



FTAA-2511-1140: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Waikato West Coast Mussel Spat Nursery

Date submitted:	24 April 2026	Tracking #: BRF-00460	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	4 May 2026

Actions for Minister's Office staff	Return the signed briefing to: FTAreferrals@mfe.govt.nz Approve the attached notice of decisions letter.
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for the Waikato West Coast Mussel Spat Nursery project 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from invited parties 6. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Whitney Nelson	s 9(2)(a)	
Acting Manager	Ben Bunting	s 9(2)(a)	✓
Acting General Manager	Stephanie Frame	s 9(2)(a)	

Project Location



Figure 1: Map showing the location of the four sites comprising the Waikato West Coast Mussel Spat Nursery Project offshore from Whāingaroa/Raglan, on the west coast of the Waikato Region.

Key messages

1. This briefing seeks your decision under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from North Western Mussels Limited (the applicant) to refer the Waikato West Coast Mussel Spat Nursery project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-00099) with your initial decisions annotated is in Appendix 3.
3. The project is to establish and operate, using conventional longline methods, a new approximately 700-hectare mussel spat nursery farm at four sites for the purpose of spat catching and seed holding and transfer of Greenshell mussels.
4. The four sites are located approximately 3km offshore from the coast, near Whāingaroa/Raglan, on the west coast of the Waikato Region (refer Figure 1).

5. The project seeks resource consents under the Resource Management Act 1991 (RMA). No other approvals are sought under the Act.
6. While not required for the referral application, if accepted, the applicant will seek an Aquaculture Decision under section 80 (and clause 20 of Schedule 5) of the Act.
7. We have identified three potential reasons you may decline a referral application under section 21(5) of the Act including:
 - a. the project may have significant adverse effects on the environment
 - b. the project includes an activity that is prohibited under the RMA
 - c. the substantive application for the project would have one or more competing applications or existing resource consents.
8. We address and discuss these reasons in the following advice.
9. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
10. We seek your decisions on our recommendations, which includes proposed directions to the applicant and the expert panel and notification of your decision.

Assessment against statutory framework

11. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
12. Before accepting the project, you must consider the application (in Appendix 2), the section 18 report on Treaty settlements and other obligations (in Appendix 4), and any comments from invited parties (in Appendix 5) received within the specified time. You are not required to consider any comments received after that time frame, but may do so, at your absolute discretion.
13. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

14. A Treaty settlement and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
15. The report identified the following relevant groups under section 18(2): Te Whakakitenga o Waikato Inc, Te Ohu Kaimoana (TOKM), six Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) applicant groups, Aotea Harbour Mātaitai Reserve, and Ngāti Tahinga hapū local fishery as relevant groups for this project area.
16. The report identified the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, Maori Fisheries Act 2004 and the Maori Commercial Aquaculture Claims Settlement Act 2004, as relevant to the project area. Negotiations over Waikato Tainui remaining claims are in their early stages. No Mana Whakahono ā Rohe or joint management agreements are relevant to

the project area. The completed settlements do not place any procedural requirements on you in relation to the application.

17. However, should you accept the application for referral, the panel may wish to consider whether the project would affect the exercise of customary fishing and food gathering within the mātaihai reserve and area/rohe moana customary fishing area.
18. In response to the invitation for Māori groups to comment under section 17(1)(d) of the Act, you received comments on the application from Te Whakakitenga o Waikato Inc, TOKM, and Tainui o Tainui. Te Whakakitenga o Waikato Inc noted they have unresolved Treaty claims over the project area and do not yet have a position on the project. They also emphasised the need for further engagement and more detailed assessment of effects guided by mana whenua. TOKM remains neutral on the application and recognises its potential economic benefits but noted concerns about impacts on customary fishing interests. TOKM advises the project may trigger a new space aquaculture settlement obligation, and the applicant needs to engage directly with tangata tiaki of the area/rohe moana. Tainui o Tainui opposes the application, citing concerns with a mussel spat farm in the wider region south of Aotea harbour, risk to Māui dolphin, impact on customary fishing grounds, Treaty rights, and impacts from storm damage.
19. The Minister for Māori Development and the Minister for Māori Crown Relations; Te Arawhiti support the application for referral and recommend that the panel considering a substantive application: maintain ongoing engagement with the relevant Māori groups responsible for customary fisheries management in the project area; consider the potential impacts of the project on customary fishing practices, including within the nearby Aotea Harbour Mātaihai Reserve and the customary fisheries rohe moana associated with Ngāti Tahinga and Ngā Kaitiaki o Whāingaroa; and ensure that any aquaculture settlement obligations are appropriately recognised and provided for should the proposal proceed.
20. There are no matters raised in the report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

21. In accordance with the section 18 report, we have not identified any documents that you must give the same or equivalent effect to, or procedural requirements you must comply with under section 16.

Written comments received

22. Comments were received under section 17 from Waikato Regional Council (WRC), the Minister of Conservation, the Minister for Oceans and Fisheries, the Minister for Regional Development and the Minister for Economic Growth, Fisheries New Zealand (FNZ), the Department of Conservation (DOC) and Aquaculture New Zealand (AQNZ).
23. Comments were received from three Māori groups being Te Whakakitenga o Waikato Inc, TOKM, and Tainui o Tainui. A summary of the comments received from Māori groups is provided under the assessment of the section 18 report above.
24. The comments from the Minister for Oceans and Fisheries and the Minister for Regional Development were received after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).

