

Aquaculture Legislation Amendment Bill (No 3)

An in-depth look at the proposed Waikato Regional Coastal Plan change

This sheet provides an in-depth look at the changes to the Waikato Regional Coastal 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 Waikato Regional Coastal Plan allows people to apply for consents to farm filter-feeding shellfish on longlines and oysters on inter-tidal racks, for spat catching and for shellfish research. Its rules also cover existing marine farm structures. All other marine farming is prohibited.

Essentially, the plan means only filter-feeding shellfish can be permanently farmed in the region.

As well, the plan restricts marine farming to specific places. Mussel farming can only happen in the Wilsons Bay Marine Farming Zone and on current farms, and no farm extensions are allowed.

The changes being proposed will allow applications to farm a wider range of species in existing aquaculture space than is possible at present. Changes are also proposed to allow existing marine farmers to apply for small extensions to their farms.

Extensions to existing farms

What is the general intent of the proposed plan changes?

Currently no extensions to marine farms are permitted in the Waikato region. The proposed changes to the Waikato Regional Coastal Plan allow applications for small extensions by introducing a new policy and rule.

It is anticipated that allowing applications for small extensions to existing marine farms will enable further development of the existing marine farming industry while ensuring that the adverse effects of such development can be appropriately managed.

Proposed new Rule 16.5.5A: Extensions of Marine Farms

This rule enables marine farmers outside of the Wilsons Bay Marine Farming Zone to apply to extend their farm(s) by up to one hectare or 10% of the current size of the marine farm (whichever is greater). Extensions will be at the discretion of the council and, subject to resource consent, will only be able to be made once every five years. They will have to be contiguous with the existing area of the farm. Restricting the size and frequency of extensions will help to manage the potential adverse effects on the environment.

As the layout of the farms within the Wilsons Bay Marine Farming Zone makes extensions physically impossible, the rule will not apply to farms within this zone. There are 40 mussel farms outside the Wilsons Bay Marine Farming Zone that the rule will apply to. These farms range in size from one hectare to 22.5 hectares, with only seven of them being 10 hectares or larger in size.

Before a farm is granted consent to extend, information will be required on the existing effects of marine farming on the surrounding area (a baseline survey) and what proposed monitoring will be undertaken. Currently monitoring of environmental effects does not take place on many of the existing farms as they were developed prior to the Resource Management Act 1991. The purpose of adding the requirement for this information is to obtain a greater understanding of the current environmental conditions and provide a framework for future environmental monitoring. This is further discussed in the section on Baseline Survey and Monitoring Requirements below.

While the proposed new rule provides for the extension of existing marine farms outside of the Wilsons Bay Marine Farming Zone, it will not apply to existing oyster farms. Once the requirement for aquaculture to take place within aquaculture management areas (AMAs) is removed (see Information Sheet 2) it will be possible to apply for resource consents to establish new inter-tidal oyster farms throughout the Waikato region subject to the provisions of the regional coastal plan under Rule 16.5.5. Existing oyster farms seeking to extend will be able to apply to do so under this rule.

Policy framework for assessing consent applications

The assessment framework for applications to extend existing marine farms is underpinned by several existing policies relating to marine farm structures and a new policy specifically for marine farm extensions (Policy 6.1.1C). Under the new policy, extensions to existing authorised marine farms will only be able to occur where an assessment shows that the adverse effects of the existing farm are not significant. The proposed extension will need to take into account the need to maintain navigational safety and recreational values as well as natural character and amenity values. A precautionary approach to marine farm development is stipulated focussing on the complete avoidance of adverse effects on the coastal marine environment where practicable.

In addition to the aforementioned policies, there are a number of other sections in the plan which contain policies that will guide consideration of consent applications, for example the policies on water quality, structures and foreshore and/or seabed disturbances.

Species conversion

What is the general intent of the proposed plan changes?

Currently, the Waikato Regional Coastal Plan restricts the structures that can be used for marine farming to conventional longlines and inter-tidal oyster racks. The aquaculture industry in the Waikato region is therefore dominated by mussel farming

with oyster farming also making a major contribution. However, there is demand for other types of marine farming, such as scallops, seaweed, sponges and finfish.

The proposed changes insert new policies and rules for all other types of marine farm structures and discharges associated with fed aquaculture, allowing for the farming of different species on existing farms.

