

Aquaculture Legislation Amendment Bill (No 3)

An in-depth look at the proposed changes to the Tasman Resource Management Plan

This sheet provides an in-depth look at the changes to the Tasman Resource Management Plan proposed in the Aquaculture Legislation Amendment Bill (No 3). It is meant to supplement the series of information sheets that have been developed to provide information on planned changes to the way marine-based aquaculture is managed in New Zealand.

Other information sheets describe various parts of the Bill in more detail, namely:

- » Information sheet 1: Overview of the reforms
- » Information sheet 2: Planning and consenting
- » Information sheet 3: Undue adverse effects on fishing test
- » Information sheet 4: Delivering the Māori Commercial Aquaculture Settlement
- » Information sheet 5: Implications for existing industry and applicants

Summary of existing plan and proposed changes

The rules in the Tasman Resource Management Plan restrict marine farming to mussels, and to catching mussel and scallop spat. No other species can be caught as spat or farmed in the Tasman coastal marine area.

Tasman's plan also specifies where marine farming can happen. It is prohibited outside of allocated areas in Tasman Bay and Golden Bay. Within the allocated space, separate areas have been set aside for catching scallop spat and mussel spat, and no mussel farming is allowed to occur in those areas. Spat catching in these subzones only occurs between 1 November and 30 April,

and the subzones are rotated so that only a limited number of subzones are used per season. Areas have also been set aside for combined mussel farming and mussel spat catching. Refer to the attached maps for the locations of the subzones.

Changes to the Tasman Resource Management Plan have been proposed to enable consent applications to be made to farm species other than mussels in areas that are currently zoned for mussel farming. New rules and policies have been written to manage farming of these species, which for the purposes of this plan have been divided into three major groups:

- » filter-feeding bivalves (including mussels)
- » extractive species (species which extract food that occurs naturally in the water or seabed, and which do not need the addition of material)
- » additive species (species which need material such as feed, medicines and other compounds added to the water, or directly to stock).

In addition to this it is proposed that the catching of spat, other than mussels and scallops, be allowed, subject to resource consent.

The proposed amendments to the plan maintain Tasman District Council's existing approach to aquaculture, where relatively small areas of sea space are developed under an initial consent application and any effects are then monitored to determine whether further marine farming can be sustained. The approach is known as 'adaptive management'.

Filter-feeding bivalves

Filter-feeding bivalves are species which extract organic matter from the sea in which they live, such as mussels, scallops, clams

and oysters. The farming of filter-feeding bivalves in Tasman has previously been limited to mussels.

As the effects of farming mussels are well known in Tasman it is proposed that the rules in the plan for mussels (Rules 25.1.5CC and 25.1.5DD) are expanded to apply to all filter-feeding bivalves. That is, relatively small areas of sea space within a marine farming subzone will be able to be developed initially as a controlled or restricted discretionary¹ activity. Further development will then be subject to a review by an Ecological Advisory Group (discussed below). The group will review the monitoring reports for the first three years (or two growing cycles) at the full intensity of the initial development to determine whether further development can be sustained. This restriction on initial development will not prevent consent being sought and granted over whole subzones.

The controlled and restricted discretionary activity status will apply to filter-feeding bivalve marine farming being undertaken using longline structures. Should an alternative method of farming be proposed, the consent will be assessed as a discretionary activity.

In addition to the changes to the rules a new policy (22.1.10A) has been written to provide for the management of filter-feeding bivalves (and other extractive species). This policy reflects the council's existing adaptive management approach, with development following the initial stage to be allowed only if council is satisfied that the effects are manageable.

Extractive species

Extractive species are those which extract food that occurs naturally in the water column or seabed, and which do not need the addition of materials such as feed and therapeutants. They include species such as sponges and seaweed, as well as filter-feeding bivalves.

It is proposed that aquaculture involving extractive species other than filter-feeding bivalves will be subject to a discretionary resource consent process under Rule 25.1.5EE, irrespective of the size of the proposal. This recognises there is limited information available on the farming of these species in Tasman.