25. The key points are outlined and assessed in Table A, with a summary provided below:

- a. WRC considers that any substantive application made needs to address the following matters: best practise management of effects on marine mammals including Māui dolphin, landscape effects, and biosecurity effects.
- b. The Minister of Conservation considers that the project has the potential to have significant adverse effects on Māui dolphin - a Threatened – Nationally Critical species. In this case, the Minister considers a precautionary approach should be adopted (at least until such time as evidence can demonstrate the risks to Māui dolphins is negligible). The Minister considers it may be appropriate in this instance to decline the referral pursuant to section 21(4) on the grounds that the project may have significant adverse effects on the environment.
- c. The Minister for Oceans and Fisheries considers that the project would improve mussel spat and seed supply, which is aligned with the Government's Aquaculture Development Plan.
- d. The Minister for Regional Development considers that, based on the estimates provided by the applicant, the project 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.
- e. The Minister for Economic Growth considers that 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 Minister considers the export focus of this proposal clearly aligns with the Government's ambitions to drive economic growth by doubling the value of New Zealand's exports by 2034.
- f. FNZ considers the that the project will support the aquaculture industry. FNZ also considers that the project may have significant adverse effects on the environment, noting it is difficult to quantify the risks of establishing a large marine farm within the core habitat of Māui dolphins. s 6(a), s 9(2)(h)
- g. DOC considers that the project has the potential to result in significant adverse effects on the environment particularly in relation to Māui dolphin. Given the extremely small population size of Māui dolphin, any adverse events could have irreversible consequences. 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. DOC considers it would be more appropriate to deal with the proposed approvals under the RMA.
- h. AQNZ considers that the project presents potential benefits for improving spat supply reliability, delivering robust seed maximising survival rates when transferred to the farming environment, and supporting sector resilience at a regional and national scale. AQNZ notes that these potential benefits must be weighed against environmental, cultural, and technical considerations.

Reasons to decline

26. The statutory framework in Appendix 1 sets out the situations where you must decline a referral application under section 21(3). We consider that you have sufficient information to make an informed decision. We further consider you can be satisfied that the project does not involve any ineligible activities and that it meets the referral criteria set out in section 22. As such, we have not identified any reasons under section 21(3) that you must decline this application.
27. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application under section 21(5) and these are set out in Table A.
28. We consider there are three potential reasons you could consider declining the application under section 21(4) or (5) of the Act, these being:
 - a. the project may have significant adverse effects on the environment
 - b. the project may include a prohibited activity under the RMA
 - c. the substantive application for the project would have one or more competing applications or existing resource consents.
29. Each are discussed below.

The project may have significant adverse effect on the environment - specifically effects on the Māui dolphin

30. The proposed sites are located within core habitat for Māui dolphin and within the West Coast North Island Marine Mammal Sanctuary (MMS).¹ 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. Objectives in the Māui Dolphin Threat Management Plan 2020 (TMP) include that human impacts are managed to allow the population to increase.
31. While the TMP does not explicitly address risks from marine farming, infrastructure such as anchor lines, float lines and marker buoy lines could increase the threat of entanglement and non-lethal injury for marine mammals, including Māui dolphins.
32. 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. A single incidental mortality, in particular a pregnant or reproductive female, would be significant for a population like Māui dolphins.
33. The Minister of Conservation and DOC consider 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.

¹ The West Coast North Island Marine Mammal Sanctuary sets restrictions on seismic surveying and seabed mining, includes closures to commercial trawl fishing, and prohibits commercial and recreational set net fishing (but does not restrict other commercial and recreational fishing methods, for example such as the use of drag nets and beach seining). <https://legislation.govt.nz/secondary-legislation/pco-drafted/2008/328/en/2013-12-26/#DLM1612318>

34. We consider that the applicant has provided sufficient information with the referral application to indicate that any adverse effects are likely to be able to be avoided, remedied or mitigated through appropriate design, management and consent conditions. The application includes a Marine Mammal Assessment Peer Review (Attachment C8 with the application) which concludes that, subject to conditions and commentary related to cumulative effects, the actual and potential adverse effects of the proposal on marine mammals will be no more than minor.
35. We note that at the substantive stage an expert panel would also have the ability to seek further information and impose conditions to ensure the management of potential adverse effects or decline the application if the effects outweigh the benefits. As such, we do not recommend that you decline the referral application under section 21(4).
36. s 6(a), s 9(2)(h)
- _____
- _____ We have therefore recommended that, if referral is accepted, you direct the panel to invite comments on the substantive application from the Minister for Trade and Investment to assess any implications (refer to details outlined in Table A).

The project may include a prohibited activity under the RMA

37. The project is a prohibited activity under the Operative Waikato Regional Plan as that plan does not provide for aquaculture outside of specified aquaculture zones. However, the decisions version of the Proposed Waikato Regional Coastal Plan (October 2025) removes this prohibition and includes provisions to enable mussel spat farming as a discretionary activity. The Proposed Waikato Regional Coastal Plan is currently under appeal in the Environment Court meaning the prohibited activity status remains in place at the time of this referral application.
38. We note that the prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act. Although this is a potential reason you may decline a referral application, we note section 21(7) of the Act states that the presence of a prohibited activity does not prevent you from accepting a referral application.
39. Any potential adverse effects relating to the project can be further assessed and managed at the substantive stage by an expert panel, which will have the ability to seek technical advice and impose conditions or decline the application if the effects outweigh the benefits. Overall, we consider the project meets the section 22 referral criteria and, on this basis, we consider the inclusion of a prohibited activity does not constitute a reason that you should consider declining this referral application.

The substantive application for the project would have one or more competing applications or existing resource consents

40. WRC states they are currently processing a resource consent application lodged by Gulf Mussel Farms Limited in October 2022 for mussel spat catching and seaweed research structures to be placed and moved around anywhere within the Waikato west coast coastal marine area (CMA) and includes the area this referral application applies to. WRC states they understand that the purpose of that application is for research to support this referral application but is made by a different entity.
41. WRC also states there is an existing resource consent held by Gulf Mussel Farms Limited which authorises experimental mussel spat catching and the associated occupation of research structures in the Waikato west coast CMA including the area this referral application applies to.

