

## Policy nod given to marine aquaculture as an important component of New Zealand's primary sector

**The Minister for the Environment and the Minister of Fisheries have formally announced that Cabinet has approved the final policy provisions of the National Environmental Standard for Marine Aquaculture (NES) issued under the Resource Management Act 1991 relating to the replacement consenting process for existing marine farms, and on-farm biosecurity management for all marine farms.**

The proposed NES is consistent with the Government's priority goal to recognise the potential contribution of aquaculture to regional economic growth, while ensuring management within environmental limits.

Regulations will now be drafted by Parliamentary Counsel Office and are likely to be Gazetted in early 2020.

### Recommendations

The NES will:

- Make applications for replacement consents for existing marine farms a restricted discretionary activity, including opportunities for small-scale realignments and changes in approved species, provided the area has not been identified as inappropriate for aquaculture in a regional coastal plan.
- Clearly specify matters of discretion which councils would consider when determining whether to grant or decline a replacement consent application. These matters of discretion address the key environmental effects of aquaculture, and encompass ecological effects determined through an extensive scientific literature review of the effects of aquaculture.
- Preclude public or limited notification for most replacement consent applications, except to affected tangata whenua and where special circumstances and other RMA notification exceptions apply (sections 95A and 95B). Councils would follow the normal statutory tests under the RMA to determine whether to notify replacement consent applications that include realignment, species changes that require changes in structures (beyond subsurface structures) and/or involve finfish, and any applications in areas that the councils have determined to be inappropriate for aquaculture (if applications are allowed at all in that area).
- Require pre-application consultation by the applicant to identify and consider tangata whenua values in deciding replacement consent applications. Where this consultation does not occur, a broader matter of discretion on tangata whenua values would apply and limited notification would not be precluded, so that iwi could submit on the application.
- Clarify that consideration of the effects of an existing marine farm on an outstanding area is limited to

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farms that are partially or fully within an outstanding area.

- Enable, as part of a replacement consent application, a change to the location of an existing marine farm by up to one third of the farm area to address adverse environmental effects associated with the existing location. Farms larger than 10 hectares and those that use supplementary feeding would not qualify for this provision.
  - Enable, as a part of a replacement consent application for an existing marine farm, the ability to change the species farmed. Four categories of species changes would be recognised, with specific matters of discretion to manage the effects created by the species to be added or any changes to farm structures, and appropriate notification requirements for each type of species change.
  - Allow councils, through their regional coastal plans to set activity status for consent applications for existing marine farms that are more lenient than the proposed standard.
  - In areas where, after 1 January 2019, regional councils have determined that aquaculture is inappropriate through their regional coastal plan, set a discretionary activity status for replacement consent applications and allow councils to set an activity status that is more stringent.
- Require that regional councils only grant a resource consent for a marine farm (whether an existing farm or a new application) where a biosecurity management plan has been lodged and assessed by the regional council as meeting the criteria specified in an externally referenced document which will be developed by Fisheries New Zealand.
  - For existing consents that do not expire before 31 January 2025, require councils to review the consent before that date to implement a biosecurity management plan.
  - The replacement consenting, realignment and change of species provisions will not apply to marine farms in Wainui Bay and the Tasman Aquaculture Management Areas in the Tasman District, or the Wilson Bay Marine Farming Zone in the Waikato Region.

An initial review of the effectiveness of the regulations and their implementation is proposed after 3 years, with a second wider review to evaluate the effectiveness of the regulations after 8 years.

Our June 2017 article on the proposed Aquaculture reforms can be found at this [link](#).

### Want to know more?

If you have questions about how the proposed NES may affect you, contact our specialist [Environment, Planning and Natural Resources Team](#).