



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*



MINISTRY OF FISHERIES  
*Te Tautiaki i nga tini a Tangaroa*



Department of  
Conservation  
*Te Papa Atawhai*

# Aquaculture Reform

## INTRODUCTION

This leaflet explains the key aspects of the proposed aquaculture reform. It is an update from our previous aquaculture reform information sheet (November 2002) that is available from the Ministry for the Environment or at our website: [www.mfe.govt.nz](http://www.mfe.govt.nz)

## WHY WAS REFORM NEEDED?

In recent years the aquaculture industry has rapidly expanded with a corresponding increase in applications for marine farming. Demand has grown for unpolluted, nutrient-rich waters to locate a diverse range of aquaculture activities. This demand has put regional councils, other users of the coast and the community under some pressure, exposing gaps in how aquaculture activities are currently managed.

We asked people how we could improve the management of aquaculture in New Zealand. Marine farmers told us a more streamlined and efficient resource consent application process was needed – with clearer responsibilities for the agencies involved (the interface between the Resource Management Act and Fisheries Act is currently unclear). The message came through that the effects of aquaculture on marine life, habitats and the sustainability of fisheries should sit with one agency. The reforms also address feedback on the need to have a better system to resolve the conflicting interests of fishers, marine farmers and others with an interest in our coastal spaces.

## WHAT STAGE IS THE REFORM AT?

The Aquaculture Reform Bill is to be introduced to Parliament in August 2004 and expected to be passed by the end of 2004.

Once introduced, the Bill will go through the Parliamentary process. This includes being referred to a Select Committee, which will consider aspects of the Bill after taking into account public submissions.

The reforms began with a public discussion document in August 2000. Following consultation with stakeholders, the government agreed to the new policy in November 2001 and final decisions were made in July 2004. A moratorium on new marine farming applications was put in place to provide 'breathing space' for councils while the reforms were progressed. The moratorium now expires in December 2004 when the Bill is expected to be passed into law.

## WHAT ARE THE MAIN ASPECTS OF THE REFORM?

Regional councils will be better equipped to manage competition for our coastal spaces. Before the proposed reforms, they dealt with coastal permits for marine farming on a 'first in first served' basis with little guidance on overall management. The Bill sets out a more prescriptive approach on how to limit the cumulative environmental effects of marine farming.

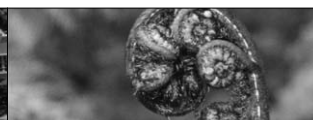
Main aspects of the reforms are that:

- aquaculture planning and consents will be controlled through the Resource Management Act
- aquaculture can only occur in Aquaculture Management Areas
- the process for creating an Aquaculture Management Area can be initiated by the council or the industry
- there is greater protection for existing resource consent holders
- effects on fishing will be taken into account
- Maori claims to marine farming will be settled
- the government will help councils implement the reforms
- land-based fish farms are not affected by the reforms.

## What is the framework for aquaculture management?

Regulating all the environmental effects of aquaculture will be rolled into the Resource Management Act (RMA), rather than being split between the RMA and the Fisheries Act.

July 2004



Under the current system, both a resource consent and a marine farming permit are required. The reforms introduce an integrated approach and marine farming permits under the Fisheries Act 1996 will no longer be required. Marine farmers will still be required to obtain a resource consent under the RMA, and to be registered under the Fisheries Act.

Regional councils will have more direction, tools and responsibilities for managing aquaculture.

All new and existing marine farms will be managed under this new regime.

#### **What is an Aquaculture Management Area (AMA)?**

Regional councils, in consultation with the community and interested parties, will decide what areas of their coastal marine area are suitable for marine farming. Councils will look at the sustainability of aquaculture and issues such as nutrient depletion and the effects on the surrounding marine life and on other activities.

After going through a public planning process, the areas created where aquaculture can proceed will be called Aquaculture Management Areas (AMAs). Councils will be able to create AMAs in their regional coastal plans. The regional council will only be able to accept applications to marine farm in these areas – marine farming will be prohibited outside of AMAs.

Industry can also initiate a private plan change to create new AMAs. The council can specify where it will accept private plan change applications, identify maximum AMA sizes, and over what proportion of the area the proponent has preferential rights. If the private plan change is successful, the proponent will get a preferential allocation for that space.

There will already be existing marine farms when the Bill becomes law. These will eventually need to be in an AMA if they are to continue marine farming past their current consent period. To assist councils with their planning processes, the Bill will deem all eligible existing marine farms to be within an AMA. To be eligible, an existing marine farm must have the necessary resource consent or Marine Farming Act authorisation, and be in a location where the approved coastal plan (or proposed plan) does not prohibit aquaculture.

