

NZCPS 2010 Guidance note

Policy 8: Aquaculture



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Policy 8

Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:

- a. including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:
 - i. the need for high water quality for aquaculture activities; and
 - ii. the need for land-based facilities associated with marine farming;
 - b. taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and
 - c. ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.
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Overview of the policy

Policy 8 of the New Zealand Coastal Policy Statement 2010 (NZCPS 2010) promotes planning for aquaculture alongside other coastal activities and values. It also encourages local authorities to recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities.

All readers of this policy guidance note should also refer to the NZCPS 2010 Implementation Guidance Introductory note¹. The Introductory note contains general information and guidance that is important for implementing all of the objectives and policies in the NZCPS 2010.

Rationale

Marine aquaculture has a functional need to be located in the coastal marine area. It can be a significant contributor to the social, economic and cultural well-being of communities.

The effects of aquaculture require appropriate management to ensure it occurs within environmental limits. Conversely, aquaculture activities can be adversely affected by adjoining coastal uses and are particularly susceptible to changes in water quality. Development in the coastal environment should not make water quality unfit for aquaculture activities in areas approved for that purpose.

The inclusion of an aquaculture policy in the NZCPS 2010 was to encourage councils to actively plan for aquaculture so that development can occur in appropriate places.

¹ <http://www.doc.govt.nz/nzcps-introductory-note>

Related objectives, policies and provisions

This section covers the links (in terms of aquaculture) between the various provisions of the NZCPS 2010, the Resource Management Act 1991 (RMA), and other legislation.

NZCPS 2010

Implementing Policy 8 of the NZCPS 2010 requires careful consideration of all NZCPS 2010 objectives and policies. Objective 6, and Policies 3, 4, 5, 6, 7, 12, 21 and 23 of the NZCPS 2010 are particularly relevant to planning and decision-making regarding aquaculture. The links between these are considered below.

Key related objectives and policies	Other related objectives	Other related policies
Objective 6 Policies 3, 4, 6, 7, 12, 21 and 23	Objectives 1, 2, 3, 4 and 5	Policies 5, 11, 13, 14, 15, and 18

Objective 6

Objective 6 focuses on enabling people and communities to provide for their social, economic and cultural well-being, and their health and safety. This Objective includes providing for the benefits of aquaculture within environmental limits and is therefore directly related to Policy 8.

Policy 3: Precautionary approach

Policy 3 directs a precautionary approach to the management of activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. The policy particularly directs a precautionary approach where the use and management of coastal resources are potentially vulnerable to effects from climate change.

Policy 3 is relevant to the implementation of Policy 8 as some aquaculture activities can raise issues concerning the certainty of information and the possible scale of potential adverse effects, including cumulative effects. Where this occurs a decision is required as to the best response, including options of adaptive management or prudent avoidance.

Policy 4: Integration

Policy 4 promotes integration through coordinated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. Ways to achieve integration include co-ordinated management or control of activities within the coastal environment that cross administrative boundaries, and working collaboratively with other resource management interests.

Policy 4 is very relevant to Policy 8. Other activities, such as residential development, can adversely impact existing aquaculture operations, for example, development may lead to reduced water quality and therefore compromise shellfish harvesting standards. The effects of aquaculture activities can also traverse land and water

environments, for example, aquaculture structures and activities in the marine environment can affect the values on land including perceptions of naturalness.

Aquaculture currently spans administrative boundaries between the Resource Management Act 1991 (RMA) and the Fisheries Act 1996.

The seaward boundary of the coastal marine area and New Zealand's Exclusive Economic Zone (EEZ) is defined in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977². Aquaculture that crosses the coastal marine area to the territorial sea would require permits under the RMA and any relevant approvals required for the EEZ.

Policy 6: Activities in the coastal environment

Policy 6 deals with activities in the coastal environment such as infrastructure, energy generation and transmission, mineral extraction, built development and renewable energy generation. Policy 6 also addresses the location and scale of these activities. Priority is given to activities with a functional need to locate and operate in the coastal marine area, and providing for those activities in appropriate places.

