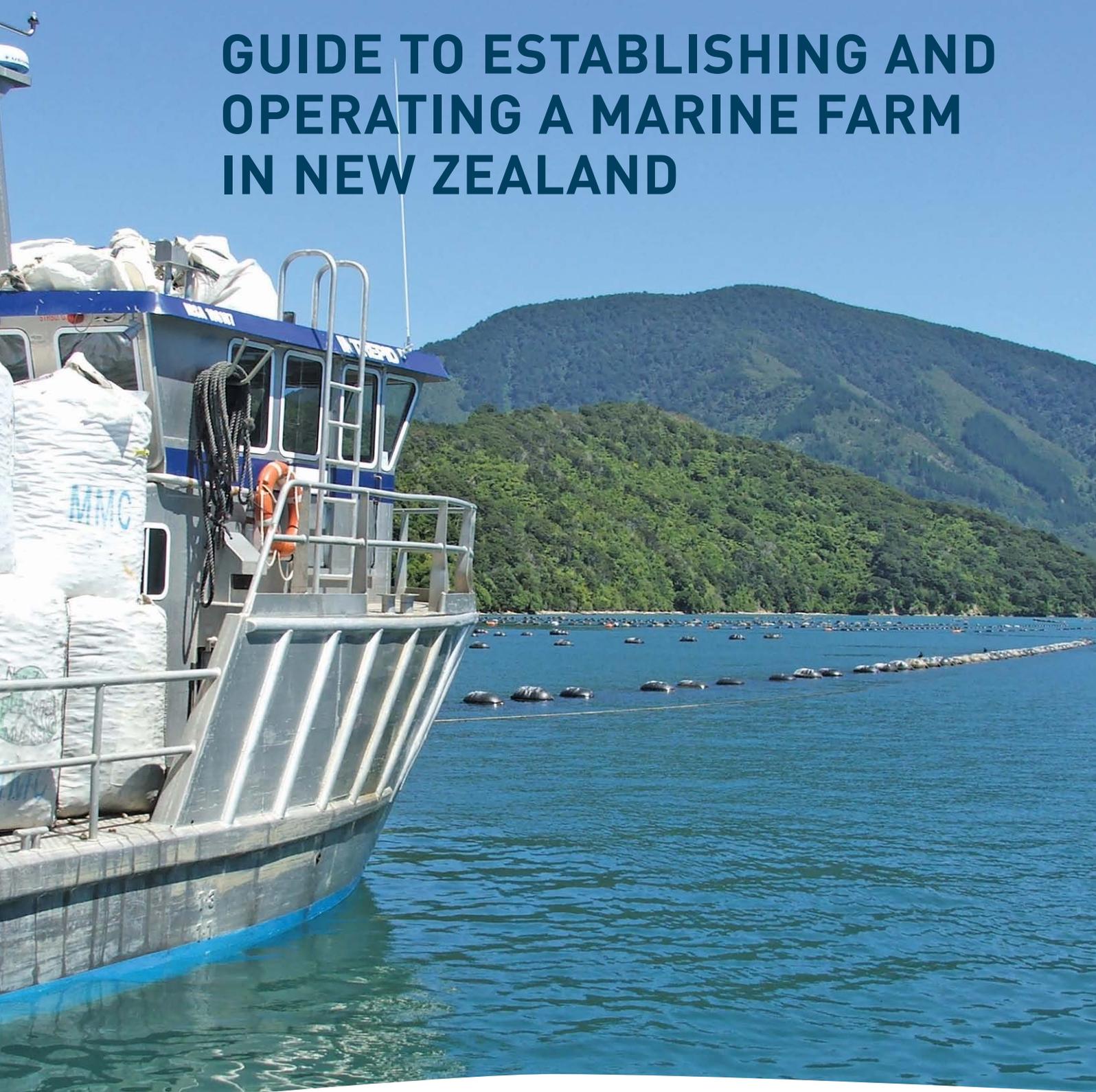




GUIDE TO ESTABLISHING AND OPERATING A MARINE FARM IN NEW ZEALAND



Publisher

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Disclaimer

This guide has been developed by the New Zealand government to help marine farmers know where to go for information regarding the setting up and operating of a marine farm. If you are interested in setting up a marine farm we recommend you contact the appropriate regional council and/or the MPI Aquaculture Unit for help, as well as seeking assistance from your legal advisor.

The information in this publication is not government policy. While every effort has been made to ensure the information is accurate, the Ministry for Primary Industries does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information. Any view or opinion expressed does not necessarily represent the view of the Ministry for Primary Industries.

Front cover image: Phil Kirk (MPI)

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1 APPLYING FOR A NEW MARINE FARM

The Resource Management Act 1991 (RMA) is the primary legislation which governs the establishment of marine farms. Any person wishing to establish a marine farm must apply and obtain a resource consent from the appropriate regional council or unitary authority, in addition to passing the subsequent undue adverse effects on fishing test undertaken by the Ministry for Primary Industries (MPI). They must also register as a marine farmer with MPI's Fish Farmer Register.

1.1 RESOURCE CONSENT PROCESS

The RMA aims to promote the sustainable management of the natural and physical resources of our environment. Under the RMA, New Zealand's regional councils and unitary authorities are responsible for managing marine farms within their coastal marine area – the zone between the line of highest tide water mark and the 12 nautical mile limit.

A resource consent is required for any new marine farm. Applications for resource consent for marine farms can be made in all regions, subject to the provisions of the relevant regional coastal plan.

You will need to contact your regional council or unitary authority to apply for a resource consent. As part of the application process, you will need to find out from your council what type of consultation is appropriate, what information will be required, what application forms you will need to complete, and whether there are any application fees.

It is important for applicants to work with any affected parties as soon as possible in the resource consent process. This important step may save you time and money. Affected parties could include: local iwi; neighbours; interest groups (for example, environmental groups; boating clubs; and commercial, customary, or recreational fishers); the Department of Conservation; and regional, district, or city councils.

To assist with assessing the effects of aquaculture on fisheries resources, the government has developed *A Guide to Assessing the Effects of Aquaculture Activities on Fisheries Resources*. The guide is available at www.fish.govt.nz under Commercial – Aquaculture. To help with aquaculture and other coastal planning, maps of commercial inshore fishing activity are also available at www.fish.govt.nz under Commercial – About the Fishing Industry – Maps of Commercial Inshore Fishing Activity.

1.2 UNDUE ADVERSE EFFECTS TEST

Once a consent has been granted by the relevant regional council or unitary authority, the council or unitary authority requests an “aquaculture decision” from the Director-General of MPI. For the aquaculture decision, MPI will assess whether the proposed aquaculture activity will have an undue adverse effect on recreational, customary, or commercial fishing because it restricts access to or displaces fishing. The process for assessing those effects is known as the undue adverse effects on fishing test (UAE test).

An aquaculture activity can proceed if the UAE test finds that there would not be an undue adverse effect on fishing.

If the UAE test 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. Alternatively, the matter can be referred to an independent arbitrator to determine the level of compensation to quota owners.

An aquaculture activity cannot proceed if the UAE test finds that there would be an undue adverse effect on recreational or customary fishing, or commercial fishing for species that are not part of the QMS.

There is a \$2008.20 fee charged for an aquaculture decision. The fee covers 15 hours of MPI's work associated with the coastal permit application. If the work takes more than 15 hours, the additional work is charged at the hourly rate of \$133.88. If the work takes less than 15 hours, MPI discounts the fee or time covered by the fee but not used.

Further information on the integration of the UAE test with the resource consent process is available at www.fish.govt.nz or by contacting the Spatial Allocations Team at MPI.

1.3 FISH FARMER REGISTRATION

Everyone carrying out the activity of fish farming must be registered on the Fish Farmer Register. The register is managed by FishServe, on behalf of MPI.