As per the council's existing approach to aquaculture, any aquaculture involving extractive species will be subject to adaptive management. That is, a small area of the farm will be allowed to be developed initially, with further development subject to a review of the results of monitoring the initial development.

¹ Note: An activity is controlled only if the application is for the first stage of development. It becomes a restricted discretionary activity if the whole development is applied for.

Should a marine farm involving additive species be located within the same subzone as an extractive species farm, the consent will be assessed under the rule that covers additive species (discussed below). The potential for interaction between different species leads to greater information requirements and potentially different monitoring where extractive and additive species are located in the same subzone.

A new policy (Policy 22.1.4B) has been created which specifically focuses on managing the effects of the diversification of aquaculture in the region in order to safeguard the life-supporting capacity of the coastal marine area. Applications for aquaculture in these subzones will need to show that the farming of new species can be undertaken in a manner that avoids, as far as practicable, any adverse effects on the coastal marine environment. The farming of new species will have to be compatible with existing marine farming activities.

As mentioned in the previous section, Policy 22.1.10A has been introduced to provide for the management of extractive species.

Additive species

Additive species are those which require material to be added to the water column, such as feed, medicine or therapeutants. They include species such as salmon, other finfish and pāua.

As aquaculture involving additive species has not previously occurred in Tasman the effects on the environment from such farming are largely unknown. For that reason, a more rigorous and precautionary approach is proposed.

It is proposed that the council will tender authorisations to apply for resource consent to farm additive species. For a first stage of development up to 120 hectares of space in the deemed aquaculture management areas (AMAs) – subzones AMA1(a), AMA2(p) and (q) and AMA3 (i) – (k) may be offered by tender. The actual area for which authorisations will be tendered will be based on investigations into physical conditions (such as depth and currents) in each of the subzones and any scientific investigations undertaken into environmental limits on aquaculture involving additive species.

Once the interim AMAs – subzones AMA1(b) – (d), AMA2(l) – (o) and AMA3(l) are confirmed, authorisations for up to 160 hectares of space within these subzones may be tendered. As with the deemed AMAs, the actual area for which authorisations will be tendered may be less than this, based on physical conditions and relevant scientific investigations.

Successful tenderers will then be able to apply for resource consent to develop the allocated space.

How the tendering process will be run is still being established. However, it is not the intention of the plan change to affect existing users' rights nor the existing consent applications in the Tasman and Golden Bay AMAs. It is likely that any tendering process will be restricted to those users who hold consents or have existing consent applications and any potential marine farmers who have made agreements with these parties to use their space.

Applications will be subject to a discretionary resource consent process under Rule 25.1.5FFA. The applicant will be required to develop ecological monitoring programmes to comprehensively assess both the individual effects of each proposal and the cumulative effects in combination with other aquaculture activities in the same and neighbouring subzones.

Development will have to occur in a staged manner, with an initial area of up to 10 hectares.

The initial development will then be monitored for three years, with the monitoring reports assessed by an Ecological Advisory Group prior to further expansion being allowed. Expansion beyond the initial 10 hectares will either be allowed under the original consent or require marine farmers to apply for further resource consent.

The purpose of the tender process will be to allow those parties involved in aquaculture to indicate where the most appropriate space for developing aquaculture involving additive species is located. It will also enable development by those parties that are most interested in the space.

It is proposed that any expansion of aquaculture involving additive species beyond the first stage of development will also be subject to a tendering process. However, this will only occur once information on the effects of aquaculture involving additive species in Tasman Bay and Golden Bay is available and the council is satisfied that any adverse effects can be managed in an appropriate manner.

In addition to having to obtain a coastal permit to occupy the coastal marine area for aquaculture involving additive species, a discharge permit will also be required under proposed Rule 36.2.7A for the discharge of feed, therapeutants, and waste materials. This is to ensure that the adverse effects of such discharges are sufficiently managed.