Policy 6 encourages particular consideration of the certain coastal values, including built character, headlands and ridgelines, natural character, open space, amenity, public access, native biodiversity and historic heritage.

Policy 6 also seeks consideration of the 'reasonably foreseeable needs of population growth' for built development, public infrastructure and energy generation.

These requirements are more likely to be achieved by local authorities undertaking strategic planning rather than *ad hoc* decision-making. Decisions made on appropriate coastal activities and in relation to Policy 6 can have an immediate bearing on aquaculture.

Policy 7: Strategic planning

Policy 7 requires that, in preparing regional policy statements and plans, local authorities give consideration to where future development and activities should be provided for in the coastal environment, and also where activities would be inappropriate. Policy 7 requires that local authorities identify coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects, and to include provisions to manage these effects. This policy direction is directly relevant to Policy 8 including: deciding appropriate places in the coastal environment for aquaculture; managing the adverse effects of aquaculture; and the relationship with other coastal uses, including protecting water quality and providing for land-based facilities.

²http://www.legislation.govt.nz/act/public/1977/0028/latest/DLM442579.html?search=ts_act_resource+management_resel&p=1

Policy 12: Harmful aquatic organisms

Policy 12 concerns controlling activities that could cause the release or spread of harmful aquatic organisms into the coastal environment, and assist in managing the risk of such adverse effects occurring. The release or spread of harmful aquatic organisms in the coastal environment can have significant adverse effects on native biodiversity (e.g. they prey on or compete with native species, or degrade their habitat).

Policy 12(d) requires consideration of the effects of aquaculture operations on the release or spread of harmful aquatic organisms.

Policy 21: Enhancement of water quality

Policy 21 seeks to improve water quality in the coastal environment where it has deteriorated and is having a significant adverse effect on ecosystems, natural habitats or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering and cultural activities. This policy direction is directly relevant to Policy 8 given aquaculture's need for healthy waters.

Policy 23: Discharge of contaminants

Policy 23 directs policy considerations to address the management of discharges including the discharge of human sewage. Some discharges have the ability to impact on aquaculture growing and harvesting given the need for healthy waters. Policy 23 is also relevant to the assessment and management of discharges associated with aquaculture activities, such as those from fed aquaculture.

Resource Management Act 1991

The RMA³ contains provisions relevant to aquaculture planning and management. These provisions are summarised below and discussed further in the section about implementing the policy:

- RMA Part 7A provides additional tools to manage demand for coastal space in the common marine and coastal area (CMCA). These tools include the following provisions:
 - Regional councils may, in some situations, ask the Minister of Conservation to approve a method for allocating space in the CMCA (sections 165L - 165Q).
 - Regional councils may ask the Minister of Aquaculture to suspend the receipt of applications for coastal permits to occupy the space in the CMCA for aquaculture activities where there is actual or anticipated high or competing demand and the provisions of a regional coastal plan will

³http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html?search=ts_act_resource+management_rese&p=1&sr=1

not enable it to manage effectively the identified demands (sections 165ZB – 165ZE).

- Regional councils may ask the Minister of Aquaculture to direct that applications for permits to occupy the CMCA for aquaculture activities be processed and heard together (sections 165ZF – 165ZFA). There are related provisions in sections 165N(7)(b)(v) and 165ZF.
- Applicants may seek concurrent plan changes and coastal permit applications in relation to aquaculture activities where an aquaculture activity is a prohibited activity in the relevant regional coastal plan (sections 165ZK – 165ZZA).
- Under sections 360A–360C the Minister of Aquaculture can recommend that provisions in a regional coastal plan that relate to the management of aquaculture activities in the coastal marine area be amended by regulation. The Minister of Aquaculture must not make a recommendation unless satisfied that the regional coastal plan to be amended by the proposed regulations will continue to give effect to any NZCPS, any other national policy statement, and the relevant regional policy statement.

Other legislation

There are a number of other Acts relevant to aquaculture. These are the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004⁴, Fisheries Act 1996⁵ and the Maori Commercial Aquaculture Claims Settlement Act 2004⁶.

