

A quick guide to establishing and operating a marine farm in New Zealand

Published January 2009

New Zealand Government

This guide has been developed by the New Zealand government to help marine farmers know where to go for information regarding the setting up and operating of a marine farm.

This guide is meant to provide general information only and does not constitute legal advice. If you are interested in setting up a marine farm we recommend you contact the appropriate regional council and central government agencies for help, as well as seeking assistance from your legal advisor.

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How do I apply for a new marine farm?

The Resource Management Act (RMA) 1991 requires marine farms to be located within an Aquaculture Management Area (AMA). AMAs are provided for under a regional coastal plan and any person wishing to establish a marine farm must apply and obtain a resource consent within the AMA. You will also need to register your marine farm with the Ministry of Fisheries' Fish Farming Register.

The AMA process

The RMA aims to promote the sustainable management of the natural and physical resources of our environment. Under the Act, New Zealand's regional councils and unitary authorities are responsible for managing marine farms within their coastal marine area – the zone between the line of the highest tide water mark and the 12 nautical-mile limit.

The RMA provides for council initiated (including the new Invited Private Plan Change option) and privately initiated AMA processes. Your regional council or unitary authority should be your first port of call to find out more about coastal planning and AMA planning processes in your area.

Additionally, there are a number of resources available to help you learn more about the RMA, coastal planning and AMAs. Two resources that may be of particular interest are a web-based gateway to information about the Resource Management Act 1991 and Aquaculture Reform 2004: The Rules of the Game – Creating Aquaculture Management Areas. Both are available on the Ministry for the Environment's website at www.mfe.govt.nz

Resource consent process

The resource consent process is relevant if you have access to an existing AMA or expect to be eligible to lodge an application in the near future. You will need to contact your regional council or unitary authority to apply for a resource consent. As part of the process, you will need to find out from your council what type of consultation is appropriate, what information will be required, and what application forms you will need to complete.

It is important for applicants to work with any affected parties as soon as possible. This important step may save you time and money. Affected parties could include: local iwi, neighbours, interest groups (e.g. environmental groups, boating clubs, commercial or recreational fishers), the Department of Conservation, along with regional, district, or city councils.

Previous leases and licences granted under the Marine Farming Act have been grandfathered into the RMA and are valid until 31 December 2024. Under the current law, applications to continue these activities should be lodged no later than six months prior to the expiry of the deemed consents. Marine farms that have been granted coastal permits and marine farming permits under the RMA and fisheries legislation have individual and specific expiration dates.

Fish farmer registration

Everyone carrying out the activity of fish farming must be registered on the Fish Farmer Register. The register is managed by FishServe, on behalf of the Ministry of Fisheries.

After a regional council has granted a consent or a consent variation, an application for registration or a variation of a fish farmer's registration must be completed by the person carrying out the activity of fish farming and returned to FishServe. An application for registration or a variation of a fish farmer's registration can be obtained at FishServe at www.fishserve.co.nz/ or (04) 460 9555.

In general, along with the application you will also need to supply the following when registering:

- A copy of the resource consent or certificate of compliance issued under the RMA that relates to the site and/or the species applied for in the application.
- If the consent is not in the name of the applicant, proof that the applicant has the consent of the consent holder.

An application must also be completed when the following changes are made to your registration:

- a) Changes in the number of sites farmed (e.g. have you commenced farming on a site not currently noted on the register against your name).
- b) Changes in the number of sites farmed (e.g. have you ceased farming on a site currently noted on the register against your name).
- c) Changes in the species authorised to be farmed on the site. (e.g. has there been a change in the species listed on the resource consent changed).
- d) Changes in the area farmed on a site (e.g. for those persons who farm part of the area covered by the resource consent).
- e) The consent covering a site is renewed.

Also, each year FishServe will send out to each registered fish farmer an annual update form that is required to be completed and returned as soon as possible.

A copy of the Fish Farmer Register can be obtained from FishServe.

What role does the Maori Commercial Aquaculture Settlement Act 2004 play in establishing new marine farms?

The Maori Commercial Aquaculture Claims Settlement Act 2004 can provide iwi with access to aquaculture space to develop their marine farming interest.

