Biosecurity New Zealand
Ministry for Primary Industries
Manatū Ahu Matua

Bonamia ostreae

Controlled Area Notice

BRC 2023-2

This notice is given under section 131 of the Biosecurity Act 1993 (the Act) by a Chief Technical Officer of Biosecurity New Zealand, a business unit of the Ministry for Primary Industries.

1. Commencement

This notice amends and supersedes the controlled area notice BRC 2023-1 and comes into force at 11:59 PM on 31 October 2023.

2. *Bonamia ostreae* is an unwanted organism

Bonamia ostreae (*B. ostreae*) is an unwanted organism under the Act.

3. Purpose

The purpose of this notice is to declare areas as controlled areas, establish movement controls, and specify treatments and procedures to:

(a) Limit the spread of *B. ostreae*;

(b) Minimise the impact of *B. ostreae* on flat oyster (*Ostrea chilensis*) populations;

(c) Protect areas within New Zealand most at risk from an incursion of *B. ostreae;*

(d) Facilitate the access of New Zealand products to overseas markets; and

(e) Monitor risks associated with the movement of the named shellfish species into parts of New Zealand where the *B. ostreae* status is unknown.

4. Interpretation

In this notice, unless the context otherwise requires:

Craft means a ship, boat, or other machine or vessel used or is able to be used for the transport of people or goods by sea. This definition includes structures or installations that are imported by being towed through the sea.

Commercial processing steps are all processing steps necessary to prepare the shellfish for sale. These steps include actions to manufacture, pack, sort, preserve, or wash the shellfish. For avoidance of doubt, cooking and preparing shellfish for personal consumption before eating is not included in this definition.

Equipment means any equipment used within the marine environment, including equipment used for: fishing or a marine farm, diving, recreation, sport or pleasure activity, scientific research purposes or any other marine-based water activity. For

the avoidance of doubt, equipment includes marine farm equipment and fishing includes recreational and commercial fishing.

Fouling means the presence of aquatic organisms on craft or equipment, such as tubeworms, algae, mussels, oysters, free-living worms, sea-stars, fish or shrimps. For the purpose of this Controlled Area Notice, fouling on craft does not include a slime layer (a layer of microscopic organisms that are not individually visible to the unaided human eye) and/or the presence of barnacles.

Marine farm (as defined in Clause 4 of the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020) means a space that:

(a) is used for aquaculture activities; and

(b) has a current coastal permit to occupy the common marine and coastal area; and

(c) may have other coastal permits that allow—

(i) the erection, placement, and use of structures for aquaculture activities:

(ii) the associated disturbance of the foreshore and seabed:

(iii) deposition or discharges in the coastal marine area.

Marine farm craft means any craft used as a part of the operation of a marine farm, which includes craft used to transport or store any marine farmed fish species and or equipment.

Marine farm equipment means any equipment used in the operation of a marine farm, which includes the structures and installations of a marine farm.

Permit means the written permission of an inspector or authorised person appointed under the Act, including any conditions contained in the permission.

Shellfish includes all species of the phylum Echinodermata and phylum Mollusca and all species of the class Crustacea at any stage of their life history, whether living or dead (including their spat), and includes the following named species:

- Flat oyster (*Ostrea chilensis*), also known as Dredge or Bluff oysters;
- Pacific oyster (*Magallana* [*Crassostrea*] *gigas*);
- Green-lipped mussel (*Perna canaliculus*); and
- Geoducks (*Panopea zelandica*).

The Territorial Sea is an area of water not exceeding 12 nautical miles in width which is measured seaward from the Territorial Sea baseline as defined in Section 3 of the Territorial Sea (Contiguous Zone) and Exclusive Economic Zone Act 1977.

Waste in relation to all shellfish, including the named species listed within this notice, means any part of that shellfish, or whole shellfish, at any stage of their life history, whether living or dead (including their spat). This definition also includes water used in commercial processing steps.