42. WRC have confirmed and provided evidence that, as of 16 February 2026, the existing resource consent and the resource consent application by Gulf Mussel Farms Limited has been transferred to North Western Mussels Limited (the applicant for this referral application).
43. Based on the evidence provided by WRC, we do not consider that a substantive application for the project would have competing applications. As such, we do not recommend that you decline the referral application under this criterion.
44. Ultimately, we recommend you do not decline the referral application for these reasons, or any other grounds under section 21(4) or (5) of the Act.

Reasons to accept

45. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer the project to the fast-track approvals process.
46. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22 as:
 - a. the project is a development project that would have significant regional and national benefits [s22(1)(a)] because it:
 - i. is identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list [s22(2)(a)(i)] as securing mussel spat supply is a key objective in both the Government's Aquaculture Development Plan and the Waikato Regional Aquaculture Strategy and we consider that the project is a direct response to meeting these objectives
 - ii. will deliver significant economic benefits [s22(2)(a)(iv)] as the estimated delivery of a 35,500 tonne increase in Greenshell mussel production from the project is estimated to have significant economic benefits: contributing \$81.5 million in gross domestic product (GDP) to the Waikato region, a further \$14 million in GDP from infrastructure investment, additional export revenue of 185 million, create 320 jobs in the Waikato Region and create 28 jobs in the Whāingaroa/Raglan community
 - iii. will support primary industries, including aquaculture [s22(2)(a)(v)] as the project will support the aquaculture industry in the Waikato Region and nationally, in particular through its contribution to addressing the issue of mussel spat supply/survival
 - iv. will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events [s22(2)(a)(viii)] as the project will deliver locally sourced mussel spat that will strengthen industry resilience in the instance where out-of-region spat cannot be viably sourced due to the occurrence of natural hazards
 - b. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)] because:
 - i. the project involves a prohibited activity under the Operative Waikato Regional Coastal Plan, which would preclude it from progressing through the standard

RMA consenting pathway until appeals are resolved on the Proposed Waikato Regional Coastal Plan or the applicant's private plan change application is progressed – prohibited activities may be considered through the fast-track approvals process

- ii. the applicant has a private plan change and resource consent application which is currently ready for notification, however this is anticipated to take years to resolve at hearing and may be subject to Environment Court appeals. The fast-track approvals process will provide a more timely and cost-effective way for the project to progress, and appeals under the Act are only to the High Court and are limited to points of law
- iii. the Act precludes public and limited notification
- c. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(iii)] because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

Conclusions

- 47. We consider the project meets the criteria in section 22 of the Act and that you may accept the referral application under section 21 and refer the project to the fast-track approvals process. Should you decide to refer the project, we recommend that this be subject to the specifications under section 27 outlined below.
- 48. We recommend specifying that the panel must invite comments from the Minister for Trade and Investment in relation to the matter raised by FNZ, in addition to those listed in section 53.

Next steps

- 49. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
- 50. If you decide to refer the project, the Ministry must also give notice of your decision to:
 - a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the Director-General of Ministry for Primary Industries as the relevant chief executive given the proposed approval would require an aquaculture decision under section 80
 - e. the relevant administering agencies.
- 51. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
 - a. the referral application

- b. any comments received under section 17
- c. the report obtained under section 18.

52. We will undertake this action on your behalf.

53. We have attached a draft notice of decisions letter to the applicant based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.

54. Our recommendations for your decisions follow.

Recommendations

51. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from North Western Mussels Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Waikato West Coast Mussel Spat Nursery project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:
- i. the application in Appendix 2
 - ii. the report obtained under section 18 in Appendix 4
 - iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendix 5.

Yes / No

- c. **Agree** to exercise your discretion under section 17(7)(b) to consider the late comments received from the Minister for Oceans and Fisheries and the Minister for Regional Development after the time frame specified under section 17(6) of the Act.

Yes / No

- d. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. the project is a development project that would have significant regional and national benefits [s22(1)(a)] because it:
 - is identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list [s22(2)(a)(i)] as securing mussel spat supply is a key objective in both the Government's Aquaculture Development Plan and the Waikato Regional Aquaculture Strategy and we consider that the project is a direct response to meeting these objectives
 - will deliver significant economic benefits [s22(2)(a)(iv)] as the estimated delivery of a 35,500 tonne increase in Greenshell mussel production from the project is estimated to have significant economic benefits: contributing \$81.5 million in gross domestic product (GDP) to the Waikato region, a further \$14 million in GDP from infrastructure investment, additional export revenue of 185 million, create 320 jobs in the Waikato region and create 28 jobs in the Whāingaroa/Raglan community

- will support primary industries, including aquaculture [s22(2)(a)(v)] as the project will support the aquaculture industry in the Waikato region and nationally in particular, in its contribution to addressing the issue of mussel spat supply/survival
 - will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events [s22(2)(a)(viii)] as the project will deliver locally sourced mussel spat that will strengthen industry resilience in the instance where out-of-region spat cannot be viably sourced due to the occurrence of natural hazards
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)] because:
- the project involves a prohibited activity under the Operative Waikato Regional Coastal Plan, which would preclude it from progressing through the standard RMA consenting pathway until appeals are resolved on the Proposed Waikato Regional Coastal Plan or the applicant's private plan change application is progressed – prohibited activities may be considered through the fast-track approvals process
 - the applicant has a private plan change and resource consent application which is currently ready for notification, however this is anticipated to take years to resolve at hearing and may be subject to Environment Court appeals. The fast-track approvals process will provide a more timely and cost-effective way for the project to progress, and appeals under the Act are only to the High Court and are limited to points of law
 - the Act precludes public and limited notification.
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)] because the project is neither novel in the New Zealand context nor beyond the scope of what a panel would typically assess under the RMA.