These Acts are further discussed in the section on implementing this policy.

⁴http://www.legislation.govt.nz/act/public/2004/0109/latest/DLM324738.html?search=ts_act%40bill%40regulation%40deemedreg_aquaculture+reform_reselel_25_h&p=1

⁵ <http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM394192.html>

⁶http://www.legislation.govt.nz/act/public/2004/0107/latest/DLM324349.html?search=ts_act%40bill%40regulation%40deemedreg_Maori+Commercial+Aquaculture+Claims+Settlement+Act+_relel_25_h&p=1

Origins of the policy

Policy 8 is new policy direction. The New Zealand Coastal Policy Statement 1994 did not include any policy for aquaculture. Growth in aquaculture is expected as a result of the 2011 RMA amendments⁷. Policy 8 seeks to promote better planning for coastal activities, including aquaculture, in regional policy statements and regional coastal plans.

Policy 8 also encourages regional councils to recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities.

⁷ <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Marine-based+Aquaculture/Regulatory+Framework.htm>

Implementing the policy

While guidance is provided here on implementing Policy 8, it is also necessary to consider the entire NZCPS 2010 when implementing each policy. Please also refer to the NZCPS 2010 Implementation Guidance Introductory note⁸ which covers the matters that are relevant in giving effect to the NZCPS 2010.

A changed environment following the 2011 amendments

Growth and change in the aquaculture sector is expected as a result of the Government's 2011 aquaculture reform. The requirement that aquaculture could only locate in areas identified as Aquaculture Management Areas (AMAs) in regional coastal plans, which was contained in the RMA between 2005 and 2011, is repealed. Coastal permit applications for aquaculture are assessed against the relevant statutory instruments as applications for other activities in the coastal marine area.

Aquaculture is managed through the provisions of the RMA, Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, Fisheries Act 1996 and the Maori Commercial Aquaculture Claims Settlement Act 2004, as amended by the provisions of 2011 amendments⁹. These amendments include the Resource Management Amendment Act (No. 2) 2011, Aquaculture Reform (Repeals and Transitional Provisions) Amendment Act 2011, Fisheries Amendment Act 2011, and the Māori Commercial Aquaculture Claims Settlement Amendment Act 2011.

Allocation provisions in RMA Part 7A

The 2011 amendments included significant changes to RMA Part 7A ('Occupation of common marine and coastal area'). These changes included new tools to manage high and competing demand.¹⁰ It is important to note that the RMA planning and allocation provisions apply to all RMA regulated coastal occupations, and not just aquaculture.

While 'first in, first served' allocation is the default allocation tool for space in the CMCA, other allocation methods, such as coastal tendering, balloting or auction, can be used to allocate authorisations. An authorisation is the right to apply for a coastal permit to occupy space in the common marine and coastal area. A tender means any form of tender whether public or otherwise (RMA section 165C).

If a tool other than 'first in, first served' is to be used it must be specified in a rule in the relevant regional coastal plan through the usual RMA Schedule 1 Plan change process. The exception is where an allocation method is approved by the Minister of Conservation through a *Gazette* notice (see 'Tools to manage high and competing demand' below).

⁸ <http://www.doc.govt.nz/nzcps-introductory-note>

⁹ Note also that the RM Amendment Act (No 2) 2011 contains provisions relating to the Tasman and Waikato regional coastal plans.

¹⁰ <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Marine-based+Aquaculture/Regulatory+Framework.htm>

Examples of existing tendering provisions are given in the sections on ‘Related and ongoing work’, and ‘Resources’, below.

The 2011 amendments also introduced the ability to seek concurrent private plan change and resource consent applications for aquaculture activities.

Tools to manage high and competing demand

The 2011 amendments introduced two additional tools to manage situations of actual or anticipated high and competing demand.

The first is set out in RMA sections 165L – 165Q, and provides an intervention route for councils wanting to manage situations of actual or anticipated high and competing demand for coastal space from all activities including aquaculture. The Minister of Conservation can require the use of tools to allocate authorisations (see ‘Resource Management Act’ above) through a *Gazette* notice. The process is triggered by a request from a regional council to the Minister.

