

LAND-BASED Aquaculture review

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While it's not a segment of the industry that gets much public attention, Land-Based Aquaculture activities are far more extensive, and involve the farming of a far wider range of species than most of New Zealand would be aware.

Although species of aquatic life can only be farmed in land-based facilities if they are listed on a Gazette Notice issued in 2012, there are more than 100 such species and LBA sites dotted over the length and breadth of the country are farming grey mullet, kingfish, grass carp, salmon, perch, eel, koura, paua, clam, malaysian prawn, rock lobster, artemia and goldfish.

As those readers who are involved in LBA will be acutely aware, the present regime – which is both complicated and arcane – is currently the subject of a joint review by the Ministry for Primary Industries and the Department of Conservation.

The current regime for establishing and operating LBA requires permissions under, and compliance with, a large number of statutes and regulations, and these are administered by at least four different regulatory agencies. To start with, a resource consent under the Resource Management Act 1991 and building consent (under the Building Act 2004) will almost invariably be required is required from the relevant territorial authority (district or city council) in order to use land and build or convert buildings associated with the farm.

Further resource consents will be required from regional councils for the take and discharge of freshwater or seawater from natural water sources, unless an operation involves a wholly self-contained water recirculation system.

But that just covers the physical infrastructure of a land-based operation. A fish farm license is also required in order to lawfully farm aquatic life for the purposes of sale. Much of that licensing process mirrors the resource consent application, though is provided for under 30-year-old Fish Farming Regulations 1983, made under Fisheries legislation and administered by MPI. For example, detailed plans must be submitted as part of a license application, showing the location and layout of the farm, intake and outlet structures, water source and flow through the farm – even though such plans will already have been submitted and approved through the resource consent process. A licence granted under the regulations is only transferrable with the consent of the Minister for Primary Industries, and is only valid for a period of 14 years.

Stocking a land-based operation with brood stock and subsequent transfers between the operation and the wild, or between different land-based operations, requires the consent of either or both of MPI and DOC, under either

or both of regulations under the Fisheries Act and the Conservation Act.

So it's no surprise that LBA operators having been for many years crying out for an update and rationalisation of the rules they work under. Such an overhaul appears to have been somewhere on the Government "to do" list since at least 2004, and has finally made it nearer the top of that list, presumably as part of MPI's "Export Double" strategy for assisting industry to double the value of primary sector exports by 2025.


The aim of the joint review is to streamline the responsibilities and roles of local authorities, MPI and DOC and the interaction of the RMA, the Fisheries Act, the Conservation Act and various regulations made under each of them in a way that increases efficiency and effectiveness, and results in a regime that:

- Promotes investment and sector growth.
- Appropriately assesses social, cultural and environmental effects.
- Ensures the sustainability and conservation of freshwater and marine resources.
- Appropriately manages and responds to biosecurity risks
- Ensures clear separation between farmed and wild stock
- Recognises and provides for Treaty settlement obligations.

A couple of "big ticket items" have been ruled out of bounds for the review: amendments to the RMA (although a number of those are already underway as a result of broader reform processes) and the addition of trout to the list of species that may be farmed.

Key changes as a result of the review are likely to include:

- Repeal of Fisheries regulations and abolition of the licensing regime, or at least those aspects of it that duplicate the RMA resource consent process;
- Replacement of the current list of species "permitted for LBA" to a list of species that are prohibited from LBA, thus allowing a greater range of species to be cultivated in LBA operations.
- Practical measures to streamline the overlapping RMA/MPI/DOC processes.

At this stage, MPI and DOC are engaging with industry, iwi, councils and other interested parties. Any changes to legislation or regulations that are recommended will be subjected to broader public consultation in due course. 

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