Yes / No

- e. **Agree** there is no reason the project must be declined under section 21(3):
- i. the project meets the criteria in section 22 as detailed in recommendation d above
 - ii. the project does not include an ineligible activity as explained in Table A
 - iii. the application includes adequate information to inform your decision.

Yes / No

- f. **Agree** to accept the referral application under section 21(1) and refer the whole project to the fast-track approvals process under section 26(2)(a) of the Act.

Yes / No

- g. **Agree**, under section 27(2) of the Act, to specify North Western Mussels Limited, as the person who is authorised to lodge a substantive application for the project.
Yes / No
- h. **Agree**, under section 27(3)(b)(i) of the Act, to specify a deadline of two years for lodging the substantive application.
Yes / No
- i. **Agree** to specify under section 27(3)(b)(iii) of the Act, a panel must invite comments from the Minister for Trade and Investment in addition to those listed in section 53.
Yes / No
- j. **Agree** that the Ministry for the Environment will provide your notice of decisions to:
- i. anyone invited to comment on the application including relevant local authorities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and the relevant Māori groups
 - ii. the panel convener
 - iii. the Environmental Protection Authority (EPA)
 - iv. the Director-General of Ministry for Primary Industries as the relevant chief executive given the proposed approval would require an aquaculture decision under section 80.
- Yes / No
- k. **Approve** the draft notice of decisions letter to the applicant (attached in Appendix 6).
Yes / No

Signatures



Ben Bunting
Acting Manager, Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process.		
Project details	Project Name	Applicant	Project Location
	Waikato West Coast Mussel Spat Nursery project (the project)	North Western Mussels Limited (the applicant)	The four sites are approximately 3km offshore from the coastline, near Whāingaroa/Raglan, on the west coast of the Waikato Region.
Project description	The project is to establish and operate, using conventional longline methods, a new 700-hectare mussel spat nursery farm at four sites in the coastal marine area of the Waikato west coast, for the purpose of spat catching and seed holding and transfer of Greenshell mussels. The applicant seeks the following approvals under the fast-track approvals process to authorise the project: a. resource consents under the Resource Management Act 1991 (RMA) described in section 42(4)(a) of the Fast-track Approvals Act 2024 (the Act) While not required for the referral application, if accepted, the applicant will seek an Aquaculture Decision under section 80 (and clause 20 of Schedule 5) of the Act.		
Minister invites comments	Comments from invited parties		
	Local authorities <i>Waikato Regional Council (WRC)</i> Competing applications WRC states that they are 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 states they understand that the purpose of this application is for research to support this referral application but is made by a different entity. Therefore, WRC states they are of the view that this application may be considered a competing application under section 21(5)(g) of the Act given the applications have different applicants. <i>Note: WRC have confirmed and provided evidence that, as of 16 February 2026, this application by Gulf Mussel Farms Limited has been transferred to North Western Mussels Limited.</i> Existing resource consents WRC states 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. WRC states they understand that the purpose of this consent is for research to support this referral application but is held by a different entity. WRC states that, given this consent is held by a different entity, they consider that section 165ZI of the RMA applies. <i>Note: WRC have confirmed and provided evidence that, as of 16 February 2026, this existing consent held by Gulf Mussel Farms Limited has been transferred to North Western Mussels Limited.</i> Other WRC states they are currently processing a resource consent application by North Western Mussels Limited which they understand is the same as this current application for referral under the Act. Based on that application, WRC considers that the following outstanding matters need to be addressed in any subsequent substantive application under the Act (in addition to the information already included in the referral application): - marine mammals including Māui dolphin: information which satisfies the decision maker that all possible best practice management practices will be implemented to manage effects on marine mammals including Māui 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. Ministers <i>Minister of Conservation</i> The Minister considers that 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, the Minister considers a precautionary approach should be adopted (at least until such time as evidence can demonstrate the risk is negligible). The Minister considers that the applicant needs to demonstrate that no mortalities will result from the project. The Minister considers it may be appropriate in this instance to decline the referral pursuant to section 21(4) on the grounds that the project may have significant adverse effects on the environment. Critically endangered Māui dolphin The Minister notes that the project sites are located in core habitat for Māui dolphin and within the West Coast North Island Marine Mammal Sanctuary (MMS). The MMS sets restrictions on seismic surveying and seabed mining, includes closures to commercial trawl fishing, and prohibits commercial and recreational set net fishing (but does not restrict other commercial and recreational fishing methods, for example such as the use of drag nets and beach seining). The Minister notes a 2020-2021 survey estimated that there were around 54 individual Māui dolphin over one year of age in the survey area, confirming their Nationally Critical status. The Hector's and Māui Dolphin Threat Management Plan 2020 (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. 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. 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. 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. A single incidental mortality, in particular a pregnant or reproductive female, would be significant for a Nationally Critical population like Māui dolphins.		

In that regard, the Minister considers 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.

Other matters

The Minister notes 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. The Minister recommends 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. We note that such approvals, if required, would be sought outside the fast-track process.

The Minister considers the applicant's private plan change and recourse consent application are already in train and considers that the decline of the referral application to allow for that application to progress with public notification under the RMA would be the appropriate course of action in this instance.