A second tool, set out in RMA sections 165ZB-ZE, is specific to aquaculture and provides a means to suspend the receipt of applications for aquaculture in situations of actual or anticipated high and competing demand. This power is held by the Minister for Aquaculture.

Guidance prepared by the Ministry for Primary Industries and the Department of Conservation (DOC) further explains mechanisms for managing allocation of coastal space.¹¹

Undue adverse effects test on commercial, recreational and customary fishing

The undue adverse effects (UAE) test is an assessment by the Chief Executive of the Ministry for Primary Industries on the expected effects of a proposed aquaculture activity on recreational, customary and commercial fishing. The UAE test is undertaken on individual coastal permit applications for aquaculture activities. The requirements for the test are outlined in sections 107F and 114 of the RMA and Part 9A of the Fisheries Act 1996.

A coastal permit granted under the RMA for aquaculture activities cannot commence until the UAE test has been done. If the UAE test finds an undue adverse effect on recreational or customary fishing, or commercial fishing for species that are not part of the quota management system, the proposed aquaculture activity cannot go ahead in the area affected.

If the Chief Executive finds that there would be an undue adverse effect on commercial fishing for Quota Management System (QMS) species, the aquaculture activity can proceed if the person proposing the activity is able to enter into an aquaculture agreement with affected quota owners or refers the matter to an independent arbitrator who determines compensation to quota owners.

¹¹ <http://www.fish.govt.nz/NR/rdonlyres/50575769-DC37-423F-BB99-46DA06F07768/0/AQUALawreform11Guidancenote5.pdf>

The effects on commercial, recreational and customary fishing and fisheries resources continue to be a relevant consideration under the RMA in the development and approval of regional policy statements, regional coastal plans and resource consent applications.

Gazetted aquaculture settlement areas

The Maori Commercial Aquaculture Claims Settlement Act 2004 (the Settlement Act), as amended by the 2011 reform, gives the Minister for Aquaculture power to gazette Aquaculture Settlement Areas (ASA) in the coastal marine area. Once gazetted, this space is available for settlement purposes and can be allocated as authorisations¹² to iwi as a result of the regional agreement processes set out in the Settlement Act. Deliverables within a new space regional agreement may include authorisations for particular coastal space, cash, and/or anything else that can be agreed. Where no regional agreement is reached, then the default is for the authorisations to be transferred to the Trustee¹³.

Any marine farm in an ASA still requires the necessary approvals under the RMA and the Fisheries Act 1996. A settlement authorisation for an ASA lapses if the resource consent application for aquaculture activities in the ASA is declined.

Section 165E of the RMA directs that no person may apply for a coastal permit authorising occupation of space for aquaculture activities in an ASA unless that person holds a settlement authorisation issued under the Settlement Act and in relation to that space. A regional council can only grant a coastal permit authorising any other activity in an ASA if that activity is compatible with aquaculture activities and after consultation with the trustee and iwi in the region.

Links to further information on gazetted ASAs are provided in the 'Resources' section below.

Regional policy statement and plan preparation

Policy 8 in the NZCPS 2010 promotes the general principle that proactive planning by regional and district councils is to be encouraged to find appropriate places for activities such as aquaculture that have a functional need to be located in the coastal environment.

Context is important in determining the appropriateness of providing for activities in a particular location. For example, what is appropriate in one place will not necessarily be the same for all coastal locations.

¹² Refer to the glossary of terms for the definition of 'authorisation'.

¹³ For the purposes of the Act, the Trustee is Te Ohu Kai Moana Trustee Limited, a company established in accordance with section 33 of the Maori Fisheries Act 2004.

Matters relevant to regional policy statements and regional coastal plans are discussed below in terms of other relevant policies of the NZCPS 2010, and applying Policy 8 in context.

Other relevant objectives and policies of the NZCPS 2010

Reading the NZCPS 2010 as a whole, Policy 8 is one of a number of policies that are relevant to aquaculture and particularly the determination of what is an appropriate place.

