific reasons for wanting to have your submission withheld, please set out your reasons in the submission. The Ministry will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act 1982.

Individual Submission

Name:

Address:

Email:

Submission on behalf of an organisation or business

Contact Person:

Organisation:

Address:

Email:

Chapter 1. Active Role for Government

2. The Prime Minister be invited to consider clarifying which Minister has overall responsibility for aquaculture
3. Establish an Aquaculture Agency (AQA) within the Ministry of Fisheries as soon as possible
4. Provide the Minister with powers to insert provision into regional coastal plans
5. Establish and administer an Aquaculture Fund
6. Introduce an Aquaculture Levy to maintain the Aquaculture Fund
7. AQA to develop an Aquaculture Development Strategy to set out the government's policy for aquaculture development
8. Provide national consistency through National Environmental Standard for aquaculture developed by AQA and MfE
9. Develop a specific policy on aquaculture within the New Zealand Coastal Policy Statement to better provide for aquaculture development

Submission comments:

Chapter 2. Re-setting aquaculture planning

10. Remove the prohibition on aquaculture outside AMAs, and remove all associated provisions including AMAs, Excluded Areas and Invited Private Plan Changes
11. Provide Aquaculture Zones as an optional planning tool with UAE test and settlement obligations applied at planning stage, with tendering as the default allocation mechanism
12. Deem existing AMAs to be Aquaculture Zones
13. Enhance council decision making on plans by:
 - Requiring all Councillors and Commissioners hearing RMA matters be accredited under RMA section 39A
 - Requiring that at least one member of a hearings panel be an independent commissioner drawn from a list of approved experts
 - Maintaining a list of accredited independent commissioners who have particular expertise or experience in coastal matters, for use on planning hearings, consent hearings and Boards of Inquiry
14. Enable a private plan change applicant to receive 80% of aquaculture space created by the plan change (in areas where pre-commencement obligations have been settled)
15. Enable parallel processing of private plan changes and resource consents
16. Review section 144 of the RMA to ensure aquaculture matters can be called in
17. Review the appropriate role of the Minister of Conservation in the coastal marine area as part of Phase II of the RMA reforms
18. Integrate the shellfish water classification process into the new aquaculture regime by ensuring that it occurs in parallel to the RMA and UAE processes
19. Allow NZFSA to access the Aquaculture Fund to pay for the upfront costs of shellfish water classification

Submission comments:

Chapter 3. Enhancing consents for aquaculture

Legislative Amendments

20. Establish an aquaculture consent register under the Fisheries Act
21. Provide an ability to register a lease or sub-lease of a resource consent
22. Enable consents to be caveated so they cannot be sold without lender's approval, and link to Personal Properties Security Register
23. Cross-link the aquaculture consent register to the Personal Property Security Register
24. Provide a separate consent category for experimental aquaculture

Regulations

25. Make approval for occupation explicit within the coastal permit
26. Provide a default minimum term of 20 years for aquaculture consents
27. Enhance coastal permit renewal by:
 - Simplifying the renewal process;
 - Making a new consent for an existing aquaculture activity a "controlled" or "restricted discretionary" activity as a default;
 - Provide that an applicant for a new consent to continue an existing activity is deemed to have applied on the same basis as the terms and conditions of the original consent
28. Use regulations to ensure all regional coastal plans are flexible enough to enable self-fed and supplementary-fed aquaculture (Chapter 3.3)
29. Provide that consents for aquaculture lapse in 3 years if not given effect
30. Specify a standard set of information requirements for aquaculture consent applications (including UAE assessments)

Good practice

31. Encourage use of evergreen consents
32. Provide template consents for different types of aquaculture development

Enhance process for obtaining a coastal permit

33. Enhance the standing of council hearings for resource consents by limiting the evidence that can be presented in appeals so that new evidence can be presented only with leave of the Court

Submission comments:

Chapter 4. Allocating space for aquaculture

34. Provide Councils with the ability to manage demand by using allocation mechanisms other than “first in, first served”
35. We recommend that the RMA is amended to provide a statutory test to trigger the consideration of alternative allocation tools. This test will be deemed into all coastal plans and will provide councils with the opportunity to override that part of the RMA which currently means that councils must accept and process well prepared applications
36. We recommend that tools (including the following) be deemed into coastal plans by the amending legislation:
 - Tendering (including weighted attributes tendering)
 - Preferential allocation
 - Balloting
 - Combining applications and hearing them together
 - Rules to change activity status once a threshold is reached

Submission comments:

Chapter 5. Cost recovery and charges

37. That cost recovery for processing of resource consents and private plan changes, monitoring, and other council services continue
38. That coastal planning for aquaculture be paid for through an Aquaculture Fund administered by the Aquaculture Agency
39. That the Aquaculture Fund be maintained through the introduction of an annual Aquaculture Levy
40. That the levy be set at a reasonable level of between \$100 and \$200 per hectare per annum. An appropriate basis for charging for offshore farms would have to be devised
41. That this levy would replace coastal occupational charges for marine farmers, so section 64 of the RMA is amended so that obligations on marine farmers are removed
42. That the levy is reviewed every 5 years by the Minister
43. That the broader issue of coastal occupational charges for other occupiers of the CMA be considered as part of RMA Phase II

Submission comments:

Chapter 6. Streamlining the interface between aquaculture and fishing (UAE)

44. Ensure information held by the Ministry of Fisheries on fishing and fisheries resources is made available during the preparation of a coastal plan change and that regional councils are provided with the information
45. In relation to the UAE assessment during preparation of a plan change, align Fisheries Act and RMA processes (while retaining separate statutory decision-making) with respect to steps and timeframes for notification, submissions, hearings, and announcements of decisions
46. Repeal the High Court merit appeal on UAE decisions and replace with appeal provisions that match the equivalent RMA appeals, with provision for combined hearings
47. Provide that in an aquaculture zone where development has not reached any limits set in the plan, an aquaculture consent applicant does not need to address UAE on fishing, unless the plan provides otherwise
48. Provide a framework for negotiations between affected commercial fishers and aquaculture consent applicants, with a UAE assessment undertaken by MFish if agreement cannot be reached or where applicant chooses to go directly to a UAE assessment
49. That following a finding of the UAE on commercial fishing, parties involved in negotiating an aquaculture agreement be given three months to register an agreement, with the ability to apply for a one month extension if demonstrable progress has been made but further time is required to secure the agreement

Submission comments:

Chapter 7. Delivering on the Maori Commercial Aquaculture Settlement

50. Provide for 20% of representative space available for aquaculture in Aquaculture Zones to be transferred to the trustee for allocation to iwi
51. Develop, in consultation with iwi and the trustee, the following options for providing 20% of space outside Aquaculture Zones:
 - Provide for 20% of space covered by a new resource consent (outside Aquaculture Zones) transferred to the trustee for allocation to iwi

- Provide for a regional approach using alternative allocation tools
 - Crown may provide for new space “up-front”
52. Support the amendment in Aquaculture Legislation Amendment Bill (No.2) that enables applicants and iwi, with the assistance of the trustee where iwi agree, to reach agreement on representative space
 53. Consult with iwi and the trustee on a revised aquaculture regime before finalising the policy for legislative drafting

