

FTC #199 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decisions

Application 2022-153 Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project

Date submitted:	22 March 2023	MfE#: BRF-2854	DOC#: 22-B-0122
Security level	In-Confidence	MfE priority: Urgent	DOC priority: Urgent
		Action sought:	Response by:
To Hon David Parker, Minister for the Environment		Decision on recommendations in Table A	To be advised
To Hon Willow-Jean Prime, Minister of Conservation		Decision on recommendations in Table A	To be advised

Actions for Ministers' Office staff	Return the signed briefing to MfE and DOC. (Environment only) Send attached letters (if signed) with accompanying templates and links to application documents.
Number of attachments: 7	Attachments: 1. Letter to Ministers – inviting comments on Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project referral 2. Letters to Marlborough District Council – inviting comments on Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project referral 3. Letter to Marlborough Harbourmaster – inviting comments on Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project referral 4. Letter to The New Zealand Institute for Plant and Food Research Limited requesting further information 5. Application documents Databox link – to send with letters to Ministers 6. Application documents Databox link – to send with letters to Marlborough District Council and other parties 7. Templates for comment x3

Contacts

Position	Name	Cell phone	1 st contact
Ministry for the Environment			
Principal Author	Zen Gerente		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

Position	Name	Cell phone	1 st contact
Department of Conservation			
Principal Author	Murray Brass		
RM Regulatory Delivery Manager	Trevor Ellis	s 9(2)(a)	✓
Director	Steve Taylor	s 9(2)(a)	

FTC #199: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decisions

Key messages

1. This briefing seeks your joint initial decisions on an application from The New Zealand Institute for Plant and Food Research Limited to refer the Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to install aquaculture structures and conduct trials involving fish in Tasman Bay approximately 6 kilometres to the west of Sauvage Point, D'Urville Island covering an area of approximately 3.6 hectares, located within the boundary of a consented 450-hectare marine farm¹.
3. The project will occur wholly in the coastal marine area (CMA)².
4. The trials have four phases. Phase 1, involving physical trials of fish enclosures only (i.e., without live fish) is consented and underway in different locations within the coastal waters of Nelson City. This project involves Phases 2 to 4 that will test the physical suitability of the enclosures in an exposed environment with fish present.
5. The objective of the trials is to develop an open ocean aquaculture system that is designed for New Zealand's conditions. The project is funded by the Ministry of Business, Innovation and Employment's (MBIE) Endeavour Fund and Strategic Science Investment Fund.
6. The project will require coastal permit under the Marlborough Sounds Resource Management Plan (MSRMP). The proposed activities would have overall non-complying activity status due to the project being defined as a marine farm in the MSRMP.
7. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
8. The project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if it meets the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on the matters in section 23(5) which may influence your referral decision.
9. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Marlborough District Council and specific Ministers listed in section 21(6) of the FTCA.
10. We recommend that you invite comments from Minister for Oceans and Fisheries as an additional Minister under section 21(6)(n) of the FTCA, and Marlborough Harbourmaster as an additional party under section 21(3) of the FTCA.
11. We also recommend that you request further information from the applicant as detailed in

¹ Resource Consent U000361 issued to Wakatū Incorporation by Marlborough District Council

² The Coastal Marine Area is defined in the Resource Management Act 1991 and includes the foreshore, seabed, and coastal water, and the air space above the water -

(a) of which the seaward boundary is the outer limits of the territorial sea

(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall whichever is the lesser of -

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

Table A.

Statutory framework summary

12. You must make decisions on the referral application jointly as all parts of the project will occur in the CMA.
13. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).
14. If you do not decline the referral application at this stage:
 - a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
 - b. you may provide the application to and invite comments from any other person.
15. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

Action sought

16. Please indicate your decisions on the recommendations in Table A.

Signatures



Madeleine Berry
Acting Manager – Fast-track Consenting
Ministry for the Environment



Trevor Ellis
RM Regulatory Delivery Manager
Department of Conservation

Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment and Minister of Conservation are joint decision makers

