

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Ngāi Tahu Seafood Resources Limited (**Applicant**) for approvals for the Hananui Aquaculture Project (FTAA-2511-1138)

JOINT MEMORANDUM ON BEHALF OF

NGĀI TAHU SEAFOOD RESOURCES LIMITED, NGĀI TAHU KI MUIRHIKU, and TE RŪNANGA O NGĀI TAHU

Panel Convener's Conference

16 February 2026

Counsel acting:

Stephen Christensen
Barrister
P 0274 482 325

E stephen@projectbarrister.nz

MAY IT PLEASE THE PANEL CONVENER:

Introduction

1. This Joint Memorandum is filed on behalf of Ngāi Tahu Seafood Resources Limited (**NTS; applicant**), Ngāi Tahu ki Murihiku¹ and Te Rūnanga o Ngāi Tahu (together, the **Parties**) ahead of the Panel Convener's conference scheduled for 18 February 2026 and in accordance with the direction of the Panel Convener.²
2. The Parties will attend the conference.

Approvals sought

3. The application seeks a resource consent that would otherwise be required under the Resource Management Act and a wildlife approval that would otherwise be required under the Wildlife Act.
4. The panel appointed to consider the application must also make an aquaculture decision when it makes its decision on the resource consent.³

¹ Ngāi Tahu ki Murihiku is the collective of the four Papatipu Rūnanga in the Murihiku/Southland area of the broader Ngāi Tahu takiwā. The four Papatipu Rūnanga are Te Rūnanga o Awarua, Waihōpai Rūnanga, Te Rūnanga o Ōraka-Aparima, and Hokonui Rūnanga and collectively represent mana whenua/mana moana in the project area

² Minute dated 11 February 2026

³ Section 80(2) and clause 20 of Schedule 5

Complexity and Issues

5. The application seeks approvals to develop and operate large scale salmon farming in Foveaux Strait, referred to as the Hananui Aquaculture Project (HAP). The application includes the range of technical assessments and analyses that would be expected for such an application. These are provided at a scale commensurate with the scale and significance of the project and the receiving environment. The application engages a range of scientific and technical disciplines in a complex receiving environment.
6. A feature of the application is the extensive engagement undertaken by the Applicant with the other Parties, as well as with the Southland Regional Council, Department of Conservation, and Ministry for Primary Industries.
7. That engagement has resulted in the sharing of a great deal of information between those parties, modifications to aspects of the proposal to address issues identified through various technical evaluations and discussions, and the development of agreed proposed conditions to attach to the approvals.
8. The Parties agree the approvals sought should be granted and that the proposed conditions are appropriate to ensure the potential impacts of the proposal will be appropriately and sustainably managed.
9. The proposal has had a long history. Initially a standard resource consent application for a larger project was made to Environment Southland in 2019. That initial application was subject to technical evaluation and a request to the applicant for the supply of further information. That initial application was subsequently withdrawn, prior to notification, when a new application for a smaller and simplified version of the proposal (which addressed matters identified in the review of the initial application) was made under the now-repealed COVID-19 Recovery (Fast-

track Consenting) Act 2020 (**CRFTCA**).⁴ The CRFTCA application was supported by the Parties and duly considered by a panel appointed under that Act. Surprisingly the application was declined. CRFTCA contained no merit appeal rights. An application for a judicial review of the CRFTCA panel's decision was filed in the High Court by the applicant, together with an appeal on points of law. Those High Court proceedings were not heard and were withdrawn upon the present application under the FTAA being accepted as complete.

