



Ministry for the
Environment
Manatū Mō Te Taiao



MINISTRY OF FISHERIES
Te Tautiaki i nga hini o Tangaroa



Department of
Conservation
Te Papa Atawhai

A Beginner's Guide to the 2004 Aquaculture Law Reforms

As you tuck into a plate of freshly steamed green lipped mussels, suck a raw oyster from its shell or help yourself to seconds of the smoked salmon canapés, have you ever stopped to wonder where this seafood comes from?

There's a very good chance those oysters, mussels and fish grew fat in New Zealand waters, care-of our very own marine farming industry – an industry of around 1200 marine farms that puts about \$250 million a year into the country's economy.

Recently there have been some changes to the way marine farming (or 'aquaculture') is planned for and managed around New Zealand's coast. This information sheet is a brief guide to those changes and flags how you can have a say on what you want for the coastal waters near where you live and play.

More detailed information is available on the Ministry for the Environment's website: www.mfe.govt.nz/issues/resource/aquaculture/index.html or by phoning (04) 917 7400.

A LITTLE HISTORY

Before the 1990s, marine farming was a reasonably small industry in New Zealand, with small farms dotted around the coast, mostly in the Marlborough Sounds, Northland and around the Coromandel Peninsula. Over the next 10 years, marine farming took off and demand for water space increased five-fold. The clean and nutrient-rich waters of New Zealand were rightly recognised as a great place to grow quality seafood. By 2000, it had become clear that the existing ways of managing marine farming could not cope with this demand.

There were two main complaints: marine farmers wanting new space were unhappy because of the delays and the costs in processing their resource consent applications; and communities were raising concerns that the possible effects of marine farming were not being fully recognised and managed.

So, changes began, ending up with the Aquaculture Law Reform, which came into effect on 1 January 2005.

WHAT WILL THE CHANGES DO?

The changes aim to get a balance between four things:

- enabling economic development
- looking after the environment
- settling the Crown's Treaty obligations to Maori, and
- responding to community concerns.

THE MAIN CHANGES

Probably the biggest change is that marine farming is now mostly covered by the Resource Management Act 1991. This means there is now a single process for planning where marine farming should go, and for allowing them to be there (that is, granting coastal consents). In the past, marine farmers had to go through two hoops to establish a farm – first they needed a permit from council, and then a separate permit from the Ministry of Fisheries.

The lead role is now squarely in the hands of New Zealand's 12 regional councils and four unitary authorities¹. They are responsible for all coastal planning – including deciding where marine farming is appropriate. The Ministry of Fisheries contributes to this process by testing for any adverse effects on fishing.

¹ Unitary authorities exist in places where there is no separate regional council. They are the Marlborough, Tasman and Gisborne District Councils, and the Nelson City Council.



Another major change to the old way of doing things is that decisions about where marine farms should go are now made earlier in the process. This means:

- life is simpler for prospective applicants as space available for marine farming is identified upfront
- *ad hoc* decisions are avoided as information about the possible effects (such as the impacts on the community, environment and economy) are sorted out at the beginning
- affected parties, including iwi and communities, get to have their say when the changes or variations to the regional coastal plan are proposed and tested. This means comment won't have to be made on every single application for a resource consent.

The other main changes are that:

- marine farms can now only be put in areas specially identified in the regional coastal plan, known as Aquaculture Management Areas – they are prohibited everywhere else
- new Aquaculture Management Areas can be approved by councils – but only after the public's views have been fully canvassed
- there will be an allocation of 20 percent of new marine farming space to iwi.



The aim is to make sure councils can manage the increasing demand for marine space in a well-planned and controlled way, to balance the needs of the environment and the many different groups of people who use the coast and marine areas – recreational and commercial fishers, iwi, marine farmers, communities, other commercial users, boaties and others.

WHAT DO THE CHANGES MEAN IN PRACTICE?

A council can choose to wait and see whether anyone in the marine farming industry wants to add an Aquaculture Management Area into the regional coastal plan (a private plan change). Or the council can propose its own areas. Either way, there isn't much point planning for marine farming if there isn't any interest. It is likely that each council's decision on whether to take the lead or wait will depend on how much interest there is in developing new marine farms in its region.

When an Aquaculture Management Area is proposed, the views of affected groups and the general public must be canvassed and listened to before an Aquaculture Management Area can be approved and become part of the regional coastal plan. As well, the Ministry of Fisheries will test for any 'undue adverse effects' on commercial, customary or recreational fishing activities.

It is very important that all the planning and consultation at the beginning is done well so that Aquaculture Management Areas are put in the best place to balance marine farmers' needs with community, environmental and other economic needs.

This is your chance to have a say. To find out what is happening with marine farming in your region, contact the environmental planning department of your local regional council or unitary authority (see page 4 for contact details).

Once an Aquaculture Management Area has been set up, the council can allocate space for marine farms. Each marine farmer will need a resource consent before lines can be dropped or cages put in place. But because the planning and consultation has already been done, getting a resource consent will be a lot easier than before.



Photo courtesy of the New Zealand Mussel Industry Council Inc.

MOVING FROM THE OLD TO THE NEW

Changing the way things happen means some uncertainty while the new roles and responsibilities kick in, and any kinks in the legislation get ironed out. Some special provisions have been made covering existing marine farms that have an old Marine Farming Act authorisation and/or resource consent.

More information on the move from the old to the new is on the Ministry for the Environment's website: www.mfe.govt.nz/issues/resource/aquaculture/index.html

LAND-BASED FISH FARMS ARE ALSO AFFECTED

The changes to aquaculture will in time also cover fish farms based on land. However, at present, nothing has changed for land-based fish farms – they will continue to be licensed under the Freshwater Fish Farming Regulations 1983 and any new applications will be processed under those regulations.

But watch this space. Once these parts of the new laws come into force, licences will be replaced by a requirement to register as a fish farmer under the Fisheries Act 1996.

SETTLING MAORI CLAIMS

To meet its obligations under the 1992 Fisheries Settlement, the Government is committed to providing iwi with:

- space equivalent to 20 percent of all existing marine farming space created between 21 September 1992 and 31 December 2004, and
- 20 percent of all marine farming space created from that point on.

If it turns out that marine farming space cannot be obtained through creation of new space, the Crown can buy farms through normal sale and purchase agreements, or provide iwi with its financial equivalent.

Settling Maori claims is being managed by the Ministry of Fisheries. It is further explained in a separate information sheet, *Settling Maori Claims*, on the Ministry for the Environment's website: www.mfe.govt.nz/issues/resource/aquaculture/index.html

If you would like more information, contact Roland Daysh, Manager Maori Aquaculture Settlement, Ministry of Fisheries: dayshr@fish.govt.nz



Photo courtesy of the New Zealand Mussel Industry Council Inc.



MORE INFORMATION

Your first port of call for information about marine farming in your area is your regional council or unitary authority. These are listed below.

Northland Regional Council

36 Water Street
Private Bag 9021
Whangarei
(09) 438 4639

Auckland Regional Council

Vodafone House
Pitt Street
Private Bag 92012
Auckland
(09) 366 2000

Environment Waikato

401 Grey St
PO Box 4010
Hamilton East
(07) 856 7184

Taranaki Regional Council

Private Bag 713
Stratford
(06) 765 7127

Environment Bay of Plenty

PO Box 364
Whakatane
0800 368 267

Gisborne District Council

Fitzherbert Street
PO Box 747
Gisborne
(06) 867 2049

Hawke's Bay Regional Council

Private Bag 6006
Napier
(06) 835 9200

Horizons Regional Council

11-15 Victoria Avenue
Private Bag 11025
Palmerston North
(06) 952 2800

Greater Wellington Regional Council

142 Wakefield Street
Wellington
(04) 384 5708

Marlborough District Council

Seymour Street
PO Box 443
Blenheim
(03) 578 5249

Tasman District Council

189 Queen Street
Private Bag 4
Richmond
Nelson
(03) 543 8400

Nelson City Council

Civic House
PO Box 645
Nelson
(03) 546 0200

Environment Canterbury

58 Kilmore Street
PO Box 345
Christchurch
(03) 353 9007

West Coast Regional Council

153 Tainui Street
Greymouth
(03) 768 0466

Otago Regional Council

70 Stafford Street
Private Bag 1954
Dunedin
(03) 474 0827

Environment Southland

Cnr North Road & Price Street
Private Bag 90116
Invercargill
(03) 211 5115