



28 JAN 2026

Hon Chris Bishop
Minister for Infrastructure
Parliament Buildings
Wellington

REQ-0026255

Dear Chris

Thank you for the opportunity to comment under the Fast-track Approvals Act (FTAA) on the following applications:

Out of Scope

- Waikato West Coast Mussel Spat Nursery Project, FTAA-2511-1140

Out of Scope

I am providing comments in my capacity as Minister for Economic Growth, focusing on whether these applications are likely to have significant economic benefits under section 22(2)(a)(iv) of the FTAA, based on the information provided. I defer to you and other relevant Ministers to assess the remaining criteria.

Out of Scope

Waikato West Coast Mussel Spat Nursery Project, FTAA-2511-1140

This proposal is for establishing and operating a mussel spat nursery within a coastal marine area of the Tasman Sea. It will operate in a 700-hectare site across four blocks, around three to five kilometres off the coastline in Whāingaroa/Raglan.

The applicant, North Western Mussels Limited, did not provide an independent economic assessment report. However, the applicant provided updated projections of estimated employment, revenue, production and GDP values for this proposal based on information from a 2017 New Zealand Institute of Economic Research (NZIER) report on marine farming.

The applicant estimates that the project would involve infrastructure and capital investment of \$14.4 million for construction and development and is also expected to contribute \$81.5 million to the Waikato region's GDP. It will generate around 320 full-time equivalent (FTE) jobs in the area, along with an additional 28 direct FTE roles for ongoing maintenance, operations and logistics. At full production, the farm is projected to generate annual revenues of \$4.3 million with export volumes reaching 10,655 units.

This proposal could support local industries and generate economic benefits both at the local and regional level through the short and long-term impacts on increased employment, total operational and capital expenditure and increased mussel production. The export focus of this proposal clearly aligns with Government's ambitions to drive economic growth by doubling the value of New Zealand's exports by 2034.

Out of Scope



Out of Scope



Yours sincerely



Hon Nicola Willis
Minister for Economic Growth

Hon Shane Jones

Minister for Oceans and Fisheries
Minister for Regional Development
Minister for Resources
Associate Minister of Finance
Associate Minister for Energy



12 February 2026

Hon Chris Bishop
Minister for Infrastructure
Parliament Buildings
Wellington

Fast-track Approvals Act 2024 – Waikato West Coast Mussel Spat Nursery Critical Industry Infrastructure referral application (FTAA-2511-1140)

Tēnā koe Chris,

Thank you for the opportunity to comment on this referral application lodged by North Western Mussels Limited (NWML) with the Environmental Protection Authority under the Fast-track Approvals Act 2024 (FTAA 2024).

I have considered the application and its alignment with the priorities of my Oceans and Fisheries and Regional Development portfolios. My comments as Minister for Oceans and Fisheries and Minister for Regional Development, under section 17 of the Fast-Track Approvals Act 2024 (Fast-track Approvals Act), are attached as Annex One.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'S. Jones'.

Hon Shane Jones
Minister for Oceans and Fisheries
Minister for Regional Development

Annex One – Comments

Project overview

1. Northwestern Mussels Limited (NWML), the applicant, is seeking Fast-track referral for a mussel spat catching and nursery activities in 11 rows across four blocks totalling 700 hectares, located approximately three to five kilometres off the coast of Raglan.
2. NWML highlights that access to spat is a key constraint on the growth of New Zealand's mussel industry, and increases to water space over the last decade have not been matched by increases in the volume of mussel production. The proposed development would produce between 1.69-3.4 million metres per year of mussel spat, supplying juveniles to the Hauraki Gulf, Bay of Plenty and potentially top of the South Island, in turn enabling production of an estimated 35,500-60,000 tonnes of harvested product.
3. At full production, the development is estimated to create 28 direct jobs, support 320 jobs indirectly and enable the generation of \$185 million of mussel export revenue, which would be a very significant contribution to current annual mussel export revenue, which is around \$390 million.

Regional Development comments

4. Minimal economic analysis was included as part of the application. However, based on the estimates provided, the Waikato West Coast Mussel Spat Nursery Critical Industry Infrastructure development is expected to offer significant regional and national economic benefits, as it would make a large contribution to the potential growth of the significant mussel industry in Waikato and overall aquaculture production nationally.

Oceans and Fisheries comments

5. I have considered the alignment of this application with section 22(2)(a)(v) of the Fast-track Approvals Act. I consider that the project would improve mussel spat and seed supply, which is aligned with the Government's Aquaculture Development Plan. I am advised that matters relating to marine mammals and the environment will be addressed by the Minister for Conservation.

Aquaculture growth opportunity (s22(2)(a)(v) – support for primary industries including aquaculture)

6. Green-lipped mussel farming is New Zealand's largest aquaculture sector by both value and volume, with an annual harvest of 80,000 – 90,000 tonnes and achieving annual export revenue of approximately \$390 million. The expansion of green-lipped mussel farming is a key part of the Government's Aquaculture Development Plan. I am advised that spat (juvenile mussels seeded onto mussel farming ropes) sourced from the west coast is also featured in Waikato Regional Council's Waikato Regional Aquaculture Strategy March 2024.
7. The project aims to supply enough spat for over 35,500 tonnes of harvested mussels per annum. This represents the potential to support both current and new production. NWML indicates that this production could add \$81.5 million to GDP in Waikato, employ 320 people in the region, and contribute \$185 million to export at 2024 values.
8. The Coromandel region has produced around 18,000 - 25,000 tonnes of mussels per annum over the last ten years. I am advised that in recent years, extensive predation by snapper at Waikato mussel farms is reported to impact up to 100 percent of the crop.¹ To mitigate this,

¹ Mason et al. (2026). *Evaluation of the potential for anti-predator stocking to reduce crop losses due to fish predation in Greenshell™ mussel (Perna canaliculus) farms*. Aquaculture, Volume 612, Part 2.

this project allows for the juvenile mussels to be grown to a size that would be more resilient to snapper predation before transfer to other sites for grow out.

9. I do not have enough information to fully assess the production volume of mussels that could be supported by this project. However, I consider the estimated export value contribution based on the proposed volume is reasonable.

Hapū and iwi interests

10. Should this referral application be progressed, I also recommend that the applicant engages further with tangata whenua. I note that Waikato-Tainui and Te Nehenehenui have been offered 20 percent of any consented space as part of this project. I have previously received a letter from Ngāti Tahinga expressing their opposition to the current project.
11. If this referral application progresses to the substantive application process, I would expect to provide comments on the application to the panel should it be convened.

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Northwestern Mussels Limited
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

*Portfolio	Minister of Conservation		
*First name	Tama		
*Last name	Potaka		
Contact person (if different from above)	Siobhan Quayle	Director Regulatory Systems Performance	Department of Conservation
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)		

2. Please provide your comments on this application

If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.

1. General comment

- 1.1. The application is for a mussel spat and seed nursery off the coast of Whāingaroa/Raglan. The application comprises 700 hectares across four sites.
- 1.2. The sites are not on or adjoining any public conservation land, however, they will be in the coastal marine area, within a marine mammal sanctuary. The project does not involve land returned under a Treaty settlement.

Insert Fast-track logo

- 1.3. The Applicant is seeking approval under the Fast-track Approvals Act 2024 (the Act) that would otherwise be required under the Resource Management Act 1991 (RMA). No conservation approvals are sought.
- 1.4. The applicant has previously lodged an application with the Waikato Regional Council (2023) for a private plan change and resource consent for what I understand is substantially the same proposal. This matter was likely to be notified in mid-2025 but has now been placed on hold at the request of the applicant.