The settlement requires the government to provide Iwi Aquaculture Organisations (IAOs) with 20 per cent of all new aquaculture space. This means that where Aquaculture Management Areas (AMAs) are created, 20 per cent of the new space will be allocated to IAOs.

Aquaculture space provided to IAO under the Maori Commercial Aquaculture Claims Settlement Act is through the Maori Commercial Aquaculture Settlement Trust (the Takutai Trust), which was established under the Act and is managed by Te Ohu Kaimoana Trustee Limited. The 20 per cent Maori component of any AMA is provided to the Takutai Trust and then allocated to IAOs.

Allocation is done on a region-by-region basis, and is based around the jurisdictions of regional councils and unitary authorities as well as by the harbours that have been identified by the second schedule of the Maori Commercial Aquaculture Claims Settlement Act.

The government is committed to enabling the settlement and is actively working towards this with Te Ohu Kaimoana, IAOs, local government and the industry. To learn more, view the Ministry for the Environment's fact sheet on Aquaculture reform 2004 – Settling Maori Claims. The fact sheet is available on the Ministry's website at www.mfe.govt.nz.

To find out more about the Maori Commercial Aquaculture Claims Settlement Act contact Raina Meha, Senior Policy Analyst for Aquaculture, Te Ohu Kaimoana, at mehar@teohu.maori.nz or by calling 04 931 9500.

Are there any rules when setting up structures for a marine farm?

Just like any other business, you will need to ensure that you are complying with all codes and regulations when building new structures or modifying existing structures on your marine farm. AMAs will generally provide guidance on the species that can be farmed and what farming technology may be used. Consents generally provide for occupation of the seabed and permission to disturb the seabed. They will also include management plans and environmental monitoring conditions.

Navigation

Maritime New Zealand has developed guidelines for the aquaculture industry and consent authorities on navigation-related matters. These guidelines cover the lighting and marking of marine farm structures in designated aquaculture management areas. The guide is available on Maritime New Zealand's website (www.maritimenz.govt.nz).

All marine farming vessels need to be in the Safe Ship Management System which is administered by Maritime New Zealand. The system makes ship owners and operators responsible for the daily safe operation for their vessels. Information about the system is available on the Maritime New Zealand website.

Your regional council or unitary authority is responsible for ensuring that existing and new AMAs do not become navigational hazards. Resource consents for marine farms usually include conditions requiring appropriate lighting and marking of structures to ensure navigational safety. Councils will monitor farms for ongoing compliance with navigational safety requirements.

Complying with the Building Act 2004

Many marine farm structures fall under the jurisdiction of the Building Act 2004. Local authorities implement many of the functions under the Act, including issuing building consents.

Aside from onshore facilities, such as warehouses, processing plants, equipment stores, workshops, living quarters, and offices, there are also some structures in the water that may need to comply with the Building Act and Building Code.

You can learn more about the Building Act, the Building Code, and related information at the Department of Building and Housing's website (www.dbh.govt.nz).

What food safety regulations are in place for aquaculture products?

All commercially produced food products must comply with New Zealand's food safety legislation and, if being exported, with any overseas requirements for processing, packing, and labelling.

Finfish and bivalve shellfish have slightly different food safety requirements. This is due to the filter-feeding behaviour of bivalve species (mussels, oysters, and clams) which may result in the concentration of any microbial, chemical or marine biotoxin contaminants present in the water. Many shellfish are eaten without removing the gut and often in a raw state so the food regulations require that they be harvested from clean and safe waters.

The costs incurred when registering a marine farm with government agencies, local bodies and meeting food safety requirements must be paid for in full by the farmer.

Shellfish

New Zealand's mandatory shellfish food safety programme is based on international best practice, but has been adapted to take into account our unique environment and aquaculture practices.

The programme is managed by the New Zealand Food Safety Authority (NZFSA) with the cooperation of their public health agents in district health boards and the shellfish industry.

For full details of this programme, refer to Animal Products (Regulated Control Scheme – Bivalve Molluscan Shellfish) Regulations 2006 and the Animal Products (Specifications for Bivalve Molluscan Shellfish) Notice 2006. These are both available on the NZFSA website (www.nzfsa.govt.nz). NZFSA also maintains a list of shellfish growing areas classified for harvest for human consumption in New Zealand.