Councils can change their plans to modify or remove unwanted AMAs. This is a public process. However, any marine farm within the AMA at the time the AMA is changed will have the right to continue its operation until its consent expires.

Councils will be able to tender the right to apply for a consent for marine farming in a new AMA, provided the AMA has been initiated by the council (private plan change proponents get preferential access within their AMA). If councils choose to allocate space within an AMA through other means, they must state in their coastal plan why and how the alternative allocation mechanism will operate. The tender money will be split between the council and the Crown.

#### **What protection is there for existing marine farmers with resource consent?**

When a marine farm resource consent expires, the incumbent marine farmer has preference for the use of that space, provided it is for continuing the existing consented marine farming operation, it is still within an AMA and the incumbent meets certain criteria. These criteria include matters that normally would be considered by the council for approving a consent, as well as taking into account the incumbent's track record with respect to any successful enforcement and whether they use current industry good practice for their farm.

#### **What about the effects on fishing?**

Legislation will be amended to make it clear that councils will also have the ability to consider the effect of aquaculture development on existing fishing activity. This will allow councils to consider placement of AMAs in areas that minimise such conflicts.

AMAs will also be subject to a formal Ministry of Fisheries assessment of whether aquaculture being undertaken in the area would have an undue adverse effect on fishing. The assessment is done at the beginning of the planning process, before the plan is notified under the RMA.

If the Minister of Fisheries decides there will be an undue adverse effect on *customary or recreational fishing* in part of the proposed areas, then these areas are removed and do not form part of the proposal. If the Minister of Fisheries decides there will be an undue adverse effect on *commercial fishing*, then the area is identified as such in the coastal plan. Anyone wanting to undertake aquaculture activities in these areas must first reach an agreement with the affected fishers before they can apply for resource consent.

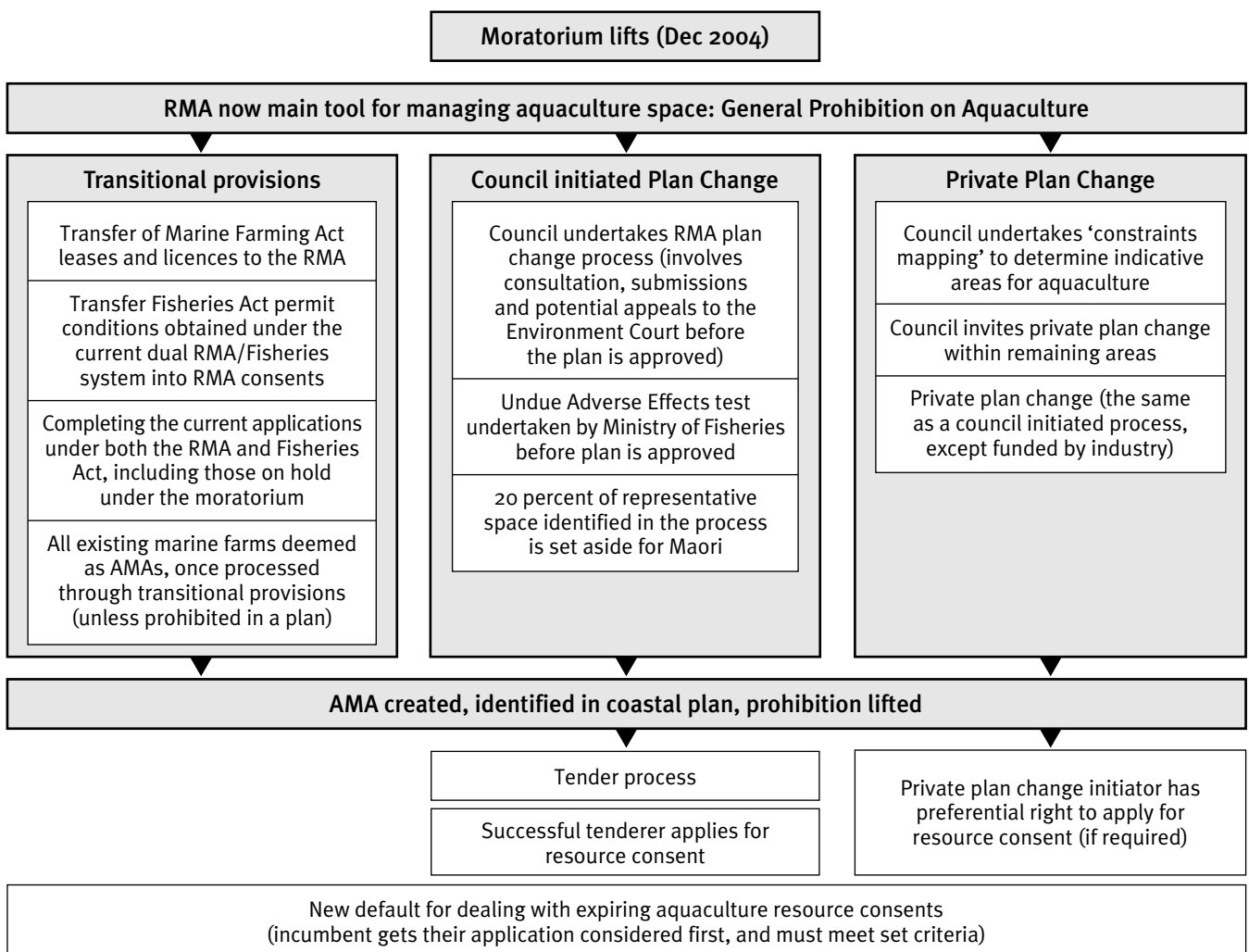
The 'affected commercial fisher provisions' have been included to provide greater flexibility to the process. Currently, marine farm applications found to have an undue adverse effect on commercial fishing must be declined. The government wants the opportunity for aquaculture developers to be able to reach an agreement with affected commercial fishing interests, if that is possible.