Minister for Oceans and Fisheries

The Minister considers that the project would improve mussel spat and seed supply, which is aligned with the Government's Aquaculture Development Plan 2025 – 2030 (ADP). While the Minister states they do not have enough information to fully assess the production volume of mussels that could be supported by this project, they consider that the estimated export value contribution based on the proposed volume is reasonable. The Minister notes they have been advised that matters relating to marine mammals and the environment will be addressed by the Minister for Conservation. The Minister states that, should this referral application progress, they recommend that the applicant engages further with tangata whenua. The Minister notes that Waikato-Tainui and Te Nehenehenui have been offered 20 percent of any consented space as part of this project. The Minister also notes they have previously received a letter from Ngāti Tahinga expressing their opposition to the current project.

Minister for Regional Development

The Minister notes they consider that minimal economic analysis was included in the application. However, the Minister considers that, based on the estimates provided, the project 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.

Minister for Economic Growth

The Minister considers that 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 Minister considers the export focus of this proposal clearly aligns with the Government's ambitions to drive economic growth by doubling the value of New Zealand's exports by 2034.

Māori Groups

Te Whakakitenga o Waikato Inc / Waikato Tainui

Te Whakakitenga o Waikato Inc make the following comments on behalf of Waikato-Tainui regarding the application:

- Waikato-Tainui has outstanding and unresolved Treaty of Waitangi claims which underpin the Iwi's recognised interests and authority over West Coast coastal waters, harbours, waterways, and their connected catchments
- a collective mana whenua position in relation to the project has not yet been confirmed. Waikato-Tainui also does not have a formal position on the referral application at this stage
- Waikato-Tainui reserves the right as a Mandated Iwi Organisation (MIO) and Iwi Aquaculture Organisation (IAO) to provide separate commentary or responses should the need arise to protect wider iwi interests or to align with their statutory mandates and strategic priorities
- Waikato-Tainui acknowledges the engagement undertaken by the applicant to date
- should the proposal proceed to a substantive stage, Waikato-Tainui expects further engagement, comprehensive assessment, ongoing monitoring, and more detailed information regarding the potential cultural, environmental, social, economic, and Treaty-related effects of the project. This includes cumulative, indirect, seasonal, and long-term impacts on customary practices and iwi interests
- further clarity is needed on how iwi input will shape operational decision-making, monitoring, and adaptive management to ensure mana whenua values are safeguarded, and whether benefits accruing to mana whenua will adequately compensate for any potential adverse impacts
- all engagement, assessment, and decision-making should be guided by the principles and standards set out in Tai Tumu, Tai Pari, Tai Ao (Waikato-Tainui Environmental Plan)
- Waikato-Tainui indicated that more robust and comprehensive assessment is required in specifically relation to: Mana whenua/cultural effects; ecosystem/environmental effects; public access and customary use; natural character and landscape; economic and social effects, and; procedural and governance considerations.

Te Ohu Kaimoana (TOKM)

TOKM remains neutral on the application but recognises the potential economic development and aquaculture sector benefits associated with the project. TOKM emphasises it is essential to uphold Te Tiriti o Waitangi obligations in relation to the application and appropriately recognise and protect Māori fisheries and aquaculture settlement interests. TOKM comments specifically on the following matters:

Hector and Māui Dolphins

TOKM notes the work the applicant has undertaken in developing their Marine Wildlife Management Plan to mitigate any impacts on marine mammals including the Hector's and Māui dolphins. However, TOKM reserve to comment as they continue to engage with their MIO's on this matter.

Māori Commercial Aquaculture Settlement Interests

TOKM acknowledge that the application site appears to be fully located within the Waikato-Tainui rohe moana. TOKM indicates this application, if approved at the full scale of 700 hectares, would trigger a new space aquaculture settlement obligation under the Maori Commercial Aquaculture Claims Settlement Act 2004 for Waikato West iwi IAOs. TOKM says this would be a positive development for iwi in Waikato West, where only limited aquaculture development has occurred to date. TOKM says hapū have raised concerns about impacts of aquaculture development on their rohe moana, on Tangaroa, and on the occupation of the moana by external interests.

Māori Customary Non-Commercial Fisheries Interests

TOKM notes that the project area appears to be located directly within at least two rohe moana. Whilst TOKM acknowledges that many Tangata Kaitiaki of rohe moana operate at the hapū level, and that the applicant has focussed much of their engagements at the hapū level, TOKM considers it important that the applicant engage with Tangata Kaitiaki directly. This is because Tangata Kaitiaki hold statutory authority over their respective rohe moana and the customary non-commercial fishing interests they exercise on behalf of hapū.

Māori Customary Commercial Interests

TOKM notes that the project is located within Fisheries Management Area 9 (FMA 9). TOKM notes that Moana New Zealand, established under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, does not currently operate commercial fishing activities in the immediate vicinity of the application. However, if fish stocks move southward in the future or should iwi decide to expand their Danish seine and longline vessel fishing operations toward Raglan, the project could result in potential constraints or impacts on those future Moana New Zealand operations.

Tainui o Tainui

Tainui o Tainui represents the interests of 12 Tainui hapū in relation to MACA applications and the area/rohe moana of Ngā Kaitiaki o Whāingaroa. While Tainui o Tainui acknowledges the A+ sustainable aquaculture rating of the nearby Dockery mussel spat farm in Aotea Harbour, they oppose this project for the following reasons:

- concerns about the project maintaining regulatory compliance
- increasing risk to Māui dolphins in a trawler-free area
- location in Tainui o Tainui gazetted rohe moana and customary fishing grounds and impacts on Tainui o Tainui Treaty rights
- potential for mussel farm storm damage to create off-site impacts.

Any other persons or groups

Deputy Director General of Fisheries New Zealand (FNZ)

FNZ has considered the alignment of this application with the Government’s Aquaculture Development Plan and considers that:

- the project 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 ADP
- 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 of Māui dolphins
- s 6(a), s 9(2)(h)
- 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 process provides a timely alternative pathway.

Aquaculture growth opportunity

FNZ notes that 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 ADP. The availability and survival of mussel spat is widely regarded as the greatest limiting factor for growth of the mussel industry. 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. FNZ states they do 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.

Potential impacts on marine mammals

FNZ notes that the TMP does not explicitly address risks to Māui dolphin from mussel farming. FNZ also notes that 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. MPI has not conducted a risk assessment to assess the potential scale of these risks from mussel spat farming.

Trade considerations

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

[Redacted text block]

Other matters

FNZ note that, if this project is established, it would be one of New Zealand’s most exposed marine farming sites, and that there would be challenges associated with this that would need to be managed such as timely access to farm site for maintenance and repair activities and resilience of equipment to storm damage.

Department of Conservation (DOC)

DOC considers that 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. 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. 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. DOC considers 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. <u>Critically endangered Māui dolphin</u> 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). 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. 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. A single incidental mortality, in particular a pregnant or reproductive female, would be significant for a Nationally Critical population like Māui dolphins. <u>Consistency with National Direction</u> DOC notes that Policy 11 of the New Zealand Coastal Policy Statement 2010 (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. 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. 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. DOC considers this project is not presently consistent with operative local or regional documents, including the Waikato Regional Coastal Plan. <u>Chief Executive of Aquaculture New Zealand (AQNZ)</u> AQNZ considers that the project 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. AQNZ considers that these potential benefits must be weighed against environmental, cultural, and technical considerations. AQNZ states they have 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. The CMFA support the views of AQNZ outlined as follows. - AQNZ considers that fast-track projects such as this project, 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. AQNZ states that, in April 2023, they provided a letter of support for this project, noting its potential to contribute to the mussel industry’s productivity and resilience goals. - AQNZ notes that 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. AQNZ considers that the project 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. AQNZ recognise that the project site is within an area of Māui dolphin habitat and considers that 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 and the use of industry best practise frameworks remains essential.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: - would not occur on identified Māori land, Māori customary land or a Māori reservation as the project area is in the coastal marine area - would not occur in a customary marine title area or protected customary rights area as confirmed by the applicant based on the Land Information New Zealand Marine and Coastal Area Register² - is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit as the project is not located within an aquaculture settlement area - would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) as the project does not require an access arrangement, nor does the activity involve prospecting, exploration, and mining of Crown owned minerals - would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA. We note that these clauses relate to the allocation of marine space for aquaculture. Since the project occurs in space not allocated for aquaculture, these clauses are not triggered. WRC has confirmed the Proposed Waikato Regional Coastal Plan (October 2025) does not include any zoning or allocation of marine space for aquaculture in the area of the Waikato West Coast Mussel Spat Nursery fast-track referral application. - would not occur on Schedule 4 land as the project is located in the coastal marine area - would not occur on a national reserve as the project does not occur within a marine reserve - would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as the project does not occur within a marine reserve - is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA - is not for the purpose of an offshore renewable energy project No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.

² <https://www.lin.govt.nz/our-work/maori-and-iwi-development/marine-and-coastal-area-register>

The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider that you have sufficient information to inform your decision on the referral application.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	<i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i> The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision. The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant: <i>Has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list [s22(2)(a)(i)]</i> The applicant considers that the project is a priority project for government as the Governments ADP recognises the developing aquaculture sector as 'one of New Zealand's biggest opportunities' and that 'as well as contributing to our export-led recovery, a diverse and strong aquaculture sector will provide resilience for rural communities.' It outlines actions to enable the industry to reach the goal of \$3 billion in annual revenue by 2035. However, it also recognises that the supply of mussel spat is a key constraint to growth. Aligned with the industry strategy the Government also has an 'Agreed Plan for Securing Mussel Spat Supply'. This includes a set of actions towards establishing sea-based nurseries. The applicant states they have already undertaken most of these actions, it only remains for Government to provide the regulatory pathway. The applicant also notes the Waikato Regional Aquaculture Strategy promotes a growth pathway for aquaculture to become a more productive industry that continues to support regional and local prosperity. The applicant considers the project is a direct response to the goal for 'the industry's spat requirements for current production and growth will be met by locally sourced spat supplies and nursery/hatchery infrastructure, that is resilient to changes in the environment'. We note that securing mussel spat supply is a key objective in both the ADP and the Waikato Regional Aquaculture Strategy and we consider that the project is a direct response to meeting these objectives. In that regard, we consider the project <u>meets the criterion under section 22(2)(a)(i).</u> <i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i> The applicant considers the project will: - provide mussel spat for over 35,500 tonnes of mussel production, directly supporting the Waikato region's aquaculture industry and local economies - provide mussel spat to enable the activation of consented mussel farming space which is currently vacant due to spat supply shortages; this project will directly address that bottleneck, enabling these marine farms to reach their productive potential - supply spat not only to the Waikato region but also to other key mussel farming areas such as the Hauraki Gulf farms in Auckland as well as those in the Bay of Plenty and potentially the top of the South, enabling the development of currently consented but underutilised marine farm space nationwide - increase the resilience and survival rates of mussel spat, making the entire supply chain more robust and ensuring the ongoing productivity of existing mussel farms. We do not consider that aquaculture structures fall under the definition of 'regionally significant infrastructure' according to the Waikato Regional Policy Statement. Accordingly, we do not recommend you refer the project under this criterion [s22(2)(a)(ii)]. <i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant considers that the 35,500-tonne increase in Greenshell mussel production will have the following significant economic benefits: - contribute \$81.5 million in GDP to the Waikato region and 320 full-time equivalent (FTE) jobs - create 28 new FTEs jobs in Whāingaroa/Raglan community. Further GDP will be created from the infrastructure investment there of at least \$14 million - create additional export revenue of \$185 million. The Minister for Regional Development considers that the project is expected to offer significant regional and national economic benefits. The Minister for Economic Development considers that the proposal could support local industries and generate economic benefits both at the local and regional level through the short and long-term through increased employment, total operational and capital expenditure and increased mussel production. AQNZ states that Greenshell mussels contribute significantly to New Zealand's aquaculture output, generating approximately \$390 million in export earnings in 2024, and represent a significant opportunity for industry growth. AQNZ underscore that further progress depends on addressing the industry's priority needs to improve the security of mussel spat supply. Based on the application and the comments received, we consider that the project, and flow-on effects to the regional marine farming industry will deliver broader economic benefits to the region and to New Zealand. The estimated delivery of a 35,500 tonne increase in Greenshell mussel production from the project is estimated to have significant economic benefits: contributing \$81.5 million in GDP to the Waikato region, a further \$14 million in GDP from infrastructure investment, additional export revenue of 185 million, create 320 jobs in the Waikato region and create 28 jobs in the Whāingaroa/Raglan community. Therefore, we recommend that the project <u>meets the criterion under section 22(2)(a)(iv).</u> <i>Will support primary industries, including aquaculture [s22(2)(a)(v)]</i> The applicant considers the project is critical for the viability of mussel farming in the North Island, and nationally significant for New Zealand's Greenshell mussel industry. AQNZ and FNZ states the survival of spat is widely regarded as the greatest limiting factor for growth of the mussel industry. The challenges with spat retention across the industry, particularly in the Coromandel, are becoming increasingly urgent and have significant implications for aquaculture productivity and long-term resilience of the industry. AQNZ supports the project noting its potential to contribute to the mussel industry's

