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Committee Environment Committee
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Aquaculture Update

1. Purpose

To update the Committee on progress with the aquaculture legislative reforms and process.

2. Background

There is currently a moratorium on the granting of coastal permits for aquaculture developments. The moratorium has been in place since 28 November 2001, and will remain in place until March 2004. During this period, regional councils cannot consider any new applications for marine farms or spat catching activities.

The moratorium was brought in by the Resource Management (Aquaculture Moratorium) Amendment Act 2002. There is no provision in the Act for an extension of the moratorium.

Aquaculture in New Zealand has increased significantly in recent years, placing pressure on the coastal environment. The future development of such a valuable resource needs to be managed carefully and the moratorium will allow the time for some much needed planning to take place.

3. The Reform Proposals

The aquaculture moratorium is the first of the legislative reforms that the Government has agreed on to provide for sustainable aquaculture development. It allows regional councils to begin developing policies and defining areas for aquaculture without the risk of being swamped with applications that would pre-empt and complicate that process.

While the remainder of the legislation has not yet been introduced to Parliament, we understand that the reforms are likely to include:

- Streamlining the application process for new marine farms by providing a single-permit process. This will require changes to both the Resource Management Act 1991 and the Fisheries Act 1983 so that regional councils

can consider all environmental effects, including the use and sustainability of fisheries resources.

- Providing regional councils with greater powers to manage and control the development of aquaculture by requiring marine farming to take place within clearly defined Aquaculture Management Areas (AMAs). These areas will be included in councils' regional coastal plans.
- Allowing regional councils to call for tenders for the right to apply for coastal permits, including those for individual marine farm sites within each AMA. Regional councils would retain 50% of the tender money for use in the coastal marine area.
- Retaining the existing requirement that aquaculture should not have an undue adverse effect on customary, recreational and commercial fishing. This requirement will be removed from the Fisheries Act 1983 and instead the Ministry of Fisheries will have to participate in the coastal permit application process by providing regional councils with an assessment of any undue effects that aquaculture development may have on fishing. The legislation will also provide for a trade-off between aquaculture interests and commercial fishing rights holders in circumstances where aquaculture development would have an undue adverse effect on commercial fishing rights.
- A range of transitional provisions to ensure existing marine farm approvals are transferred to the new regime.

Recent discussions with the Ministry for the Environment indicate that they still expect the main reform legislation to be introduced to Parliament by August this year. However, given that the government has yet to make a decision on how to progress with the issue of customary title of the foreshore and seabed, we expect that there will be a further delay.

4. Implementation

There has been very little demand for aquaculture in the Greater Wellington Region. Before 28 November 2001, the Council received three applications for aquaculture, all of which were granted. One of the consents is for a marine farm in Mahanga Bay in Wellington Harbour, and covers an area of 2.9 hectares. The other two consents are in the Wairarapa, one for an area of 0.16 hectares and the other for 4 hectares.

While there has been little demand for aquaculture in the Greater Wellington Region, a lack of space in other regions and new technology mean that this may increase in the future.

Staff are currently working on a discussion document for aquaculture. This will include background information about the moratorium and proposed new legislation, identify areas of the coast where aquaculture development could not take place, and encourage discussion about potential areas for aquaculture development.

A draft aquaculture discussion document will be completed and presented to the August meeting of the Policy, Finance and Strategy Committee. At this time, a decision will need to be made whether the document should be released for public consultation, or whether greater certainty from central government is required before the process of consultation can begin.

5. Communication

Consultation on aquaculture will take place following the release of an aquaculture discussion document. There is little to be gained from undertaking communication on aquaculture at this time.

6. Recommendations

It is recommended that the Committee:

- 1. receive the report; and*
- 2. note the contents.*

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