



ADMINISTRATION OF AQUACULTURE DECISIONS

This information sheet provides information on the administration of aquaculture decisions for proposed marine farming areas (the process commonly referred to as the undue adverse effects test).

BACKGROUND

Aquaculture decisions are made after a consent authority has granted a coastal permit for a new marine farm site. However, the Ministry undertakes some administrative tasks as soon as a consent authority advises it has received a coastal permit application for marine farming.

When notified of a coastal permit application for marine farming, the Ministry will:

- » inform the applicant about fees for an aquaculture decision and the provision of fishing information to the Ministry;
- » seek information and/or consult about fishing at the coastal permit application site;
- » share information and/or submissions with the consent authority for the decision on the coastal permit;
- » provide any submissions it receives to the applicant.

If the coastal permit is granted by the consent authority, the consent authority requests an aquaculture decision from the Ministry. The Ministry then assesses the available information and makes and notifies the aquaculture decision.

If an aquaculture agreement is needed for the proposed marine farm to proceed, the Ministry's work includes:

- » receiving and deciding on applications for a three month extension of time for negotiated aquaculture agreements and compensation declarations;
- » providing final approval for registration of aquaculture agreements and compensation declarations;
- » checking aquaculture agreements and compensation declarations are lodged within the required time;
- » notifying the consent authority of aquaculture agreement or compensation declaration matters.

For an overview of how the coastal permit decision process integrates with the aquaculture decision process, see the process diagram at the end of this information sheet (that is, excluding post UAE test process).

There is a separate process diagram for aquaculture agreements and arbitration in the information sheets called *Aquaculture Agreements and Arbitration*.

HOW LONG DOES AN AQUACULTURE DECISION TAKE?

The Ministry must make an aquaculture decision within 20 working days of the request for an aquaculture decision from a consent authority. The 20 working day time frame excludes time used:

- » to consult on an application;
- » to notify an aquaculture decision;
- » for judicial review proceedings;
- » to make a decision on a prior request for an aquaculture decision that affects the same fish stocks or fishery.

Aquaculture decisions are decided in the date order that requests are received by the Ministry. If two or more requests are received from the same consent authority at the same time, the consent authority specifies the order of processing.

An aquaculture decision can only be made out of order if it would not have an adverse effect on another decision that was requested prior.

WHAT DOES AN AQUACULTURE DECISION COST?

As of 1 October 2011 the fee for an aquaculture decision is \$2008.20. This covers 15 hours of the Ministry's work associated with the coastal permit application. If the work takes more than 15 hours, the additional work is charged at the hourly rate of \$133.88. If the work takes less than 15 hours, the Ministry discounts the fee for time covered by the fee but not used.

The total cost for an aquaculture decision depends on the complexity and number of issues associated with the proposed marine farming activity, and whether an aquaculture agreement or compensation declaration is needed for the proposed marine farm to proceed. However, for most coastal permits, the cost of an aquaculture decision is usually within the range of \$2000 to \$10 000.

There is a separate fee for lodging an aquaculture agreement or compensation declaration (refer to the *Aquaculture Agreements and Arbitration* information sheets).

WHEN DO I HAVE TO PAY?

The fee for an aquaculture decision is payable on invoice from the Ministry after the aquaculture decision is made.

If there are charges for the Ministry's administration of an aquaculture agreement or compensation declaration, these will be invoiced at the conclusion of the aquaculture agreement or compensation declaration processes. FishServe, on behalf of the Ministry, manages payments and invoicing for aquaculture agreements and compensation declarations.

HOW CAN I KEEP UP TO DATE WITH REQUESTS FOR INFORMATION AND AQUACULTURE DECISIONS?

Refer to the current coastal permit applications and recent aquaculture decisions page on the Ministry's website. When an aquaculture decision is made, a notice in the Gazette explains that the details of the decision are available on the web.

The webpages also show if the Ministry has decided to seek information from fishers or consult for an aquaculture decision.

To receive regular email updates on new coastal permit applications, requests for information for the UAE test, or notifications of aquaculture decisions, you can email UAE@mpi.govt.nz to be added to an emailing list.

If you don't want regular email updates but would like to be notified about progress on a specific coastal permit for marine farming, you can contact the Spatial Allocations Team at UAE@mpi.govt.nz or phone **03 548 1069**.

FOR MORE INFORMATION RELATING TO THE UAE TEST

See the aquaculture decision provisions in the Fisheries Act 1996, the Aquaculture pages on the Ministry for Primary Industries website (www.mpi.govt.nz), or contact the Ministry's Spatial Allocations Team (email UAE@mpi.govt.nz or phone **03 548 1069**).

This document is intended to give general technical guidance on aspects of marine-based aquaculture under the 2011 aquaculture legislative reforms. It is not legal advice. For legal advice on any aspect of the legislation you should consult your lawyer.

The **general disclaimer on the Ministry for Primary Industries** website also applies to this document and should be read in conjunction with it.



Figure 1. UAE Aligned Processes

