

# GO NORTH, YOUNG MAN! BUT PERHAPS NOT JUST YET...

While regions with more established aquaculture industries, like Tasman and Marlborough, grapple with the transition from old to new legal regimes, the Northland Regional Council has been leading the way in trying to provide for the development of "new" aquaculture space. Well before the latest reforms, the council had researched and consulted on areas potentially suitable for aquaculture.

This culminated, as (relatively) recently as April 2004 with the identification of 19 possible aquaculture management areas, or AMAs. Rather than proceeding to advance these through a variation to the Regional Coastal Plan, however, the council put the work on hold and waited to see what would come out of the legislative reforms then being developed.

While the Aquaculture Reform Bill was before a Select Committee, the council became one of the strongest supporters of the insertion of the Invited Private Plan Change option, or IPPC.

The Resource Management Act has always provided for the option of "privately initiated plan changes" in respect of the plans formulated by local authorities under that act. The mechanism has been used relatively frequently to accommodate large subdivisions and other developments requiring changes to permitted land uses. A privately initiated change must go through exactly the same public consultation and statutory processes as a council-initiated change, but is driven, and funded, by private proponents, rather than the council.

In the aquaculture context, this was seen as means of getting AMAs established without councils incurring significant research and planning costs, as would be the case where they initiated the plan change. The only problem was that, in the normal course of things, the proponent of a successful private plan change still generally requires resource consents to carry out activities provided for in that plan change, but does not have the first option of applying for those consents.

In most cases that doesn't matter, because the proponent owns the land concerned. In the case of aquaculture, however, the normal process had to be "tweaked" to ensure that the plan change proponent would have the first opportunity to apply for consents.

The result is the IPPC process, which formed part of the 2004 aquaculture reforms, whereby the council "invites" plan

changes in some or all of its coastal marine area.

Where an IPPC is successful, its proponent is issued authorisations allowing it to apply for consents (except in respect of 20 percent of the space set aside for the settlement of Maori claims). Not surprisingly, given that it was a proponent of the mechanism during the course of the reforms, the NRC halted work on its identified potential AMAs in favour of the IPPC approach.

The result has been a council-proposed variation to the Northland Regional Coastal Plan which does not identify potential AMAs, but sets out the IPPC process and standards and other matters to be considered by the council in inviting, and then assessing, IPPCs.

The formation of a consortium of aquaculture and iwi interests aimed at cooperating, rather than competing, on developing new AMAs, and a recent injection of \$230,000 of government funds to support the council's planning process, has bolstered hopes that Northland might be the first region in the country to see new AMAs established.

There is only one fly in the ointment or, rather, just over 300 of them. When public submissions on the proposed plan variation closed in February this year, 333 submissions had been received, with only six percent generally supporting the proposed variation.

While some of the industry and iwi submissions raised technical issues as to how IPPCs would be assessed, the council describes the submissions as being dominated by concerns about potential impacts on existing uses, and a lack of certainty about where marine farms will be allowed.

The irony is that a process designed to relieve the council of the burden of identifying areas suitable for aquaculture has met community resistance, precisely because it doesn't tell the community which areas are likely to be suitable for aquaculture!

So the NRC still has considerable work ahead of it before it can get to the point of inviting private plan changes, let alone assessing or adopting those changes. This work may have as much to do with educating and informing the community as refining the proposed plan provisions. Many other regions will be watching with interest.



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