

PROPOSED DRAFT CONSENT CONDITIONS

Farm Structures and Layout

1. Prior to commencing any deployment works under this permit, the consent holder shall submit to the Regional Council an engineering report and calculations, prepared by a qualified engineer experienced in open ocean marine design, together with a certificate signed by the qualified engineer stating that all the structures have been designed in accordance with accepted engineering practice and as such as to meet the conditions of this consent. This information should include the results of any test loading of representative anchor types.
2. A farm layout plan confirming the details of the marine farming and spat catching structures (including details of anchoring and mooring systems), spacing of lines for each stage development, and details of navigation lighting and marking, must be provided two months prior to the deployment of marine farming structures authorised under this consent.
3. The consent holder shall ensure that the farm anchoring and warp system are designed by and installed under the supervision of a Suitably Qualified and Experienced Engineer. Following the installation of each stage or sub-stage of Stage 1 of the farm being substantially complete, the consent holder shall provide:
 - a. A farm layout plan confirming the location of the marine farming structures shall be provided to Council within two months of completion of each block. The farm layout plan shall be accurate to plus or minus 10m and shall show the structures in relation to the Approved Area.
 - b. A statement from a suitably qualified engineer in marine structures confirming that the anchoring and warp system has been constructed in accordance with sound engineering practice and to a proven offshore longline design to withstand coastal processes. The statement shall also confirm that the anchor and mooring at each location are suitable for the loads likely to be encountered at this site;

A copy of the statement prepared in accordance with this condition to the BOPRC within one month of the installation of each stage or sub-stage of the farm being substantially complete.

3. For the purposes of the conditions of this consent, substantially complete means 75% of the lines within each stage or sub-stage.
4. Buoys and growing structures shall be securely attached to longlines in a manner that ensures they will not break adrift or work along the line.
5. All structures shall be constructed using appropriately treated materials of a non-corrodible nature, where practicable and shall be designed and constructed to withstand prolonged exposure to the marine environment at the site.
6. Individual mussel longlines shall not exceed 500-metres in length, including anchorage.
7. Buoys and growing structures shall be securely attached to longlines in a manner that ensures they will not break adrift or work along the line.
8. The distance between surface buoys shall not exceed 25-metres.
9. Surface buoys at each end of individual long lines shall be coloured orange or yellow, all other buoys shall be coloured black
10. The consent holder may carry out alterations to marine farming and spat catching structures that involve insignificant changes e.g. changes to anchoring systems or longline configuration, provided those are:
 - a. undertaken in accordance with New Zealand Greenshell Mussel Industry Environmental Code of Practice (2007); and
 - b. shown on an updated marine farm layout plan provided to the Bay of Plenty Regional Council within two months of alterations.

11. Maritime New Zealand (MNZ) and Land Information New Zealand (LINZ) must be provided with written notice of the details of the marine farming structures including their geographic location and method of navigation marking, within 3 months of completion of the farm construction.
12. The consent holder shall maintain all structures authorised by this resource consent to ensure that they are restrained, secure and in working order at all times so as to not create a navigational hazard or an entanglement hazard, and take whatever steps are necessary to ensure that the structural integrity of the spat farm is maintained at all times.

Staging

13. Development of the permit area shall proceed in stages as follows:
14. Development of stage 1 shall not occur until a baseline benthic survey is undertaken in accordance with the monitoring plan approved under this consent has been submitted to the Regional Council.
15. To enable the development of subsequent stages, the stage completion monitoring report shall confirm that the existing development is not having a significant adverse effect on the benthic environment of the permit area or the greater Bay of Plenty region.

Cultural

16. The permit holder shall, in consultation with Te Whanau a Apanui, provide adequate mooring facilities above the traditional fishing grounds of Te Whanau a Apanui within the occupied areas of the consent, to encourage and facilitate customary fishing.
17. In the event that a death occurs within the waters of the Te Kaha coastline and/or in the vicinity of the site, the following shall occur:
 - a. Harvesting work on the site shall stop immediately and a meeting will be held between the permit holder and the designated Te Whanau a Apanui Kaumatua to ascertain whether any rahui will be set which affects the harvesting of mussels on all or part of the site.
 - b. The outcome of the above meeting shall be recorded, in writing, and immediately forwarded to the Regional Council.
 - c. The harvesting of mussels may recommence on the entire site when the rahui has been lifted, or after a period of no less than 6-weeks from the time work on the site first ceased.