The programme requires that all farms are registered and classified using a system which assesses the public health risk of pollution from humans, animals and birds. Areas that are likely to have high pollution problems are classified as "Prohibited".

Most areas in New Zealand are classified as "Conditionally Approved". This means that they can be harvested safely at most times, but there are short-term closures after environmental events that will cause the water quality to drop below regulatory standards.

Rainfall is monitored as it usually results in land run-off and an increase in bacterial activity in the seawater. Each water quality management area will have site specific criterion which closes the farms to harvesting for a few days allowing the water to flow clean again and to allow the shellfish to purge any pollutants.

Once an area is classified and registered by NZFSA, there are regular monitoring requirements to verify that product harvested from the area meets food safety standards. To accomplish this, samples of water and shellfish will be taken regularly to check for microbial, chemical, phytoplankton, and marine biotoxin levels.

Finfish

As finfish do not pose the same level of food safety risk as shellfish, the regulatory requirements are a lot less. New Zealand seawater is pathogen free for the types of finfish

farmed, which means farmers do not need to use pharmaceutical drugs to ensure healthy fish.

It is possible, however, that NZFSA will require an occasional fish sample to be taken to test for heavy metals and other chemical residues to test flesh quality against international standards.

Processing seafood

Shellfish, finfish, and any other aquaculture products that may be commercially harvested for food, e.g. seaweed species, must be processed in a processing environment that meets the NZFSA's strict hygiene standards. All processing operations must be registered and are regularly audited by NZFSA officials or their local agents in Territorial Authorities. Beyond this, companies should routinely take microbiological samples and are required to keep records of their quality assurance programmes.

Companies producing ready-to-eat products, such as smoked seafood, must also have microbiological programmes that monitor their premises and products for *Listeria monocytogenes*.

To learn more about New Zealand's overall food safety programme contact Phil Busby, Senior Programme Manager (Seafood), New Zealand Food Safety Authority, at 04 463 2500 or phil.busby@nzfsa.govt.nz.

You may also want to contact your district health board public health unit.

For additional information on shellfish quality programmes contact the following industry representatives:

National: Dorothy-Jean McCoubrey, Aquaculture New Zealand, at 03 548 8944 or dj@aquaculture.org.nz

Marlborough region: Helen Smale, Manager, Marlborough Shellfish Quality Programme, at 03 578 5048 or msqp@xtra.co.nz

What if I have concerns about external sources of water pollution on my farm?

In some areas, water quality can be a real concern for marine farmers and pinpointing the exact cause of the pollution is often a challenge. Human-induced pollution can occur from land-based activities, e.g. agricultural run-off, accelerated erosion, urban stormwater run-off and poorly maintained septic tanks, or from water-based activities, e.g. boating, swimming and oil spills. At other times, water quality may be affected by natural occurrences, e.g. coastal upwellings, algal blooms or bird droppings.

Regional councils and unitary authorities are also responsible for administering the Resource Management (Marine Pollution) Regulations 1998. The regulations include rules on dumping, incineration, and control of discharges from vessels. In 2002, an amendment to the regulations was passed to increase the protection for marine farms, customary fishing reserves, and marine reserves from sewage discharges from boats. The regulations now provide for two standards of treated sewage for boats, Grade A and Grade B onboard sewage treatment systems.

If you have any concerns about water pollution or want to learn more about water quality programmes contact your regional council or unitary authority.

Marine oil spills

In terms of marine oil spills, New Zealand has adopted a three-tiered approach: 1) Individual sites and vessels from which a spill of oil is possible are responsible for responding to a spill on their site. 2) Regional councils, led by regional on-scene commanders trained by Maritime New Zealand, respond to marine oil spills within their regions that exceed the clean-up capability of Tier 1. 3) Maritime New Zealand manages the response, when, due to size, cost or environmental impact, responding to a spill exceeds the capacity of the resources available at both Tier 1 and Tier 2.

What about biosecurity concerns?

Good biosecurity practice is vital to successful marine farming. Introduced marine diseases and pests pose significant threats to the industry.

Like coastal shipping and recreational boating activities, the movement of marine farming vessels, gear, stock and spat around New Zealand can potentially spread marine diseases and pests. Many biofouling species, e.g. barnacles, mussels and sea squirts, thrive on human-made structures. There is the potential for these organisms – some of which are pests – to establish in such places and subsequently spread into the surrounding environment.

To prevent the spread of potentially damaging marine diseases and pests it is important to:

- ensure that farmed stock comes from a healthy source
- farm vessel hulls, farm infrastructure and equipment are kept clean and free of fouling.

There are also some basic actions that marine farmers can take to help reduce biosecurity risk:

- early detection of stock illness and pest species
- early notification of any concerns to MAF Biosecurity New Zealand on 0800 80 99 66
- action to avoid transferring potential pest species around New Zealand
- collation of good information on movement of stock and equipment.

The earlier a disease outbreak, potential marine pest or species of concern is reported to MAF Biosecurity New Zealand (MAFBNZ), the greater the chance that effective action can be taken. MAFBNZ's 24-hour Pest and Disease Hotline is 0800 80 99 66 and any reported concerns will be promptly investigated.

Good information on stock and equipment movement is important in the event of a disease outbreak or pest incursion in order to determine possible pathways of spread.

Biosecurity legislation

The Biosecurity Act 1993 imposes certain obligations in relation to the early notification of species of concern. These include:

- Section 44 of the Biosecurity Act 1993 imposes a duty on every person to inform MAFBNZ, of the presence of an organism not normally seen or otherwise detected in New Zealand.
- Section 46 of the Biosecurity Act 1993 requires every person to promptly notify the chief technical officer of the presence or possible presence of notifiable organisms.

Under the Biosecurity Act 1993, it is illegal to propagate or trade unwanted organisms and pests. It is also important that any imported stock or product complies with New Zealand's importing regulations. Learn more at www.biosecurity.govt.nz.

Codes of practice

The Greenshell™ mussel, Pacific oyster and king salmon farming industries have been proactive in developing environmental codes of practice that include best practice ways to minimise the introduction and spread of marine pests. These environmental codes complement existing MAF Biosecurity New Zealand guidelines. MAFBNZ has information for the aquaculture industry and in its “Clean Boats – Living Seas Boaties’ Guide to Marine Biosecurity” which is available on their website at www.biosecurity.govt.nz.

Information on the surveillance, response and management of unwanted pests and on aquatic animal diseases diagnostic testing is also available on the MAFBNZ website.

What about levies?

Under the Commodity Levies Act, all commercial growers of mussels, oysters and salmon pay a levy per tonne of product harvested. The Users Guide to the Commodities Levies Act and the Seafood Industry Council site can provide you with additional information.

There are additional fees and levies that marine farmers should also be aware of including council administration fees, FishServe levies, water quality levies and port charges.

What are the national industry organisations in New Zealand?

Aquaculture New Zealand Ltd (AQNZ) is a levy-funded national organisation that provides a collective over-arching representation of the three primary species groups in the aquaculture industry (mussels, salmon and oysters). It is also responsible for meeting the vision and goals set out in the New Zealand Aquaculture Strategy.

The levy-funded New Zealand Seafood Industry Council Ltd also represents the aquaculture industry at the national level. One role of the council's is providing programmes through the Seafood Industry Training Organisation (SITO). SITO aims to ensure that both the aquaculture and fishing industry have available the skills and experience needed in order to compete internationally and meet consumer needs. The council also provides policy advice, communication services, information services and trade services to the aquaculture sector, and represents the aquaculture sector's interests, alongside those of the rest of the seafood industry, to central government.

There are also a number of regional and species-specific organisations. To learn more, contact Aquaculture New Zealand at 03 548 8944 or the New Zealand Seafood Industry Council at 04 385 4005.

Codes of practice

Industry Codes of Practice have been adopted by salmon, mussel, and oyster farmers. Beyond that, Aquaculture New Zealand is working with key stakeholders, including NGOs, to establish a national environmental code of practice for the sector.

Standard Operating Procedures are also recommended to members by regional organisations.

Contact list

Regional councils and unitary authorities

Northland Regional Council
Private Bag 9021
Whangarei
Phone: 09 438 4639
Email: mailroom@nrc.govt.nz
Website: www.nrc.govt.nz

Auckland Regional Council
Private Bag 92-012
Auckland 1142
Phone: 09 366 2000 or 0800 80 60 40
Email: anaru.vercoe@arc.govt.nz or dominic.mccarthy@arc.govt.nz
Website: www.arc.govt.nz

Environment Waikato
Box 4010
Hamilton East
Phone: 0800 800 401
Email: info@ew.govt.nz
Website: www.ew.govt.nz

Environment Bay of Plenty
PO Box 364
Whakatane
Phone: 0800 368 267
Email: info@envbop.govt.nz
Website: www.envbop.govt.nz

Gisborne District Council
PO Box 747
Gisborne
Phone: 06 867 2049
Email: yvette@gdc.govt.nz
Website: www.gdc.govt.nz

Hawke's Bay Regional Council
Private Bag 6006
Napier 4142
Phone: 0800 108 838
Email: coastalplan@hbrc.govt.nz
Website: www.hbrc.govt.nz

Taranaki Regional Council
Private Bag 713

Stratford 4352
Phone: 06 765 7127
Email: info@trc.govt.nz
Website: www.trc.govt.nz

Horizons Regional Council
11–15 Victoria Avenue
Palmerston North
Phone: 06 952 2800
Website: www.horizons.govt.nz

Greater Wellington Regional Council
Environmental Policy Department
PO Box 11646
Wellington
Phone: 04 384 5708
Email: coast@gw.govt.nz
Website: www.gw.govt.nz

Tasman District Council
Private Bag 4
Richmond 7050
Phone: 03 543 8400
Email: Neil Jackson at neil.jackson@tdc.govt.nz for plan matters or Rosalind Squire at rosalind.squire@tdc.govt.nz for coastal permit matters
Website: www.tdc.govt.nz

Nelson City Council
Planning Team
PO Box 645
Nelson 7040
Phone: 03 546 0200
Email: enquiry@ncc.govt.nz
Website: www.ncc.govt.nz

Marlborough District Council
Coastal Planning Team
PO Box 443
Blenheim 7240
Phone: 03 520 7400
Email: Tania Bray tania.bray@marlborough.govt.nz for policy matters or Keith Heather keith.heather@marlborough.govt.nz for consents matters
Website: www.mdc.govt.nz

West Coast Regional Council
PO Box 66
Greymouth
Phone: 03 768 0466
Email: ls@werc.govt.nz
Website: www.werc.govt.nz

Environment Canterbury
PO Box 345
Christchurch
Phone: 03 365 3828
Website: www.ecan.govt.nz

Otago Regional Council
Private Bag 1954
Dunedin
Phone: 03 474 0827
Email: info@orc.govt.nz
Website: www.orc.govt.nz

Environment Southland
Private Bag 90116
Invercargill
Phone: 03 2115 155 or 0800 76 88 45 (Southland only)
Email: service@es.govt.nz
Website: www.es.govt.nz

Central government contacts

Wendy Banta, Fisheries Advisor – Aquaculture Team
Ministry of Fisheries
Private Bag 14
Port Nelson 7042
Phone: 03 548 1069
Email: wendy.banta@fish.govt.nz
Website: www.aquaculture.govt.nz

Sarah Hucker, Senior Planning Advisor
Department of Conservation
PO Box 10420
Wellington 6143
Phone: 04 494 1467
Email: shucker@doc.govt.nz
Website: www.aquaculture.govt.nz

Stacey Faire, Senior Adviser
Ministry for the Environment
PO Box 8270
Auckland 1150

Phone: 09 985 4824
Email: stacey.faire@mfe.govt.nz
Website: www.aquaculture.govt.nz

Tony Seymour, Senior Policy Analyst
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PO Box 3943
Wellington
Phone: (04) 819 6000
Email: seymt@tpk.govt.nz
Website: www.aquaculture.govt.nz

Industry contacts

Aquaculture New Zealand
PO Box 5135 Port Nelson
Nelson
Phone: 03 548 8944
Email: info@aquaculture.org.nz
Website: www.aquaculture.govt.nz

New Zealand Seafood Industry Council
Private Bag 24-901
Wellington 6142
Phone: 04 385 4005
Email: info@seafood.co.nz
Website: www.seafood.co.nz

The Marine Farming Association Inc
PO Box 86
Blenheim
Phone: 03 578 5064
Email: info@marinefarming.co.nz
Website: www.marinefarming.co.nz