An application for registration (or a variation) of a fish farmer's registration must be completed by the person operating the marine farm and returned to FishServe. An application for registration or a variation of a fish farmer's registration can be obtained online at www.fishserve.co.nz or by contacting FishServe by phone on (04) 460 9555.

In general, along with the applications you will also need to supply the following when registering:

- a copy of the resource consent issued under the RMA that relates to the site and the species applied for in the application; and
- if the consent is not in the name of the applicant, proof that the applicant has the permission of the consent holder.

An application must also be completed when the following changes are made to a registration:

1. changes in the number of sites farmed (for example, you have commenced farming on a site not currently noted on the register against your name);
2. changes in the number of sites farmed (for example, you have ceased farming on a site currently noted on the register against your name);
3. changes in the species authorised to be farmed on the site (for example, there has been a change in the species listed on the resource consent);
4. changes in the area farmed on a site (for example, for those persons who farm part of the area covered by the resource consent); or
5. the consent covering a site is renewed.

Annual update

Each year FishServe will send out to each registered fish farmer an annual update form that is required to be completed and returned as soon as possible.

A copy of the Fish Farmer Register can be obtained from FishServe.

1.4 EXPERIMENTAL AQUACULTURE

Experimental aquaculture is aquaculture that has research and innovation as its primary purpose. It is non-commercial and does not include aquaculture which involves farming or harvesting at a commercial scale. The nature of experimental aquaculture means that in some situations the effects are unknown because the activity has not previously been undertaken in the particular environment.

The consent process under the RMA provides flexibility to assess the environmental effects of an activity according to the proposed scale of an activity. This could potentially include providing for experimental aquaculture as a controlled or restricted discretionary activity in a regional coastal plan, thus reducing the scope of assessment required. As such, the environmental effects of experimental aquaculture, which is often small scale and/or short-term, can be appropriately assessed within the existing RMA framework.

As with all aquaculture activities within the coastal marine area, experimental aquaculture cannot be provided for as a permitted activity in a regional coastal plan. This is to ensure that a UAE test is undertaken by MPI. While experimental aquaculture is often small scale and/or short-term, it is important that it is still subject to a UAE test to ensure that the rights of fishers (be they recreational, customary or commercial) are not adversely affected in an undue manner.

For further information on experimental aquaculture in your region contact your regional council.

1.5 ROLE OF THE AQUACULTURE UNIT

In 2010 the Government established the Aquaculture Unit, a business unit of MPI, to act as the Government's main advisor on aquaculture. The Aquaculture Unit works with the aquaculture industry, iwi, local government and other central government agencies to develop aquaculture in New Zealand.

Much of the Aquaculture Unit's work is based on delivering the Government's Aquaculture Strategy and Five-year Action Plan that was adopted in 2012. The strategy and action plan establishes a whole-of-government pathway to enable the aquaculture sector to grow.

To learn more about the Aquaculture Unit visit www.fish.govt.nz under Commercial – Aquaculture.

2 GOVERNMENT'S IWI SETTLEMENT OBLIGATIONS

The Māori Commercial Aquaculture Claims Settlement Act 2004 (Settlement Act) can provide iwi with access to aquaculture space to develop their marine farming interest.

The settlement requires the government to provide Iwi Aquaculture Organisations with settlement assets that are representative of 20 percent of all new aquaculture space.

This can be done by several different methods, including entering into one or more regional

agreements, the provision of authorisations to apply to occupy space in the coastal marine area for the purpose of aquaculture activities, and payment of a financial equivalent to that space.

The government is committed to enabling the settlement and is working towards this with Te Ohu Kaimoana, Iwi Aquaculture Organisations, local government and the industry.

For further information visit the Māori section – Aquaculture at www.fish.govt.nz.

3 SETTING UP MARINE FARM STRUCTURES

Just like any other business, you will need to ensure that you are complying with all codes and regulations when building new structures or modifying existing structures on your marine farm. Resource consents generally provide for occupation of the coastal marine area and permission to disturb the seabed.

A resource consent will also stipulate the species that can be farmed, what farming technology must be used, what management plans are required, and what environmental monitoring needs to be undertaken.