Other objectives and policies of the NZCPS 2010 are important for aquaculture planning and decision-making. Some of the linkages with other provisions of the NZCPS 2010 are identified in the earlier section 'Related objectives, policies and provisions'.

Different types of aquaculture can raise different resource management issues for discussion through a planning process. These differences can influence which NZCPS 2010 policies are particularly relevant. As an example, fed aquaculture such as finfish farming involves nutrient discharges and can be expected to raise particular issues in relation to Policy 23: Discharge of contaminants, compared to shellfish culture.

Reviews of regional policy statement, regional coastal plan and district plan provisions relevant to aquaculture in the coastal marine area are required to consider the matters addressed in these other policies. The guidance notes for these policies are therefore relevant.

Applying Policy 8 in context to determine places that are appropriate for aquaculture

Policy 8 directs councils to plan for aquaculture in appropriate locations and effectively manage conflicts with other uses and values. This aspect of Policy 8 is about having due regard for other uses and values as well as aquaculture's operational needs.

When considering where aquaculture should or should not be located, it is important to consider what other coastal environment uses and values are present. Some activities may be compatible, depending on the circumstances of particular sites and broader considerations surrounding the locality.

Potentially compatible activities can include some forms of fishing, tourism and other activities. Difficulties are more likely to occur in relation to areas or values sensitive to aquaculture.

Planning and management decisions should look at options to provide for activities with regard to matters relevant to achieving sustainable management. Information about the uses and values in the coastal environment will be important to the decision making process.

Examples of relevant matters include the type and distribution of sensitive marine habitats and species, marine reserves and other formally protected areas in the coastal environment, shipping and navigation lanes, popular anchorages, customary fishing, commercial fishing and activities such as dredging, dumping, sand mining

and other marine uses. Natural character, amenity and scenic values, residential values, tourism and recreational activities are also highly relevant.

Planning and management decisions for aquaculture should also consider matters relevant to the integrated and coordinated management of natural and physical resources in the coastal environment. Relevant links include RMA land use decisions by territorial authorities in relation to land based infrastructure, Fisheries Act decisions by the Chief Executive of the Ministry for Primary Industries on the effects on recreational, customary and commercial fishing, and the management of protected areas by agencies such as DOC.

There will also be a need to consider the implications of protected customary rights and/or customary marine title¹⁴ granted through the Marine and Coastal Area (Takutai Moana) Act 2011.

In assessing coastal permit applications or possible aquaculture zones, decision-makers will need to consider the potential social and economic benefits of aquaculture in these areas alongside the possible social, economic and/or environmental costs of displacing or modifying other uses and activities. Well chosen or optimal sites will be those that can realise the potential of aquaculture while also achieving sustainable management in relation to other uses and values.

Understanding aquaculture's effects and requirements

The aquaculture provisions in regional policy statements and regional coastal plans determine the shape and nature of activities that can occur in the water. Provisions for zoned aquaculture space should closely consider industry requirements for the space. These needs are expected to vary regionally, but may include the need for experimental and research space, and the scope to provide sufficient flexibility in planning provisions to accommodate the results of research and development and to encourage innovation (e.g. new species; the use of different structures for farming; and different ways of farming, such as polyculture and integrated multi trophic aquaculture (IMTA)¹⁵).

Different types of aquaculture will have different particular environmental and site needs, and environmental effects. Some needs and effects are common to all types of aquaculture, while others depend on the type of aquaculture and species to be farmed. These differences can have important implications for coastal planning both in terms of identifying sites where it is feasible to farm, as well as identifying relevant issues.

Basic requirements can include adequate nutrients and high water quality (especially where filter feeders such as mussels and oyster are to be farmed), a particular temperature range, reasonable proximity to servicing facilities, flushing flows, sheltered or semi-sheltered sea conditions and adequate water depth.

¹⁴ Refer to the glossary of terms for the definition of 'customary marine title' in the Marine and Coastal Area (Takutai Moana) Act 2011.

¹⁵ Refer to the glossary of terms for a definition of 'integrated multi trophic aquaculture'.

