

14 June 2024

## **Ministry of Primary Industries**

Tēnā koe/koutou

### **Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill**

We have read the proposed Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill.

We understand the reason and intention of the Bill is to provide certainty to existing marine farmers by extending the term of all existing coastal permits for marine farming by up to 20 years but not beyond 2050.

The information supplied by industry and officials indicate that as many as 300 consents are due to be renewed before the end of 2024 and another 150 marine farms will need to be re-consented before 2035.

Through extending these consents the Bill, when passed, will also remove all further costs to re-consenting those farms for up to 20 years. That will enable the farmers to be able to use those resources to re-invest in those farms (including innovation) and invest collaboratively with other industry participants to innovate and address key industry-wide constraints.

Given the Government's intention to make this change, we understand the urgent development and consideration by the Select Committee – delays will only mean that a number of consent holders will be required to spend significant resources to ensure they are able to continue operating until consent renewal is decided. If there are delays in passing the Bill into legislation this year, those resources will be used and not be available for innovation and re-investment in improved equipment.

### **Our Position**

First, we do not oppose the overall reform, but propose that measures in the Bill be further improved.

Second and related to this, we are concerned that the proposals in the Bill will mean that meaningful engagement with iwi over sites of cultural significance will not occur.

We are aware that the approval processes for many marine farms that were undertaken in accordance with the requirements of the legislation at those times often did not engage with iwi / tangata whenua.

PO Box 3277,  
Level 7, 12 Waterloo Quay  
Wellington

P: +64 4 931 9500  
E: [ika@teohu.maori.nz](mailto:ika@teohu.maori.nz)

[teohu.maori.nz](http://teohu.maori.nz)

We note that the short timeframe the Crown has provided for this consultation for both the draft Bill and this Select Committee process has made it difficult to undertake a full analysis of the proposal and consider the positive or negative effects it might have. It has also prevented any substantive dialogue with Iwi Aquaculture Organisations.

We note that this Bill largely replaces the National Environmental Standards for Marine Aquaculture (NES-MA). The NES-MA, that came into force in December 2020, recognised the importance of engaging with iwi / tangata whenua to find out what they thought about any application and taking that information into account when that application was determined. It set out pathways to assist this.

The recent review of NES-MA<sup>1</sup> identified that there had been variable success with that pre-application engagement and recommended that Ministry for Primary Industries (MPI) should:

“undertake further engagement with iwi/hapū and other Māori groups, councils, and Te Ohu Kaimoana to determine whether a strategic process considering the effects on tangata whenua values of all existing farms in each region would be viable, and if so, how best to proceed with such a process; and

undertake further engagement with iwi/hapū and councils to ensure relevant contact details are up to date to enable Schedule 6 requirements to be met. ”

The Bill provides through Subpart 1B for review of conditions applying to extended coastal permits by a consent authority. That subpart also provides a role for the Director-General of the MPI to decide whether to concur with the consent authority that the proposal is consistent with the purpose of the review.

Te Ohu Kaimoana proposes that the Bill provide that, in all cases where a consent authority proposes to review the conditions of the consent, MPI staff should engage with the iwi and tangata whenua in whose rohe moana the marine farm is situated to identify whether the farm impacts on any site of cultural significance. If so, we propose the Bill also directs that the consent authority and applicant must engage with the relevant iwi / tangata whenua to better assist that recognition and respect.

Third, we note that the review of NES-MA identified other barriers to on-farm innovation. It is important that marine farmers have flexibility to innovate, for example using new technology that may support farmers to increase productivity and improve environmental outcomes. Even with the extension

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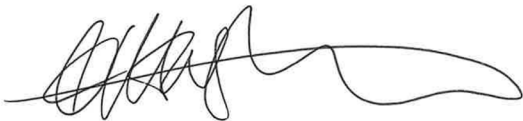
<sup>1</sup> Report in the Year Three Review of the National Environmental Standards for Marine Aquaculture Fisheries New Zealand Technical Paper No 2023/02 August 2023

proposed by this Bill, currently in a number of circumstances it will still require expensive processes to make these sensible adjustments to consent conditions. We would encourage the Select Committee to recommend that officials be directed to bring forward, through further refinement of NES-MA or other mechanisms, the ability to enable such improvements in a cost-efficient manner.

Last, and we are sure this will also have been brought to your attention by others, the Bill appears to have been drafted in haste and needs to be revised to remove all grammatical, spelling, punctuation, and duplication throughout. e. g . proposed s 165ZFHK subsection3

We would like to appear in front of the Primary Production Committee to present our oral submission.

Ngā manaakitanga

A handwritten signature in black ink, appearing to read 'Graeme Hastilow', with a long horizontal flourish extending to the right.

Graeme Hastilow  
**Chief Executive**