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Aquaculture Submissions

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Submission on behalf of an organization

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Submission in response to the Technical Advisory Group Review

OVERVIEW

The Port FitzRoy Protection Society (PFPS) has major concerns with many of the proposals in the Technical Advisory Group's (TAG) Review.

- Rapid growth towards a billion \$ industry is not going to be achieved by stimulating demand and reducing controls on inshore marine farming.
- In considering potential large new AMA's the Auckland Regional Council has determined that offshore farming sites are preferable to near shore for the purposes of protecting public access and other important competing uses and values in the Coastal Marine Area. This increases the scale and makes more economic sense than smaller farms located in popular anchorages.
- What research has been undertaken to establish that the demand exists for a billion \$ industry and how is it broken down in type and species? Surely this is elementary before any change in regulations is promulgated as what is necessary for one type of aquaculture may not be acceptable for another?
- Many of the TAG proposals are radical and go beyond the situation that existed before the moratorium was instituted which will again create the race for space that characterised the period to the detriment of the environment and local communities.

- There is no mention of consultation with non-commercial, environmental, recreational fishing and boating interests or local communities. These interests must be recognised and accorded the same status as the other stake holders.
- The TAG Review is an over-reaction to the delays encountered in establishing the Aquaculture Management Areas (AMA). “Using a sledge hammer to crack a nut.” Government bureaucracy has caused the problem in the first place by delaying legislation on the moratorium till 2004 and then promulgating the review when the Regional Councils were trying to build the results of the 2004 legislation into their Coastal Plans.
- Enabling aquaculture to develop in and outside Aquaculture Zones beyond existing and agreed AMA’s is unacceptable for other marine space users and those with an interest in the environmental effects of intensive inshore aquaculture farming.
- Addressing the needs of existing marine users ought to be a priority before any reforms are made and occupational rights are given away. There is already high demand, particularly adjacent to densely populated areas, for access to sheltered bays and inlets for recreational use and anchorages.
- Privatisation of our coastline will occur by redefining coastal areas and existing Aquaculture Management areas as Aquaculture Zones without meaningful input and participation by those who will be affected and excluded. Privatisation of our coastline is unacceptable.
- It is the ‘Clean and Green’ NZ image that supports land based tourism. It is the same uncluttered pristine nature of our coastlines that supports a billion \$ boatbuilding and servicing industry.

Chapter 1: Active role of Government

While it makes administrative sense to have a single Minister and agency responsible for aquaculture giving that Minister the ability to override a decision against aquaculture farming in an area by inserting appropriate provisions in RMA plans where “*there is a national interest in doing so*” sets a dangerous precedent. While there would be a requirement to consult there would be no appeal rights, except to the Regulation Review Select Committee. [Ch1.5; p19]

It is unrealistic to expect the Aquaculture Agency to perform the dual roles of promoting marine farming while being the ‘watchdog’. [Ch1.3; p17] Like “setting foxes to guard the chickens”.

If there is to be a minister responsible for (commercial) aquaculture there needs to be a minister responsible for non-commercial interests.

It is suggested that the industry will be supporting the Agency via a modest annual levy (TAG recommends \$100 to \$200 per hectare). The Agency, process and priorities need to be protected from undue influence by the annual levy payers.

Those who pay levies have a major influence on management outcomes of the current fisheries management regime.

Chapter 2: Resetting Aquaculture Planning

TAG recommends removing the prohibition on aquaculture outside AMA's. The PFPS rejects any suggestion to develop aquaculture outside the existing and proposed AMA's because of the adverse effects on non-commercial, environmental and fishing interests.

The PFPS fought a 6 year battle to prevent an additional mussel farm (to the 6 already in place) taking up a storm secure anchorage in Port FitzRoy. The other nine applications missed the cut off before the moratorium which would have resulted in eliminating Port FitzRoy as a safe destination to the boating public on the outer edge of the Hauraki Gulf.

This is an abhorrent recommendation that could result in marine farms filling up all sheltered anchorages in the Hauraki Gulf thereby precluding those destinations to the boating public.

The TAG team is concerned that aquaculture planning occurs in a timely manner and produces ***“high quality plans which are supported by local communities”***, however, the proposal to enable aquaculture development outside AMAs could lead to an unsatisfactory decision being made to approve a marine farm ‘in the national interest’ that **overrides the aspirations of the local community**.