Monitoring

18. Prior to commencing deployment works under this consent, the consent holder shall submit an environmental monitoring plan for approval by the Chief Executive of the Regional Council, or delegate, to effectively monitor the environmental effects (including effects on fisheries resources) of the proposed marine farm. The monitoring plan shall include the following components:
 - a. Staged baseline monitoring within area proposed for development.
 - b. Annual interim monitoring of active marine farming areas.
 - c. Stage Completion Monitoring undertaken following substantial (75%) completion of each stage or sub-stage of the marine farm development.
19. Each component of the monitoring plan shall include details of:
 - a. Water column and benthic surveys,
 - b. Monitoring of the settlement of lobster pueruli.
 - c. The procedures adopted to meet the requirements of the consent, and
 - d. The methods used to inform interested parties of the results of monitoring.
20. In addition, the baseline monitoring report shall:
 - a. Present and discuss the results of baseline monitoring; and

- b. Recommend any amendments to the EMMP to change the location of a station(s) within the relevant zone or the monitoring parameters at each station, provided that the amended locations or monitoring parameters at the station better achieve the purpose of the EMMP.
 - c. The baseline monitoring report shall be provided to the Consent Authority at least two months prior to the first commencement of marine farming activities.
21. The purpose of the monitoring reports shall be to provide a full assessment of the significance of any environmental effects including effects on fisheries resources, and recommend any remedial or mitigation measures thought necessary to ensure that any adverse environmental effects are no more than minor. The monitoring reports shall be submitted to the Regional Council within four months of completion of each monitoring exercise.

AAMPF Panels

22. The consent holder shall establish, at its own cost, a Sea Farms Technical Advisory Panel (SFTAP), which is to provide technical advice to the Consent Authority and Sea Farms Governance Panel on design, operation, and monitoring of marine farming activities.
23. The consent holder shall establish a SFTAP at least three months prior to the first commencement of activities authorised under this consent.
24. The SFTAP shall comprise members consisting of the following expertise.

Tangata Whenua - A person knowledgeable and reputable with regard to mahinga kai and tikanga Maori.

Marine Farming Technical Representative - A suitably qualified person who has direct experience in operating a marine farm

Marine Structures Engineer - A suitably qualified engineer, experienced in the design of marine farming structures.

Marine ecologist - A suitably qualified and experienced specialist in marine ecology and monitoring the effects of aquaculture on the marine environment;

Hydrology / coastal scientist - A suitably qualified and experienced specialist in hydrodynamic modelling;

Seaweed / shellfish scientist - A suitably qualified and experienced specialist/s in marine species, as required;

25. The SFTAP shall:
 - a. Review the design, layout and density of the marine farm and where necessary provide advice to the SFGP and Consent Authority in writing on whether the design details require amendment to ensure the environmental effects of the marine farm are within the limits specified in the EMMP.
 - b. To review the EMMP and any amendments to the EMMP and provide written advice to the Consent Authority as to its suitability for Certification;
 - c. Where Certification is not recommended, explain the reasons why and provide recommendations on what, in the opinion of the SFTAP, needs to be changed in order for the EMMP or an amendment thereof to be certifiable; and
 - d. Provide written advice to the Consent Authority on whether the following reports have been prepared in accordance with the EMMP, and in compliance with the conditions of this consent:
 - i. Baseline monitoring report;
 - ii. Annual monitoring reports;
 - iii. Stage Completion Monitoring Report; and
 - iv. Compliance Level Exceedance.