3.1 NAVIGATION

Maritime New Zealand has developed guidelines for the aquaculture industry and consent authorities on navigation-related matters. These guidelines cover the lighting and marking of marine farm structures and are available online at www.maritimenz.govt.nz.

Resource consents for marine farms usually include conditions requiring appropriate lighting and marking of structures to ensure navigational safety. Councils will monitor farms for ongoing compliance with navigational safety requirements.

All marine farming vessels need to be in the Safe Ship Management System which is administered by Maritime New Zealand. The system makes ship owners and operators responsible for the daily safe operation of their vessels.

Information about the system is available on the Maritime New Zealand website.

3.2 COMPLYING WITH THE BUILDING CODE AND REGULATIONS

Many marine farm structures fall under the jurisdiction of the Building Act 2004. Local authorities implement many of the functions under the Act, including issuing building consents.

Aside from onshore facilities, such as warehouses, processing plants, equipment stores, workshops, living quarters, and offices, there are also some structures in the water that may need to comply with the Building Act and Building Code.

You can learn more about the Building Act, the Building Code, and related information on the Ministry of Business, Innovation and Employment's building and housing web pages at www.dbh.govt.nz.

4 FOOD SAFETY REGULATIONS FOR AQUACULTURE PRODUCTS

All commercially produced food products must comply with New Zealand's food safety legislation and, if being exported, with any overseas requirements for processing, packing, and labelling.

Finfish and bivalve shellfish have slightly different food safety requirements. This is due to the filter-feeding behaviour of bivalve species (for example, mussels and oysters) which may result in the concentration of any microbial, chemical or marine biotoxin contaminants present in the water. Many shellfish are eaten without removing the gut and often in a raw state so the food regulations require that they be harvested from clean and safe waters.

4.1 SHELLFISH

New Zealand's mandatory shellfish food safety programme is based on international best practice, but has been adapted to take into account our unique environment and aquaculture practices.

The programme is managed by MPI with the co-operation of their public health agents in district health boards and the shellfish industry.

For full details of this programme, refer to Animal Products (Regulated Control Scheme – Bivalve Molluscan Shellfish) Regulations 2006 and the Animal Products (Specifications for Bivalve Molluscan Shellfish) Notice 2006. These are both available on the MPI website (www.foodsafety.govt.nz/industry/sectors/seafood). MPI also maintains a list of shellfish growing areas classified for harvest for human consumption in New Zealand.

The programme requires that all farms are registered and classified using a system which assesses the public health risk of pollution from humans, animals and birds. Areas that are likely to have high pollution problems are classified as "Prohibited".

Most areas in New Zealand are classified as "Conditionally Approved". This means that they can be harvested safely at most times, but there are short-term closures after environmental events, such as heavy storms, that will cause the water quality to drop below regulatory standards.

Rainfall is monitored as it usually results in land run-off and an increase in bacterial activity in the seawater. Each water quality management area will have site-specific criterion which closes the farms to harvesting for a few days allowing the water to flow clean again and to allow the shellfish to purge any pollutants.

Once an area is classified and registered by MPI, there are regular monitoring requirements to verify that product harvested from the area meets food safety standards. To accomplish this, samples of water and shellfish will be taken regularly to check for microbial, chemical, phytoplankton, and marine biotoxin levels.

4.2 FINFISH

As finfish do not pose the same level of food safety risk as shellfish, there are less regulatory requirements.

It is possible, however, that MPI will require occasional fish samples for measuring levels of heavy metals and other chemical residues in order to comply with international standards. Testing samples may also be required to demonstrate the absence of specific diseases for trade purposes.

4.3 PROCESSING SEAFOOD

Shellfish, finfish, and any other aquaculture products that may be commercially harvested for food, such as seaweed species, must be processed in a processing environment that meets MPI's strict hygiene standards. All processing operations must be registered and are regularly audited by MPI officials or their local agents in territorial authorities. Beyond this, companies should routinely take microbiological samples and are required to keep records of their quality assurance programmes.

Companies producing ready-to-eat products, such as smoked seafood, must also have microbiological programmes that monitor their premises and products for *Listeria monocytogenes*.

4.4 FOR MORE INFORMATION

To learn more about New Zealand's overall food safety programme go to MPI's food safety website

www.foodsafety.govt.nz.

You may also want to contact your district health board public health unit.

For additional information on shellfish quality programmes contact the following industry representatives:

- **National:** Aquaculture New Zealand at (03) 548 8944 or www.aquaculture.org.nz.
- **Marlborough region:** Marlborough Shellfish Quality Programme at (03) 578 5048 or msqp@xtra.co.nz.

5 EXTERNAL SOURCES OF WATER POLLUTION

In some areas, water quality can be a concern for marine farmers and pinpointing the exact cause of the pollution is often a challenge.

Human-induced pollution can occur:

- from land-based activities, for example, agricultural run-off, accelerated erosion, urban stormwater run-off and poorly maintained septic tanks; or
- from water-based activities, for example, boating, swimming and oil spills.

At other times, water quality may be affected by natural occurrences, for example, coastal upwellings, algal blooms or bird droppings.

Regional councils and unitary authorities are also responsible for administering the Resource Management (Marine Pollution) Regulations 1998. The regulations include rules on dumping, incineration, and control of discharges from vessels. In 2002, an amendment to the regulations was passed to increase the protection for marine farms, customary fishing reserves, and marine reserves from sewage discharges from boats. The regulations now provide for

two standards of treated sewage for boats, Grade A and Grade B onboard sewage treatment systems.

If you have any concerns about water pollution or want to learn more about water quality programmes contact your regional council or unitary authority.

5.1 MARINE OIL SPILLS

For marine oil spills, New Zealand has adopted a three-tiered approach:

1. Individual sites and vessels from which a spill of oil is possible are responsible for responding to a spill on their site.
2. Regional councils, led by regional on-scene commanders trained by Maritime New Zealand, respond to marine oil spills within their regions that exceed the clean-up capability of Tier 1.
3. Maritime New Zealand manages the response, when, due to size, cost or environmental impact, responding to a spill exceeds the capacity of the resources available at both Tier 1 and Tier 2.

6 BIOSECURITY

Good biosecurity practice is vital to successful marine farming. Introduced marine diseases and pests pose significant threats to the industry, as do opportunistic pathogens that are exacerbated by changing environmental conditions or inadequate farming practice (for example, high stocking densities).

Like coastal shipping and recreational boating activities, the movement of marine farming vessels, gear, stock, and spat around New Zealand can potentially spread marine diseases and pests. Many biofouling species, for example, barnacles, mussels, starfish, and sea squirts, thrive on artificial structures. There is potential for these organisms – some of which are pests – to establish in such places and subsequently spread into the surrounding environment.

To prevent the spread of potentially damaging marine diseases and pests it is important to:

- ensure that farmed stock comes from a healthy source;
- ensure that farm vessel hulls, infrastructure and equipment are kept clean and free of fouling; and
- maintain good on-farm biosecurity (for example, cleaning and disinfection protocols).

There are also some basic actions that marine farmers can take to help reduce biosecurity risk:

- monitor stock and early detection of pests and unusual stock illness and mortalities;
- early notification of any concerns to MPI on **0800 80 96 66**;
- avoid transferring potential pest species around New Zealand;
- collation of good information on movement of stock and equipment; and
- good record keeping (this will assist in any biosecurity response).

The earlier a disease outbreak, potential marine pest or species of concern is reported to MPI, the greater the chance that effective action can be taken. MPI's 24-hour Disease and Pest Hotline is **0800 80 99 66** and any reported concerns will be promptly investigated.

Good information on stock and equipment movement is important in the event of a disease outbreak or pest incursion in order to determine possible pathways of spread and contain the issue to minimise economic and environmental impacts for New Zealand.

Aquaculture Readiness Data project

Having quality information about individual farms and aquaculture facilities easily accessible in case of a biosecurity investigation and response is a crucial part of industry best practice. This information should include the location of animals on farms, any transfers or movements, and production and processing activities.

During 2010/11, MPI conducted a project to determine the aquaculture industry's readiness for collecting and using data – the Aquaculture Readiness Data (ARD) project. The full reports and information sheets on the project are available in the Commercial section – Aquaculture at www.fish.govt.nz.

6.1 BIOSECURITY LEGISLATION

The Biosecurity Act 1993 imposes certain obligations in relation to the early notification of species of concern. These include:

- Section 44 of the Biosecurity Act 1993 imposes a duty on every person to inform MPI of the presence of an organism not normally seen or otherwise detected in New Zealand; and
- Section 46 of the Biosecurity Act 1993 requires every person to promptly notify the chief technical officer of the presence or possible presence of notifiable organisms.

Under the Biosecurity Act 1993, it is illegal to propagate or trade unwanted organisms and pests. It is also important that any imported stock or product complies with New Zealand's importing regulations. A list of unwanted organisms is available online.

To learn more visit the MPI website: www.biosecurity.govt.nz.

6.2 CODES OF PRACTICE

The Greenshell™ mussel, Pacific oyster and king salmon farming industries have developed environmental codes of practice that include best practice ways to minimise the introduction and spread of marine pests. These environmental codes complement existing MPI guidelines. MPI has information for the aquaculture industry in its *Clean Boats – Living Seas Boaties' Guide to Marine Biosecurity* which is available at www.biosecurity.govt.nz/bioseccamp-acts/marine/cleaning.

Information on the surveillance, response and management of unwanted pests and on aquatic

animal diseases diagnostic testing is also available on the MPI website.

6.3 FARMING *UNDARIA*

Undaria pinnatifida (*Undaria*) is a species of kelp that is classified as an unwanted organism under the Biosecurity Act 1993. MPI introduced a revised policy on the commercial use of *Undaria* in 2010 which allows farming in selected heavily infested areas and harvesting in certain circumstances.

To find out more about farming or harvesting *Undaria* refer to MPI's biosecurity website www.biosecurity.govt.nz/pests/undaria.

7 LEVIES AND ADDITIONAL FEES

Under the Commodity Levies Act 1990, all commercial marine farmers pay a levy per tonne of product harvested. The Seafood New Zealand website (www.seafood.co.nz) can provide you with additional information.

There are additional fees and levies that marine farmers should also be aware of including council administration fees, FishServe levies, water quality levies and port charges.

8 SUPPORTING AQUACULTURE

The government is committed to supporting sustainable aquaculture development. As part of that commitment, MPI provides funding through a number of programmes including Primary Growth Partnership, Sustainable Farming Fund, and Aquaculture Planning Fund.

Learn more about what type of support is available to marine farmers in the Commercial section – Aquaculture at www.fish.govt.nz.

9 NATIONAL INDUSTRY ORGANISATIONS

Aquaculture New Zealand (AQNZ) is a levy-funded national organisation that provides a collective overarching representation of the three primary species groups in the aquaculture industry (mussels, salmon and oysters).

The levy-funded Seafood New Zealand also represents the aquaculture industry at the national level. One role of the council is providing programmes through the Seafood Industry Training Organisation (SITO). SITO aims to ensure that both the aquaculture and fishing industry have available the skills and

experience needed in order to compete internationally and meet consumer needs. The council also provides policy advice, communication services, information services and trade services to the aquaculture sector, and represents the aquaculture sector's interests, alongside those of the rest of the seafood industry, to central government.

There are also a number of regional and species-specific organisations. To learn more contact Aquaculture New Zealand on 03 548 8944 or Seafood New Zealand on 04 385 4005.

