

CHAPTER 22: AQUACULTURE

ECD
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&
MOCD
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22.0 INTRODUCTION

This chapter deals with aquaculture development in the coastal marine area of the District. Aquaculture development is expected to have significant social, cultural and economic benefits for the District. It is also the activity likely to cause the greatest degree of change in the coastal marine area of the District in the immediate future.

The demand for space, and the wide range of competing interests and values, has led the aquaculture provisions of this Plan to be the subject of an extensive inquiry. As a result, specific sites in the coastal marine area have been identified for aquaculture purposes and labelled Aquaculture Management Areas (AMAs). These AMAs, along with the related management provisions of the Plan and the prohibition of aquaculture activities over the remainder of the coastal marine area of the District, are seen as an efficient and effective means of promoting sustainable management of aquaculture and the environment in which it is undertaken.

The space required for aquaculture is subject to a range of competing demands and has particular recognised values. Thus the careful provision for and management of space for aquaculture activities is critical if the sustainable management of the coastal marine resource is to be achieved. Aquaculture has the potential to affect several of the matters of national importance identified in the Act: natural character, landscape, ecological values, public access and iwi values.

The coastal area of Golden Bay (Mohua) and Tasman Bay (Te Tai o Whakatu) has significance to iwi. It is an area that sustained their tupuna. The values held by iwi about specific areas or sites may be diminished or destroyed by activities such as aquaculture. However, iwi also have interests as existing and potential future participants in aquaculture. It is for iwi to integrate their current and future aspirations for aquaculture with their wider values. While the location of the AMAs has been determined after having considered these wider iwi values, the plan provisions recognise the potential for adverse effects on iwi values in respect of individual applications within AMAs. The plan provisions which follow ensure that iwi commercial interests are not disadvantaged relative to other commercial interests.

Tangata whenua iwi have a responsibility, derived from their status as kaitiaki, to ensure the maintenance of the mauri (life force) of coastal waters within their rohe, and have an expectation that their customary access to and use of traditional resources in the coastal marine area will be maintained.

Ngati Tama, Te Atiawa, and Ngati Rarua have been acknowledged and recognised as tangata whenua and kaitiaki in Mohua and Te Tai o Whakatu. As such, these iwi hold mana over the lands (whenua) and coastal waters (moana) within their rohe (tribal boundary), exercised in accordance with tikanga. The AMAs have been named by the iwi as: Waikato (AMA 1), Puramakau (AMA 2), and Te Kumara (AMA 3).

Caution is needed in providing for, authorising, and managing the use of the public domain for aquaculture so that sustainable management of the resources of the coastal marine area is achieved. Provision for aquaculture must be accompanied by appropriate mechanisms to ensure that the overall coastal marine ecosystem retains its life-supporting capacity for its natural populations of organisms.

Given the competing values associated with the establishment and ongoing operation of marine farming in the District's coastal marine areas, and the incomplete understanding of its potential effects on the ecology of Tasman and Golden Bays, and in some locations on natural character issues, a cautious and adaptive approach has been taken in managing aquaculture. Additionally, in some sites in Tasman Bay, consideration needs to be given to the layout of structures for navigational purposes.

This adaptive management approach has been adopted for the development of aquaculture, as effects of large-scale aquaculture, particularly on ecosystems, are not adequately known. This approach will ensure that more is learned about the environmental effects of aquaculture before the full extent of the AMAs is committed to the activity. A limited scale of initial development is provided for within the AMAs, with expansion able to proceed if evaluation of monitoring from the initial stage of development

indicates that the risk of adverse ecological effects is manageable.

This approach allows the industry to develop, and at the same time ensures that more is learned about the environmental effects associated with marine farming. It also provides mechanisms to limit and appropriately manage these effects.

Further, the approach recognises that mechanisms exist in the Act to limit aquaculture development within the AMAs should effects of unforeseen significance occur. These mechanisms include:

- the Section 17 duty to avoid, remedy or mitigate adverse effects;
- the Section 123 provision to limit the duration of a consent;
- the Section 128 opportunity for Council to review conditions of consent;
- the powers under Sections 132 and 314 to cancel a consent;
- the Section 314 power of the Court to issue enforcement orders.

The Plan incorporates provisions for the ongoing sustainable management of the AMAs that have been identified as appropriate for spat catching and mussel farming. The Plan recognises that the initial development and subsequent expansion of the industry within the AMAs is dependent upon a high level of ecological investigation, ongoing monitoring and management of expansion, particularly for mussel farming. An Ecological Advisory Group will provide technical advice to assist the Council in managing any ecological effects that may arise. Funding for this group will be derived from monitoring charges imposed on mussel farming consent holders.