A precautionary approach to farming different species is proposed to ensure that marine farming is conducted in a manner that avoids, remedies, or mitigates adverse effects on the environment.

Ecologically significant areas will continue to be protected, including, but not limited to, sites such as the Ramsar inter-tidal wetland in the southern Firth of Thames. Marine farming within the Ramsar site will continue to be prohibited. In addition, further protection will be afforded to the Ramsar site by the imposition of a nitrogen limit for fed aquaculture within the Firth of Thames.

Proposed new Rule 16.5.5B: All Other Marine Farm Structures

A new rule is proposed for the Waikato Regional Coastal Plan which will provide marine farmers with the opportunity to apply for consents to farm any species. Outside of the Firth of Thames¹ any species conversion will have to be on an already authorised marine farm. Within the Firth of Thames any species conversion will either have to be on an already authorised marine farm or in available and unused space within the Wilsons Bay Marine Farming Zone.

The space available for farming in Wilsons Bay Marine Farming Zone Area A (470 hectares) under existing Rule 16.5.4 has been fully allocated. As a result, there is no space available to establish new farms; however it will be possible to apply to convert existing mussel farms to other species.

In Area B, current consent applications total 520 hectares, which is the maximum area allowed for mussel farming. However, once processing of these consent applications is completed, some vacant space may be left at the northern end of Area B. Proposed rule 16.5.5B will enable marine farmers to apply for consent to farm species other than mussels in the vacant space or convert their existing mussel farms.

Proposed new Rule 16.5.5C: Discharge of Feed, Medicines and Therapeutic Compounds Associated with Marine Farming

This rule will require farmers in the Firth of Thames that want to discharge feed, medicine or therapeutants into water for the purpose of fed aquaculture to hold a resource consent. Given the

¹ For the purpose of the Plan the Firth of Thames is the coastal marine area south of a line extending from Deadmans Point to Orere Point.

uncertainty of the effects of such an activity on the environment this is a discretionary activity and applications may only be made for sites that have a minimum water depth of 20 metres. Fed aquaculture outside the Firth of Thames must occur at sites that have a minimum water depth of 20 metres for finfish and 10 metres for all other species.

The rule places a limit on the discharge of nitrogen from fed aquaculture within the Firth of Thames to a maximum of 300 tonnes of nitrogen per year. This equates to approximately 40 hectares of space available for fed aquaculture. The purpose of this limit is to reduce the potential for nitrogen build up in the Firth of Thames which could lead to conditions that have adverse effects on the environment.

In order to apply for a discharge consent, applicants must hold an authorisation. Given the relatively limited amount of fed aquaculture that will be able to take place within the Firth of Thames, authorisations will be tendered by the council. For conversions of existing farms, the tender is likely to be restricted to existing consent holders or consent applicants, as they hold the permits to occupy the space.

Policy framework for assessing consent applications

The assessment framework for applications related to species changes is underpinned by new policies 6.1.1A and 6.1.1B which are specifically focused 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 species change 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. This includes complete avoidance of any adverse effects on areas of ecological significance. The farming of new species must also be compatible with existing marine farming activities.

In addition to the aforementioned policies, there are a number of other sections in the plan which contain policies that guide consideration of consent applications, for example the policies on water quality, structures and foreshore and/or seabed disturbances.

Information requirements

Expanded information requirements will ensure comprehensive resource consent applications, including specific information for consents for new types of aquaculture and for discharges of feed, medicines and therapeutants.

It is proposed that any new farm (or conversion of an existing farm) will be required to submit information on the existing effects of marine farming on the surrounding area (a baseline

survey, which is only required for conversions of existing farms) and what proposed monitoring will be undertaken. The purpose of this is to obtain a greater understanding of the current environmental conditions and to provide a framework for future environmental monitoring. This is further discussed in the section on 'Baseline Survey and Monitoring Requirements' below.

Baseline Survey and Monitoring Requirements for Aquaculture Activities

The introduction of baseline surveys and monitoring requirements for marine farm extensions or species conversion will ensure that the ongoing effects of aquaculture in the region are managed in a sustainable manner.

