

AQUACULTURE - 22

This chapter contains objectives, policies and rules relating to aquaculture. Aquaculture includes the activity itself and any structures and discharges of contaminants associated with it. Therefore the provisions of Chapters 12: Structures and Chapter 20: Discharges of Contaminants do not apply. However other chapters may be relevant.

Any application for aquaculture needs to consider the relevant chapters of Part IV: Use and Development and the matters contained in Part III: Values in the assessment of effects on the environment.

22.1 **INTRODUCTION**

Part I, Clause 2(a) of the Second Schedule of the RMA states that a regional coastal plan may, where appropriate, provide for the recognition of opportunities for aquaculture.

Aquaculture usually involves activities which are controlled by sections 12 and 15 of the RMA. These include control over such activities as the placement or erection of structures or other equipment, the disturbance or deposition of matter on the foreshore and seabed, and the occupation and use of the seabed or water in the coastal marine area. Such activities are part of the breeding, collection, cultivation, growing, or harvesting of fin fish, shellfish, marine vegetation or other forms of aquatic life. The rules of this Plan require that in most cases these activities or works require a resource consent. However, the activities of collection, breeding, cultivation, growing or harvesting of fish and shellfish are controlled by Minister of Fisheries under Fisheries legislation.

Aquaculture is an industry of growing social and economic importance in New Zealand, both nationally and locally and can be a sustainable use of natural and physical resources if it is appropriately located and managed. It is an expanding export industry and provides employment and social benefits, particularly as farms are often located in the coastal marine area adjoining rural areas where there are few employment opportunities. The presence of aquaculture can also enhance recreational fishing and provide a focus of interest for tourists.

In addition to social and economic benefits, aquaculture provides an important alternative source of fish and shellfish, which assists in reducing pressure on the natural fish and shellfish stock. It is an industry that is continuing to evolve, using methods and species not previously used in aquaculture.

Aquaculture activities can also have adverse effects on the coastal marine area, although the significance of these effects may be avoided, remedied or mitigated by appropriate site selection, choice of farming operation and farm

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management practices. The adverse effects associated with aquaculture may include the alteration to natural coastal processes from the structures associated with aquaculture, or from the deposition of shell and waste material beneath farms; the smothering or displacement of marine species living directly beneath aquaculture operations; degradation of natural character and landscape values; disturbance to the foreshore and wading bird species, and adverse effect to ecology from access to or use of landing areas; impacts on amenity values; restriction of public access; and conflicts with navigation and boat mooring and anchorage areas.

The washing down and cleaning of aquatic species in the coastal marine area can also result in the discharge of silt and the deposition of shell and debris. This in turn may result in the discoloration of water and the smothering of benthic organisms. Littering may also occur from associated debris such as wood, shell, and plastics.

Aquaculture requires a high standard of water quality to enable the farmed species to be sold for consumption. However some forms of aquaculture, such as fish farming, which introduce artificial food, antibiotics and high levels of organic waste, can adversely affect water quality.

Aquaculture may adversely affect the relationship of Tangata Whenua with their ancestral taonga, particularly by restricting their access to and use of resources. However Tangata Whenua are increasingly involved in aquaculture because of its potential social, economic, and cultural benefits.

Aquaculture usually involves activities which are undertaken both in the coastal marine area and on adjoining land, as there is often a need for land-based access, processing, and waste disposal facilities. Aquaculture is also affected by land uses in the adjoining catchment, which can have an adverse effect on water quality and influence the ability of an area to sustain aquaculture activities. There is therefore a need for co-ordination with territorial authorities in making provision for and considering proposals to establish aquaculture.

Most of the farms in the Auckland Region have been established prior to the introduction of the RMA under leases or licences granted by the Minister of Fisheries under the Marine Farming Act 1971. Oyster farming on intertidal racks is the main type of aquaculture, with the Mahurangi Harbour being the most significantly developed area. Deep water mussel farming on long lines is also undertaken in part of the Region.

Parts of the Hauraki Gulf, including the Mahurangi Harbour, are subject to Gazette Notices issued by the Minister of Fisheries under the provisions of the Marine Farming Act 1971. These Gazette Notices set aside areas as not available for "marine farming leases or licences". The Notices form part of the Transitional Regional Coastal Plan, but the rules of this Plan will replace these Gazette Notices when the Plan becomes operative.

22.2 ISSUES

- 22.2.1 Aquaculture is an industry of increasing social and economic importance to the local, regional, and national economy. The farming of fish or shellfish also provides an important food resource, and assists in reducing pressure on the natural fish and shellfish stock.
- 22.2.2 A high standard of water quality and its continued maintenance is necessary to achieve the sustainable management of the coastal marine area and is required for the establishment and carrying out of aquaculture.
- 22.2.3 Aquaculture is a developing and dynamic industry, where considerable potential exists to cultivate a variety of marine fauna and flora. The effects of farming “new species”, or new types of farming methods, are to a significant extent unknown or untested in the Auckland Region.
- 22.2.4 The structures associated with aquaculture, and the changes that often result to the foreshore or seabed beneath farmed areas, can detract from the natural character, ecology and landscape quality of the coastal marine area. The space occupied by these structures may also conflict with other users of the area, particularly where farms are located in water which is used intensively for recreational purposes.
- 22.2.5 The washing down and cleaning of harvested aquatic species in the coastal marine area can have an adverse effect on water and sediment quality, and on the naturally occurring coastal flora and fauna.
- 22.2.6 The cumulative effect of aquaculture activities, particularly in areas where farms are concentrated, may have the potential to adversely affect recreation, amenity, natural character and ecological values of the coastal marine area.

22.3 OBJECTIVE

- 22.3.1 To provide for appropriate aquaculture in the coastal marine area while avoiding, remedying, or mitigating adverse effects on the coastal environment.

22.4 POLICIES

- 22.4.1 Aquaculture shall be avoided where it will modify, damage, or destroy:
- a any Coastal Protection Area 1 identified on the Plan maps; or
 - b any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.
- 22.4.2 The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any aquaculture proposal.

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22.4.3 Notwithstanding Policy 22.4.2 conventional oyster and mussel farming is considered appropriate where the farm:

- a is subject to a current lease or licence under the Marine Farming Act 1971; and
- b has been established in accordance with the lease or licence; and
- c complies with all the terms and conditions of the lease or licence.

(NB: This policy gives particular recognition to existing lawful farms which may seek a coastal permit rather than apply for an extension of term to their lease or licence.)

22.4.4 Aquaculture shall generally be considered inappropriate where it is proposed to be located within;

- a significant mooring and anchorage areas or in the recognised routes of travel, or navigation channels which are used to access these areas; and
- b areas which have a high recreational use and amenity value; and
- c areas which will interfere with public access particularly to highly used areas.

22.4.5 Any applicant for a coastal permit for aquaculture shall be required to demonstrate that any associated land-based activities which are to be located in the coastal environment, (including access from the water to the land, processing facilities, and waste disposal, including shell) are permitted by the relevant district plan, or the necessary resource consent applications have been sought or obtained.

22.4.6 Any proposal to farm Pacific Oysters shall demonstrate as far as practicable that the farming operation will not initiate, or exacerbate any existing problems, with their uncontrolled colonisation of surrounding natural areas.

22.4.7 A precautionary approach shall be taken in the assessment and management of aquaculture which proposes using species or techniques of cultivation which have not been tried in the Region previously, and where any actual or potential effects are not fully known.

22.4.8 The use of vehicles along the foreshore as the means of attaining access to an area used for aquaculture, shall be considered inappropriate unless it can be demonstrated that there are no land or water based alternatives, and that the adverse effects are minor and temporary.

22.4.9 Any discharges to the coastal marine area associated with aquaculture, including waste or wash water, shall ensure after reasonable mixing that the following adverse effects, are avoided as far as practicable:

- a the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and
 - b any conspicuous change in the colour or visual clarity of the receiving water; and
 - c any emission of objectionable odour; and
 - d any significant adverse effects on aquatic life.
- 22.4.10 The disposal of shell, racks, or other material associated with aquaculture in the coastal marine area shall be avoided.
- 22.4.11 Aquaculture activities should generally be consolidated within parts of the coastal marine area, particularly in areas where aquaculture activities are established, unless the number of farms or activities located within an area will result in an adverse cumulative effect.
- 22.4.12 Notwithstanding Policy 21.4.11, new aquaculture or significant expansion of existing aquaculture shall be considered inappropriate in the Mahurangi Harbour.
- 22.4.13 In assessing the cumulative effects of aquaculture proposals, regard shall be had to:
- a the actual or potential effects from existing areas leased or licensed under the Marine Farming Act 1971, regardless of whether these areas have been developed or not, in addition to other development or use of the coastal marine area; and
 - b whether the cumulative visual impacts from the aquaculture proposal are less, by concentrating development in the same locality as other aquaculture developments rather than having a number of farms scattered throughout a locality or the coastal marine area.
 - c whether the actual or potential cumulative physical and ecological effects of concentrated aquaculture in any one area can be mitigated through alternative methods or locations in the coastal marine area.

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22.5 **RULES**

Limited Discretionary Activities

22.5.1 Conventional oyster or mussel farms holding a current lease or licence which seek a resource consent (rather than an extension of term to their lease or licence under the Marine Farming Act) subject to the following standards and terms:

- a the farm has a current lease or licence under the Marine Farming Act 1971; and
- b the farm is established in accordance with any lease or licence; and
- c the farm complies with all terms and conditions of any lease or licence under the Marine Farming Act at the time of making a resource consent application under the RMA.

22.5.1.1 The ARC will restrict the exercise of its discretion under Rule 22.5.1 to the following matters:

- a the condition and maintenance of any structures; and
- b the effects of sedimentation or accumulation of organic or inorganic matter associated with the farm; and
- c Policies 22.4.5, 22.4.9 and 22.4.10 of this chapter; and
- d navigation and safety matters; and
- e the duration of the consent; and
- f monitoring of the consent.

An application for a resource consent will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA unless, in the opinion of the ARC, there are special circumstances justifying notification.

Discretionary Activities

22.5.2 Aquaculture which is not provided for as a Limited Discretionary Activity and which is not a prohibited activity.

Prohibited Activities

22.5.3 Aquaculture in any Coastal Protection Area 1.

22.5.4 Aquaculture that would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy any site, building, place or area

scheduled for preservation in Cultural Heritage Schedule 1. **22.6 OTHER**

METHODS

- 22.6.1 The ARC will liaise with the Ministry of Fisheries, DOC and the Maritime Safety Authority in respect of farms subject to leases and licences under the Marine Farming Act 1971, and in processing consents for aquaculture.
- 22.6.2 The ARC will liaise with appropriate representatives of shellfishing and fishing industry organisations in respect of aquaculture issues.
- 22.6.3 The ARC will liaise with territorial authorities to facilitate integrated management of aquaculture activities, particularly in terms of access, waste disposal and land based facilities.
- 22.6.4 The ARC will, as needed, conduct recreational boat surveys to establish the intensity and timing of recreational boat use in the Hauraki Gulf, and will monitor the effects of aquaculture on recreational use and navigation, particularly at Great Barrier Island where a number of new marine farms are being established. The ARC may, as necessary, undertake surveys in conjunction with DOC and territorial authorities.
- 22.6.5 The ARC will liaise with the Ministry of Fisheries, the Aquaculture Industry, research institutions, and other regional councils on studies being undertaken, and will undertake research on the effects of aquaculture on the coastal marine area.
- 22.6.6 The ARC will undertake research which can be used as the basis for appropriate provisions to be included in both regional and district plans to avoid, remedy, or mitigate the adverse effects of land use on water quality. This is particularly relevant in areas where aquaculture is an established activity, such as in the Mahurangi Harbour. The ARC will liaise with territorial authorities on the outcomes of any research and the effects of land-based activities on water quality.
- 22.6.7 The ARC will seek the opportunity to comment on applications to the Minister of Fisheries for extensions of term of existing leases and licences granted under the Marine Farming Act 1971. The ARC will generally oppose the extension of term of leases or licenses where:
- a the leased or licensed site has not been developed within 2 years of the lease or licence being granted; or
 - b substantial progress has not been made on developing the farm; or
 - c the farm has been poorly maintained or managed, and is having significant adverse effects on the environment.

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- 22.6.8 Where an aquaculture proposal requires a resource consent for associated activities on land in the coastal environment and a hearing is required, a joint hearing with the appropriate territorial authority will be sought.
- 22.6.9 The ARC will advise the Hydrographic Office of all new aquaculture approved in the coastal marine area.
- 22.6.10 The Maritime Safety Authority will be notified of all new aquaculture applications that are received by the ARC.

22.7 PRINCIPAL REASONS FOR ADOPTING

- 22.7.1 **Objective, Policies 22.4.1, 22.4.2, 22.4.4, 22.4.9, 22.4.10 and Rules 22.5.1 to 22.5.4 and Other Methods 22.6.2, 22.6.5, 22.6.6, 22.6.9 and 22.6.10.**

The location of aquaculture and the associated activities can adversely impact on the coastal environment. Part III: Values of the Plan identifies the key values of the coastal marine area and the most vulnerable and important areas. It is appropriate that aquaculture be avoided where it will adversely impact on key areas, such as Coastal Protection Areas 1 and sites, buildings, places or areas identified in Cultural Heritage Schedule 1. The presence of structures can adversely impact on mooring and anchorage areas, navigation, recreation, natural character, landscape and amenity values. The ARC is required to notify the Maritime Safety Office of all new aquaculture applications and to advise the Hydrographic Office of all approved farms.

