



## The undue adverse effects test on fishing

This factsheet provides information on how Fisheries New Zealand applies the undue adverse effects test (UAE test) to assess the effects of a proposed marine farm on fishing.

### Background

Fisheries New Zealand applies the UAE test to assess the effects of a proposed marine farm on fishing before making an aquaculture decision for a marine farm resource consent (also known as a coastal permit). Fishing means the catching, taking or harvesting of fish, aquatic life, or seaweed.

A proposed marine farm cannot proceed if it would have an undue adverse effect on recreational or customary fishing, or commercial fishing for non-quota management system (QMS) stocks. Furthermore, 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.

### The aquaculture decision

The decision from the UAE test is called an aquaculture decision. Aquaculture decisions are made in accordance with the *Fisheries Act 1996* and can be one of, or a combination of, the following:

- **A determination** – if effects on fishing are not undue.
- **A reservation** – if effects on recreational or customary fishing or commercial fishing for a non-QMS species are undue.
- **A reservation** – if effects on commercial fishing for QMS stocks are undue.
  - A reservation due to effects on commercial fishing for QMS stocks means an **aquaculture agreement** or **compensation declaration** is needed before the area with a reservation can be developed.

### Matters relevant to the UAE test

Only six matters can be considered in 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; and
- 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 relevant to the UAE test

Fisheries New Zealand cannot consider the effects on the environment in the UAE test, general navigation issues that may affect both fishing and non-fishing vessels, or the 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 the *Resource Management Act 1991* when consent authorities process coastal permit applications. Any submissions about effects that are beyond the scope of the UAE test should have been provided to the relevant consent authority when it processed the coastal permit application for the marine farm.

### Fees

The hourly fee for an aquaculture decision is \$133.88, with an average standard fee of \$2008.20 (15 hours work). Fisheries New Zealand will invoice the resource consent applicant after the aquaculture decision is made.

### For more information on the UAE test

See the aquaculture decision provisions in the *Fisheries Act 1996*. The Aquaculture pages on Fisheries New Zealand's website, [www.fisheries.govt.nz](http://www.fisheries.govt.nz), includes copies of previous recent aquaculture decisions.

For further information on aquaculture decisions or how a recommendation on an aquaculture decision is made under the *Fast-track Approvals Act 2024*, contact Fisheries New Zealand's Aquaculture and Fisheries Permitting team: email [UAE@mpi.govt.nz](mailto:UAE@mpi.govt.nz) or phone **03 548 1069**.