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Aquaculture reform

This leaflet explains the reasons for the aquaculture reforms, the key aspects of the policy, and the role different government agencies will play.

Why is reform needed?

Over the past five years the aquaculture industry has undergone rapid expansion and there has been a large increase in applications for marine farming. There is increasing demand for unpolluted, nutrient-rich waters in which to locate an increasingly diverse range of aquaculture activities.

This demand for coastal space and high coastal water quality is putting regional councils, other users of the coast and the community under increasing pressure. It has also exposed gaps in the current policy and legislative framework for managing aquaculture activities.

Councils need to be better equipped with tools for managing competition for coastal space. Currently they deal with coastal permits for marine farming on a 'first come, first served' basis with little guidance on overall management. A more prescriptive, managed approach, and guidance on how to manage the cumulative environmental effects of marine farming is needed.

Additionally, the interface between the Resource Management Act and the Fisheries Act is currently unclear. Overlaps need to be removed and the sustainable management of aquaculture needs to sit

clearly with one agency. There needs to be a better system of resolving conflict between the interests of fishers and marine farmers.

Marine farmers and fishers have asked for greater certainty about how new marine farm development will be provided for. In addition, marine farmers have asked for a more streamlined and efficient application process, with clearer responsibilities for the agencies involved.

What stage is the reform at?

The aquaculture reforms began with a public discussion document in August 2000. The Government agreed to the new policy in November 2001. A moratorium on new marine farming applications took effect in March 2002. Further work was done on the policy during this year and an Aquaculture Reform Bill is now being prepared for introduction to Parliament.

What is the present moratorium for?

The purpose of the moratorium is to allow time for the new legislation to be passed and to give councils time to start planning for the development of aquaculture without being pre-empted by a further rush of consent applications for coastal space for marine farms.

The moratorium applies to applications for coastal permits for aquaculture activities that had not been notified by 28 November 2001 and applies until March 2004.

What are the main aspects of the aquaculture reform policy?

The Bill is currently being finalised. Once introduced, the Bill goes through the Parliamentary process and, taking into account submissions from the public, aspects of the Bill may be changed by the Select Committee. These are the main aspects of the policy to date.

- Regional councils will have more direction, tools and responsibilities for managing aquaculture.
- All new and existing marine farms will be managed under the new regime.



MINISTRY OF FISHERIES
Te Tautiaki i nga tini a Tangaroa



Department of Conservation
Te Papa Atawhai

- Regional councils, in consultation with the community and interested parties, will decide what parts of their coastal marine area are suitable for marine farming.
- These areas will be called Aquaculture Management Areas (AMAs). Councils will be able to create these 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 these AMAs.
- 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. Councils will look at the sustainability of aquaculture and issues such as nutrient depletion and the effects on the surrounding marine life.
- 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.



- However, 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. This assessment is done at the outset of the planning process, before the plan is notified under the First Schedule of the RMA.
- If the Ministry of Fisheries decides that, despite a council's best intentions, there will be an undue adverse effect on customary or recreational fishing in part of the areas the regional council proposes, then these areas are removed and do not form part of the proposed AMA. If the Ministry of Fisheries decides there will be an undue adverse effect on commercial fishing, then the area is identified as such in the regional coastal plan. Anyone wanting to undertake aquaculture activities in these tagged areas must first reach an agreement with the affected fishers before they can apply for a coastal permit.
- The agreement provisions for areas where there are undue adverse effects on commercial fishing, have been included to try to provide greater flexibility to the process. Currently marine farm applications found by the Ministry of Fisheries 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,

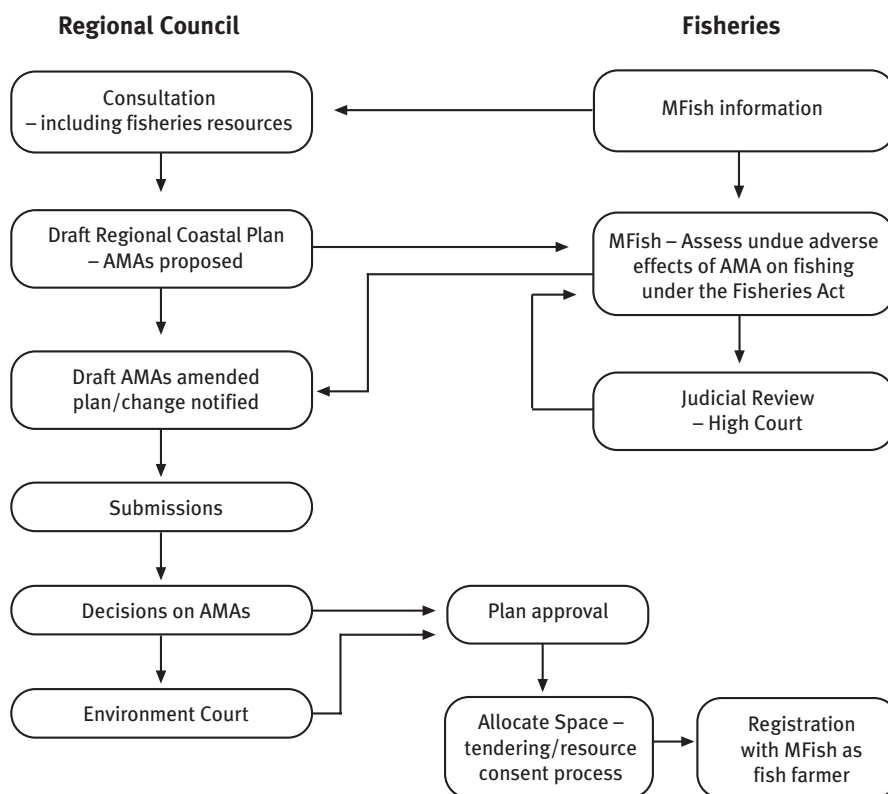
if that is possible, rather than development being automatically precluded.