22.1 ISSUE

How to provide opportunity to achieve social and economic benefits from aquaculture, while maintaining, enhancing or protecting natural character, landscape, ecological, public access, recreation and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

22.2 Objective

Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting capacity of marine ecosystems and the natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

Policies

AMAs

- 22.1.1 To enable the AMAs to be used as discrete locations where aquaculture may occur in a way that adequately manages adverse effects on the natural and physical resources of the coastal environment, and on its life-supporting capacity, natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi.
- 22.1.2 To provide for the continuation of aquaculture activities at Wainui Bay, for the duration of the existing licences and permits at that location.
- 22.1.3 To prohibit aquaculture activities outside the locations identified in 22.1.1 and 22.1.2.
- 22.1.4 To limit aquaculture activities to scallop spat catching and mussel spat catching, and mussel farming.
- 22.1.5 To promote efficient utilisation of the AMAs for spat catching and mussel farming.
- 22.1.6 To maintain public access to coastal space and resources (except where access is managed under other statutes).

Tangata Whenua Iwi

- 22.1.7 To recognise and provide for the relationship of iwi and their customs and traditions with their ancestral lands, waters, sites, wāhi tapu, and other taonga.
- 22.1.8 To protect sites of significance to iwi, including wāhi tapu and wāhi taonga, in providing for aquaculture.
- 22.1.9 To provide for continued customary access to traditional coastal resources (except where access is managed under other statutes).

Adaptive Management – Mussel Farming

- 22.1.10 To adopt a cautious and adaptive approach to mussel farming, limiting the extent of development until the significance of any adverse ecological effects of aquaculture is better known.
- 22.1.11 To allow successive stages of mussel farming development when Council is satisfied that the risk of adverse ecological effects is manageable.
- 22.1.12 To provide for the monitoring of actual and potential effects of mussel farming on species, habitats, and ecological processes within Tasman and Golden Bays so that any individual and cumulative ecological effects are better understood.
- 22.1.13 To provide for the integrated management of natural and physical resources within the AMAs by requiring applicants for consent (other than for seasonal spat catching) to provide an ecological management plan over the entire subzone to which the application relates.
- 22.1.14 To provide for a formal review mechanism within consents issued for mussel farming so that feedback and learning from monitoring can be utilised to review the appropriateness of conditions of consent.
- 22.1.15 To ensure the integrated management of ecological effects of mussel farming within each AMA.
- 22.1.16 To establish an Ecological Advisory Group to advise the Council on appropriate staging of mussel farming development within the AMAs.
- 22.1.17 To fund the activities of the Ecological Advisory Group through charges applied to consents for mussel farming.

Spat Catching

- 22.1.18 To provide locations where spat catching can be carried out either seasonally or permanently.
- 22.1.19 To maintain a distinct season free from any form of aquaculture structures or occupation, in specific spat catching subzones.
- 22.1.20 Where appropriate, to limit the space used for spat catching in any spat catching season, in order to mitigate adverse effects on the natural and physical resources of the coastal environment.

Miscellaneous

- 22.1.21 To avoid or mitigate significant adverse effects of mussel farming development in AMA 2 on natural character values in central Golden Bay.
- 22.1.22 To ensure that navigation risks from aquaculture structures are adequately avoided or mitigated.

22.1.30 Methods of Implementation**(a) Regulatory**

- (i) The zoning of areas for spat catching and mussel farming, as Aquaculture Management Areas, and the prohibition of those activities elsewhere except for the licences and permits at Wainui Bay that existed on 25 May 1996.
- (ii) Recognition of Treaty Values in the coastal marine area through the zoning of AMAs and the setting aside of the Aquaculture Exclusion Area, and in decisions on consent applications.
- (iii) Rules that require mussel farming consent applications to be supported by comprehensive information on actual and potential effects of the proposed development, including effects on ecosystems and habitat in the vicinity of the application site, and proposals for the management of those effects.
- (iv) Consent conditions requiring consent holders to monitor effects of aquaculture, including effects on ecosystems and habitat, to assist better understanding and management of the coastal environment.
- (v) Rules that allow mussel farming applications for whole subzones, but limit initial development, with progression able to proceed if evaluation of monitoring from any stage indicates that the risk of adverse ecological effects is manageable.
- (vi) Establishment of an Ecological Advisory Group (EAG) comprised of appropriately qualified marine ecologists to advise the Council on ecological effects of mussel farming. The composition of the EAG will be in accordance with the protocol in Schedule 25.1J.
- (vii) Requirements for financial contributions, Section 36 charges, coastal occupation charges, and any other charges to assist in managing effects of aquaculture.

(b) Education and Advocacy

- (i) Support for industry self-regulation to manage effects on the environment, such as through national guidelines and codes of practice, in addition to industry meeting conditions established through this Plan or incorporated in resource consents.
- (ii) Advocating for the allocation of Public Good Science Fund monies for investigating effects of aquaculture on public resources.
- (iii) Public availability of monitoring data and results.

(c) Investigations and Monitoring

- (i) Development of a long-term strategy for monitoring the state of the coastal environment in Golden Bay and Tasman Bay, including monitoring effects from aquaculture activities. The strategy will include monitoring undertaken by the Council or other agencies, as well as monitoring that is required by conditions on coastal permits.
- (ii) Evaluating results of monitoring, to determine whether consent conditions should be altered, and to determine the rate or scale of expansion (or contraction) of aquaculture through staging.
- (iii) Monitoring compliance with the conditions of individual consents.

22.1.40 Principal Reasons and Explanation

Aquaculture has the potential to bring economic benefits to the District. It also has potential to adversely affect existing attributes of, and activities carried out in, the coastal environment of the District. Some of those attributes have predominantly non-monetary value, yet in combination they also contribute to economic benefits such as through tourism.

The Plan provisions enable opportunity for aquaculture and indicate where it is appropriate and where it is not, in accordance with the Act. The provisions incorporate a cautious approach to aquaculture that takes the form of:

- (a) zoning discrete AMAs for aquaculture and prohibiting it elsewhere;
- (b) providing for scallop and mussel spat catching and mussel farming and prohibiting the farming of other species;
- (c) requiring baseline assessment of application sites coupled with requirements to monitor the effects of aquaculture activities;
- (d) providing for development of mussel farming in stages according to the results of monitoring;
- (e) seasonal use of spat catching sites unless these occur as part of mussel farming activities.

The combination of zoning areas for aquaculture and prohibiting it elsewhere addresses the potential impact of aquaculture on natural character, landscape, ecological, public access, recreational, and amenity values, and those values important to tangata whenua iwi. It also has benefits of certainty both for parties wishing to participate in aquaculture, and for parties seeking a level of surety from effects of aquaculture.

The requirements for baseline information and subsequent monitoring of effects of aquaculture need to be supplemented by state-of-the-environment monitoring by Council, to gain a more comprehensive understanding of the coastal environment and the impact that aquaculture activities have on it. This process of increasing the knowledge base will be important for further policy development and decision-making, as well as ensuring the longer term sustainability of the natural resources in Tasman and Golden Bays and the appropriate management of important coastal values in this area. Information needs to be made readily available so that people in the community can participate effectively in the sustainable management of the coastal environment.

Uncertainty about possible adverse effects warrants limited areas initially being made available for mussel farming until effects are better understood. The same uncertainty warrants consents being subject to conditions requiring monitoring of effects. A sharing of knowledge from different agencies and operators will be needed for further policy development relating to aquaculture, particularly in relation to cumulative effects and the long-term sustainability of the marine environment.

Controlled activity status enables an initial stage of mussel farming to begin with minimal administrative processes, and restricted discretionary status is applied to larger scale proposals. Ecological monitoring conditions are imposed to improve the information base for decisions about subsequent stages of mussel farming. Provision is made for review of consent conditions, providing opportunity to curb the activity or allow its expansion, depending on the results of the monitoring.

Seasonal use of spat catching sites allows spat catching to occur in locations where permanent mussel farming operations would have unacceptable effects on natural character and amenity values, navigation or public access opportunities. A distinct season without spat catching structures in place is necessary to achieve that intent.

Encouraging and involving the industry, the community, environmental groups and iwi in developing the Council's monitoring programme should help ensure its success. In addition, industry initiatives for promoting and implementing alternative methods of managing effects are encouraged. These methods include ecological management plans and codes of practice, which will assist in the sharing of knowledge and provide for a greater understanding of the issues by all the parties that have a stake in the coastal marine area.

22.1.50 Performance Monitoring Indicators

- (a) Increased level of knowledge by Council, consent applicants and holders, and the community, about the marine environment.
- (b) The nature of monitoring required by consent conditions.

- (c) The nature and incidence of adverse effects of aquaculture development, including changes to habitat conditions and ecosystems, and navigation incidents involving aquaculture structures.

22.2 ENVIRONMENTAL RESULTS ANTICIPATED

- (a) Development of aquaculture with limited adverse effects on the coastal environment overall.
- (b) Social, cultural and economic benefits are gained from aquaculture, without unacceptable environmental costs.