A baseline survey is an assessment of the current state of the environmental conditions below, within and in the vicinity of an existing marine farm. It includes such information as a description of the abundance and diversity of the fauna, and the hydrodynamic and water column conditions of the area. The provision of this baseline information will enable an appropriate monitoring programme to be designed, and provides an accurate picture of the existing situation for future monitoring to compare with. The monitoring programme will ensure that the adverse effects of marine farming can be assessed over time, enabling informed decisions to be made in the future.

What next?

The Aquaculture Legislation Amendment Bill (No 3) was introduced to Parliament on 9 November 2010 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.

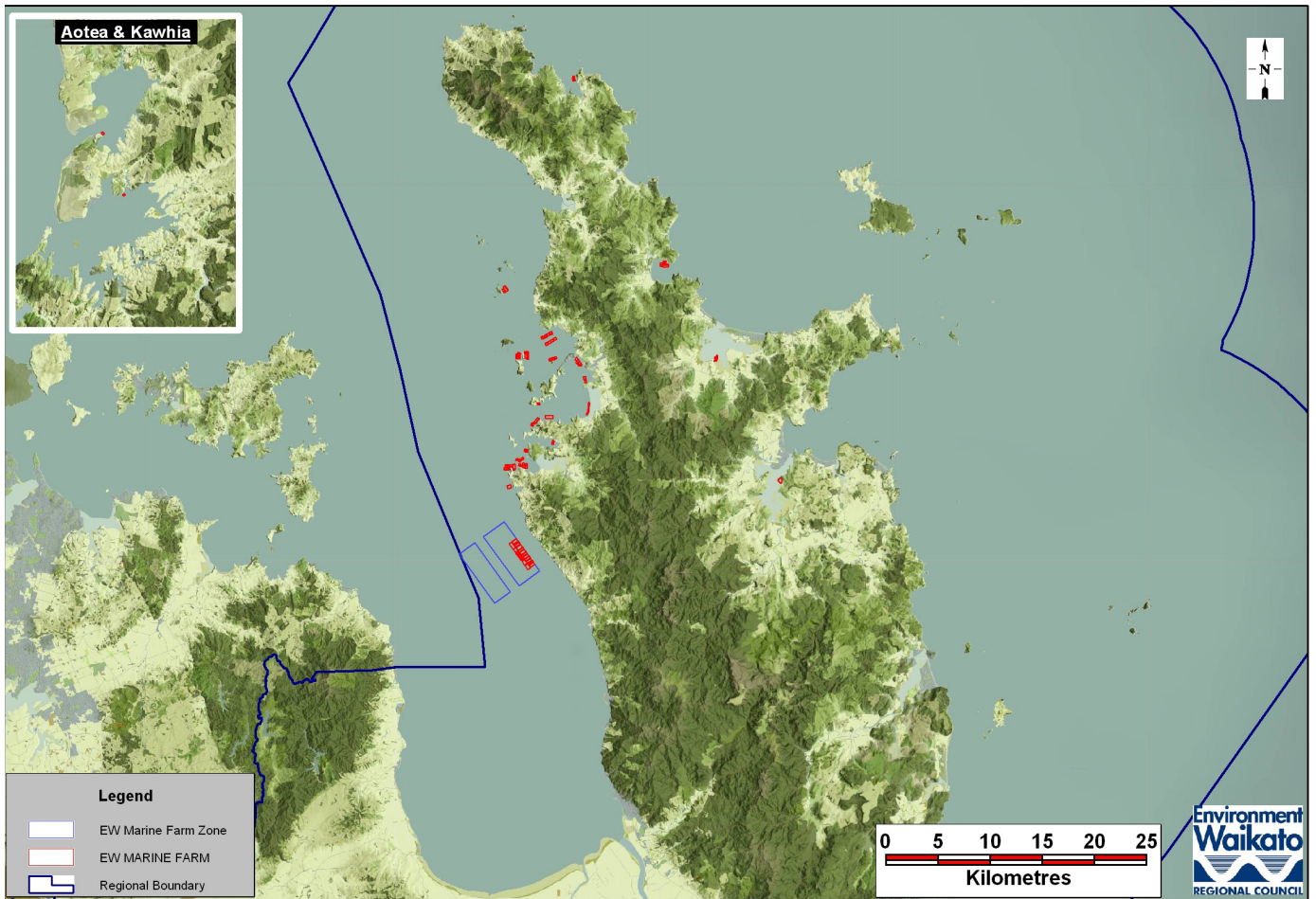


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