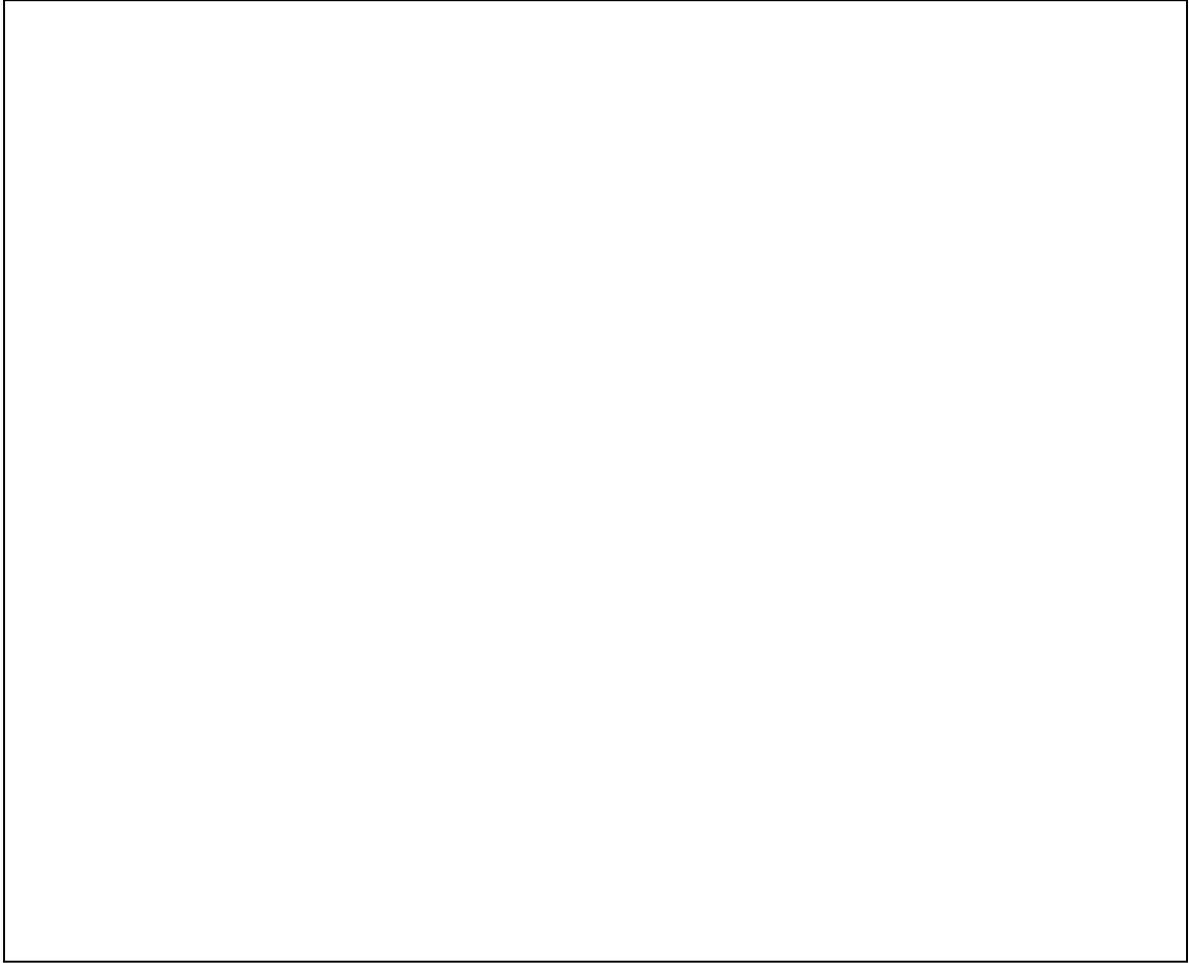
Submission comments:

Chapter 8. Transition arrangements

54. Work with regions to prepare them for transition to the new regime
55. Fast-track the transition process by deeming through legislation or regulation Aquaculture Zones (where the UAE has been undertaken) in selected regions
56. Where applications are being processed under old aquaculture legislation, consider decisive action to transition them into the new regime
57. To address pre-moratorium applications “frozen” under s150B(2) of the RMA, either:
 - Deem those applications that applicants wish to proceed as lodged on the first day of our new regime (rather than processed under the old legislation); or
 - If some or all of these applications represent a major impediment to an effective re-start for aquaculture, consider extinguishing them by legislation

Submission comments:

Please list any other proposals you have to enable aquaculture development in the box below

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