- 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 continue to be required to obtain a resource consent under the RMA but will only be required to register their farms under the Fisheries Act 1996. The registration process will be a much more streamlined process than the existing application process for marine farming permits.
- Councils will be able to tender the right to apply for a coastal permit for marine farming in a particular AMA. If councils choose to allocate space within an AMA through other means they must state, in their regional coastal plans, why an alternative allocation mechanism is being proposed and how it will operate. Half of the tender money goes to the council and half goes to the Crown.



- The Bill will include a duty on regional councils to implement Crown Treaty settlement obligations in relation to the tendering of the right to occupy coastal space. In addition, a specific direction power will be provided to the Minister of Conservation to allow the Crown to preserve its capacity to recognise Treaty, aboriginal or customary rights relating to the coastal marine area if such rights are identified in the future.
- The Ministry of Fisheries, Ministry for the Environment and the Department of Conservation will help councils with policy and guidance on creating AMAs.
- Land-based fish farms will be registered under the Fisheries Act 1996. The registration process will be much the same as that proposed for marine-based farms. Aquaculture management areas will not be needed here but any farming will need to comply with any land use controls under the RMA as well as rules concerning the take and discharge of water and contaminants. In addition, some rules may be imposed for biosecurity reasons.

Flow chart of Aquaculture Management Areas establishment process



Role of government agencies

Ministry of Fisheries

- Provides information to councils on fisheries matters before the plan is notified.
- Provides formal assessment, before plan notification, on whether the 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 fishers before lodging an application for a coastal permit and identifies those parties whose agreement is needed.
- Registers agreements that are reached between new marine farm applicants and relevant fishing interests in areas that have been tagged 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.
- Provides compliance services to enable the flow of farmed product through fish farms to be monitored.

Minister/Department of Conservation

- Provides information to councils on coastal management and marine conservation matters before the plan is notified.
- Participates in the statutory process for plan development outlined in the First Schedule, of the Resource Management Act (RMA).
- Approves the regional coastal plan in accordance with the First Schedule, RMA.
- Makes decisions on any restricted coastal activities identified by the plan.
- Receives applications for early expiry of the moratorium 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.
- Provides national policy advice through the New Zealand Coastal Policy Statement.

Ministry for the Environment

- Provides assistance to councils implementing the aquaculture reforms.
- Monitors the implementation of the new legislation and may provide input into regional coastal plans on any matters relevant to councils new functions.

How can I have my say on the aquaculture reforms?

The Aquaculture Reform Bill is due to be introduced into Parliament shortly. Once it is introduced it will be referred to a Select Committee that will call for submissions. You will be able to make a written and 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.

How can I be involved in deciding where marine farms should go in my region?

Regional councils have the task of deciding where marine farms should go and what sort of environmental conditions should apply to ensure they are being managed on a sustainable basis.

You can help decide how aquaculture will be managed in your region by getting involved in the processes run by your regional council. The regional council will need to decide whether Aquaculture Management Areas should be provided in their region and whether a change to the regional coastal plan is needed. Contact your regional council to find out how to become involved.



How do I find out more about the reforms?

The Ministry for the Environment has a website on the aquaculture reforms. Go to the "Whats New" page of www.mfe.govt.nz. This is updated regularly and will provide information on the reforms and how they are being implemented.

This document is available on the Ministry for the Environment's website: www.mfe.govt.nz



Ministry for the
Environment
Manatū Mō Te Taiao

Head Office
Grand Annexe, 84 Boulcott Street
P O Box 10-362, Wellington
Phone (04) 917 7400
Fax (04) 917 7523
Email library@mfe.govt.nz
www.mfe.govt.nz

North Regions Office
8-10 Whitaker Place
P O Box 8270
Symonds Street, Auckland
Phone (09) 913 1640
Fax (09) 913 1649
Email nro@mfe.govt.nz

South Island Office
Level 4, Price Waterhouse Centre
119 Armagh Street
P O Box 1345, Christchurch
Phone (03) 963 0940
Fax (03) 963 2050
email sio@mfe.govt.nz