

## Your Comment on the Hananui Aquaculture Project

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at [substantive@fastrack.govt.nz](mailto:substantive@fastrack.govt.nz)

|                                                                                                            |                                                                        |                   |  |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------|--|
| <b>1. Contact Details</b>                                                                                  |                                                                        |                   |  |
| Please ensure that you have authority to comment on the application on behalf of those named on this form. |                                                                        |                   |  |
| <b>Organisation name (if relevant)</b>                                                                     | Department of Conservation                                             |                   |  |
| <b>First name</b>                                                                                          | Amelia                                                                 |                   |  |
| <b>Last name</b>                                                                                           | Wilkinson                                                              |                   |  |
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| <b>Home phone / Mobile phone</b>                                                                           |                                                                        | <b>Work phone</b> |  |
| <b>Email</b>                                                                                               | <a href="mailto:fast-track@doc.govt.nz">fast-track@doc.govt.nz</a> and |                   |  |

|                                     |                                                      |                          |                                                          |
|-------------------------------------|------------------------------------------------------|--------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> | I can receive emails and my email address is correct | <input type="checkbox"/> | I cannot receive emails and my postal address is correct |
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Please provide your comments below, include additional pages as needed.

Please find comments attached



Linda Kirk  
**Fast Track Applications Manager**

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 17 July 2026

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

## Comments on draft conditions for a fast-track consenting application

### Fast-track Approvals Act 2024 section 70

To: The Expert Panel

From: Department of Conservation

Regarding fast-track project: Hananui Aquaculture Project

Fast track Reference: FTAA-2511-1138

#### Comments on draft conditions of Wildlife Act approval – Appendix C

| Condition #             | Draft condition with marked up suggestions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Comments and reasoning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Schedule 2, condition 2 | <p><del>In accordance with Conditions 42-44 and 49-51 of Resource Consent [to add reference] the Approval Holder may make amendments to any of the management plans provided that feedback is sought from DOC.</del></p> <p><u>2.1 The Approval Holder shall prepare a Shark Management Plan (SMP) and Seabird Management Plan (SBMP) ("Management Plans"). The purpose of the Management Plans is to minimise adverse effects of the Project on protected wildlife.</u></p> <p><u>2.2 The Management Plans must:</u></p> <ul style="list-style-type: none"><li>a. <u>be prepared by a Suitably Qualified and Experienced Person;</u></li><li>b. <u>meet the objectives set out in conditions 4 (SBMP) and 9 (SMP);</u></li><li>c. <u>include the information set out in conditions 5 (SBMP) and 10 (SMP);</u></li></ul> | <p>DOC remains of the view that the Shark and Seabird management plans should be subject to dual certification. This would provide an appropriate safeguard and ensure that certification arrangements are consistent with DOC's statutory responsibilities and expertise.</p> <p>DOC has significant concerns with certification arrangements that place sole certification authority with another regulator where the management plan relates to an approval administered by DOC. As the regulator responsible for the wildlife approval, DOC considers it inappropriate for a core regulatory function such as certification to be delegated entirely to a third party. While DOC acknowledges the important role of Environment Southland (ES) in relation to resource consent matters, management plans associated with wildlife approvals should continue to be subject to certification by DOC. While there is some overlap, the management plan serves different functions under the two statutory regimes. Under the Resource Management Act 1991, it supports conditions aimed at avoiding, remedying, or mitigating adverse effects on species and habitats arising from the proposal. Under the Wildlife Act 1953, it supports the implementation of the wildlife approval, including the</p> |

- d. include a process for reviewing the effectiveness of the Management Plans and updating them where necessary to improve their effectiveness;
- e. include a management review process that has flexibility to accommodate advances in science, monitoring methods, infrastructure, and best practice management techniques.
- f. Include any updates (where necessary) to be consistent with any approval required under the Resource Management Act 1991.

2.3 At least 20 working days before submitting a Management Plan for certification under Condition 2.4, the Approval Holder must:

- a. notify the Department of Conservation and Environment Southland of its intention to submit the Management Plan; and
- b. invite comments from the Department of Conservation and Environment Southland on matters relevant to their respective regulatory functions.

2.4 Prior to the commencement of any physical construction works, including installation of pens, mooring lines and anchors, the Approval Holder must submit the Management Plans to the Regional Statutory Manager of the Department of Conservation (SSI-StatutoryandCommunity@doc.govt.nz) for certification.

