



THE UNDUE ADVERSE EFFECTS TEST ON FISHING

This information sheet provides information on the undue adverse effects test (UAE test) on fishing for proposed marine farming areas.

The Ministry assesses the effects of proposed marine farm areas on fishing through the undue adverse effects test (UAE test).

A proposed marine farm cannot proceed if it would have “undue” adverse effects on recreational or customary fishing, or commercial fishing for non-quota management system (QMS) stocks. And, unless an aquaculture agreement or compensation declaration is reached, a proposed marine farm cannot proceed if it would have “undue” adverse effects on commercial fishing for QMS stocks.

Fishing means the catching, taking or harvesting of fish, aquatic life, or seaweed.

MATTERS RELEVANT TO THE UAE TEST

- » The location of the proposed marine farm in relation to fishing areas.
- » The likely effect of the proposed marine farm on fishing, including the proportion of any fishery that would be affected.
- » The degree that the proposed marine farm would exclude fishing.
- » The extent that fishing for a species in the proposed marine farm area could occur in other areas.
- » The extent that occupation of the coastal marine area by the proposed marine farm would increase the cost of fishing.
- » The cumulative effect on fishing of any authorised aquaculture, including any structures authorised before the introduction of any relevant stock to the quota management system.

MATTERS NOT CONSIDERED IN THE UAE TEST

The Ministry can only consider the six matters listed above for the UAE test. The Ministry cannot consider general navigation issues that may affect both fishing and non fishing vessels. The Ministry cannot consider effects on the enjoyment of fishing or whether a marine farm would affect views while fishing. This means that the UAE test is limited to the effects on the practicalities of catching, taking and harvesting fish.

Marine farm effects that are outside the scope of the UAE test are considered under purpose and principles of the Resource Management Act 1991 when consent authorities process

coastal permit applications. Submissions about effects that are beyond the scope of the UAE test should be provided to the relevant consent authority when it is processing the coastal permit application for a marine farm.

THE AQUACULTURE DECISION

The decision from the UAE test is called an aquaculture decision. Aquaculture decisions are one of, or a combination of, the following:

- » A determination (a green light) – if effects on fishing are not undue.
- » A reservation (a red light) – if effects on recreational or customary fishing or commercial fishing for a non-QMS species are undue.
- » A reservation (an amber light) – if effects on commercial fishing for QMS stocks are undue.
 - A reservation because of effects on commercial fishing means an aquaculture agreement or compensation declaration is needed before the area with a reservation can be developed.

FEES

As of 1 October 2011, the fee for an aquaculture decision is \$2008.20. The fee 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.

FOR MORE INFORMATION ON 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.