2. Critically endangered Māui dolphin

- 2.1. The sites are in core habitat for Māui dolphin (Threatened - Nationally Critical) and within the West Coast North Island Marine Mammal Sanctuary. Māui dolphin range is restricted to the west coast of the North Island with the core of their range between Kāwhia in the south and Kaipara in the north.
- 2.2. A 2020-21 survey estimated that there were around 54 individual Māui dolphins over one year of age in the survey area, confirming their Nationally Critical status under the New Zealand Threat Classification System.
- 2.3. Department of Conservation and Fisheries New Zealand (FNZ) have developed the Hector's and Māui Dolphin Threat Management Plan 2020 (TMP). The partnership reflects the respective roles and responsibilities – it is DOC's role and responsibility to manage the populations overall, and it is FNZ's role and responsibility to manage the effects of fishing-related mortality.
- 2.4. TMP objectives include that human impacts are managed to allow the population to increase to a level at or above 95% of the maximum number of dolphins the environment can support. This means human-induced deaths need to be as near as practicable to zero.
- 2.5. Māui dolphin face a range of human-induced threats both fishing and non-fishing related. Some of these threats are a direct cause of dolphin deaths, such as set net and trawl fishing and toxoplasmosis (a parasitic disease originating in cats that spreads to the sea in terrestrial run-off). Other non-lethal threats may have a more indirect negative impact on the population (e.g. by reducing reproductive success).

3. General risk posed by the application

- 3.1. Marine mammals may interact with or be impacted by aquaculture gear, facilities, and activities in a number of ways, including entanglement and other interactions, habitat exclusion and modification, noise disturbance, and vessel strike.
- 3.2. Marine aquaculture infrastructure could increase the threat of entanglement and non-lethal injury, including the arrangement of anchor lines, horizontal support longlines, vertical mussel grow lines, and marker buoy lines. The spat collection and surface buoy lines are considered to pose the greatest risk.

- 3.3. As aquaculture increases in scale, so does the risk of physical interactions with some marine mammals. Based on some species' inherent curiosity and tendency to remain within inshore waters, it is expected that individuals will be initially attracted to farm activities and most likely investigate any structures at close range. While the risk of entanglement does not necessarily increase with scale (given appropriate precautions and best practice methods), the effect of an actual entanglement does if farms begin to encroach upon the habitats of threatened or endangered species.
- 3.4. A single incidental mortality, in particular a pregnant or reproductive female, would be significant for a Nationally Critical population like Māui dolphins.
- 3.5. In that regard, I consider the applicant will need to demonstrate that no mortalities will result from the Project. This would require intensive monitoring with sufficient rigour to rule out adverse interactions. It is unclear what monitoring methodology could achieve this standard.

4. Fast-track referral

- 4.1. Notwithstanding the benefits of a given project, under section 21(4) you may decline a referral for any reason, whether or not the project meets the criteria in section 22.
- 4.2. Reasons to decline an application may include (without limitation) the matters in section 21(5)(a)-(h). I draw your attention to subclauses (c) the project may have significant adverse effects on the environment; and (f) the project includes an activity that is a prohibited activity under the RMA.
- 4.3. I consider an adverse interactions such as entanglement and/or drowning of an individual Māui dolphin would amount to a significant adverse effect on the environment. The RMA definition of effect has been adopted under the Act. That definition includes any potential effect of low probability which has a high potential impact (section 3(f) of the RMA).
- 4.4. I also note the application is for a prohibited activity under the operative Waikato Regional Coastal Plan. While the activity would be classed as discretionary under the proposed Waikato Regional Coastal Plan, the applicable Rule - *AQA-R7 – Commercial aquaculture activities* - is currently under appeal in the Environment Court meaning the prohibited activity status remains in place.

5. Consistency with national direction under the RMA

- 5.1. The New Zealand Coastal Policy Statement 2010, as amended in 2025 (NZCPS) requires under Policy 11 that adverse effects on Threatened and At-Risk indigenous taxa listed as threatened in the New Zealand Threat Classification System, including Māui dolphin, be avoided. Further, a precautionary approach should be taken in developing and determining these applications under Policy 3 of the NZCPS.
- 5.2. As there is already an RMA application in train, I consider decline of the referral to allow for that application to progress with public notification under the RMA would be the appropriate course of action in this instance. NZCPS Policy 8 enables decision makers to take 'account of

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the environmental (ecological, cultural, social and economic) benefits of aquaculture, including any available assessments of national and regional benefits’.

- 5.3. This would mean the regional and national benefits of the application are considered alongside its potential environmental effects in accordance with the Government's very recent amendments to national direction.

6. Other Matters

- 6.1. I note that an approval relating to marine mammals (permit under the Marine Mammals Protection Act 1978 (MMPA) or authority under the Conservation Act 1987) may be required, and that such approvals are not facilitated through the fast-track process.
- 6.2. Sufficient information about the proposed activity is not available at this time for DOC to determine whether such approvals would be required outside of fast-track or the likely outcome of these.
- 6.3. It is recommended that the applicant provide further information so DOC can determine whether any additional permits may be necessary, or whether the impacts of the activity may be appropriately managed through conditions.

7. Conclusion

- 7.1. The project has the potential to have significant adverse effects on the Threatened – Nationally Critical Māui dolphin. Achieving current management objectives for Māui dolphin requires effectively no human-induced harm – even if the risks from the proposed activity are low probability, they could be significant in impact on the population. In this case, I consider a precautionary approach should be adopted (at least until such time as evidence can demonstrate the risk is negligible).
- 7.2. There has been significant investment in managing threats to Māui dolphin that would be undermined by even a single preventable death.
- 7.3. It may be appropriate in this instance for you to decline the referral pursuant to section 21(4), on the grounds that the project may have significant adverse effects on the environment.
- 7.4. I note a similar application is underway under the RMA and the applicant would presumably pursue this approval route. Without the time pressures of fast-track, a full and robust consideration could be undertaken.

Minister's signoff



Hon Tama Potaka

11/02/2026

Minister of Conservation

Comments on a project under the Fast Track Approvals Act 2024

Project name	West Coast Mussel Spat Nursery
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All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation (acting under delegation from the Director-General of Conservation)		
*First name	Jenni		
*Last name	Fitzgerald		
Postal address			
*Contact phone number	s 9(2)(a)	Alternative	
*Email	fast-track@doc.govt.nz		

2. Please provide your comments on this application
If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.
PTO

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Comments on a Fast-track consenting application

Fast-track Approvals Act 2024 Section 17

To: Hon. Chris Bishop, Minister for Infrastructure

From: Department of Conservation (acting under delegation from the Director-General of Conservation)

Regarding Fast-track project: FTAA-2511-1140 West Coast Mussel Spat Nursery

1.0 General comment

- 1.1 The proposal is to establish and operate a mussel spat and seed nursery across four offshore sites off the coast of Whāingaroa / Raglan, comprising a total area of approximately 700 hectares (the Project).
- 1.2 The proposed sites are not on or adjoining any public conservation land. However, all sites are located within the Coastal Marine Area and fall within the West Coast North Island Marine Mammal Sanctuary. The project does not involve land returned under a Treaty settlement.
- 1.3 The applicant is seeking approvals under the Fast-track Approvals Act 2024 (the Act) that would otherwise be required under the Resource Management Act 1991 (RMA). No conservation approvals are sought.
- 1.4 The applicant has engaged with the Department of Conservation (DOC) prior to lodging the referral application.
- 1.5 We understand that the applicant intends to continue engagement with DOC if the application is referred, in particular on consent conditions. DOC is open to such continued engagement, but we note that consent conditions in themselves would be unable to address some matters raised below.
- 1.6 The applicant has previously lodged a private plan change request and associated resource consent application with the Waikato Regional Council (WRC) in 2023 for a proposal understood to be substantially the same as the current fast-track referral application. That application was accepted for processing but has since been placed on hold at the request of the applicant prior to public notification.
- 1.7 We acknowledge the applicant has been engaging with tangata whenua and that this engagement is ongoing. If the application is referred, we would expect the substantive application to include

an updated record of engagement and a clear statement of any views expressed by iwi in relation to specific sites or the project as a whole, including in relation to the section 21(5)(a) matters discussed below.