2.5 The Management Plans shall be reviewed:

- a. two years after completion of installation of the first sea pen at the site; and
- b. every five years thereafter.

Any amendments arising from the review process shall be submitted to the Department of Conservation for certification in accordance with Condition 2.4.

management of activities involving protected wildlife, such as the handling, holding, and disturbance of those species.

Dual certification would therefore ensure that both regulators retain appropriate oversight of matters within their respective jurisdictions, while providing confidence that certified plans appropriately address regulatory requirements and reflect best practice.

Furthermore, DOC has maintained this position consistently throughout the Fast-track process, including on projects where certification arrangements have been contested.

DOC notes that, in other Fast-track projects, management plans relating to matters requiring DOC approval have been certified by DOC. Accordingly, dual certification would be consistent with both DOC's established position and previous Fast-track practice.

NTS has raised concerns regarding the timeframes associated with DOC's review of management plans. DOC notes that review of shark-related management plans necessarily relies on a relatively small pool of specialist expertise. As is common in highly specialised technical fields, reviewer availability can at times be affected by operational factors such as workload, competing priorities, and staff leave.

DOC also notes ES's submission that, if responsible for certification of these plans, ES may need to engage external technical specialists to support its decision-making. This highlights the specialist nature of the subject matter and the limited availability of suitably qualified experts. Where that expertise already exists within DOC, it is more efficient and appropriate for DOC to retain a certification role in relation to matters falling within its area of regulatory responsibility.

DOC considers these timing challenges can be effectively managed through early engagement and forward planning. DOC therefore supports the proposed requirement for NTS to provide at least 20 working days' notice before formally submitting a management plan

2.6 The certified Management Plans shall be implemented and complied with for the duration of the Approval.

for certification. This would enable appropriate resourcing to be arranged in advance and assist in ensuring reviews are completed in a timely manner, while maintaining the level of scrutiny required for these specialist matters.

DOC notes that the likelihood of disagreement is relatively low. While there is overlap between the management plans supporting the wildlife approval and the resource consent conditions, DOC and ES are exercising distinct regulatory functions and are focused on different aspects of the proposal. In practice, DOC's review would be directed to matters relevant to the wildlife approval, while ES's review would focus on matters relevant to the resource consent as described above. While the applicant may prepare a single document to address the requirements of both the Wildlife Act and the Resource Management Act, the respective certification processes are undertaken for different statutory purposes. Accordingly, the plans should be treated as separate management plans for each process, noting that there are provisions in each set of conditions that are intended to ensure alignment between them.

No further changes to the resource consent conditions are required to facilitate this process.

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Schedule 2,  
condition 8

**Monitoring and Reporting**

Following the installation of the marine farms the Approval holder must undertake weekly dusk and dawn surveys at each of the four farms for a minimum of 2 years.

The Approval Holder must keep a record of all seabird incidents/interactions with the farm and all records obtained from the routine seabird monitoring.

The Approval Holder must provide these records annually, within three months of the anniversary of the commencement of the consent, to the Regional Statutory Manager of the Department of Conservation (SSI-StatutoryandCommunity@doc.govt.nz) ~~DOC Operations Manager, Rakiura (stewartisland@doc.govt.nz)~~; and

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Link and contact information updated. Note the email address in schedule 1 can remain as [stewartisland@doc.govt.nz](mailto:stewartisland@doc.govt.nz) to capture any notices. Operational matters are more appropriately managed at the regional level via the Regional Statutory Manager of the Department of Conservation (SSI-StatutoryandCommunity@doc.govt.nz) and [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz).

[permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz), for the term of the authorisation.

The details of any tags, transponders or bands found on live or dead marked individuals, and any bands/tags/marks removed for any reason, must be recorded and reported as instructed on the DOC website: [Reporting a bird band: Bird banding](#)

All monitoring and reporting must be undertaken in accordance with the SBMP.

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Schedule 2,  
NEW

### **Reporting**

The Approval Holder must keep a record of all shark incidents/interactions with the marine farm.

The Approval Holder must provide these records annually, within three months of the anniversary of the commencement of the consent, to the Regional Statutory Manager of the Department of Conservation (SSI-StatutoryandCommunity@doc.govt.nz), and [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz), for the term of the authorisation.

Any incident with a protected shark must be reported to DOC within 24 hours of the incident.

All reporting must be undertaken in accordance with the SMP.