### How will Maori claims to marine farming be settled?

Within every region, the government will provide iwi with an allocation of marine farming area. This allocation will be equivalent to 20 percent of the total marine farming space allocated since 1992 and 20 percent of any new space created in the future. This will be a full and final settlement of Maori claims to commercial marine farming, post 1992, and is in line with the 1992 Fisheries Settlement.

To obtain the equivalent to 20 percent of space allocated since 1992, and depending on the individual circumstances in each region, the Crown may either reserve more of the new space in that region, purchase existing space, or provide the financial equivalent. Any purchase of existing space will be on a willing buyer and willing seller basis.

## AQUACULTURE MANAGEMENT AREAS ESTABLISHMENT PROCESS



Councils will set aside representative new space to be allocated to iwi, and provide it to Te Ohu Kai Moana Trustee Limited in the first instance.

Settlement space provided to iwi will be subject to all general RMA requirements including resource consent application and coastal occupation charges. Iwi will have secure access to the marine farming settlement space while such space remains within an AMA.

#### **Are land-based fish farms affected?**

Land-based fish farms will be registered under the Fisheries Act 1996 to enable the movement of fish to and from these farms to be monitored. The registration process will be similar to that proposed for marine-based farms. AMAs do not apply here, but any farming will need to comply with any land use controls under the RMA and the rules concerning the take and discharge of water and contaminants. In addition, some rules may be imposed for biosecurity reasons.

### **ROLES OF GOVERNMENT AGENCIES**

#### **Ministry of Fisheries**

- Advises on implementing the settlement of Maori commercial marine farming interests.
- Provides information to regional councils on fisheries matters before the coastal plan is notified.
- Provides formal assessment, before plan notification, on whether a council's proposed AMAs will have an undue adverse effect on customary, recreational, or commercial fishing.
- Identifies any areas where marine farmers will be required to seek prior agreement of affected commercial fishers before lodging an application for a coastal permit and identify those parties whose agreement is needed.
- Registers agreements that are reached between new marine farm applicants and relevant fishing interests in areas specified in the regional coastal plan as having an undue adverse effect on commercial fishing.

- Notifies councils of any agreements lodged with the Ministry of Fisheries.
- Administers the fisheries registration system for all fish farms.
- Declares species that can be taken as spat.
- Will continue to grant marine farming and spat catching permits for a limited transitional period.

#### **Department of Conservation**

- Provides information to councils on coastal management and marine conservation matters before the coastal plan is notified.
- Participates in the statutory process for plan development outlined in the RMA.
- Approves the regional coastal plan in accordance with the RMA.
- Receives applications for early expiry of the moratorium and makes recommendations to the Governor General.
- Receives requests for an area to have the status of an interim aquaculture management area and makes recommendations to the Governor General.
- Recommends to the Governor General the issuing of directions to regional councils on the allocation of space by way of tender or other forms of allocation.

### **HAVE YOUR SAY ON AQUACULTURE REFORM**

After the Aquaculture Reform Bill is introduced into Parliament, it will be referred to a Select Committee that will call for submissions. You will be able to make a written or oral submission to the Select Committee. Once the submissions have been considered, the Select Committee will report back to the House, and Parliament will consider what changes should be made to the Bill and whether it should be passed into law.