- e. Review the monitoring reports prepared by the consent holder and where necessary provide advice to the SFGP and Consent Authority in writing on whether:
 - i. the monitoring related reports have been prepared in accordance with the EMMP and in compliance with the conditions of this consent.
 - ii. the monitoring programme detailed in the EMMP requires amendment (including the location of monitoring stations and the parameters monitored for);
 - e. Review any exceedances of the environmental parameters contained in the EMMP and where necessary provide written advice to the SFGP and Consent Authority on whether the monitoring programme detailed in the EMMP needs to be amended to better understand whether exceedances are attributed to marine farming activities or other environmental parameters; and
 - f. Provide advice on any other technical matters as sought by the Consent Holder.
26. The SFTAP shall, after receiving the Stage Completion Monitoring Report prepare a review for the SFGP and the Consent Authority. The review shall assess the annual interim monitoring reports together with the Stage Completion Monitoring Report and the EMMP, to determine whether the existing conditions of consent are appropriate or whether a change to one or more of the conditions is required, and the reasons why.
27. The SFTAP shall consult with the SFGP before making its recommendations to the consent holder and the Consent Authority.
28. The consent holder shall provide any administrative support necessary for the SFTAP to carry out its functions.
29. Where the SFTAP does not have the expertise in any of the areas on which it is required to report on, it may engage the services of an appropriate expert to advise on a relevant matter to the SFTAP.

Navigation

30. The permit holder shall ensure that all structures under this permit are appropriately marked and/or lit in accordance with the following:
- a. The Maritime New Zealand Marine Farm Guidelines: Navigational Safety 2018.
 - b. The marking and/or lighting of the farm shall be in accordance with any relevant maritime rules prepared under the Maritime Transport Act 1994.
31. The permit holder shall ensure that for the six-month period following the commencement of deployment works under this permit, a notice is broadcast on VHF channel 16 (and any alternative where appropriate) at least four times daily, alerting mariners to the presence and location of the marine farming areas.
32. Within six months of first operation of the farm, the boundaries of the marine farm must be marked and lit, in accordance with the navigation and safety requirements of both Maritime New Zealand (MNZ) and the Bay of Plenty Regional Council Harbourmaster.
33. The permit holder shall immediately notify the Maritime Manager-Bay of Plenty Regional Council, and the Duty Officer Maritime Safety Authority Wellington in the event that any structure under this permit breaks adrift, or there is damage to navigational aids, such as to constitute a navigational hazard.

Marine Mammals

34. A written record shall be kept by the permit holder detailing all marine mammal sightings by its employees, subcontractors, or operators of the farm, giving details of dates, approximate numbers and where appropriate, behavioural patterns of such marine mammals.

35. In the event of any marine mammal incident under the Marine Mammals Protection Act 1978, including dolphins or whales becoming entangled in marine farm structures, the permit holder shall immediately notify the Regional Council and the local office of the Department of Conservation.
36. The permit holder shall, as soon as practicable, in conjunction with the Department of Conservation develop an agreed management procedure/plan to deal with any event of entanglement or injury to a marine mammal, and shall advise all those persons working on the farm of the procedure to be implemented if such an event occurs. This procedure plan shall be lodged with the Regional Council as soon as it is finalised.

Corrective Actions

37. If the monitoring undertaken in accordance with the conditions of this consent detects significant adverse effects, based on the exceedance of any limit for significant adverse effects specified in the monitoring plan, the following sequence of procedures shall be followed:
 - a. A meeting is convened between the Bay of Plenty Regional Council and the consent holder.

Timeframe: within one month of the reporting of exceedance of any limit for significant adverse effects
 - b. The consent holder undertakes a full analysis of available data (e.g. monitoring programme data, coincidental environmental data and any other available information) in consultation with the Bay of Plenty Regional Council.
Timeframe: to be completed within three months of reporting of the reporting of exceedance of any limit for significant adverse effects.
 - c. If the further analyses indicate that the effects are attributable to farming activities, no further marine farm development may proceed until information from additional studies is assessed.

Timeframe: immediate following b above.
 - d. If the further analyses indicate that the effects are attributable to farming activities, further investigations are to be carried out by the consent holder in consultation with Bay of Plenty Regional Council. These investigations will be focused on:
 - i. Determining the accuracy of the initial findings,
 - ii. Determining that the effects are attributable to farming activities, and
 - iii. Determining the environmental significance of the findings.
Timeframe: to be completed within eight months of notification of the limit exceedance.
 - e. If the further investigations confirm that;
 - i. the effects are attributable to farming activities,
 - ii. that a limit of significant adverse effects is exceeded, and
 - iii. the effects are significantly adverse.

Then a meeting will be convened within one month between Bay of Plenty Regional Council and the consent holder to determine what actions should be taken to avoid/mitigate the adverse effects. Where agreement is reached, the actions will be implemented immediately. Where agreement cannot be reached, Bay of Plenty Regional Council may activate an immediate review of the consent conditions under s.128 of the RMA.