10. The present FTAA application contains important changes from the application made under CRFTCA, particularly to address perceived issues raised by the CRFTCA panel. These are detailed in the substantive application⁵ and include a reduction in the total project area and a reconfiguration of the proposed farm locations, including increasing the distance from Rakiura to the closest farms.
11. The FTAA application also has the benefit of revised and updated modelling of likely water column and seabed deposition impacts of the proposal. That modelling significantly improves confidence that the proposal will not have significant adverse impacts, and the modelling outputs and underlying inputs have been reviewed by independent experts.
12. As a result of the extensive engagement between the Parties (and with Southland Regional Council, Department of Conservation, and Ministry for Primary Industries), modifications to project design, expert impact assessments, and the proposed conditions (including the requirements for management plans) the Parties are pleased to report that despite the wide range of matters considered in the

⁴ To be able to make a substantive application under CRFTCA NTS first had to successfully apply for the proposal to be referred under that Act. The referral application was granted in early 2022 and later in 2022 NTS lodged a substantive application under CRFTCA

⁵ Table 6-1 on page 43 of the substantive application

application there are no outstanding complex issues that will require determination by the panel, and there are no matters where there are likely to be substantive disagreements between the Parties, Southland Regional Council, Department of Conservation, and Ministry of Primary Industries and their respective experts requiring resolution or determination by the panel.

13. The requirement to make an aquaculture decision under Section 80(2) and clause 20 of Schedule 5 has not arisen in other FTAA substantive applications to date to the Parties' knowledge. The Ministry for Primary Industries (which is ordinarily responsible for processing aquaculture decisions under the Fisheries Act) has been closely consulted in relation to the application, has been asked to prepare a recommendation by the Environmental Protection Agency pursuant to section 48(2), and is aware of its obligations under the FTAA.

Panel Composition

14. The Parties do not consider the application raises matters that would require the appointment of a larger than normal panel.
15. The Parties recommend that the following areas of expertise should ideally be represented on the panel:
 1. Planning
 2. An understanding of te ao Māori and Māori development
 3. Ecology (preferably with some marine ecology experience)
16. Council has identified its preferred nominee in consultation with the Parties. The preferred nominee is a planner with an appropriate understanding of te ao Māori and Māori development, and significant experience as an RMA decision-maker and Chair of hearing panels.

Tikanga

17. Tikanga is relevant to the application.
18. The appropriateness of the proposal in accordance with tikanga is separately and thoroughly assessed in the application using a tool developed specifically for Ngāi Tahu ki Murihiku for use in situations such as this, and this assessment confirms the proposal accords with tikanga and supports Ngāi Tahu values and aspirations.⁶
19. To the extent the panel may have questions regarding tikanga or any cultural aspect of the application Ngāi Tahu ki Murihiku representatives will be available to assist upon request.

Procedural requirements

20. The Parties are willing to engage directly with the panel as necessary to advance progress of the application efficiently.
21. The Parties do not consider it likely that any form of hearing process will be required.
22. The Parties are not aware of any matters that give rise to complexity and which are likely to require a significantly extended timeframe for the panel to make its decisions in accordance with section 81 of the FTAA. The Parties acknowledge that the default timeframe in section 79(1) of 30 working days from the date comments are received may not be sufficient given the amount of material the panel will need to consider, notwithstanding that there is broad agreement on the nature of the proposal's impacts and the appropriate conditions to manage them. Accordingly the Parties would not oppose a modest extension to the default timeframe.

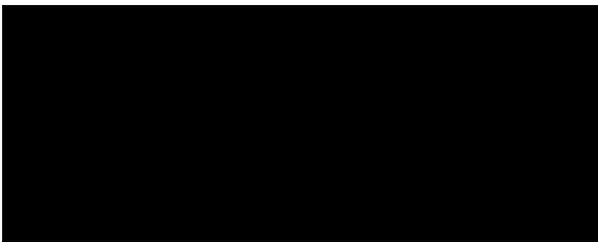
⁶ See Appendix D of the Substantive Application – Ngā Hua o Āpiti Hono Tātai Hono and Stage 1 Āpiti Hono Tātai Hono report

Dated 16 February 2026



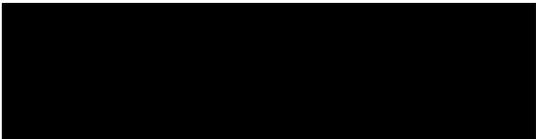
Stephen Christensen

Counsel for Ngāi Tahu Seafood Resources Limited



Pania Coote

For and on behalf of Ngāi Tahu ki Murihiku



Jacqui Caine

For and on behalf of Te Rūnanga o Ngāi Tahu