5. Controlled Area declaration

I declare that the four zones set out below, and as defined by the maps in Schedule 1, are controlled areas in respect of *B. ostreae* under section 131(2) of the Act:

(1) Big Glory Bay Contained Zone: the marine waters of Big Glory Bay landward of the boundary lines between Points A and B, and between Points C and D as defined in the map in Schedule 1. Coordinates of the boundary line are:
Point A - 168˚07.90'E 46˚57.58'S
Point B - 168˚08.11'E 46˚57.58'S
Point C - 168˚08.45'E 46˚57.70'S
Point D - 168˚08.53'E 46˚58.20'S

(2) Lower South Protected Zone: the areas contained within the regional council boundaries of Southland and Otago, including the Territorial Sea as defined in the map in Schedule 1. The area defined as the Big Glory Bay Contained Zone is excluded from the Lower South Protected Zone.

(3) Upper South Contained Zone: the areas contained within the unitary authority boundaries of Nelson and Marlborough, including the Territorial Sea, in conjunction with the area of western Tasman Bay landward of the boundary lines between Points A and B as defined in the map in Schedule 1. Coordinates of the seaward boundary of the western Tasman Bay included in the zone are:
Point A - 172˚59.90'E 40˚46.92'S
Point B - 173˚17.34'E 40˚44.96'S

(4) Chatham Islands Protected Zone: the Territorial Sea surrounding the Chatham Islands as defined in the map in Schedule 1.

6. Notice of controls for Big Glory Bay Contained Zone

Movement of shellfish, including waste:

(1) Flat oysters must not be moved into or out of the Big Glory Bay Contained Zone.

(2) Pacific oysters, Green-lipped mussels, or Geoducks must not be moved into or out of the Big Glory Bay Contained Zone for the purpose of commercial processing unless a permit is obtained prior to the movement.

(3) Shellfish collected inside the Big Glory Bay Contained Zone must not be returned to the marine environment outside the Big Glory Bay Contained Zone.

(4) Waste from shellfish collected inside the Big Glory Bay Contained Zone must not be discharged into the marine environment outside the Big Glory Bay Contained Zone.

Movement of craft (excluding marine farm craft):

(5) Craft (excluding marine farm craft) must not be moved into or out of the Big Glory Bay Contained Zone unless:

(a) The craft is visibly clear of fouling; or

(b) if fouling is visible, a permit is obtained prior to the movement.

Movement of marine farm equipment and marine farm craft:

(6) Marine farm equipment must not be moved into or out of the Big Glory Bay Contained Zone unless a permit is obtained prior to the movement.

(7) Marine farm craft must not be moved into or out of the Big Glory Bay Contained Zone unless a permit is obtained prior to the movement.

Movement of equipment (excluding marine farm equipment):

(8) Equipment (excluding marine farm equipment) must not be moved into or out of the Big Glory Bay Contained Zone unless it is visibly free of fouling.

7. Notice of controls for Lower South Protected Zone

Movement of shellfish, including waste:

(1) Flat oysters, Pacific oysters, Green-lipped mussels, or Geoducks must not be moved into the Lower South Protected Zone for the purpose of commercial processing unless a permit is obtained prior to the movement.

(2) Flat oysters (including spat, juveniles, and adults) that are harvested or reared within 1 nautical mile of the coast of Stewart Island must not be moved within the Lower South Protected Zone for the purposes of aquaculture farming without a permit.

(3) Shellfish collected outside the Lower South Protected Zone must not be returned to the marine environment inside the Lower South Protected Zone.

(4) Waste from shellfish collected outside the Lower South Protected Zone must not be discharged into the marine environment inside the Lower South Protected Zone.

Movement of equipment (including marine farm equipment):

(5) Equipment (including marine farm equipment) must not be moved into the Lower South Protected Zone unless it is visibly free of fouling.

Movement of flat oyster farm equipment:

(6) Marine farm equipment used to harvest or rear flat oysters (including spat, juveniles, and adults) within 1 nautical mile of the coast of Stewart Island must not be moved within the Lower South Island Protected Zone for the purposes of aquaculture farming without a permit.