Links to recent reviews of the effects of shellfish and finfish aquaculture in New Zealand are provided in the 'Resources' section below.

Marine farmers are also likely to seek provisions seeking certainty in regional policy statements and regional coastal plans, including provisions concerning the term and other aspects of their permits to occupy areas of the coastal marine area and to carry out lawful activities.

Adaptive management options are sometimes relevant to discussions about appropriate marine farm location and operations, and are discussed in the guidance note for 'Policy 3: Precautionary approach'.

Water quality and aquaculture

Maintaining the environmental parameters within which marine farmers are located is important, particularly in relation to water quality. Reductions in water quality at a marine farm can lead to stock death and harvesting closures for extended periods.

Policy 8(c) and Policy 21 of the NZCPS 2010 require councils to consider the effect of other resource use on the water quality required for aquaculture, and to work to improve coastal water quality where aquaculture growing areas are significantly adversely affected. Options to implement these policies are given in the guidance note for 'Policy 21: Enhancement of water quality'. Further direction is also provided through 'Policy 4: Integration', 'Policy 22: Sedimentation' and 'Policy 23: Discharge of contaminants'. The management of coastal water quality for aquaculture includes recognising the effects of land uses and other activities that may be causing contamination. These activities do not need to occur within the coastal environment to be relevant.

Some forms of aquaculture can adversely affect water quality, e.g. fed aquaculture. The nature and scale of these effects, and options for their management, are also relevant when giving effect to the NZCPS 2010. Particular considerations include the effect of discharges on water quality, indigenous habitats, natural character and recreational amenity. To manage discharges to water in the coastal environment, NZCPS 2010 Policy 23: Discharge of contaminants directs particular regard of a number of matters including the sensitivity of the receiving environment, the nature of the contaminants to be discharged and the capacity of the receiving environment to assimilate the contaminants. Options to implement this policy are given in the guidance note for Policy 23.

A checklist for planners

When considering the requirements for aquaculture planning and decision-making, the following checklist highlights some important matters to consider:

- Is there demand for new aquaculture space in the region?
- What are the issues surrounding existing approved space in the region?
- What operational management issues or requirements are present for the industry?

- If there is an existing aquaculture zoning system, does it work and can it be justified?
- What are the cross boundary issues? Would an integrated strategy assist their management?
- What information does the region have on the relevant effects of aquaculture and the sensitivity of the region's receiving coastal environment?
- What are the likely nature and scale of the economic and social benefits of providing for aquaculture in the region or country?
- If space is made available for aquaculture, what would be an appropriate allocation regime? Can coastal permit applications for aquaculture be received on a 'first in, first served' basis?

Related and ongoing work

Auckland spatial and unitary plans

The Auckland Council is preparing integrated and strategic spatial and unitary plans for the region:

- **Auckland Spatial Plan**
<http://www.aucklandcouncil.govt.nz/EN/ABOUTCOUNCIL/PLANSPOLICIES/PUBLICATIONS/THEAUCKLANDPLAN/Pages/theaucklandplan.aspx>
The Auckland Spatial Plan is a Local Government Act 2002 plan to provide future direction for population growth in Auckland City. The plan was launched by the Auckland Council in 2012.
- **Auckland Unitary Plan**
http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx?utm_source=plansandstrategieslandingpage&utm_medium=topcontent&utm_campaign=landingpages
The Auckland Unitary Plan is the principal means to implement the Auckland Spatial Plan for Auckland City. It includes the regional coastal plan but does not cover the Hauraki Gulf Islands Plan which was recently made operative. Public consultation on the Auckland Unitary Plan is scheduled for 2013.

Hauraki Gulf Marine Spatial Plan

The Waikato Regional Council and the Auckland Council are working with other agencies including the Hauraki Gulf Forum to prepare a marine spatial plan for the Hauraki Gulf to address coastal management issues in the Gulf, including through the monitoring results outlined in the report “State of our Gulf Tikapa Moana, Hauraki Gulf State of the Environment Report 2011”.