- 1.8 DOC notes that, if the fast-track referral were declined, the proposal could proceed through the standard RMA process, including public notification and consideration of national direction, regional planning provisions, and effects management through consent conditions.

2.0 Minister's decision on referral application

- 2.1 Sections 21 and 22 of the Fast-track Approvals Act 2024 set out the matters the Minister must consider when determining whether to accept a referral application.
- 2.2 DOC's comments are focused on matters where DOC has statutory responsibilities, functions, or information relevant to the Minister's decision, particularly in relation to impacts on protected species and marine mammal conservation.
- 2.3 Section 21(3) and (4) set out circumstances where a referral application may or must be declined. DOC's comments on the relevant criteria are outlined below:

Section	Criteria	Comments
21(3)(b)	Does the project involve an ineligible activity	The meaning of ineligible activity is set out in s 5 of the FTAA – DOC has considered ss 5(1)(e) and (l) and has not identified any aspect of the project that would meet the definition.
21(3)(c)	Is there adequate information to inform a decision	DOC considers the information adequate in terms of a referral decision.
21(4)	Are there any other reasons not specified	DOC has not identified any other reasons why the project should not be referred.
21(5)(a)	Is the project inconsistent with: - a Treaty settlement; - Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; - Marine and Coastal Area (Takutai Moana) Act 2011.	The application notes the Project is not in any customary marine title area, protected customary rights area, or aquaculture settlement area under s12 of the Māori Commercial Aquaculture Claims Settlement Act (MCASCA) or identified within an individual Iwi settlement. The project is within areas subject to settlement negotiations and MACAA applications. The applicant states they have engaged with relevant iwi authorities, hapū and Treaty Settlement entities and Marine and Coastal Area (Takutai Moana) Act applicants in accordance with s11 of the FTA. Through this engagement the

Section	Criteria	Comments
		applicant has made an offer to transfer ownership of 20% of any consented space to a representative Waikato coastal hapū and marae entity. This proposal sits outside the Crown's aquaculture settlement obligation for 20% of representative space. DOC understands there is currently no formal agreement in place with coastal hapū.
21(5)(b)	Would it be more appropriate to deal with the proposed approvals under another Act(s)	DOC notes that substantially the same proposal is already in train under the RMA, having been accepted for processing by the WRC. In DOC's view it would be more appropriate to deal with the proposed approvals under the RMA, given the sensitive receiving environment, particularly core habitat for Māui dolphin (Threatened – Nationally Critical). DOC notes that even low probability effects may be significant given the extremely small population size of Māui dolphins.
21(5)(c)	Would the project have significant adverse effects on the environment	DOC considers that the project has the potential to have significant adverse effects on the environment. The proposed sites are located within core habitat for Māui dolphin. Māui dolphin are endemic to the west coast of the North Island and have a very small population, with recent estimates indicating approximately 54 individuals over one year of age. Under the RMA definition of "effect", which is adopted by the Act, even effects of low probability but high potential impact may be considered significant (see section 3(f) of the RMA).
21(5)(d)	Does the applicant(s) have a poor compliance history under a specified Act	WRC will be the primary holder of this information.
21(5)(f)	Does the project include any prohibited activities	DOC understands the application is for a prohibited activity under the operative Waikato Regional Coastal Plan (WRCP). While the activity would be classed as discretionary under the proposed Waikato Regional Coastal Plan, the applicable Rule - <i>AQA-R7 – Commercial aquaculture activities</i> – is currently under appeal in the Environment Court

Section	Criteria	Comments
		meaning the prohibited activity status remains in place.
21(5)(g)	Would a substantive application have any competing applications	Waikato Regional Council will be the primary holder of this information.

2.4 Section 22 sets out the criteria for the Minister for accepting a referral application. DOC has considered these criteria and comments as follows:

Section	Criteria	Comments
22(1)(b)(i)	Would referring the project to the fast-track process facilitate the project, including in a way that is more timely and cost-effective than under normal processes?	While referral to the fast track process may facilitate the project by reducing the time to make a decision, DOC notes that the applicant has already lodged a private plan change and associated resource consent application with WRC which could result in approval of the Project under the RMA.
22(2)(a)(ix)	Will this project address significant environmental issues?	The referral application states that the project will address significant environmental issues, on the basis that recent declines in mussel spat availability and retention in the North Island are considered to be a result of changing environmental conditions, including increasing temperatures and potentially pollutants. DOC considers that the project <u>may respond</u> to those environmental issues but <u>does not address them</u> – while it will provide spat for the aquaculture industry, it will not address marine temperatures or pollutants.
22(2)(a)(x)	Is the project consistent with local or regional planning documents, including spatial strategies?	As above, the Project is for a prohibited activity under the operative WRCP. While the applicant has prepared a detailed planning assessment and has lodged a private plan change seeking to establish a new spat catching and holding zone and associated policy and rules, that plan change is not yet part of the operative planning framework. DOC therefore considers that the

Section	Criteria	Comments
		project is not presently consistent with operative local or regional planning documents, including the WRCP.
22(b)	Any other matters the Minister may consider as relevant?	While the Applicant has offered to gift 20% of any consented space to coastal hapū, that offer is separate to any Crown aquaculture settlement obligation. DOC notes the proposed 700 hectare of spat catching sites would all be new space in terms of the Māori Commercial Aquaculture Claims Settlement Act, so would create a Crown obligation to provide the equivalent of 20% of that space. That obligation would need to be met through either creation of Aquaculture Settlement Areas or provision of a cash equivalent.

3.0 Critically endangered Māui dolphin

- 3.1 The project sites are in core habitat for Māui dolphin and within the West Coast North Island Marine Mammal Sanctuary. Māui dolphin range is restricted to the west coast of the North Island with the core of their range which is estimated to extend from Maunganui Bluff to Pariokariwa Point.
- 3.2 A 2020-21 survey estimated that there were around 54 individual Māui dolphins over one year of age in the survey area, confirming their Nationally Critical status under the New Zealand Threat Classification System.
- 3.3 The Department of Conservation and Fisheries New Zealand (FNZ) have developed the Hector's and Māui Dolphin Threat Management Plan 2020 (TMP). The partnership reflects the respective roles and responsibilities – it is DOC's role and responsibility to manage the populations overall, and it is FNZ's role and responsibility to manage the effects of fishing related mortality.
- 3.4 TMP objectives include that human impacts are managed to allow the population to increase to a level at or above 95% of the maximum number of dolphins the environment can support. This means human-induced deaths need to be as near as practicable to zero.
- 3.5 Māui dolphin face a range of human-induced threats both fishing and non-fishing related. Some of these threats are a direct cause of dolphin deaths, such as set net and trawl fishing and toxoplasmosis (a parasitic disease originating in cats that spreads to the sea in terrestrial run off).

Other non-lethal threats may have a more indirect negative impact on the population (e.g. by reducing reproductive success).

- 3.6 Extensive measures are in place to reduce fishing-related risks. These include closure of a large area of Māui Dolphin habitat to set net and trawl fishing, and a requirement for all boats operating off the North Island west coast to have an onboard camera, with a 100% review rate. DOC expects equivalent monitoring and effects management measures would need to be in place for any large-scale operation such as that proposed here in core Māui Dolphin habitat. As the proposed sites would cover a 700-hectare area it is unclear how that could be achieved.

4.0 General risk posed by the Project

- 4.1 Marine mammals may interact with or be impacted by aquaculture gear, facilities, and activities in a number of ways, including entanglement and other interactions, habitat exclusion and modification, noise disturbance, and vessel strike.
- 4.2 As aquaculture increases in scale, so does the risk of physical interactions with some marine mammals. Based on some species' inherent curiosity and tendency to remain within inshore waters, it is expected that individuals will be initially attracted to farm activities and most likely investigate any structures at close range. While the risk of entanglement does not necessarily increase with scale (given appropriate precautions and best practice methods), the effect of an actual entanglement does if farms begin to encroach upon the habitats of threatened or endangered species.
- 4.3 A single incidental mortality, in particular a pregnant or reproductive female, would be significant for a Nationally Critical population like Māui dolphin.

5.0 Consistency with National Direction

- 5.1 The New Zealand Coastal Policy Statement 2010 (NZCPS), as amended in 2025, is relevant national direction for the assessment of this proposal.
- 5.2 Policy 11 of the NZCPS requires that adverse effects on indigenous taxa that are listed as Threatened, including Māui dolphin, be avoided. Policy 3 requires a precautionary approach where the effects of an activity are uncertain, unknown, or potentially significant.
- 5.3 DOC considers that the presence of a Nationally Critical marine mammal species, coupled with uncertainty regarding the effectiveness of mitigation measures at this scale and location, strongly supports a precautionary approach.
- 5.5 DOC notes that NZCPS Policy 8, as amended in 2025, enables decision-makers to take account of the environmental, cultural, social, and economic benefits of aquaculture. DOC considers that these benefits are more appropriately assessed through a full RMA process alongside environmental effects, particularly where protected species are involved. This approach would be consistent with the government's very recent changes to the NZCPS.

6.0 Conclusions

- 6.1 DOC considers the Project has the potential to result in significant adverse effects on the environment, particularly in relation to the Māui dolphin, a Threatened – Nationally Critical species.
- 6.2 Given the extremely small population size of Māui dolphin, any adverse events could have irreversible consequences, and this reinforces the need for a precautionary approach to even low-probability events. Achieving existing management objectives requires that human-induced harm be effectively avoided.
- 6.3 DOC therefore considers that a precautionary approach is warranted and that it is appropriate to decline the referral application under section 21(4) of the Act, on the grounds that the project may have significant adverse effects on the environment.
- 6.4 DOC notes that an equivalent proposal has been applied for under the RMA and that assessment of the Project may be better suited to the standard RMA process.



Jenni Fitzgerald
Fast-Track Applications Manager

Acting pursuant to delegated authority on behalf of Hon. Tama Potaka, Minister of Conservation

Date: 20/03/2026

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011


Fisheries New Zealand

Tini a Tangaroa

Fisheries New Zealand comment on Fast-track referral application for the Waikato West Coast Mussel Spat Nursery Project under the Fast-track Approvals Act 2024

Thank you for the opportunity to comment on this referral application, under section 17(5) of the Fast-track Approvals Act 2024 (Fast-track Approvals Act).

This letter provides Fisheries New Zealand's (FNZ) comments on the referral application lodged by North Western Mussels Limited (NWML) with the Ministry for the Environment.

FNZ has considered the alignment of this application with the Government's Aquaculture Development Plan, matters relating to marine mammals, and other relevant matters – by referring to the referral criteria outlined in s21 and s22 of the Fast-track Approvals Act. Of particular note are:

- *s22(2)(a)(v) – will support primary industries, including aquaculture.* Improving mussel spat and seed supply is part of the Government's aquaculture priorities and is aligned with the Aquaculture Development Plan;
- *s21(5)(c) – the project may have significant adverse effects on the environment.* It is difficult to quantify the risks of establishing a large marine farm within the core habitat

f M i l h n .
s 6(a), s 9(2)(h)

- *s21(5)(f) – the project includes an activity that is a prohibited activity under the Resource Management Act 1991 (RMA).* Under the Operative Waikato Regional Coastal Plan this project is a currently prohibited activity. While the proposed plan would make it discretionary, it is not yet operative, and the Fast-track Approvals Act provides a timely alternative pathway.

Detailed comments are as follows.

Aquaculture growth opportunity (s22(2)(a)(v) – support for primary industries including aquaculture)

Green-lipped mussel farming is New Zealand's largest aquaculture sector by both value and volume, with an annual harvest of 80,000 – 90,000 tonnes and achieving annual export revenue of approximately \$390 million. The expansion of green-lipped mussel farming is a key part of the Government's Aquaculture Development Plan. West coast sourced spat (juvenile

mussels seeded onto mussel farming ropes) is also identified as an opportunity in Waikato Regional Council's Waikato Regional Aquaculture Strategy March 2024.

The availability and survival of mussel spat is widely regarded as the greatest limiting factor for growth of the mussel industry. The project aims to supply enough viable spat for over 35,500 tonnes of harvested mussels per annum, potentially a combination of supporting current and new production. NWML indicate that this production could add \$81.5 million to GDP in Waikato, employ 320 people in the region, and contribute \$185 million to export at 2024 values.

Mussel nursery sites enable the progression and growth of smaller spat into larger juveniles known as 'seed' and are generally measured by 'spat retention' (survival rate of spat into seed). Good quality nursery sites with high spat retention are currently rare and are therefore strategically important as they increase the production potential of mussels at harvest.

The Coromandel region has produced around 18,000 – 25,000 tonnes of mussels per annum over the last ten years. In recent years, environmental changes have led to the decline in performance of nurseries, including in Coromandel. Extensive predation of spat by snapper at Waikato mussel farms has also been reported to cause substantial losses, with some farmers reporting specific dropper lines being stripped completely bare of mussels.¹ To mitigate this, this project seeks to consent a new spat catching and high-quality nursery site where the juvenile mussels can be grown to a size that would be more resilient to snapper predation before transfer to other sites for grow out.

FNZ does not have information to fully assess the production volume of mussels that could be supported by this project but considers that the estimated export value contribution based on the proposed volume is reasonable.

FNZ notes that if this application receives consent, it would be one of New Zealand's most exposed marine farming sites. There are some challenges associated with this that would need to be managed, such as timely access to the farm site for maintenance and repair activities, and resilience of equipment to storm damage.

Potential impact on marine mammals (s21(5)(c) – effects on the environment)

The Māui dolphin (*Cephalorhynchus hectori maui*), a subspecies of Hector's dolphin, occurs most commonly between Manukau and Raglan. However, aerial surveys and public sightings have sighted Māui/Hector's dolphins between Kāwhia and Mōkau (see Figure 1). The proposed development is within the core distribution for the species, which is estimated to extend from Maunganui Bluff to Pariokariwa Point. The Māui dolphin is classified as critically endangered.

A Hector's and Māui Dolphin Threat Management Plan (TMP) was developed in 2007 by the Government to provide an overarching framework that identifies human-induced threats to Hector's and Māui dolphins and implement strategies to mitigate those threats.

Extensive measures are in place to reduce fishing-related risks (excluding aquaculture) to very low levels (near zero). These measures include 15,025 square kilometres (km²) of closures to set net fishing and 5,837 km² of closures to trawling, and include the area where the spat catching farm is proposed to be sited. Commercial fishing vessels operating on the

¹ Mason et al. (2026). Evaluation of the potential for anti-predator stocking to reduce crop losses due to fish predation in Greenshell™ mussel (*Perna canaliculus*) farms. Aquaculture, Volume 612, Part 2.

west coast of the North Island are required to operate on-board cameras, with a 100% target footage review rate in the Māui dolphin habitat zone.

The TMP does not explicitly address risks from mussel farming. Such risks are addressed through consenting processes under the RMA or Fast-track Approvals Act.

In 2020 the Ministry for Primary Industries (MPI) commissioned a review of marine mammal interactions with aquaculture, which identified potential effects as habitat exclusion, trophic effects, entanglement, marine debris, vessel strike, and underwater noise.²

MPI has not conducted a risk assessment to assess the potential scale of these risks from mussel spat farming.

Māui Dolphin Monitoring and Management

The applicant provides a summary on monitoring and management (Schedule D) and discusses reported interactions between dolphins and aquaculture in Golden Bay (Schedule D1).

Schedule D1 indicates that South Island Hector's dolphins are present in and around mussel farms in Golden Bay, and that there have been no observed or reported incidents. Māui dolphins and South Island Hector's dolphins are subspecies of Hector's dolphins (*C. hectori*) so some similarity of behaviour could be expected, but there is no available evidence as to whether Māui dolphins would behave in the same way around farms.

A Marine Wildlife Management Plan (MWMP) is provided by the applicant in Schedule C9. The MWMP outlines measures to manage risk and to monitor, respond to, and report wildlife interactions with the farms.

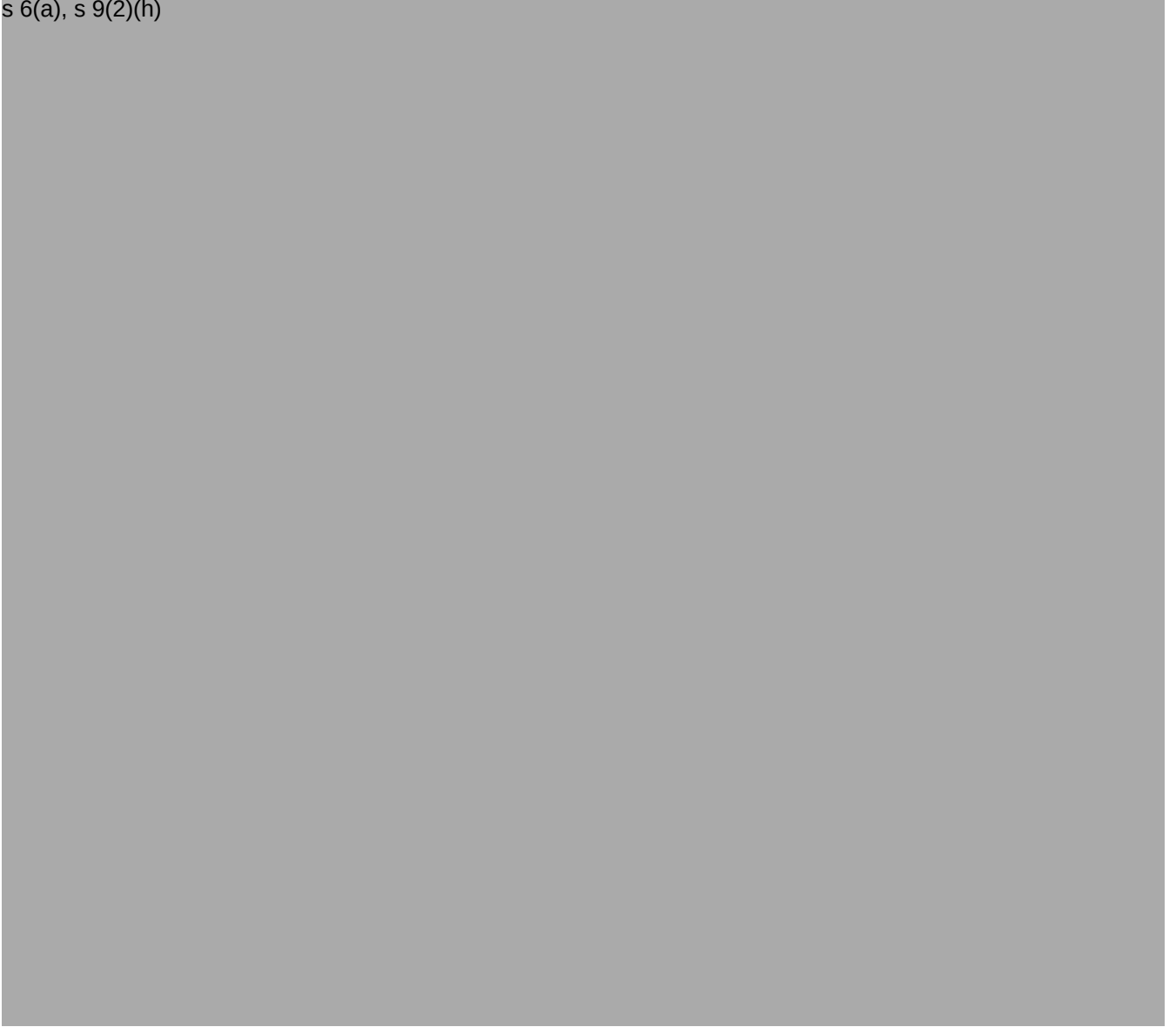
The MWMP reporting and response protocols are based on responding to interactions observed by the operator. There may be monitoring challenges as it is a large-scale marine farm (700ha) that may only be visited periodically, with likely constraints from rough sea conditions at times.

s 6(a), s 9(2)(h)



² Würsig, B. (2020). Marine Mammals and Aquaculture, with Special Emphasis on Open Ocean Waters of New Zealand. Fisheries New Zealand Report. Accessible at: <https://www.mpi.govt.nz/dmsdocument/50254/direct>.

s 6(a), s 9(2)(h)



The project includes an activity that is a prohibited activity under the Resource Management Act 1991 s21(5)(f)

Under the Operative Waikato Regional Coastal Plan this project is a prohibited activity (as part of a near blanket prohibition on aquaculture outside of specified aquaculture zones). The decisions version of the proposed Waikato Regional Coastal Plan removes this prohibition and would provide for this project as a discretionary activity. As the plan is not yet operative, the Fast-track Approvals Act provides an opportunity for the project to be considered in a more timely manner.

Other matters

Not for proactive release: Prejudice to the international relations [Section 6(a)].

³ NOAA Fisheries. Compliance Guide – Marine Mammal Protection Act Import Provisions. <https://www.fisheries.noaa.gov/foreign/marine-mammal-protection/marine-mammal-protection-act-import-provisions> Last accessed 9 February 2026.

Hapū and iwi interests

Should this referral application be progressed, FNZ also recommend that the applicant engages further with tangata whenua. FNZ notes that Waikato-Tainui and Te Nehenehenui have been offered 20 percent of any consented space as part of this project.

If this referral application progresses to the substantive application process, FNZ would be happy to provide comments on the substantive application to the panel should it request it to do so.

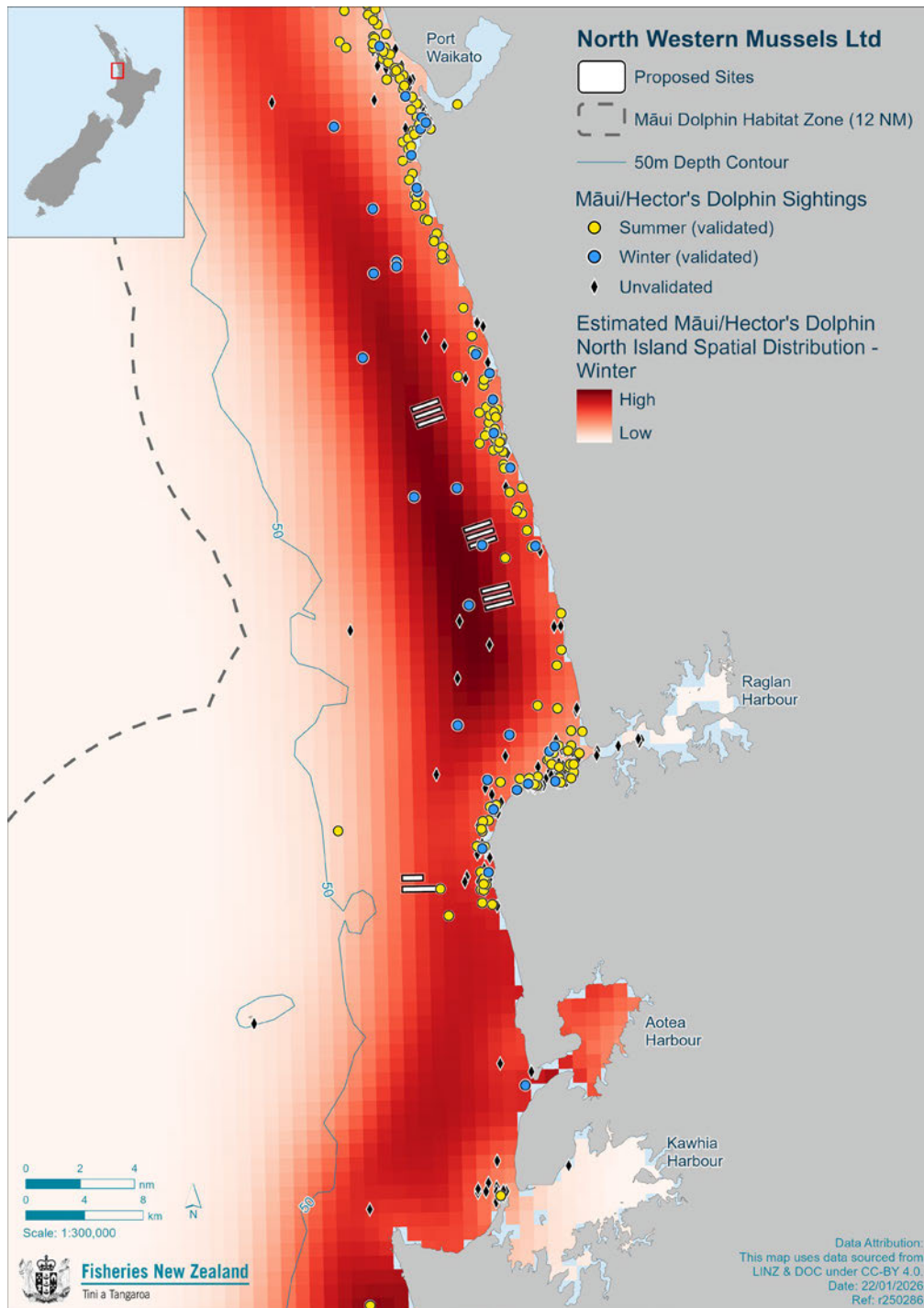
Thank you for the opportunity to comment on this referral application.

Yours sincerely,

Bridget Giesen

Director Aquaculture

Figure 1. Estimated (winter) spatial distribution of Māui dolphins from Kawhia Harbour to Port Waikato overlaid with proposed NWML marine sites. Locations of all reported public sightings of Māui/Hector's dolphins across the estimated Māui dolphin distribution in the area.



11 February 2026

TO:
Fast Track Application Team
REF: CRM:0139009024

**RE: Invitation to Comment Fast Track Application
North Western Mussels Limited (NWML) - Waikato West Coast Mussel Spat Nursery.**

Kia ora koutou,

Introduction

1. Aquaculture New Zealand (AQNZ) appreciates the opportunity to comment on the Fast Track Application submitted by North Western Mussels Limited (NWML) for a proposed Greenshell™ mussel spat catching and nursery facility off the Raglan/Whāingaroa coast.
2. AQNZ is the industry body representing New Zealand's aquaculture sector, funded through a commodity levy. The sector includes Greenshell mussels™, King salmon, and Pacific oysters, contributing approximately \$840 million in combined domestic and export earnings in 2025 and employing over 3,000 people in regional communities.
3. AQNZ has engaged with the Coromandel Marine Farmers Association (CMFA) regarding the proposed Fast Track application and its perspectives. The CMFA represents mussel and oyster farmers operating throughout the Hauraki Gulf, with primary activity around the Coromandel Peninsula and Waiheke Island. Its key areas of interest include the Coromandel, Thames Coast, Waimangu Point, East Auckland, and Waiheke Island. The CMFA also works closely with oyster farmers in Mahurangi Harbour, who make up the remaining aquaculture operations within the Hauraki Gulf.
4. The Coromandel Marine Farmers Association (CMFA) supports the views of AQNZ outlined in this letter.
5. Aquaculture has been recognised by the Government as a key primary sector to accelerate economic growth for the benefit of New Zealand. The Government's Aquaculture Development Plan 2025 aims to grow New Zealand's aquaculture industry to \$3 billion in annual sales by 2035. This goal is aligned with the broader government target of doubling the value of New Zealand's exports in ten years. The plan sets out how Government will accelerate the aquaculture sector, including by removing regulatory barriers to growth.

6. The Minister for Oceans and Fisheries, Hon. Shane Jones, has recently challenged the aquaculture sector to lift its ambition beyond the existing \$3 billion target and instead aim for a scale comparable to New Zealand's beef industry. Meeting this challenge will require regulatory settings and project approval processes that actively enable sector growth and commercial performance. These elements are essential to de-risking the industry, securing ongoing investment, supporting workforce attraction and retention, and contributing to economic prosperity for New Zealand and its regional communities.
7. Fast Track projects such as the North Western Mussels Limited (NWML) proposal for a Greenshell™ mussel spat catching and nursery facility off the coast of Raglan/Whāingaroa represent an important enabler for the sector. By strengthening the supply of critical inputs and reducing operational uncertainty, initiatives like this play a key role in supporting industry resilience and future development.
8. In April 2023, AQNZ provided a letter of support for this project, noting its potential to contribute to the mussel industry's productivity and resilience goals. The letter also highlighted the significant opportunity that Greenshell™ mussels represent for Aotearoa New Zealand, while underscoring that further progress depends on addressing the industry's priority need to improve the security of mussel spat supply.
9. Spat retention challenges across the industry—particularly in the Coromandel—are becoming increasingly urgent and have significant implications for aquaculture productivity and long-term resilience. This submission emphasises the ongoing importance of initiatives like this project, which aims to supply mussel spat and seed in conditions and at times that maximise their survival when transferred to the farming environment. The project also creates opportunities to provide nursery space for hatchery spat. It should be considered alongside complementary efforts, including hatchery developments, that collectively contribute to de-risking and future-proofing the New Zealand mussel industry.

Sector context

Greenshell™ Mussel Value Proposition – Evidence Overview

10. Greenshell™ mussels contribute significantly to New Zealand's aquaculture output, generating approximately \$390 million in export earnings in 2024. Multiple environmental assessments, including the Monterey Bay Aquarium's Seafood Watch programme, identify mussel farming as having comparatively low environmental impacts. Shellfish aquaculture has also been researched extensively in New Zealand, with long term monitoring datasets informing regulatory and environmental management frameworks .
11. While opportunities for further sustainable growth exist, overall sector output has plateaued and, in some areas, such as the Coromandel, declined. In this context, improved spat reliability is regarded as a key enabler for re establishing production levels.

Spat Supply as Critical Driver

12. MPI's publication Enabling Spat Nurseries to Grow New Zealand's Mussel Sector notes that only a very small proportion of wild spat grown in sub optimal environments survives to seed stage. Optimised nursery sites—either land or sea based—are therefore important for improving survival rates and supporting consistent production, noting that sea based nurseries can cultivate larger seed at scale.

13. The West Coromandel mussel farming industry experienced a catastrophic mortality event of mussel spat in late 2021. The regional spat mortality event has exacerbated an industry wide challenging situation. More reliable, consistent sources of spat are needed if the aquaculture industry is to maintain its present volumes, and more spat will be needed for the industry to grow. The AQNZ Mussel Spat Strategy¹ identifies the following three goals for the industry:
 - a) Secure and diversify spat supplies
 - b) Optimise spat use (retention)
 - c) Increase hatchery production.
14. The spat mortality event of 2021 could have been caused by stress and unfavourable conditions from high marine sea temperatures observed at the time². Losses of spat have increased over the last 30 years, but reasons remain unclear and may be due to environmental changes³. Spat challenges are likely to continue or worsen for the industry.
15. The NWML application shows that, over the past ten years, spat collection from the proposed area has consistently produced large quantities of spat. It also demonstrates that this spat can be grown at scale to seed sizes that are resistant to snapper predation—a problem that is currently affecting Coromandel farms. If these findings are confirmed through the consenting process, the proposal could make a meaningful contribution to the availability of seed mussels for existing farms across parts of the North Island.
16. Iwi involvement and aspirations in aquaculture continue to expand, and infrastructure that enhances reliability of spat supply may contribute to the viability of both current and future Māori aquaculture assets. AQNZ acknowledges that iwi perspectives, rights, and interests will be key considerations for decision makers.

Environmental Stewardship

17. Environmental effects remain a core component of any aquaculture consent process. Over the past two decades, scientific research and monitoring associated with marine farming consents have substantially increased understanding of environmental interactions. Many datasets now extend 30 years or more, contributing to confidence regarding environmental effects at both local and regional scales.
18. AQNZ recognises that the proposed NWML site is within an area of Māui dolphin habitat. This requires careful assessment, including potential interactions, operational risks, and mitigation frameworks. Although mussel farms also operate without issue in other regions where Hector's dolphins are present, site-specific evaluation remains essential. Industry best practice frameworks, such as the A+ Sustainable Management Programme, provide guidance for risk mitigation, but final assessments rest with technical experts and the consenting authority.

¹ NZ Greenshell Mussel Spat Strategy 2020 (<https://www.aquaculture.org.nz/resources/general>)

² <https://www.moanaproject.org/news/severe-marine-heatwave-off-west-coast-north-island-saturdays-outlook>

³ Skelton, B., Jeffs, A. 2021. The loss of spat following seeding onto coastal Greenshell™ mussel (*Perna canaliculus*)

Conclusion

19. There is no single solution to New Zealand aquaculture's mussel spat challenges; however, the industry needs to be able to trial, research and develop alternative practices and locations to improve mussel spat supply, productivity, and resilience.
20. AQNZ considers that the NWML Fast Track Referral application presents potential benefits for improving spat supply reliability, delivering robust seed when it is needed for survival, and supporting sector resilience at a regional and national scale. These potential benefits must be weighed against environmental, cultural, and technical considerations, which are appropriately the responsibility of the Fast Track decision making process.

Ngā mihi,



Teena Hale Pennington
Chief Executive

Cc. Chair, Stephen Hand, Coromandel Marine Farmers Association (CFMA)

11 February 2026

Private Bag 3038
Waikato Mail Centre
Hamilton 3240
New Zealand

Stephanie Frame
Acting General Manager, Delivery and Operations
Te Kawanatanga o Aotearoa - New Zealand Government

waikatoregion.govt.nz
0800 800 401

info@fasttrack.govt.nz

Kia ora Stefanie,

RE: FTAA-2511-1140 North Western Mussels Limited – Fast-track Approvals Act 2024 – Waikato West Coast Mussel Nursery Referral Application

I respond to your letter received by the Waikato Regional Council (WRC) on Tuesday, 13 January 2026, titled 'Invitation to provide written comments on an application for referral of the Waikato West Coast Mussel Nursery Project under the Fast-track Approvals Act 2024'.

In your letter you invited WRC's written comments on the referral application under sections 17(1)(a) and 17(3) of the Fast-track Approvals Act 2024 (FTAA) including:

1. **Any applications that have been lodged with WRC that would be a competing application or applications if a substantive application for the project were lodged. If no such applications exist, please provide written confirmation.**

WRC comments:

WRC is currently processing a consent application lodged by *Gulf Mussel Farms Limited* in October 2022 for mussel spat catching and seaweed research structures. This application seeks consent for a limited number of research structures to be placed and moved around anywhere within the Waikato west coast coastal marine area (CMA) except harbours, and includes the area this referral application applies to.

WRC understands that the purpose of this application is for research purposes to support this referral application but is made by a different entity.

Therefore, WRC is of the view that this application may be considered a competing application under section 21(5)(g) of the FTAA given the applications have different applicants.

2. **In relation to projects seeking approval of a resource consent under section 42(4)(a) of the Act, whether there any existing resource consents issued where sections 124C(1)(c) or 165ZI of the Resource Management Act 1991 (RMA) could apply, if the project were to be applied for as a resource consent under the RMA. If no such consents exist, please provide written confirmation.**

WRC comments:

An existing consent is held by *Gulf Mussel Farms Limited*. This consent authorises experimental mussel spat catching and the associated occupation of research structures in the CMA. The research structures may be placed anywhere in the Waikato west coast CMA except harbours, and includes the area this referral application applies to. A copy of the consent certificate is attached to this letter.

WRC understands that the purpose of this consent is for research purposes to support this referral application but is held by a different entity.

Given this consent is held by a different entity WRC considers that section 165ZI of the RMA applies.

3. If the Minister decides to refer the project, any comments received may assist in determining the information that must be submitted with the substantive application.

WRC comments:

WRC is currently processing a resource consent application by North Western Mussels Limited which we understand is the same as this current application for referral under the FTAA.

Based on that application, WRC considers that the following outstanding matters need to be addressed in any subsequent substantive application under the FTAA (in addition to the information already included in the referral application):

- *Marine Mammals including Maui dolphin:* Information which satisfies the decision maker that all possible best practice management practices will be implemented to manage effects on marine mammals including Maui dolphin.
- *Landscape:* Information to include a more detailed analysis of landscape effects within 2 kilometres of each proposed marine farm block.
- *Biosecurity:* Confirmation that the application does not include the on-growing of spat caught or collected in other regions.

Should you require any further information with regard to the above, please contact Christin Atchinson – Principal Consents Advisor via email at s 9(2)(a) or via phone on s 9(2)(a)

Kind regards



AnaMaria d'Aubert
Manager – Regional Consents
Resource Use

Resource Consent Certificate

Resource Consent: AUTH139018.01.01

File Number: 61 59 68A

Pursuant to the Resource Management Act 1991, the Waikato Regional Council hereby grants consent to:

Gulf Mussel Farms Ltd
321 Tiki Quarry Road
RD 1
Coromandel 3581

(hereinafter referred to as the Consent Holder)

Consent Type: Coastal permit

Consent Subtype: Occupation, Structure, Use

Activity authorised: To undertake experimental mussel spat catching for research purposes, including associated occupation of the CMA

Location: West coast, Waikato Region (Tasman Sea)

Consent Duration: This consent will commence on the date of decision notification, unless otherwise stated in the consent's conditions, and expire on 31 July 2043

Subject to the conditions overleaf:

General

1. The activity authorised by this resource consent shall be undertaken in general accordance with the application for this resource consent (WRC document number 11556492), any amendments (including WRC document numbers 11868307 and 12850214) and any further information and the conditions below, which shall prevail should any inconsistency occur between the documentation and conditions.
2. The consent holder shall be responsible for all contracted maintenance operations relating to the exercise of this resource consent, and shall ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulation made under section 360 of the Resource Management Act 1991.
4. The structures authorised by this resource consent shall not be deployed in Port Waikato, Whaingaroa Harbour, Aotea Harbour, Kawhia Harbour, or the entrances to these harbours.

Notification and Timing of Works

5. The consent holder shall provide Maritime New Zealand and Waikato Regional Council with accurate and current GPS locations of the structures as soon as practicable and within five working days of installation or movement of the structures.

Code of Practice

6. The spat catching structures shall be operated in general accordance with the Aquaculture New Zealand A+ New Zealand Sustainable Aquaculture Programme.

Where any conflict exists between the A+ Programme and the conditions of this resource consent, the conditions shall prevail.

Marine Mammals and other Protected Species

7. The consent holder shall notify Waikato Regional Council of any entanglements of
 - (i) marine mammals (see Advice Note 1); and/or
 - (ii) seabirds; and/or
 - (iii) protected species under the Wildlife Act 1953 (see Advice Note 2).

in writing within five working days. Notification information shall include:

- a) the date of entanglement, and
- b) the name of the entangled species, and
- c) remedial actions undertaken.

Biosecurity

8. The consent holder shall compile a waterproof manual featuring short descriptions and photographs of marine pests, unwanted and notifiable marine organisms and marine fouling organisms as identified by the Ministry for Primary Industries and the marine farming industry. The manual shall be available for reference and kept on all vessels servicing the structures at all times.
9. An annual visual inspection of the marine farming structures shall be undertaken by a person familiar with the manual as required by condition 8 to identify and record:
 - (iv) Any marine pests, unwanted or notifiable marine organisms as specified by the Ministry for Primary Industries (see Advice Note 10); and

- (v) any marine fouling organisms as specified by the New Zealand Mussel Industry Council Ltd (see Advice Notes 11); and
- (vi) any other harmful marine organisms that are attached to the marine farming structures (see Advice Notes 12 and 13).

The records shall include:

- a) the date of the inspection;
- b) the description of the organisms specified in (i) to (iii) above that have been observed; and
- c) the extent of the infestation; and
- d) whether any actions have been undertaken to reduce the risk of spreading.

The date and records of the visual inspection shall be provided to the WRC within one month of recording.

If an organism cannot be identified, the consent holder shall take a photograph and a sample of the organism. The sample shall be kept frozen in a sealable plastic bag for at least 2 months following provision of the biosecurity records to WRC as outlined above.

Alternatively to the above annual inspections, if agreed in writing by WRC, the consent holder shall comply with a biosecurity contingency plan approved by Waikato Regional Council. The plan shall, as a minimum, include a description of the biosecurity risk, procedures to minimise the risk of transfer of species of concern via machinery, equipment and vessels; and set out procedures should any species of concern be detected.

10. The consent holder shall comply with the following documents or any subsequent updated versions of these documents;

- (i) New Zealand Mussel Industry Council Ltd (2006) *“New Zealand Mussel Industry Marine Fouling Organisms Guide”*; and
- (ii) New Zealand Mussel Industry Council Ltd (2004) *“New Zealand Greenshell Mussel Industry, Exotic Disease Response Plan”*; and
- (iii) New Zealand Mussel Industry Council Ltd *“Code of Practice for Transfer of Mussel Seed”*; and
- (iv) New Zealand Aquaculture Council (2005) *“Industry code of Practice to reduce the risk of spreading the seasquirt Styela Clava within the coastal marine zone”*

Marking and Lighting

11. Unless otherwise approved by MNZ, each structure and both ends of each surface longline shall be marked with an orange coloured marker buoy that must:

- (i) be no more than 50% submerged;
- (ii) be maintained in such a condition that the orange colour of the surface exposed to air is readily visible;
- (iii) include a luminous strip or reflective strip to aid visibility of the float on the surface exposed to air.

12. Each marker buoy shall be clearly marked with the consent holders name and contact telephone number.

13. Unless otherwise approved by MNZ, the consent holder shall install, use and maintain a light with a nominal range of 1 nautical mile at each end of each surface longline.

Navigational safety and structural integrity

14. Each structure shall comply with any written requirements from Waikato Regional Council Maritime Services on minimum structural specifications.

15. The consent holder shall maintain the structure so that any ropes (except for the catching medium) are tight at all times.
16. The consent holder shall maintain the structures so that no part of a structure is loose or becomes dislodged (e.g. breaks loose due to wind or water processes) or results in a navigational or entanglement hazard. Any material that is lost from the structure shall be immediately retrieved by the consent holder. Should the material lost be a hazard to navigation the Maritime New Zealand or such other appropriate body shall be immediately informed.
17. Should any part of the structures authorised by this resource consent be lost into the marine environment that is of a size that could constitute a navigation or entanglement hazard, the consent holder shall inform the Waikato Regional Council as soon as practicable. The consent holder shall undertake all necessary steps to find the lost part and once found shall undertake such actions as are necessary to ensure it does not constitute a navigation hazard.

Waste removal

18. The consent holder shall ensure that non-biodegradable material lost or removed from the structures authorised by this resource consent, including but not limited to anchors, chain, lines, droppers, spat catching material, ties, buoys and plastic floats shall be removed as soon as practicable from the seabed, water column or foreshore and disposed of on land to the satisfaction of the Waikato Regional Council.

Removal of structures

19. The consent holder shall inform the Waikato Regional Council as soon as practicable should the marine farming operation cease within all or part of the space authorised by this resource consent. Unless otherwise agreed in writing by the Waikato Regional Council, the structures authorised by this resource consent shall be removed and suitably disposed of on land to the satisfaction of the Waikato Regional Council at the consent holder's expense within six months of the date of ceasing to farm this area, or at the expiry, lapse, cancellation or surrender of this resource consent.

Advice notes

1. In the event a marine mammal is entangled or stranded within the farm structures the consent holder should, as soon as practicable, contact the nearest office of the Department of Conservation. This is a legal requirement under the Marine Mammals Protection Act 1978.
2. In the event that a protected species other than a marine mammal is entangled, that is protected under the Wildlife Act 1953 (for example, sea turtles) the consent holder should as soon as practicable, contact the nearest office of the Department of Conservation or the Ministry of Primary Industries. This is a legal requirement under the Wildlife Act 1953.
3. Where a resource consent has been issued in relation to any type of construction (e.g. dam, bridge, jetty) this consent does not constitute authority to build and it may be necessary to apply for a Building Consent from the relevant territorial authority.
4. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
5. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA).
6. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
7. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
8. Note that pursuant to s333 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
9. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
10. Information regarding marine pests, unwanted and notifiable organisms can be obtained from the Ministry of Primary Industries' website <http://www.biosecurity.govt.nz/pests/salt-freshwater/saltwater>
11. "The New Zealand Mussel Industry Marine Fouling Organisms Guide", prepared by the New Zealand Mussel Industry Council Ltd.

12. Under section 44 of the Biosecurity Act 1993 every person has a duty to inform the Ministry of Primary Industries, as soon as practicable, of the presence of what appears to be an organism not normally seen or otherwise detected in New Zealand.
13. Under section 46 of the Biosecurity Act 1993 every person is required, without unreasonable delay, to notify the Chief Technical Officer of the presence or possible presence of a notifiable organism (all notifiable organisms are also unwanted organisms).