8. Notice of controls for Upper South Contained Zone

Movement of shellfish, including waste:

(1) Flat oysters, Pacific oysters, Green-lipped mussels, or Geoducks must not be moved out of the Upper South Contained Zone for the purpose of commercial processing unless a permit is obtained prior to the movement.

(2) Shellfish collected inside the Upper South Contained Zone must not be returned to the marine environment outside the Upper South Contained Zone.

(3) Waste from shellfish collected inside the Upper South Contained Zone must not be discharged into the marine environment outside of the Upper South Contained Zone.

Movement of equipment:

(4) Equipment (including marine farm equipment) must not be moved out of the Upper South Contained Zone unless it is visibly free of fouling.

9. Notice of controls for Chatham Islands Protected Zone

Movement of shellfish, including waste:

(1) Flat oysters, Pacific oysters, Green-lipped mussels, or Geoducks must not be moved into the Chatham Islands Protected Zone for the purpose of commercial processing unless a permit is obtained prior to the movement.

(2) Shellfish collected outside the Chatham Islands Protected Zone must not be returned to the marine environment inside the Chatham Islands Protected Zone.

(3) Waste from any shellfish collected outside the Chatham Islands Protected Zone must not be discharged into the marine environment inside the Chatham Islands Protected Zone.

Movement of marine farm craft and marine farm equipment:

(4) Marine farm craft and marine farm equipment must not be moved into the Chatham Islands Protected Zone unless a permit is obtained prior to the movement.

Movement of equipment (excluding marine farm equipment):

(5) Equipment must not be moved into the Chatham Islands Protected Zone unless it is visibly free of fouling.

10. Movements exempt from this notice

(1) The movement controls described above in clauses 6 to 9 (inclusive) of this notice do not interfere with the taking of fish in accordance with the Fisheries (South Island Customary Fishing) Regulations 1999 and or the Fisheries (Kaimoana Customary Fishing) Regulations 1998 by persons not a “commercial fisher” as defined in section 2 of the Fisheries Act 1996.