Landward activities and use of the coastal marine area may adversely impact on aquaculture, particularly in terms of water quality. It is appropriate that the effects of subdivision, use and development on areas where aquaculture is established be assessed, particularly in terms of maintaining water quality, and that the ARC liaise with territorial authorities on this issue. For these reasons it is appropriate for the Plan to contain objectives, policies and rules which enable the effects of proposed aquaculture to be assessed.

- 22.7.2 **Objective, Policy 22.4.3, Rule 22.5.1 and Other Methods 22.6.1 and 22.6.7**

Aquaculture is an established activity in the coastal marine area of the Auckland Region and it is appropriate that the Plan recognise this.

All but two of the conventional oyster and mussel farms in the Auckland Region have been established under a lease or licence under the Marine Farming Act 1971. While extensions of the term of existing leases and licences can be applied for under the Marine Farming Act, it is appropriate that recognition and specific provision be made for appropriately established and managed farms, in terms of the RMA. It is also appropriate that the social and economic importance of established aquaculture be recognised.

Extensions to the term of a lease or licence for a marine farm established under the Marine Farming Act are required to meet certain conditions. These include ensuring that the area has in fact been developed and is being managed in accordance with the conditions of the lease or licence. This requirement is considered to be in the interest of other potential users of an area and the sustainable management of the coastal marine area.

22.7.3 Objective, Policy 22.4.5 and Other Methods 22.6.3, 22.6.4 and 22.6.8

Aquaculture activities require access from land to the coastal marine area, and often establish washing and processing facilities on the adjoining landward area. These activities may involve the use of public boat ramps or landing areas, require buildings and facilities adjoining the coastal marine area and discharges into the coastal marine area from processing activities.

It is therefore appropriate for an integrated approach to be taken with the adjoining territorial authority and for all the impacts to be assessed in a comprehensive manner.

22.7.4 Policies 22.4.6 and 22.4.7, Rules 22.5.2 to 22.5.4 and Other Method 22.6.6

Pacific Oysters are having an adverse effect on the natural and amenity values of the Manukau Harbour and other parts of the coastal marine area of the Auckland Region, particularly through its uncontrolled spread and shell build up. For this reason it is appropriate to address the issue of the likely consequential effects of its uncontrolled spread on surrounding natural areas. This is particularly important if this spread could occur into parts of the Region where this species is not already established and in areas that have been identified in the Plan as having high natural values.

The introduction of a farmed species, particularly a species which is not naturally occurring, or has not been previously farmed in the Region, may adversely effect the ecology and natural values of the coastal marine area. New types of farming which have not previously been undertaken in the Region may also have different, and possibly adverse impacts.

To ensure that the above matters are addressed it is appropriate that the Plan contain an objective and policies which require any actual or potential adverse effects of these activities to be assessed. A precautionary approach should be taken where these effects are not fully known or understood, and where there is a high potential risk of significant adverse effects.

22.7.5 Policies 22.4.11 to 13, Rule 22.5.2 and Other Methods 22.6.3, 22.6.5 and 22.6.7

The concentration of aquaculture in parts of the coastal marine area may result in lesser impacts on the values of other parts. However at the same time the cumulative effects of aquaculture can have adverse effects. It is

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appropriate that the Plan contain a policy which enables any positive or adverse effects of aquaculture to be assessed.

The Mahurangi Harbour has a large area covered by aquaculture, established under the Marine Farming Act 1971. It is generally recognised that the Harbour is “fully developed” in terms of the Gazette Notice provision that applies to the Harbour, and in terms of the level of aquaculture that it can sustainably manage. In addition the Mahurangi Harbour has a range of values which are recognised by its Coastal Protection Area 2 status. It is also significantly used as a recreational area. At the same time it is recognised that existing farms may seek minor changes or extensions to their farmed areas, and this may be appropriate.

For the reasons discussed it is appropriate that the Plan indicate that new farms, or the significant expansion of existing farms in the Mahurangi Harbour is generally considered to be inappropriate.

22.8 ANTICIPATED ENVIRONMENTAL RESULTS

- 22.8.1 The development of appropriate aquaculture to provide sustainable social and economic benefits to the Auckland Region.
- 22.8.2 The continuation of appropriate conventional oyster and mussel farming in the Auckland region.
- 22.8.3 The establishment of aquaculture in locations, and with methods, that do not adversely impact on the natural and physical resources of the coastal marine area.
- 22.8.4 The establishment of aquaculture in locations, and with methods, that ensure the preservation of the natural character, and the maintenance of the landscape, navigation, recreation and amenity values of the coastal environment.