

Whakahaere ahumoana

Aquaculture management

New laws are being phased in that aim to help Aotearoa New Zealand protect and manage the environment and its resources. The Spatial Planning Act 2023 (SPA) and the Natural and Built Environment Act 2023 (NBA) were enacted on 23 August 2023.

During the transition to the new resource management system, a number of changes are implemented to the Resource Management Act 1991 (RMA) in respect of aquaculture management. Some come into effect the day after Royal assent.

This factsheet covers:

- mapping changes to aquaculture settlement areas
- the Minister of Aquaculture's power to suspend consent applications
- the Minister of Aquaculture's power to make regulations
- the Minister of Aquaculture's ability to make decisions on allocation of aquaculture space.

Mapping changes to aquaculture settlement areas

Under the Māori Commercial Aquaculture Claims Settlement Act 2004 (the Settlement Act), the Minister for Oceans and Fisheries can gazette aquaculture settlement areas for the purpose of preserving space. Resulting changes to aquaculture settlement areas must now be reflected in proposed or operative regional coastal plans.

Where new aquaculture settlement areas have been established or changes made to existing areas, regional councils must amend the maps in proposed or operative regional coastal plans to reflect this as soon as possible, without using the RMA Schedule 1 plan change process.

It is important maps are kept up to date to ensure people are aware of the aquaculture settlement areas, given the restrictions that apply within them.

The Minister of Aquaculture's power to suspend consent applications

The Minister of Aquaculture (currently the Minister for Oceans and Fisheries) has greater power to suspend consent applications for aquaculture. Suspensions can now be put in place to manage an actual or emerging biosecurity concern or to help the Crown uphold obligations under the Settlement Act. The Minister can also initiate a suspension on their own initiative or at the request of a regional council.

There is still the ability to put suspensions in place where there is high or competing demand for space, as was previously the case.

Suspensions are put in place using a Gazette notice. Before a decision is made, the Minister must consult with the regional council and the Minister of Conservation, as well as any other people or organisations as appropriate.

The Minister of Aquaculture's power to make regulations

Changes have been made to the Minister of Aquaculture's power to recommend new regulations for amending aquaculture plan provisions (the aquaculture regulation-making power).

Establishing allocation regimes for aquaculture

The aquaculture regulation-making power can now be used to amend plans to establish a process for allocating authorisations (that is, the exclusive right to apply for a consent for aquaculture). In doing this, the Minister can also specify that they (the Minister), rather than the regional council, are responsible for making decisions on allocation offers.

Improved connections with the Marine and Coastal Area (Takutai Moana) Act

The Minister must now consult with any customary marine title group and applicant group in the area affected by the plan before recommending new regulations. The Marine and Coastal Area (Takutai Moana) Act 2011 has been amended to enable customary marine title groups to develop and lodge planning documents with the Minister, and the Minister must consider any documents lodged with them or the regional council before decisions are made.

The Minister of Aquaculture's ability to make decisions on allocation of aquaculture space

There are now situations where the Minister of Aquaculture can make decisions on allocating space for aquaculture, rather than regional councils (as discussed above). Part 7A of the RMA has been amended to enable this.

The requirements on the Minister mirror those of regional councils, including:

- that the Minister must give public notice of any offer of authorisations for aquaculture space
- the public notice must address specific matters
- ensuring preferential rights to authorisations given to iwi through historic te Tiriti o Waitangi | Treaty of Waitangi settlements are upheld
- if the Minister accepts an offer, they must direct the regional council to grant an authorisation to the person
- any tender money received continues to be split 50/50 between the council and the Crown.

Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The Ministry will make every reasonable effort to keep it current and accurate. However, users of this publication are advised that:

- The information provided has no official status and so does not alter the laws of New Zealand, other official guidelines or requirements.
- It does not constitute legal advice, and users should take specific advice from qualified professionals before taking any action as a result of information obtained from this publication.
- The Ministry for the Environment does not accept any responsibility or liability whatsoever whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on this publication because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.
- All references to websites, organisations or people not within the Ministry for the Environment are provided for convenience only and should not be taken as endorsement of those websites or information contained in those websites nor of organisations or people referred to.

