

TOPIC – Aquaculture	TRMP Chapter 22
<b>ISSUES</b>	
<p>The chapter is concerned with a number of key issues, including balancing the benefits of aquaculture development with the potential costs, managing demand for space and competing interests in the Coastal Marine Area (CMA), and ensuring natural, ecological, amenity and cultural values are protected. The TRMP aquaculture provisions have been highly influenced by evolving RMA requirements and Court decisions on appeals. The consequence has been the identification of three Aquaculture Management Areas (AMAs) that have been sited to reduce effects on the marine and adjacent coastal environments and, at the same time, provide viable locations for aquaculture activities to be carried out. The TRMP framework encourages a cautious approach; aquaculture activities have been staged to enable the effects to be identified and assessed before more intensive development is allowed.</p> <p>There is one existing “orphan” aquaculture area which is not subject to the main aquaculture framework. This area (Wainui Bay) needs to be consolidated (or not) within the existing aquaculture framework or provided for under a new framework. Monitoring data indicates that the current marine farms are causing no more than minor adverse effects. Effects tend to be localised, variable, and of low concern when considering over the entire coastal area.</p> <p>The provisions in the TRMP were written before the roll out of large-scale aquaculture and the provisions may need to be reviewed to see if they are still fit for purpose and if all the provisions are still relevant. The TRMP prohibits aquaculture outside of AMAs and Wainui Bay.</p>	
<b>MANDATORY STATUTORY REQUIREMENTS</b>	
<p>Since the TRMP was first proposed, there have been a number of substantive changes to the legislation and national guidance regarding aquaculture. These changes include changes to Part 2 of the RMA 1991, the New Zealand Coastal Policy Statement (NZCPS) and the Marine and Coastal Area (Takutai Moana) Act 2011. There have also been a number of Acts introduced since the drafting of the TRMP which are specific to aquaculture.</p> <p>The Acts initially placed a moratorium on aquaculture; required the creation of AMAs for aquaculture and then removed that requirement. These legislative amendments also changed the way in which approval to undertake aquaculture was gained; fisheries permits were replaced with aquaculture determinations. The majority of the legislative changes preceded the final TRMP aquaculture provisions and have been given effect to, however the Maori Commercial Aquaculture Claims Settlement Act 2004 (and Amendment Act 2011) still require 20% of aquaculture space be allocated to iwi to resolve settlement claims. The Act requires TDC to identify appropriate space for allocation, however to date this has been achieved through Iwi - marine farmer agreement.</p> <p>The TRMP is required to be amended to give effect to the policies in the NZCPS, particularly the provisions regarding activities in the coastal environment, strategic planning, aquaculture, preservation of natural character, natural features and natural landscapes and biosecurity provisions. Recent case law has found that regional councils’ authority extends to the control of fishery practices for the purposes of protecting and maintaining indigenous biodiversity. TDC will need to consider if fisheries practices are impacting on indigenous biodiversity in the District.</p> <p>A draft National Environment Standard for Marine Aquaculture is expected to be in force before the end of the year. While the main provisions in the NES regarding coastal permit renewal appear to not affect Tasman, the provisions regarding biosecurity management plans will need to be considered in the review. Recent case law has determined that where plans do not give effect to the NZCPS then increasing reliance should be made on the policy in the NZCPS. The effect of this is that the TRMP is becoming increasingly marginalised for the management of the coast. The Environment Court has also expressed a reluctance for TDC to undertake any further changes to the TRMP until strategic planning for activities like Wainui Bay spat catching farms is completed.</p>	
<b>RECOMMENDATIONS</b>	
<ol style="list-style-type: none"> <li>1. Undertake strategic planning and definition for the coastal environment to provide greater certainty for activities and identify areas where use and development are appropriate.</li> <li>2. Update the Plan to include management of benthic and marine ecosystems.</li> <li>3. Continue to provide for aquaculture activities and review existing provisions against the outcomes from the adaptive management process and contemporary and emerging practice.</li> </ol>	