38. Once written confirmation has been given from the Chief Executive of the Regional Council or delegate, to the permit holder, that it has satisfied condition 30 (a) to (c), development of subsequent stages may commence 5 working days thereafter.

Farming Operations

39. All marine farming operations must be undertaken in accordance with Aquaculture New Zealand's "A+ Sustainable Management Framework", and any subsequent updates to that document approved by the Council.
40. Should any part(s) of the spat farm's structures be lost into the CMA, they shall, to the greatest extent practicable, be recovered by the consent holder.
41. Should the lost part(s) of the structures authorised by this resource consent be of a size that could constitute a navigation hazard, the consent holder shall:
 - a. Immediately notify the BOPRC Harbourmaster of the loss. For the purposes of this condition, the term 'immediately' shall mean 'no longer than four hours after the consent holder becomes aware that part of the farm has been lost'.
 - b. Undertake all necessary steps to find the lost part(s) and once found, undertake all actions that are necessary to recover the part. Should recovery of the lost part not be practicable (in full or in part) the consent holder shall take all actions that are necessary to ensure it does not constitute a navigation hazard; and
 - f. Inform the BOPRC Harbourmaster should the lost part(s) be recovered, of the actions that have been undertaken to ensure that the lost part does not present a navigation hazard.

Biosecurity

42. All aquaculture equipment (including ropes and floats) used within Bay of Plenty waters must not have been used outside Bay of Plenty waters or used within a known pest incursion zone in the Bay of Plenty.
43. The permit holder shall take all practicable measures to avoid the introduction of diseased spat or juveniles and any nuisance plants or animals.
44. When introducing spat (scallops, Pacific Oysters, flat oysters) to the site from outside the Bay of Plenty coastal marine area representative samples of all spat shall be visually inspected by farm staff prior to release. Should the inspection result in any observation of disease symptom(s) that spat species may not be introduced to the farm without the written approval of the Regional Council.
45. The permit holder shall be responsible for monitoring of disease as part of normal farming operations.
46. Prior to the commencement of marine farming activities, the consent holder shall submit to the Bay of Plenty Regional Council a final Biosecurity Management Plan covering all aspects of the operation of the marine farm. The final plan shall be in accordance with the draft Biosecurity Management Plan submitted with the resource consent application, except as required to comply with the conditions of this consent.
47. To ensure that no harmful, toxic or nuisance organisms are transported to or away from the marine farm, the permit holder shall implement the following:
 - a. Mussel seed will be transported to or from the consent holder site in accordance with the New Zealand Mussel Industry Council (NZMIC) Code of Practice for Transfer of Mussel seed.
 - b. Stock will be sourced from areas that are not infested by species that pose a biosecurity risk.
 - c. Stock will be visually inspected to check that species that pose a biosecurity risk are not present and if they are present that stock will not be transferred to the farm without Regional Council approval.
 - d. Vessels used for marine farming operations at the farm site shall have their hulls regularly treated with approved antifouling and maintained in a clean condition.

- e. Vessel operators will be issued with information cards to assist them in identifying the following species:
 - i. European Shore (or Green) Crab (*Carcinus maenas*)
 - ii. Northern Pacific Seastar (*Asterias amurensis*)
 - iii. Green Seaweed (*Caulerpa taxiflora*)
 - iv. Seasquirts (*Didemnum vexillum*, *Ciona intestinalis*)
 - v. Hydroid (*Amphisbetia bispinosa*)
 - vi. Mediterranean Fanworm (*Sabella spallanzanii*)
 - f. If any of the species listed above are found on service vessel hulls or farm infrastructure, all traces will be removed and disposed of on land.
 - g. Only un-used or properly treated infrastructure (ropes, lines, buoys) will be used for the establishment of the farm.
48. If any equipment is re-used within the marine farm, it will be thoroughly checked for the presence of any of the species listed above, and if required will thoroughly treated, prior to redeployment.
49. If any species listed above are identified, the permit holder shall immediately notify the Regional Council, the Ministry of Fisheries and Biosecurity New Zealand and obtain information on the best methods of dealing with the species found.