- <http://www.aucklandcouncil.govt.nz/en/aboutcouncil/representativesbodies/haurakigulfforum/Pages/home.aspx>

Regional Coastal Plan for Northland - Plan change 4: Aquaculture

Northland Regional Council’s aquaculture planning work has restarted following the Government’s 2011 aquaculture reform. These provisions are under appeal.

<http://nrc.govt.nz/Your-Council/Have-your-say/Plan-Change-4-Aquaculture-Management/>

Waikato Regional Coastal Plan – weighted attribute tendering provisions

Waikato Regional Council is proposing to allocate space for finfish farming using the weighted attribute tender allocation process specified in Rule 17.5.2A of the Waikato Regional Coastal Plan. These provisions were inserted by the Resource Management Amendment Act (No. 2) 2011.

<http://www.waikatoregion.govt.nz/Council/Policy-and-plans/Rules-and-regulation/Regional-Coastal-Plan/Regional-Coastal-Plan/>

Resources

Relevant case law

Adaptive management of marine farms

- Golden Bay Marine Farmers v Tasman District Council [Environment Court]
 - W42/01 <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2001/150.html?query=W42/01>
 - W19/03 <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2003/101.html?query=W19/03>
- Clifford Bay Marine Farms Ltd v Marlborough District Council [Environment Court C131/03] <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2003/348.html?query=C131/03>

Reports, websites and additional information

Department of Conservation

- What does the NZCPS 2010 mean for aquaculture?
<http://www.doc.govt.nz/conservation/marine-and-coastal/coastal-management/nz-coastal-policy-statement/questions-and-answers/#8-aquaculture>

Ministry for Primary Industries

- Aquaculture
<http://www.mpi.govt.nz/fisheries/aquaculture>
- National Aquaculture Strategy and Five-year Action Plan
<http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Aquaculture+Strategy/default.htm>
- Aquaculture regulatory framework
<http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Marine-based+Aquaculture/Regulatory+Framework.htm>
 - Aquaculture planning and consenting
<http://www.fish.govt.nz/NR/rdonlyres/B35C8477-AD96-4F4D-BB70-C8D1800E8A1C/o/Guidancenote1aquaculturelegislativereforms.pdf>
 - Managing demand in the coastal marine area
<http://www.fish.govt.nz/NR/rdonlyres/DF9A4EBC-E6CF-409B-86E5-31F7D24555A8/o/Guidancenote2aquaculturelegislativereforms.pdf>
 - Aquaculture regulation-making power

<http://www.fish.govt.nz/NR/rdonlyres/3B80CDB2-546A-40FB-A272-2E374DDD2F54/0/Guidancenote3aquacultureregulationmakingpower.pdf>

- Mechanisms for managing allocation of coastal space

<http://www.fish.govt.nz/NR/rdonlyres/50575769-DC37-423F-BB99-46DA06F07768/0/AQUALawreform11Guidancenote5.pdf>

- Undue adverse effects test: <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Marine-based+Aquaculture/Undue+Adverse+Effects+test/default.htm>
- Aquaculture Settlement Areas: <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Maori+Aquaculture/Aquaculture+Settlement+Areas.htm>
- Review of the ecological effects of marine finfish aquaculture: final report (Cawthron Institute 2007): <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Marine-based+Aquaculture/Species/King+Salmon.htm>
- Ecological effects of farming shell fish and other non-fish species (Cawthron Institute 2009): <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Marine-based+Aquaculture/Species/Greenshell+Mussels.htm>
- Short term aquaculture research – a stock take of regional coastal plan provisions (Opus International Consultants 2007): <http://www.fish.govt.nz/en-nz/Commercial/Aquaculture/Aquaculture+Archive/default.htm>

Te Ohu Kai Moana (the Trustee)

<http://teohu.maori.nz/>

The Takutai Trust

<http://www.takutai.maori.nz/home.htm>

Local authorities

Four local authorities have prepared reports on the economics of aquaculture in their regions:

- Auckland Council: <http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/aboutcouncil/planspoliciespublications/technicalpublications/tr2010009aquacultureeconomicimpactintheaucklandregion.pdf>
- Northland Regional Council: [http://www.nrc.govt.nz/upload/1742/FINAL%20Regional%20Economic%20Impacts%20of%20Aquaculture%20Report%20by%20Enveco%20\(6\).pdf](http://www.nrc.govt.nz/upload/1742/FINAL%20Regional%20Economic%20Impacts%20of%20Aquaculture%20Report%20by%20Enveco%20(6).pdf)

- Thames Coromandel District Council:
<http://www.tcdc.govt.nz/business/Aquaculture/>
- Waikato Regional Council:
<http://www.waikatoregion.govt.nz/Services/Publications/Technical-Reports/Economic-Impact-of-Aquaculture-in-the-Waikato-Region/>

Glossary of terms and definitions

NZCPS 2010 glossary

No relevant definitions.

Other definitions

Aquaculture activities:

(a) means any activity described in section 12 done for the purpose of the breeding, hatching, cultivating, rearing, or ongrowing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing, or ongrowing involves the occupation of a coastal marine area; and

(b) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but

(c) does not include an activity specified in paragraph (a) if the fish, aquatic life, or seaweed—

(i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or

(ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed; and

(d) does not include an activity specified in paragraph (a) or (b) if the activity is carried out solely for the purpose of monitoring the environment.’

(Definition from section 2 of the RMA.)

Authorisation: An authorisation is the right to apply for a coastal permit. See also sections 151 and 165C of the RMA.

(Definition prepared by DOC for this guidance.)

Customary marine title: means the customary interests—

(a) established by an applicant group in accordance with subpart 3 of Part 3; and

(b) recognised by—

(i) a customary marine title order; or

(ii) an agreement.’

(Definition from section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.)

Customary marine title area: ‘...means the part of the common marine and coastal area where a customary marine title order applies, or in respect of which an agreement is made and brought into effect.’

(Definition from section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.)

Fed aquaculture: species that are farmed with the addition of feed e.g., finfish including salmon.

(Definition prepared by DOC for this guidance.)

Filter feeders: A fish that strains water through its gill rakers to feed mostly on plankton (phyto- and zoo-). Many reared bivalve molluscs are filter feeders (e.g., mussels, oysters) as are certain larval stages of cultured crustaceans.

(Definition from the Food and Agriculture Organization (FAO) Glossary of Aquaculture¹⁶.)

Flushing flows: In coastal waters, flushing flows are the speed at which water flows at a particular location. These flows vary with tidal aspect, as well as phases of the moon.

(Definition prepared by DOC for this guidance.)

Integrated multi trophic aquaculture (IMTA): IMTA combines, in the appropriate proportions, the cultivation of fed aquaculture species (e.g., finfish) with organic extractive aquaculture species (e.g., shellfish) and inorganic extractive aquaculture species (e.g., seaweed) for a balanced ecosystem management approach that takes into consideration site specificity, operational limits, and food safety guidelines and regulations.

(Definition from Multitrophic Integration for Sustainable Marine Aquaculture, Encyclopedia of Ecology, 2008, T. Chopin, S.M.C. Robinson, M. Troell, A. Neori, A.H. Buschmann, J. Fang.)

¹⁶ <http://www.fao.org/fi/glossary/aquaculture/>

Polyculture: ‘The concept behind co-culture or polyculture is to grow aquaculture species together or in close proximity to achieve enhanced production, while at the same time reducing environmental effects.’

(Definition from ‘Review of the ecological effects of marine finfish aquaculture’, Cawthron report 1285, prepared for the Ministry of Fisheries 2007¹⁷)

Protected customary right: ‘...means an activity, use, or practice—

(a) established by an applicant group in accordance with subpart 2 of Part 3;
and

(b) recognised by—

(i) a protected customary rights order; or

(ii) an agreement.’

(Definition from section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.)

Tender: ‘..means any form of tender (whether public or otherwise)’.

(Definition from section 165C of the RMA).

¹⁷ http://www.fish.govt.nz/NR/rdonlyres/7AE41C40-5AFF-46AA-B345-252F794038F9/0/Reviewecologicaleffects_marinefinfish.pdf