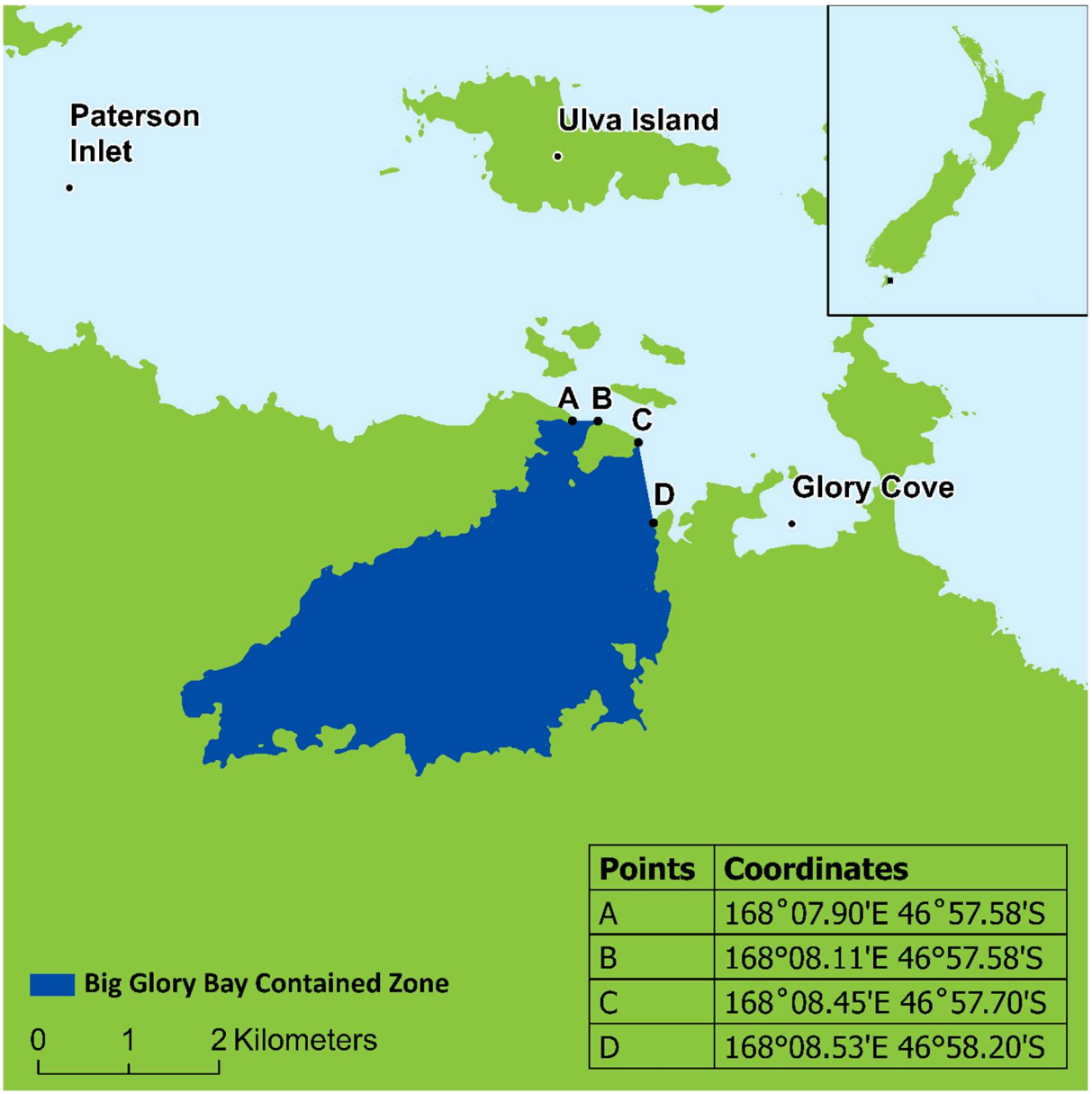
Signed at Wellington on 30/10/2023.



John Walsh
Chief Technical Officer
Biosecurity New Zealand
Ministry for Primary Industries

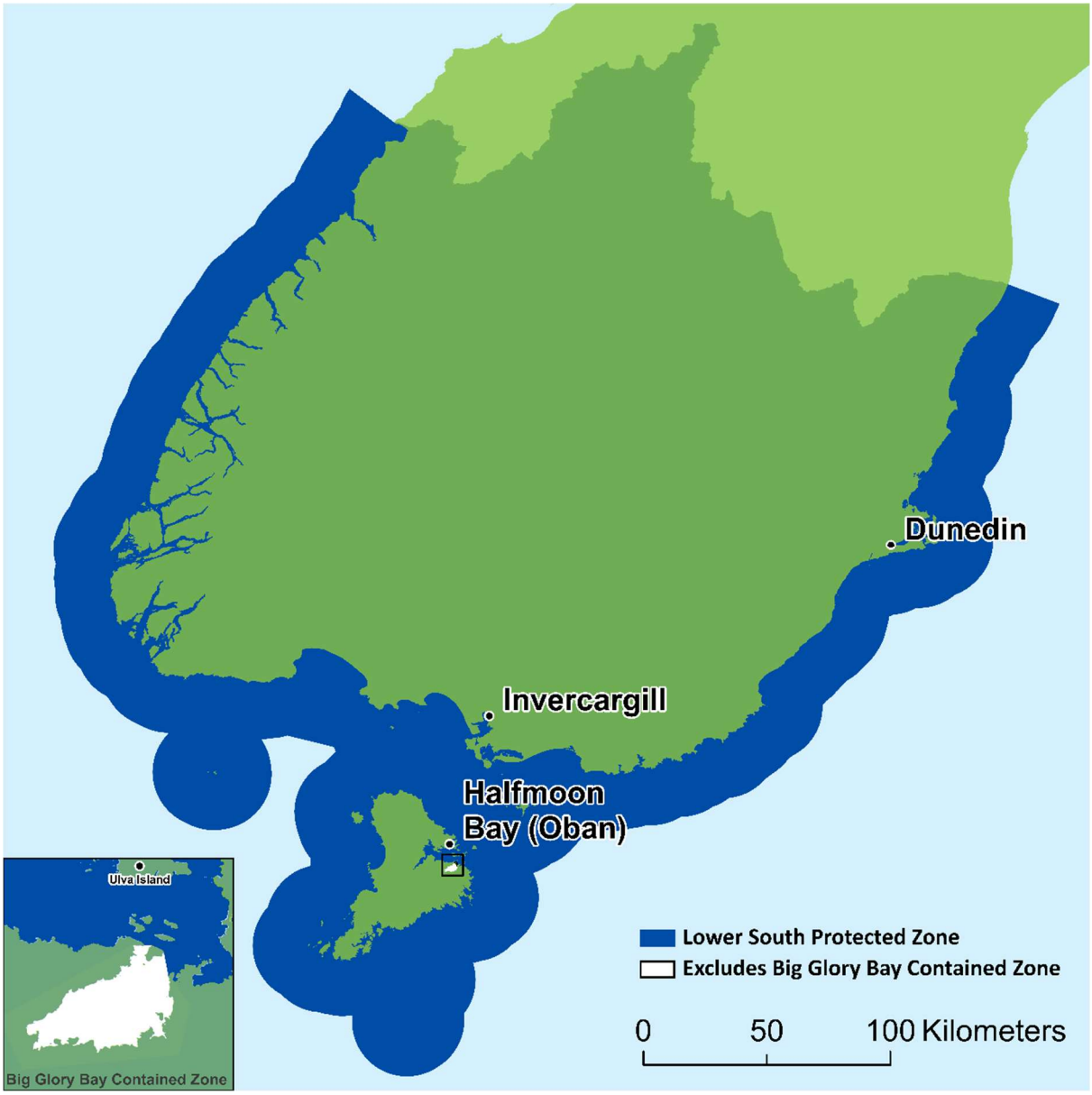
Schedule 1 - Map of Controlled Zones

Big Glory Bay Contained Zone

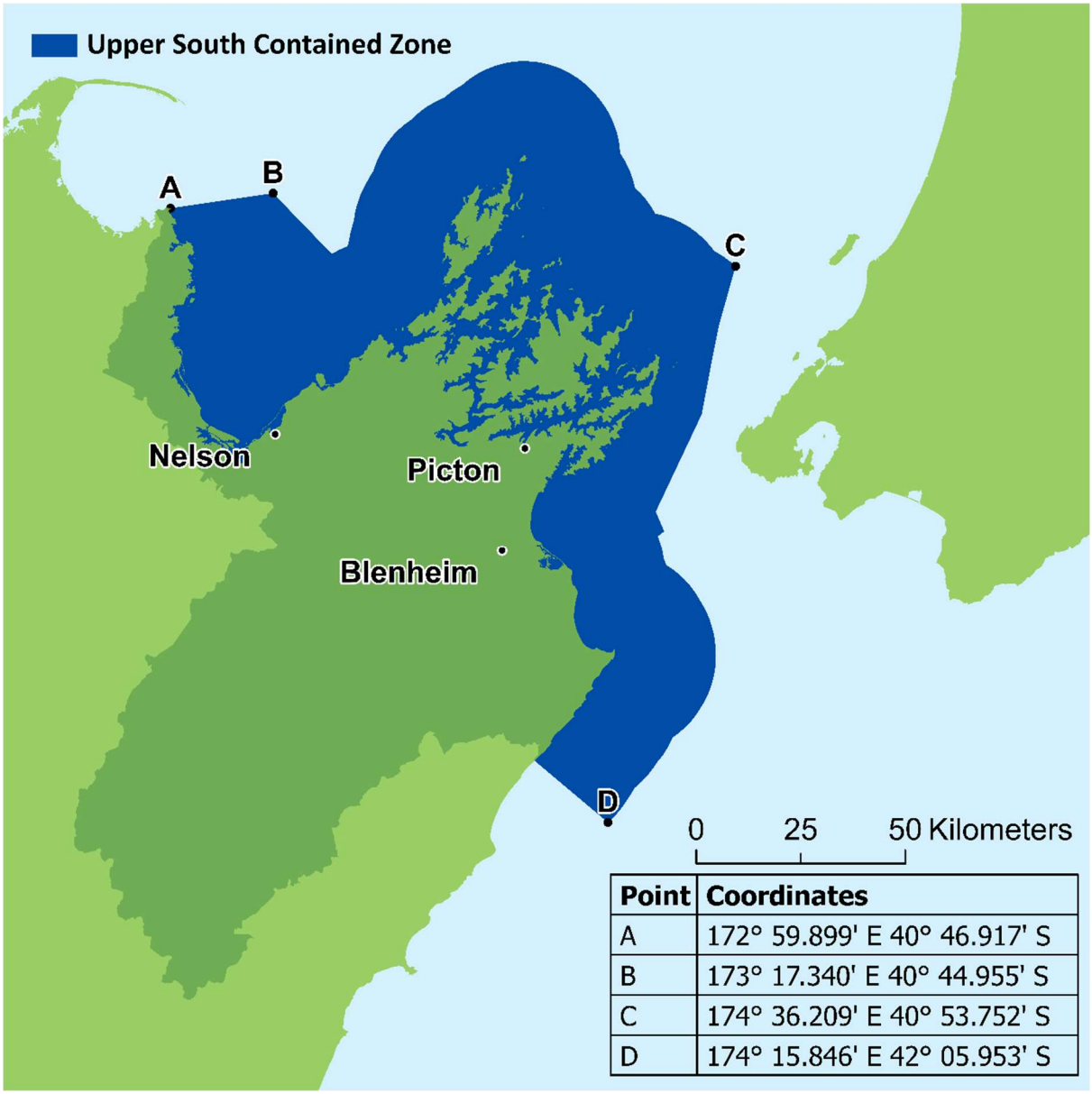


Points	Coordinates
A	168°07.90'E 46°57.58'S
B	168°08.11'E 46°57.58'S
C	168°08.45'E 46°57.70'S
D	168°08.53'E 46°58.20'S