The TAG proposal makes no reference to the Hauraki Gulf Marine Park Act 2000. The existing marine farms and proposed AMA's (notified but not heard variation to the Coastal Plan) in the Hauraki Gulf should remain with no additions.

This proposal takes us back to the days before the moratorium when a ‘free for all’ existed and there were applications for ten additional mussel farms in Port FitzRoy.

Coastal marine space is common property and we cannot expect the New Zealand public to forego their traditional access and navigation rights so that aquaculture farmers can exploit the natural waterways for their private benefit.

Chapter 3: Enhancing consents for Aquaculture

The PFPS maintains that Aquaculture outside existing marine farms and AMA's should remain a prohibited activity particularly in the Hauraki Gulf.

We recommend that existing prohibitions on aquaculture in the Auckland Regional Council plans carry over without needing to be justified under s32 of the Resource Management Act 1991 (variation2 to the chapter has not gone to a hearing yet), aside from those which have evolved from the moratorium.

Rampant development of coastal areas has failed to give adequate protection to both the environment and community's aspirations. AMAs and the prohibition clauses are positive outcomes derived from public dissatisfaction.

The Coastal Policy Statement currently places heavy emphasis on public access and is one of the strongest weapons against marine farms and moorings in protected anchorages.

Notwithstanding the need for an independent appeals process, the consenting authority, such as **a local Council, ought to have the ability to prohibit marine farms within their jurisdiction**, to satisfy local aspirations. This process will be made more complex if the responsible Minister is also given the ability to step in and change regional plans to enable the development of aquaculture in particular areas.

The proposed changes to the Environment Court appeal process are fraught with difficulties, particularly for non-commercial environmental and fishing interests.

The subjective nature of determining what new evidence is allowed to be presented to the Environment Court, based on what was, or was not, available prior to the consenting authority hearing, raises serious issues. [Ch3.5.2; p37]

Also, given the resources required, legal action is not taken lightly by non-commercial environmental or fishing interests, yet recourse to the Environment Court needs to remain open to ensure a balanced and robust outcome.

Limiting new evidence to parties who did not participate in the earlier consent hearing is also a constraint for non-commercial environmental and fishing interests. [Ch3.5.2; p37]

Recognition needs to be given to the non-commercial sector's reliance on a limited pool of resources and people who have genuine concerns and who are both capable of and available, to participate in such processes.

Chapter 4: Allocating space for Aquaculture

The TAG tendering process has merit, given that Councils are familiar with tendering regimes, and it would go some way to addressing the 'race for space'.

Successful tenderers would be authorized to apply for resource consent in a nominated area. While the TAG report notes that these authorizations are transferable, there are no details as to what this means, more details are required before an informed comment can be made. [Ch4.2; p39]

Chapter 5: Cost recovery and charges

The PFPS does not support the TAG recommendation to amend s64A of the RMA so that coastal occupation charges no longer apply to marine farmers.

An Aquaculture Fund paid for by the industry is fine but the occupational charges should remain as it is inequitable that non commercial users pay occupation charges when commercial users occupying public space for private gain do not!

Chapter 6: Streamlining the inter face between aquaculture and fishing

The Resource Management Act obliges Councils to avoid, remedy or mitigate adverse effects associated with aquaculture, even if those effects do not surpass the Undue Adverse Effects threshold. [Ch6.1; p45]

Consideration of aquaculture activity around Auckland will require decision makers to take into account sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000.

The proposed pre negotiation process between an aquaculture developer and commercial fishing interest excludes non commercial interests and if the parties are one and the same or interrelated there is the opportunity to monopolize marine space as opposed to developing aquaculture. This scenario is quite likely and the outcome could be detrimental to non commercial interests.

Strong representation of non commercial interests is necessary to ensure a balanced outcome, ongoing access and protection of the marine environment.

Chapter 8: Transition arrangements

The PFPS recommends that all pre moratorium applications be extinguished or remain frozen. Applicants should have to reapply under any new regime.

The PFPS recommends that the Hauraki Gulf be removed from any changes to current legislation and limit future aquaculture within the Hauraki Gulf to the continuation of any existing farms and no new space given the importance of the area to competing uses and values.

The PFPS appreciates the opportunity to make a submission on the aquaculture Technical Advisory Group report and recommendations. We wish to be kept informed of future developments.

Tony Bouzaid
On behalf of the PFPS