	productivity and resilience goals. AQNZ note that MPI's publication <i>Enabling Spat Nurseries to Grow New Zealand's Mussel Sector</i>³ notes that only a very small proportion of wild spat grown in sub optimal environments survive to the seed stage. Optimised nursery sites are therefore important for improving survival rates and supporting consistent production. The Minister for Oceans and Fisheries notes the issue of spat supply and in particular in the Waikato region where extensive predation by snapper at mussel farms is reported to impact up to 100 percent of the crop.⁴ The Minister considers that this project would improve mussel spat and seed supply. The Minister for Regional Development considers that the project would make a significant contribution to the potential growth of the mussel industry in Waikato and overall aquaculture production nationally. Based on the application and comments received, we consider that this project will support the aquaculture industry in the Waikato region and wider New Zealand, and in particular in its contribution to addressing the issue of mussel spat supply/survival. Therefore, we recommend that the project <u>meets the criterion under section 22(2)(a)(v).</u> <i>Will the project support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events [s22(2)(a)(viii)]</i> The applicant states that warming waters in the Hauraki Gulf has led to spat and crop mortality and that the industry cannot tenably continue under these conditions without the ability to adapt. The project addresses this matter by seeking to locate mussel spat in nursery areas where the waters are cooler. Comments from the Minister for Regional Development, the Minister for Oceans and Fisheries, FNZ and AQNZ note the issue of spat survival and supply. This issue is due to snapper predation, changing water temperatures and declining water quality in the Hauraki Gulf. The location of the project allows vulnerable spat the opportunity to grow in size and resilience before being transferred onto farms. We consider that the project will support climate change adaptation, reduce risks arising from natural hazards and support recovery from events, as locally sourced mussel spat will strengthen industry resilience in the instance where out-of-region spat cannot be viably sourced due to the occurrence of natural hazards. Therefore, we recommend that the project <u>meets the criterion under section 22(2)(a)(viii).</u> <i>Will address significant environmental issues [s22(2)(a)(ix)]</i> The applicant considers that the project will address significant environmental issues of spat availability retention caused by changing temperatures and declining water quality in the Hauraki Gulf. We do not consider that the project will address significant environment issues and therefore do not recommend you refer the project under this criterion [s22(2)(a)(ix)]. <i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant notes that, while the project itself is a prohibited under the Operative Waikato Regional Coastal Plan, the project is consistent with policies and objectives in the Waikato Regional Policy Statement and would be a discretionary activity under the Proposed Waikato Regional Coastal Plan. We consider that the project is consistent with the objectives and policies in the Waikato Regional Policy Statement. We note that the project is currently inconsistent with the Operative Waikato Regional Coastal Plan, but is not inconsistent with the proposed Waikato Regional Coastal Plan. While we consider the application is consistent with the Waikato Regional Policy Statement and the Proposed Waikato Regional Coastal Plan, the project is currently inconsistent with the Operative Waikato Regional Coastal Plan. Accordingly, we do not recommend you refer the project under this criterion [s22(2)(a)(x)]. <i>Conclusion</i> Based on the assessment of the above criteria, we consider the project is a <u>development project</u> that would have <u>significant regional and national benefits</u> in line with the criteria for accepting a referral application under section 22(1)(a) of the Act.
Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant states that referring the project to the fast-track approvals process would enable it to be progressed in a more timely and cost-effective manner than under normal processes. The project has been in development for more than ten years but have been hindered because the activity is currently prohibited under the operative Waikato Regional Coastal Plan. A decision was made in 2021 to progress a concurrent private plan change and resource consent application which was lodged with WRC in May 2023. In December 2024 WRC confirmed that all further information requirements have been met and the proposal is ready for notification. However, the private plan change, and resource application process may take some years to be resolved at hearing and then may be subject to Environment Court appeals. Aquaculture applications of this nature can take more than ten years and cost millions of dollars. The applicant considers that the Waikato mussel industry needs spat now and there is a critical need for this project to be fast-tracked. Overall, we consider that referring the project will facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under the normal processes under section 22(1)(b)(i). <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant states that referring the project to the fast-track approvals process is unlikely to materially affect its efficient operation. They consider the project is has all technical documentation ready, is shovel-ready, funded and will begin delivering growth and opportunities in the short-term following approval. Overall, we consider that referring the project to the fast-track approvals process is unlikely to affect the efficient operation of the fast-track approvals process in line with section 22(1)(b)(ii) of the Act.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> As detailed above, we consider the proposal meets the section 22 referral criteria.