10 CONTACTS

10.1 REGIONAL COUNCILS AND UNITARY AUTHORITIES

Northland Regional Council
Private Bag 9021
Whangarei 0148
Phone: 09 438 4639 or 0800 002 004
Email: mailroom@nrc.govt.nz
Website: www.nrc.govt.nz

Auckland Council
Private Bag 92300
Auckland 1142
Phone: 09 301 0101
Website: www.aucklandcouncil.govt.nz

Waikato Regional Council
Private Bag 3038
Hamilton 3240
Phone: 07 859 0999
Email: info@waikatoregion.govt.nz
Website: www.waikatoregion.govt.nz

Bay of Plenty Regional Council
PO Box 364
Whakatane 3158
Phone: 0800 884 880
Email: info@boprc.govt.nz
Website: www.boprc.govt.nz

Gisborne District Council
PO Box 747
Gisborne 4010
Phone: 06 867 2049 or 0800 653 800
Email: service@gdc.govt.nz
Website: www.gdc.govt.nz

Hawke's Bay Regional Council
Private Bag 6006
Napier 4142
Phone: 06 835 9200 or 0800 108 838
Email: info@hbrc.govt.nz
Website: www.hbrc.govt.nz

Taranaki Regional Council
Private Bag 713
Stratford 4352
Phone: 06 765 7127
Email: info@trc.govt.nz
Website: www.trc.govt.nz

Horizons Regional Council
Private Bag 11025
Palmerston North 4442
Phone: 06 952 2800 or 0508 800 800
Website: www.horizons.govt.nz

Greater Wellington Regional Council
PO Box 11646
Wellington 6142
Phone: 04 384 5708 or 0800 496 734
Email: info@gw.govt.nz
Website: www.gw.govt.nz

Tasman District Council
Private Bag 4
Richmond 7050
Phone 03 543 8400
Email: info@tasman.govt.nz
Website: www.tasman.govt.nz

Nelson City Council
PO Box 645
Nelson 7040
Phone 03 546 0200
Email: enquiry@ncc.govt.nz
Website: www.ncc.govt.nz

Marlborough District Council
PO Box 443
Blenheim 7240
Phone: 03 520 7400
Email: mdc@marlborough.govt.nz
Website: www.marlborough.govt.nz

West Coast Regional Council
PO Box 66
Greymouth 7840
Phone: 03 768 0466 or 0508 800 118
Email: info@wcrc.govt.nz
Website: www.wcrc.govt.nz

Environment Canterbury
PO Box 345
Christchurch 8140
Phone: 03 353 9007 or 0800 324 636
Email: ecinfo@ecan.govt.nz
Website: www.ecan.govt.nz

Otago Regional Council
Private Bag 1954
Dunedin 9054
Phone 03 474 0827 or 0800 474 082
Email: info@orc.govt.nz
Website: www.orc.govt.nz

Environment Southland
Private Bag 90116
Invercargill 9840
Phone: 03 211 5115 or 0800 76 88 45 (Southland)
Email: service@es.govt.nz
Website: www.es.govt.nz

Chatham Islands Council
PO Box 24
Chatham Islands 8942
Phone: 03 305 0033
Email: info@cic.govt.nz
Website: www.cic.govt.nz

10.2 CENTRAL GOVERNMENT

Aquaculture Unit
MPI
Private Bag 14
Nelson 7042
Phone: 03 548 1069
Email: aquaculture@mpi.govt.nz
Website: www.fish.govt.nz

Spatial Allocations Team
MPI
Private Bag 14
Nelson 7042
Phone: 03 548 1069
Email: UAE@mpi.govt.nz
Website: www.fish.govt.nz

10.3 INDUSTRY

Aquaculture New Zealand
PO Box 5135
Nelson 7043
Phone: 03 548 8944
Email: info@aquaculture.org.nz
Website: www.aquaculture.org.nz

Seafood New Zealand
Private Bag 24901
Wellington 6142
Phone: 04 385 4005
Email: info@seafood.co.nz
Website: www.seafood.co.nz

The Marine Farming Association Inc
PO Box 86
Blenheim 7240
Phone: 03 578 5044
Email: info@marinefarming.co.nz
Website: www.marinefarming.co.nz