Lower South Protected Zone

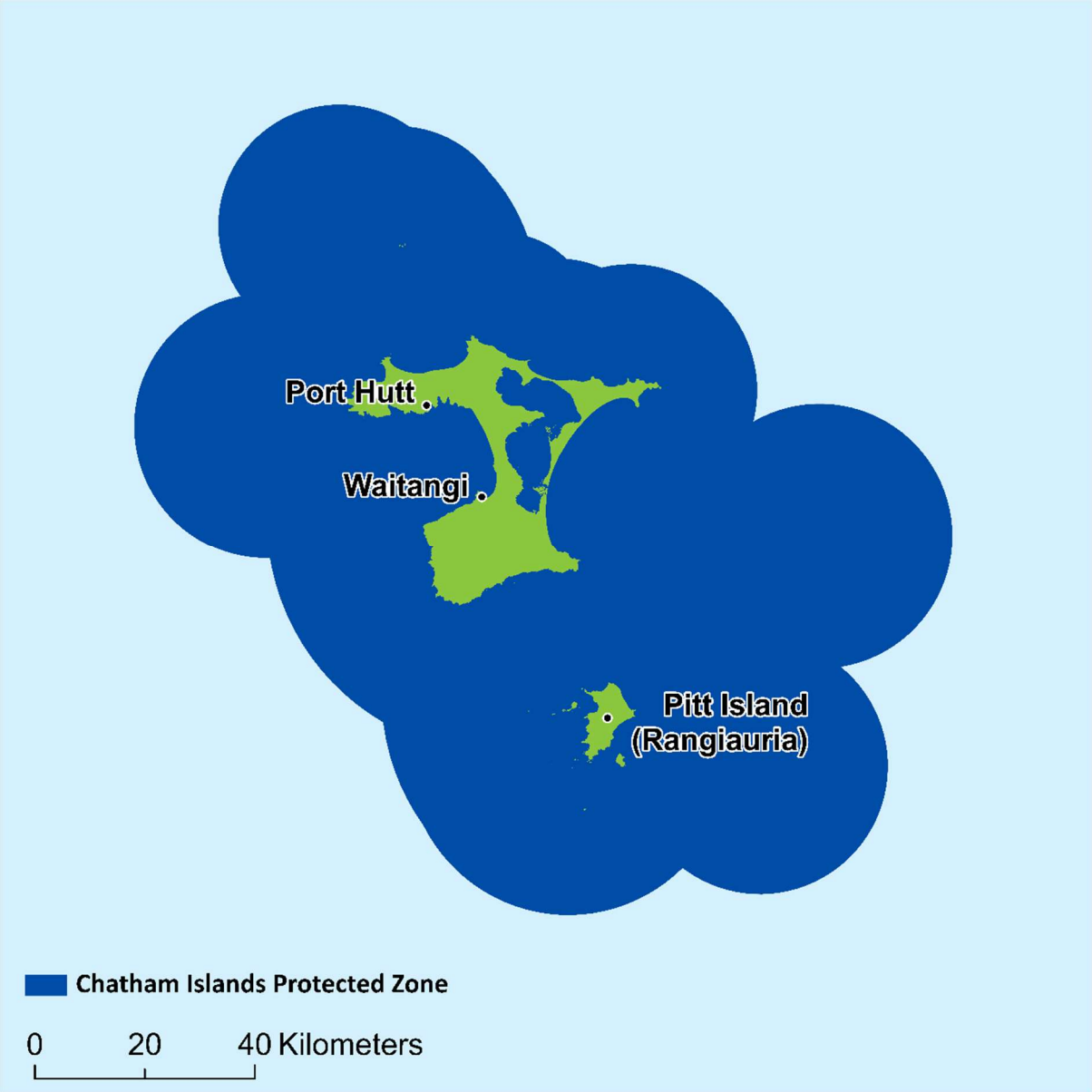


Upper South Contained Zone



Point	Coordinates
A	172° 59.899' E 40° 46.917' S
B	173° 17.340' E 40° 44.955' S
C	174° 36.209' E 40° 53.752' S
D	174° 15.846' E 42° 05.953' S

Chatham Islands Protected Zone



Guidance on how to apply for a permit for prohibited activities under the notice

This information section is not part of the notice but is intended to provide further detail about applying for a permit to carry out activities that are prohibited by the notice.

Applying for permits as specified in the CAN conditions

Biosecurity New Zealand **may permit activities that are prohibited by this notice.**

In accordance with section 134(1)(b) of the Act, an inspector or authorised person may permit a person to carry out an activity that would otherwise be prohibited by this notice.

Permits will be considered on a case-by-case basis and will be subject to any conditions and directions under section 122 of the Act that are necessary to manage the biosecurity risk of the proposed activity.

To apply for a permit for activities, and for all other enquiries, please contact MPI at bonamiacontrol@mpi.govt.nz

Notifying Biosecurity New Zealand as a condition of a CAN activity

To notify Biosecurity New Zealand in writing, please email bonamiacontrol@mpi.govt.nz

Information about consequences of breach of notice

Breach of this notice may result in seizure of goods moved in contravention of the notice; an application for a pecuniary penalty order against you for breach of the notice; or court prosecution action for an offence committed under the Act.

If you or your employee or agent do not comply with this notice or any subsequent directions given by an inspector or authorised person, you may breach the Act. Please ensure your employees have a copy of this notice.

Information about publication of notice

This notice will be published on Biosecurity New Zealand's website at biosecurity.govt.nz/bonamia