
MINUTE OF THE PANEL CONVENER

Advising of the expert panel appointment and timeframe for a decision
Hananui Aquaculture Project
[FTAA-2511-1138]

(02 March 2026)

[1] Ngāi Tahu Seafood Resources Limited is seeking approvals to develop and operate a large-scale salmon farming in the Foveaux Strait off Rakiura.

[2] A conference was held on 18 February 2026 to gather participant views on matters arising in relation to the application filed under the Fast-track Approvals Act 2024 (FTAA). A list of persons who attended the conference is attached to this minute and marked “A”.

[3] The applicant seeks:

- (a) Resource consents that would otherwise be applied for under the Resource Management Act 1991.
- (b) An aquaculture decision that would otherwise be made under s 80 Fisheries Act 1996.
- (c) A wildlife approval that would otherwise be applied for under the Wildlife Act 1953.

[4] I find:

- (a) the resource management approvals¹ are of moderate to high level of complexity; and

¹ Of the 37 documents lodged, 20 are technical reports, assessments, or management plans. The total page count is 1800 pages.

(b) the receiving environment is complex.

[5] I have taken into consideration the views expressed when deciding both the timeframe for the decision and the composition of the panel. For the reasons that I will give, the timeframe for the decision is 70 working days. The persons appointed to the panel are recorded below.

Resolution of issues as between the participants

[6] All participants at the conference recorded a high level of engagement with the applicant over a long period of time. No information gaps were noted. On the substantive application, either all or very nearly all conditions of consent are agreed.

Filing technical/expert reports in support of comments

[7] While all participants have engaged technical advisers to review the application, none presently intend to file technical or expert reports in support of any comments they may make on the application. I encourage them to reconsider.

[8] Notwithstanding their agreement with the applicant, the panel will need to determine the merits of the application and satisfy the requirements of the Fast-track Approvals Act 2024.

[9] The panel would be assisted by clear advice identifying the areas of expert agreement between the applicant's and participants' technical (expert) advisers, and by participants' advisers indicating their level of confidence in the relevant outcomes or conclusions. This will enable the panel to give appropriate **weight** to comments on technical matters.

Ngāi Tahu ki Murihiku and Te Rūnanga o Ngāi Tahu

[10] The matters outstanding for discussion between the applicant and Ngāi

Tahu ki Murihiku and Te Rūnanga o Ngāi Tahu are now resolved.

[11] The applicant, having conferred with Ngāi Tahu ki Murihiku and Te Rūnanga o Ngāi Tahu is to provide a reading guide to the relevant reports. While the order for reading is Appendices D, E and EE, the panel would benefit from an explanation as to the development of the reports.

[12] This is to be emailed and copied to the other conference participants by **Wednesday 4 March 2026**.

Te Ohu Kaimoana (Treaty settlement entity)

[13] On behalf of Te Ohu Kaimoana, Kayla Martin noted that the approvals, if granted, will create a new space settlement obligation. If relevant to the panel's decision, the panel would benefit from commentary explaining the new obligation and how it is created.

Ministry for Primary Industries

[14] The interface between the FTAA and the Fisheries Act is complex. This section explains my reasoning for determining the applicable timeframe. A draft of this reasoning was provided to the applicant and the chief executive of the Ministry for Primary Industries in advance for comment. I am grateful to them for their comments.

[15] The panel will make two decisions: (a) an aquaculture decision under s 80 and (b) a decision on the substantive application under s 81. The two decisions are made at the same time.²

² FTAA, s 80(2).

[16] An ‘aquaculture decision’ determines whether the aquaculture activities authorised by the coastal permit application would have an ‘undue adverse effect on fishing’. It is an important decision because the coastal permit, if granted, may displace fishing occurring in an area and adversely affect the fishery or fishers. For applications not on the fast-track, the chief executive of the Ministry for Primary Industries (MPI) makes this decision. For applications on the fast-track, the chief executive of MPI makes a recommendation to the panel which decides the matter.

[17] Pursuant to s 48 of the FTAA, the EPA has requested the chief executive of the MPI make a recommendation on the ‘aquaculture decision’. The recommendation will be in the form of a ‘determination’ or a ‘reservation’, or a combination of both. These terms are defined in the FTAA.

[18] When making his³ recommendation, the chief executive considers the matters set out in sections 8 to 10 and s 186GB (1) and (2) of the Fisheries Act 1996.⁴ The panel must have regard to, but is not bound by, the chief executive’s recommendation when it decides the matter.⁵

[19] The chief executive provides his recommendation to the panel within 5 working days of receiving a draft set of consent conditions from the panel (FTAA, s 71).

[20] The chief executive’s recommendation includes, among other matters, the information that informed the reasons for the recommendation. If a ‘determination’ is recommended (that is, if the chief executive is satisfied that the aquaculture activities will not have an undue adverse effect on fishing), the chief executive may:

- (a) specify any condition of the coastal permit that is material to the

³ The chief executive of the Ministry for Primary Industries is Ray Smith.

⁴ FTAA, Schedule 5, cl 15.

⁵ FTAA, Schedule 5, cl 20.

recommendation and that relates to the character, intensity, or scale of the aquaculture activities; and

- (b) state that the condition may not be changed or cancelled until the relevant chief executive makes a further aquaculture decision in relation to the area affected by the change or cancellation under the Fisheries Act 1996.⁶

[21] Under Schedule 5, cl 15 of the FTAA, the chief executive does not recommend conditions. Rather, he identifies conditions in the draft set released earlier by the panel (s 70) that are material to his recommendation. In a separate exercise, MPI will be invited by the panel pursuant to s 70 to comment on the draft conditions for substantive application, including the coastal permit. These processes are overlapping.