³ <https://www.mpi.govt.nz/dmsdocument/65745/direct>

⁴ 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.

	<i>The Minister is satisfied the project involves an ineligible activity</i> Based on the information provided, we consider you can be satisfied that the project does not include an ineligible activity. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider sufficient information has been provided to allow an assessment to be completed, enabling you to make an informed decision. We do not consider that you must decline the application under section 21(3) of the Act.
Minister may decline [section 21(4) and 21(5) (a-h)]	<i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i> <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> There is no indication within the application, comments received from invited parties, or from the section 18 Treaty Settlements report, that the project would be inconsistent with these documents. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> The Minister of Conservation and DOC consider 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 and considering there is already a private plan change and recourse consent application in train. The section 18 report does not consider there are any matters which make it more appropriate for the project to be authorised under another Act or Acts. While the Minister of Conservation and DOC have identified that the project may have significant adverse effects on the environment, we consider that at the substantive stage an expert panel will be able to assess the effects of the project with the benefit of a full application including an assessment of environmental effects. A panel would also have the ability to seek further information and impose conditions to ensure the management of potential adverse effects. As such, we do not recommend that you decline the referral application under this criterion. <i>The project may have significant adverse effects on the environment</i> Comments from DOC, the Minister of Conservation, WRC, AQNZ, Tainui o Tainui, Waikato Tainui / Te Whakakitenga o Waikato Inc and TOKM have identified that the project has the potential to have significant adverse effects on Māui dolphin. The Minister of Conservation and DOC consider 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. We consider the applicant has provided sufficient information with the referral application to indicate that any adverse effects are likely to be able to be avoided, remedied or mitigated through appropriate design, management and consent conditions. The applicant includes a Marine Mammal Assessment Peer Review (Attachment C8 with the application) which concludes that, subject to conditions and commentary related to cumulative effects, the actual and potential adverse effects of the proposal on marine mammals will be no more than minor. The assessment also concludes that, in particular, adverse effects on threatened marine mammal species can be avoided as required by the NZCPS, and significant effects on habitats that are important during the vulnerable life stages of indigenous species are not predicted. The applicant also includes a Māui Dolphin Monitoring and Management Plan (Schedule D within the application) where the applicant considers that the risk of tensioned and weighted spat lines causing entanglement is negligible. The applicant also proposes to do a pilot stage with an expert-led programme of monitoring marine mammal interactions with the structures prior to development, and that the data obtained during the pilot can then be used to undertake a review of any residual risks to inform any further stages. At the substantive stage an expert panel will be able to assess the effects of the project with the benefit of a full application including an assessment of environmental effects. A panel would also have the ability to seek further information and impose conditions to ensure the management of potential adverse effects. As such, we do not recommend that you decline the referral application under this criterion. <i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> The applicant has not been subject to compliance or enforcement actions under the RMA. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> The project area does not include land necessary for Treaty Settlement purposes. <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> The project is a prohibited activity under the Operative Waikato Regional Coastal Plan as part of a near blanket prohibition on aquaculture outside of specified aquaculture zones. The Proposed Waikato Regional Coastal Plan removes this prohibition and would provide for this project as a discretionary activity. The Proposed Waikato Regional Coastal Plan is currently under appeal in the Environment Court meaning the prohibited activity status remains in place at the time of this assessment. We note that the prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act. Although this is a potential reason you may decline a referral application, we note section 21(7) of the Act states that the presence of a prohibited activity does not prevent you from accepting a referral application. Any potential adverse effects relating to the project can be further assessed and managed at the substantive stage by an expert panel, which will have the ability to seek technical advice and impose conditions as deemed appropriate or decline the application if the effects outweigh the benefits. Overall, we consider the project meets the section 22 referral criteria. On this basis, we consider the inclusion of a prohibited activity does not constitute a reason that you should consider declining this referral application. <i>A substantive application for the project would have one or more competing applications.</i>

WRC states that they are 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 within the Waikato west coast coastal marine area (CMA) except harbours, and includes the area this referral application applies to. WRC states they understand that the purpose of this application is for research to support this referral application but is made by a different entity. Therefore, WRC states they are of the view that this application may be considered a competing application under section 21(5)(g) of the Act given the applications have different applicants.

WRC have confirmed and provided evidence that, as of 16 February 2026, this application by Gulf Mussel Farms Limited has been transferred to North Western Mussels Limited (the applicant for this referral application).

In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)

WRC also states there is an existing consent also 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 in the Waikato west coast CMA except harbours, and includes the area this referral application applies to. WRC states they understand that the purpose of this consent is for research to support this referral application but is held by a different entity. WRC states that, given this consent is held by a different entity, they consider that section 165ZI of the RMA applies.

WRC have confirmed and provided evidence that, as of 16 February 2026, this existing resource consent held by Gulf Mussel Farms Limited has been transferred to North Western Mussels Limited (the applicant for this referral application).

Any other matters

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

[Redacted content]

We therefore recommend that, if referral is accepted, you direct the panel to invite comments on the substantive application from the Minister for Trade and Investment.

Conclusion

We do not recommend you decline the application. We note you retain the discretion to decline a referral application under section 21(4) for any other reason, whether or not the project meets the criteria in section 22.

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area (if applicable)
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.