

## **Delivering the Māori Commercial Aquaculture Claims Settlement and the initial Gazette notice Questions and Answers**

### *What is the initial Gazette notice and why is it being used?*

Under the Māori Commercial Aquaculture Claims Settlement Amendment Act 2011 (Amendment Act), powers have been given to the Minister responsible for Aquaculture to gazette space in the coastal marine area to create future settlement options. Space gazetted for this reason is called an Aquaculture Settlement Area.

This power is initially being used to notify space for settlement purposes, mitigating the risk that private interests have first access to better aquaculture space while regional agreements are being negotiated.

### *Does a Gazette notice for aquaculture settlement purposes affect current uses of an area?*

Notifying space under Gazette notices does not change current uses or rules, but it does stop private interests from applying for resource consents to carry out aquaculture activities within space that has now been gazetted.

Applications for other activities may be accepted by consenting authorities in areas that have been gazetted. However, consenting authorities will only be able to grant a coastal permit provided that the activity is compatible with aquaculture.

### *Will Gazette notices confer any special privileges under the RMA or other legislation?*

No, other than who can apply. Gazette notices only notify space for settlement purposes.

Space identified in Gazette notices will be subject to other legislation and policies, including the need for applications to go through the standard consent process and, where appropriate, the undue adverse effects on fishing test (UAE test). All relevant regional rules, policies and objectives expressed in regional planning documents still apply.

### *What sites are identified under the initial Gazette notice?*

On 29 September 2011, 12 areas were included in a Gazette notice for aquaculture settlement purposes. The areas are located in Northland, Waikato (east), and Marlborough. These are regions where the need to gazette is considered highest, where immediate aquaculture development is expected.

<b>Region</b>	<b>Site</b>	<b>Area</b>
Northland	Te Ngairie Bay	10 ha
Northland	Ahipara	10 ha
Northland	Hokianga Harbour	12.5 ha
Northland	Herekino Harbour	12.5 ha
Waikato (east)	Coromandel Marine Farm Zone	60 ha
Waikato (east)	Coromandel Harbour	10 ha
Marlborough	Port Gore – South	7.5 ha
Marlborough	Port Underwood – Entrance	20 ha
Marlborough	Crosilles Harbour – Upper	2 ha
Marlborough	Crosilles Harbour – Oyster Bay	3 ha
Marlborough	Tory Channel – Oyster Bay	3 ha
Marlborough	Port Underwood – Upper	2 ha

### ***What is required for a site to be gazetted?***

Under the Amendment Act, the suitability of the space for aquaculture activities and the overall productive capacity of the anticipated new space available for aquaculture activities in each region must be considered before the space is gazetted.

To address these requirements the Ministry asked for information from a number of experts, including people with regional expertise, regional councils, and iwi to assess the relative suitability of the options identified. The input of experts, together with a constraints mapping exercise (where environmental and information on other known uses of the coastal marine area) helped to ensure that the areas the government selected for the initial Gazette notice appear to be suitable for aquaculture activities.

### ***What happens once space is gazetted?***

Space gazetted will still be subject to the standard resource consents process and any other regulatory requirements including, as appropriate, the undue adverse effects on fishing test before the space can be approved for aquaculture. Community participation is a core component of RMA processes.

Applications for coastal permits to undertake aquaculture activities under the Resource Management Act (RMA) are prevented within areas gazetted as 'Aquaculture Settlement Areas'. Applications for other activities may be accepted, but consenting authorities would only be able to grant a coastal permit if the activity is compatible with aquaculture and following consultation with iwi in the region. Where settlement is to be delivered on a space basis, authorisations can be created giving iwi the exclusive right to apply for coastal permits for aquaculture activities within Aquaculture Settlement Areas.

### ***Is space identified in a Gazette notice part of the settlement?***

No, Gazette notices are not a replacement for negotiated regional settlements. Gazette notices are a way of ensuring that some appropriate space has been notified so that negotiations can be meaningful. Gazette notices for this purpose do not confer any other rights or certainty that the space will later become part of a regional agreement under the settlement. As the Crown and iwi move towards concluding regional agreements and implementing the settlement, then exclusive rights can be provided for iwi to make applications to undertake aquaculture in these areas.

### ***Why were sites in these regions selected?***

Cabinet agreed that priority to negotiate regional agreements should be according to the likelihood of aquaculture growth in each region. These regions are likely to have the greatest potential for immediate growth and therefore the greatest risk of initial industry growth reducing access to space before regional agreements with iwi are negotiated.

### ***Will there be other Gazette notices?***

Gazette notices for other (non-priority) regions may be used where aquaculture development is expected. Likewise, further space may be gazetted in the future as regional agreements are progressed or in other situations where the Crown is required to discharge its settlement obligations to iwi.