Policy 22.1.10B has been introduced to provide for the management of additive species (or additive and extractive species in the same subzone). This policy reflects the council's existing adaptive management approach, with development following the initial stage to be allowed only if council is satisfied that the effects are manageable.

It also introduces the process of tendering for authorisations to apply for consent to farm additive species, as has been discussed above.

Policy 22.1.4B, which was discussed in the extractive species section, also applies to additive species.

Given the uncertainty of effects of farming species other than mussels in this area, Policy 22.1.23 has been introduced to require that aquaculture activities are managed to minimise the risks of aquaculture activities to wild stock.

Spat catching

Each AMA in Tasman has specific subzones for mussel and/or scallop spat catching. Spat catching is an activity characterised by the deployment of spat catching structures into the coastal marine area on which juveniles of certain species (which in the case of Tasman have been mussels and scallops) settle. The juveniles are then harvested to be farmed elsewhere.

It is proposed that the existing mussel and scallop spat catching rules (Rules 25.1.5, 25.1.5AA, and 25.1.5BB) remain largely unchanged as a result of the proposed plan change. Mussel and scallop spat catching zones will be retained for these species only. The seasonal use of spat catching subzones will remain, with spat catching only being able to occur in these subzones between 1 November and 30 April. The conditions surrounding the rotation of spat catching between subzones will also be retained, ensuring that for scallops, only one subzone in each bay is used per season, and for mussels, only a limited number of subzones are used per season.

The policies regarding spat catching (Policies 22.1.4 and 22.1.4A) will be modified to ensure that only mussel spat catching occurs in mussel spat catching subzones and scallop spat catching in scallop spat catching subzones.

Spat catching for any species including mussels and scallops will be provided for within the marine farming subzones, which are shown on the attached maps. Spat catching will continue to be a controlled activity, with restricted discretionary status being applied where the proposal fails to meet specific requirements relating to the type of structures used to catch the spat.

Ecological Advisory Groups

The purpose of Ecological Advisory Groups will remain the same under the proposed changes to the Tasman Resource Management Plan, that is:

- » to peer review consent holder reports on the results of monitoring the ecological effects of marine farms

- » to provide advice to the council in relation to the adequacy and appropriateness of the monitoring, whether the current consent conditions are delivering the intended ecological results, the significance of the results, and the scale, intensity and timing at which the marine farming should continue.

As it is proposed that species other than mussels will be able to be farmed new provisions have been written to allow the formation of more than one Ecological Advisory Group. This will ensure that expertise in relevant types of aquaculture can be utilised. Members of an Ecological Advisory Group will have to have appropriate experience in relation to the type of aquaculture being considered.

Expanded information requirements for consent applications and ecological management plans, in addition to more robust monitoring requirements, will ensure that the Ecological Advisory Groups are able to undertake their role effectively.

Ecological Advisory Groups will still be funded by charges applied to consents for aquaculture (excluding spat catching).

Mussel farming at Wainui Bay

The existing mussel farms at Wainui Bay will continue to be allowed for in the Tasman Resource Management Plan as a discretionary activity. No changes have been proposed to the rule related to these farms other than minor updates to the standard consent conditions.

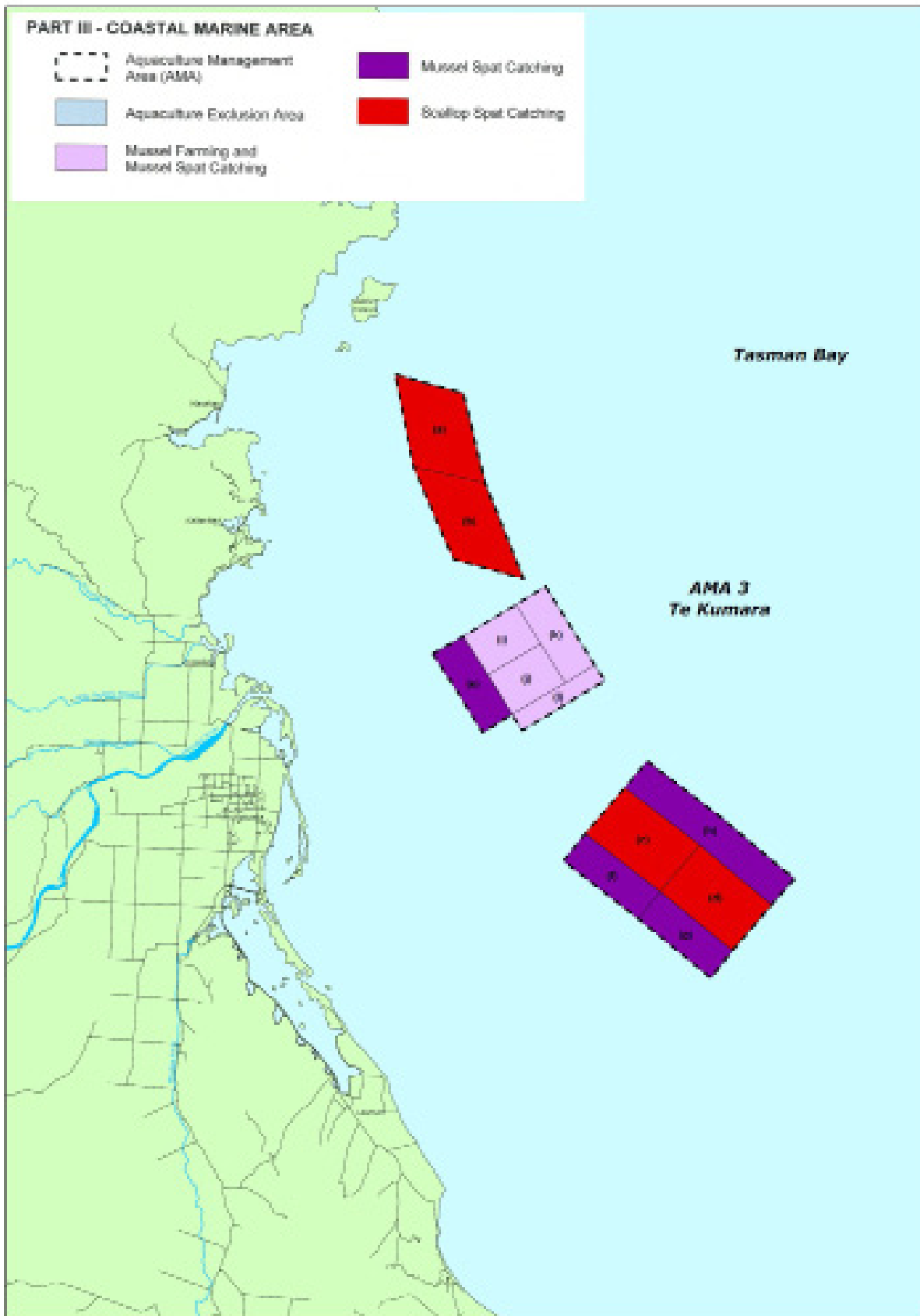
What next?

The Aquaculture Legislation Amendment Bill (No 3) has been introduced to Parliament and has been referred to the Primary Production Select Committee, which will examine the Bill (including the proposed plan changes) in detail.

Information on the Select Committee process, including how to make a submission on the Bill, can be found at www.parliament.nz/en-NZ/PB/.

Where to find out more

Information on the aquaculture reforms, including a link to the Aquaculture Legislation Amendment Bill (No 3), is available at the Ministry of Fisheries' website www.fish.govt.nz and at www.aquaculture.govt.nz.



TASMAN RESOURCE MANAGEMENT PLAN
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SPAT CATCHING AND MARINE FARMING SITES - TASMAN BAY

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Scale 1:1,000,000

Map 102