[22] Appearing on behalf of the Ministry for Primary Industries, Christine Bowden advised that there has already been extensive engagement with the applicant in relation to the aquaculture decision. The Ministry has identified other persons from whom it will seek information. This will be done in parallel with the process of participants providing the panel with their comments on the substantive application. Copies of the information received by the chief executive are provided to the panel within 5 working days of receipt (FTAA, cl 14).

[23] Ms Bowden advised that it is likely the chief executive's report will be approximately 50 – 100 pages in length. The report will include technical information, as well as addressing the requirements of the decision itself. In addition to comments received by the chief executive, the Ministry holds relevant technical information that will be included in the report.

[24] This raises the question of whether the panel should release a draft 'aquaculture decision' together with the draft decision on the substantive

⁶ FTAA, Schedule 5, cl 15.

application. Ms Bowden considered it should not and I agree. When the panel releases its draft decision on the substantive application, it will not yet have the chief executive's recommendation and report.

[25] Instead, the panel must make two separate decisions which, I presume, will be reconciled, because they must be made at the same time.⁷ This sequence impacts the timeframe for the release of the decisions. As the applicant submits – the timeframe decision must ensure that the panel has sufficient time within its overall programme to deal with the possibility that a procedural 'wrinkle' may arise towards the end of the process. I agree and note that a wrinkle might include a 'reservation' recommendation.

Timeframe for the decision release

[26] Having consulted widely, including with persons who did not attend the conference, I expect the applicant to have brought to my attention any unresolved issues, including with fishers. The applicant has not identified any issues that remain in contention or other disputed matters. I have taken this into consideration when setting the timeframe.⁸

[27] Pursuant to s 79 (2) of the FTAA, I have decided a timeframe of 70 working days is appropriate.

[28] In addition to the overlapping ss 80 and 81 processes, this time is commensurate with the scale and significance of the project and its complex receiving environment and consideration of the extensive reports from a range of scientific and technical disciplines filed in support. While the Director-General and applicant are largely agreed upon conditions, the Director-General cautions that there is significant uncertainty around the scale of potential impacts warranting careful attention to all components of the application. I agree. If

⁷ FTAA, s 80 (2).

⁸ Minute 'Convener's Conference' dated 11 February 2026 at [7].

approved, this will be one of two open ocean salmon farms approved in New Zealand's territorial waters. The other salmon farm, Blue Endeavour, is yet to be constructed. Uncertainty arises from the fact that this is a novel activity.

[29] The panel commencement date, for the purpose of section 53 of the Act is 16 March 2025. The panel will invite comments from participants by 30 March 2026, and comments will be due by 30 April 2026. The applicant's comments in response will be due 7 May 2026. Subject to the processing of the application being suspended for any of the reasons outlined in section 60 of the Act, the decision on the application will be due on 10 August 2026.

[30] I attach to this minute a draft timeframe accounting for the overlapping ss 70 and 71 processes, allowing for the chief executive's recommendation to be filed and distributed to commentators, and reconciling the aquaculture decision and the decision on the substantive application. The panel may use the allocated timeframe as it sees fit.

The panel

[31] By 9 March 2026, I will appoint the following persons to the expert panel:

- (a) Bal Matheson KC (Chair)
- (b) Dr Ngaire Phillips
- (c) Stephen Daysh (local authority nominee)

[32] I have considered the skill set and experience required for the Panel and am satisfied that, collectively, it has the knowledge, skills, and expertise relevant to the approvals sought, including expertise in environmental matters.

[33] The members also include individuals who understand te ao Māori and Māori development. The panel members have satisfied me that they have no conflicts of interest.

[34] The appointment will be effective on 9 March 2026 with the panel commencement date, for the purpose of s 53, being 16 March 2026.

A handwritten signature in black ink that reads "Jane". The letter "J" is large and stylized, with a long, sweeping tail that curves under the word.

Jane Borthwick

Panel convener for the purpose of the Fast-track Approvals Act 2024

Attachment 1: Panel convener's worked example of timeframe

Task	Working days	Date
Panel appointment	N/A	9 March 2026
Panel commencement	N/A	16 March 2026
Invite comment from relevant parties <i>by</i>	10 W/D later	30 March 2026
Comments close (ss 53 & 54)	20 W/D later	30 April 2026
Comments close for applicants (s 55)	5 W/D later	7 May 2026
Any other procedural steps, evaluation and decision writing	25 W/D (say)	12 June 2026
Draft decision is to approve		
Draft decision and conditions to Ministers (s 72)	Day 1	15 June 2026
Response from Ministers. (s 72)	10 W/D from Day 1	29 June 2026

Draft conditions and decision to participants, including MPI (s 70(1))	Day 1	15 June 2026
Draft conditions to chief executive of MPI (s 71)	Day 1	15 June 2025
Chief Executive of MPI's Recommendation – determination or reservation (s 71)	5 W/D from Day 1	22 June 2026
Participant, including MPI, comments on draft conditions (s70(2))	15 W/D from Day 1	6 July 2026
Applicant response to participants on conditions (s 70(4))	20 W/D from Day 1	14 July 2026
If not agreed, procedural step in relation to draft conditions.	+4 W/D (say)	20 July 2026

Evaluate and finalise two decisions	+14 W/D (say)	7 August 2026
Release date for - Aquaculture decision (s 80) & Substantive application (s 81)	+1 W/D (say)	10 August 2026