As proposed in DOC's section 51 report, this condition is recommended to ensure the reporting proposed within the SMP is provided to DOC. This is standard across Wildlife Act approvals.

Note this is slightly different to condition 8, although the two could potentially be combined.

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Schedule 2,  
NEW

### **Avian Influenza (HPAI) Reporting and Biosecurity**

The Approval Holder must comply with Department of Conservation guidance on avian influenza (Highly Pathogenic Avian Influenza – HPAI) as published at: <https://www.doc.govt.nz/our-work/wildlife-health/avian-influenza/>

DOC requests a new condition be included to address the risks posed by Avian Influenza in New Zealand.

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If the Approval Holder observes any sick or dead birds (including seabirds, waterfowl), or other wildlife including seals and sea lions on or near the authorised site, they must:

- a. Comply with any national reporting requirements, including any requirement to notify the Ministry for Primary Industries (MPI) and/or the Department of Conservation
- b. Avoid handling sick or dead birds unless directed by MPI or DOC.
- c. Follow all biosecurity measures outlined in DOC guidance to minimise disease spread.

## Comments on draft conditions of resource consent - Appendix B

| Condition # | Draft condition with marked up suggestions                                                                                                                                                                                                                                   | Comments and reasoning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6           | This consent shall lapse ten years from the date of commencement. The consent shall commence on the date that the consent commences in accordance with sections 116 and 116A, RMA, <del>or the date specified in the Commencement Date Notice, whichever is the later.</del> | <p>Allowing the Consent Holder to decide when the consent commences following the issue of such consent reserves a decision making authority to the consent holder.</p> <p>Section 116(1) of the RMA specifies that:<br/> <i>[...] every resource consent that has been granted commences—</i> <ol style="list-style-type: none"> <li>a) <i>when the time for lodging appeals against the grant of the consent expires and no appeals have been lodged;</i></li> <li>or</li> <li>b) <i>when the Environment Court determines the appeals or all appellants withdraw their appeals—</i></li> </ol> <i>unless the resource consent states a later date or a determination of the Environment Court states otherwise.</i> </p> |

Additionally, section 97(1) of the Fast Track Approvals Act is as follows:

*(1) Subject to subsection (2), an approval granted under this Act commences—*

*(a) on the date on which the panel's decision document for the approval is issued under section 88; or*

*(b) on any later date specified by the panel in the decision document.*

This is ultra vires to the RMA and FTAA. The resource consent does not specify a later date as required by section 116(1) of the RMA and 97(1) of the FTAA, and instead allows the consent holder to specify that date after the issuing of consent.

It is understood that, whilst not defined, in practice a Commencement Date Notice in relation to a resource consent usually prescribes a Consent Holder's intention to give effect to the consent, rather than prescribing the commencement of a consent.

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### Comments on summary of Section 53 comments received and Panel's response - Appendix E

For completeness, DOC wishes to clarify the following matters relating to Appendix E.

| <i>Number</i>          | <i>Comment with marked up suggestions</i>     | <i>Comments and reasoning</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16 – Overall Position  | <del>Conditional Support</del> <u>Neutral</u> | While DOC's section 53 comments acknowledge that the ecological effects of the proposal may be capable of being appropriately managed through robust conditions, DOC wishes to correct any suggestion that this amounts to conditional support for the application.<br><br>Under the Fast-track process, DOC's role is to provide independent technical advice and comments to assist the Expert Panel in its decision-making. The assessment of the application, including the weight to be given to that advice, remains a matter for the Panel. |
| 16 – Response by Panel | [...]                                         | As noted in DOC's response to the Panel's 23 June 2026 request, information was only sought in relation to the Shark Management Plan (SMP) and Seabird Management Plan (SBMP). The Panel did                                                                                                                                                                                                                                                                                                                                                       |

The Panel does not agree that the installation of pilot pens to test their suitability at preventing access by pinnipeds is necessary or appropriate. The Panel is otherwise comfortable with the current draft of the MMMP, ~~and the Panel has specifically asked whether DOC have any further comments on the most recent version (request made on 23 June 2026).~~

[...]

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not invite further comment on the Marine Mammal Management Plan (MMMP).

In addition, the applicant provided the most recent version of the MMMP on 1 July 2026, after DOC had submitted its comments on the latest versions of the SMP and SBMP. DOC notes that there will be a further opportunity to review and provide comments on the MMMP before it is submitted to Environment Southland for certification.