Project to progress

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Ministers' decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
Name Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project Applicant The New Zealand Institute for Plant and Food Research Limited c/- Stantec New Zealand Location Tasman Bay approximately 6 kilometres to the west of Sauvage Point, D'Urville Island	The project is to install aquaculture structures and conduct trials involving fish in Tasman Bay approximately 6 kilometres to the west of Sauvage Point, D'Urville Island covering an area of approximately 3.6 hectares, located within the boundary of a consented 450-hectare marine farm. The project will occur wholly in the coastal marine area (CMA). The trials have four phases. Phase 1, involving physical trials of fish enclosures only (i.e., without live fish) is consented and underway in different locations within the coastal waters of Nelson City. This project involves Phases 2 to 4 that will test the physical suitability of the enclosures in an exposed environment with fish present. The project will	The applicant has no legal interest in the land as it is Crown land. The project is funded through ^{s 9(2)(b)(i)} MBIE Endeavour Fund and ^{s 9(2)(b)(i)} Strategic Science Investment Fund.	Based on available information at this stage, we consider the project is eligible for referral because: • it does not include any prohibited activities • it does not include land returned under a Treaty settlement • it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.	Based on the information provided by the applicant we consider the project may result in the following economic benefits: • generate employment by creating 42 direct full-time equivalent (FTE) jobs over a 5-year period and retention of 60 existing FTE jobs.	The project has the potential for positive effects on the social wellbeing of current and future generations as it will: • contribute to job creation and flow-on economic benefits • contribute to aquaculture production that is climate change resilient through innovative technology. The applicant has initiated consultation with iwi, however no details on potential effects on cultural wellbeing have been provided.	The applicant considers that the fast-track process will allow the project to progress at least 17 months faster than under standard Resource Management Act 1991 (RMA) process due to the likelihood of public notification and appeals. We recommend seeking comment from Marlborough District Council on the appropriateness of using the FTCA process.	Based on the information provided, the project may result in the following public benefits: • generating employment • strengthening economic and social resilience, in terms of managing the risks from the effects of climate change.	The applicant considers the project has the potential for adverse environmental effects, including: • effects of discharge of faeces and uneaten feed pellets • vessel traffic effects. The applicant noted in the application that preliminary technical assessments are in support of their view that the project will not have any significant adverse effects. We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision and a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.	The project will occur within the consented 450-hectare marine farm of Wakatū Incorporation. The applicant has provided preliminary approval from Wakatū Incorporation which enables the applicant to undertake the project within the project site, and not affect existing consents. As the project involves aquaculture related activity, we recommend you seek comment on the referral application from the Minister for Oceans and Fisheries. The applicant advised that that they had received confirmation from Ministry for Primary Industries that the project does not require an Aquaculture Decision. The project will involve installation of structures in the coastal marine area. We recommend you seek comments from the Marlborough Harbourmaster as they are responsible for navigational safety. The applicant requires approval from the Nelson Marlborough Institute of Technology Animal	a. Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers. b. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA. c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. d. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application. e. Agree to progress the Reimagining Aquaculture – Trials of Novel Aquaculture Structures Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA, but we need to consider some matters further before providing you with a complete briefing. f. Agree to provide the application to, and invite comments from: • the Ministers listed in section 21(6)(a)–(m) of the FTCA • the Minister for Oceans and Fisheries as an additional relevant Minister under section 21(6)(n) of the FTCA • the relevant local authority – Marlborough District Council	Yes/No Yes/No

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Ministers' decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	require coastal permit under the Marlborough Sounds Resource Management Plan (MSRMP). The proposed activities would have overall non-complying activity status due to the project being defined as a marine farm in the MSRMP.								Ethics Committee. We recommend you seek further information from the applicant whether this will have an impact on the project scope, timing or delivery.	the following additional entities/persons under section 21(3) of the FTCA: Marlborough Harbourmaster. g. Agree to seek further information from the applicant on the impact of approval from Animal Ethics Committee on the project scope, timing or delivery. h. Sign the attached letters to Ministers. i. Note that while awaiting comments from invited parties and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.	Yes/No Yes/No

Signed:

Hon David Parker
Minister for the Environment

Date:

Signed:

Hon Willow-Jean Prime
Minister of Conservation

Date: