

Fast-track Approvals Act 2024

MINUTE 4 OF THE EXPERT PANEL

Request for information to the Applicant and appointment of special advisor
Hananui Aquaculture Project
[FTAA-2511-1138]

8 April 2026

Request for information

[1] Under section 67 of the Fast-track Approvals Act 2024 (the Act), the Panel may direct the EPA to request further information from certain parties at any time before the Panel makes its final decision on the application.

[2] The Panel directs the EPA to request the information outlined in **Appendix 1** to this Minute. Where it is easier to provide the information as amendments made directly to the proposed draft conditions set, then the Panel is happy for that to occur with the response to that question being limited a short cross reference to that amended condition (eg “Item [1] – refer amended condition 24”).

[3] To be clear, the Panel has not made any decisions on the approvals sought, and is requesting information regarding the conditions of consent as early in the process as possible due to the short timeframes set by the Act.

[4] Section 67(3) specifies that the Panel sets the due date for responses to a request for information, and that this date must not be more than 10 working days after the request is made. The Panel sets a due date of **Wednesday 22 April 2026** (10 working days) for a response, however, if the response could be provided earlier than that, it would be appreciated.

Appointment of special advisor

[5] Under clause 10(2) of Schedule 3 of the Act, the Panel may appoint a special adviser to assist the Panel with a substantive application in relation to any matters the Panel may determine.

[6] The Panel has appointed Liz White from Liz White Planning to assist with decision writing matters.



Bal Matheson KC

Hananui Aquaculture Project Expert Panel Chair

Appendix 1 – Information requested from the Applicant about proposed conditions

Definitions

[1] The proposed conditions dated 12 March 2026 appear to be missing definitions in the Interpretation section for many terms that are used throughout the conditions. This includes but is not limited to:

- a) Entanglement
- b) Suitably Qualified and Experienced Person (SQEP)
- c) Exclusive Occupation
- d) Preferential Occupation
- e) Extreme Environmental Conditions
- f) Cardinal Marks
- g) Special Marks
- h) Best Practicable Measures
- i) Single Year Class Farms.

Please provide an updated Interpretation section with clear definitions for these terms (and others where necessary). Where terms requiring definitions are also used in Draft Management Plans or in conditions proposing the development of Management Plans, Adaptive Management Plans or Reports, those terms should be clearly defined in Interpretation sections in those documents, with the conditions requiring this.

Condition 2

[2] It would be helpful if the full list of Reports, Management Plans, Amendment and Review Processes (including their acronyms) contained in the Proposed Conditions were identified in Condition 2 for clarity and wayfinding purposes. Please provide this, or if the Applicant does not think this is necessary, explain why.

[3] In condition 2(b)(i), it is unclear what the term “sets out actions and procedures” envisages. For clear, effective and certain effects management to be undertaken through Management Plans (especially where adaptive management is proposed), “measurable performance standards” are the key tool alongside precise management procedures. Please consider this matter and provide rationale for why a different approach is favoured, or if the above is agreed, how and when consequential consideration to all conditions and Management Plans that address Effects Management, including Adaptive Management Thresholds and Triggers will occur.

[4] Outline what happens if a resubmitted document provided under Proposed Condition 2(e) is still not certified by Environment Southland?

Conditions 12-17

[5] Provide an explanation for why the Maritime Construction Safety Management Plan described in Conditions 12 to 17 has not been provided as a final (or at least a draft) proposed Management Plan with the Application so it can be assessed as part of the Panel’s consideration of appropriate effects management.

Condition 21

[6] Would it be practicable to include a maximum timeframe when the various exemptions proposed under proposed Condition 21 might apply? If so, provide some maximum timeframes. If not, please explain why not.

Conditions 23-24

[7] Please outline how the phrase used in proposed Condition 23 (and elsewhere), namely “*as far as practicable and otherwise minimise*”, should be properly interpreted and applied by a consent authority. In answering this question, Resource Management Act case law on the use of such terms in conditions should be explored, specifically in terms of whether such provisos are appropriate or not in the particular circumstances of this

Application. Similarly, please explain how the phrase in Condition 24, namely “*as near as practicable to its condition prior to the exercise of this consent*”, can be fairly interpreted if this is not tested against a pre-development established ecological baseline?

[8] Condition 24 refers to removal of marine farm and associated structures, along with restoration. However, there doesn't appear to be a requirement for a closure plan to be developed. Why has this not been proposed, given the potential adverse effects that could arise from such an activity? If the Panel was minded to impose a list of minimum requirements for any closure plan, what should that list comprise?

Conditions 31-58

[9] Please explain why the Marine Mammal, Seabirds, Sharks and Biosecurity Management Plan conditions contained in proposed Conditions 31 to 58 do not reference and work forward from the drafts of the management plans provided as part of the Application (ie Appendices U to Y)? If they should do, please provide amended wording. Please also consider how the Baseline Monitoring Plan and Report (**BLMP**) should feed into the development and review of these plans, and whether that needs to be expressly provided for in the conditions.

[10] Adaptive management is proposed in the draft Seabird Management Plans and includes provision of triggers for response in the event of incidences (including deaths) to Threatened, At Risk or non-threatened species. These triggers are not included in the conditions (in comparison to the triggers in Appendix C for seabed and water column effects). Please provide the rationale for this difference in approach. It would also be helpful to have further explanation as to the rationale for these triggers for both marine mammals and seabirds, which appear to be at odds with conditions 31a and 38a, which specifies avoidance of effects on Threatened and At Risk species.

Condition 66

[11] Proposed Condition 66 seems unclear, uncertain and not capable of compliance

monitoring as the requirements do not reference a predevelopment Baseline position. Please provide a proposal to make this condition more effective, or reasoning for why the current wording is sufficient.

Conditions 67-83

[12] As currently written, the adaptive management regime (Conditions 67 to 83) relates specifically to seabed and water column effects and not to other fauna that may be impacted by construction and/or operation of the marine farm, namely marine mammals, seabirds, sharks or wild fish. Please provide the rationale for this difference in approach. If this condition is proposed to be widened, please provide an updated condition.

Condition 68 and Appendix C

[13] Condition 68 refers to Environmental Quality Standards (**EQSs**) in the header but then refers to Adaptive Management Triggers (**AMTs**) in condition text in reference to Appendix C. However, Appendix C-1 refers to AMTs, while Table C-1 and C-2 refer to EQSs. Please provide an explanation for how the EQSs and AMTs are related.

[14] Table C-1 refers to “*farm management response actions as outlined in the adaptive management plan*”. There does not appear to be a requirement for the preparation of an adaptive management plan nor is there a description in the conditions of farm management response plans (although it is noted that there are actions within some of the draft Management Plans). If this information exists outside of the draft management plans, please detail where, otherwise please provide an explanation for why it has been omitted.

[15] Table C-1 and C-2 (Appendix C) appear to present AMTs for Stage 1 only (as indicated by Figure 1 of that Appendix). Given that modelling was undertaken for Stage 2, please advise why EQZs and AMTs have not been presented for Stage 2 rather than Stage 1, being the full development level and therefore more conservative? If it is proposed to now include EQZs and AMTs for Stage 2, please amend the conditions accordingly.

[16] Please provide rationale for why baseline (pre-construction) monitoring of marine mammals and sharks has not been and is not proposed to be undertaken.

Conditions 72-73

[17] Explain why the additional BLMP and Report proposed in Conditions 72 and 73 is required, given that it appears there has been quite comprehensive assessment and monitoring of the seabed, biogenic habitats and the water column in the Applicants suite of assessment reports, and given the assurance from the Applicant's experts (during the project overview conference) that they are confident that they have provided 'good data sets.'

[18] Considering the question above and the apparent good data sets described in the Applicant's seabed, biogenic habitats, and water column and fauna Expert Assessment Reports, please provide commentary on why the BLMP has not already been provided as at least a Draft Plan to the Panel as part of the Application. This response should also address whether a Final Draft BLMP can be provided to the Panel for its consideration of the application, and if so, when.

[19] Following on from the questions above regarding the BLMP, and given the Expert Assessment Reports provided with the Application include many Management Plan suggestions, please explain why a Draft Water Column and Seabed EMMP has not already been prepared and provided with the Application. This appears important given that such a Management Plan appears pivotal to the proposed effects and adaptive management approach including the measurable Triggers proposed in proposed Conditions Appendix C.

[20] Explain why the measurable Triggers in proposed Conditions Appendix C are proposed as "Drafts" if these science based Triggers have been recommended by the Applicant's experts? Are these triggers likely to change and if so what confidence can the Panel place on them at this stage?

[21] Explain why a Draft Farm Location Plan (**FMP**), including clear triggers has not been

provided as part of the Application, and advise whether a Final Draft FMP can be provided to the Panel for its consideration of the application, and if so, when.

Conditions 76-77

[22] It appears that conditions 76(c) and 77 should also consider the moving of farms, as well as progressing between stages. Please provide rationale as to why this has not been included or amend this or another appropriate condition to accommodate this.

[23] The Panel's understanding is that moving from Stage 1 to Stage 2 only requires consideration of effects on the seabed and water column, as the Stage Progression Report relates only to the EMMP (which only includes seabed and water column effects). If this is correct, how then do effects on other sensitive receptors (i.e. marine mammals etc) factor into the stage progression process? Any response should clearly specify the relevant conditions that reference the need to consider other sensitive receptors.

Conditions 85-90

[24] Comment on whether any additional purposes for the proposed Review Conditions outlined in proposed Condition 85 might be required to make an Adaptive Management Framework more effective and robust in relation to effects management.

[25] Noting that counsel for the Applicant has confirmed that Conditions 86 to 90 regarding the Hananui Community, Environmental and Health and Education Funds are provided on an *Augier* basis, is information regarding the total likely funds available annually (if the maximum levels of feed are applied in Stages 1 and 2 of the project) able to be provided?

[26] As part of the *Augier* Conditions 86 to 90, would it be reasonable to supply a Consumer Price Index metric, so the effective amount of the fund is not diminished over the 25 year consent term proposed? If not, please explain why.

Discrepancies between expert recommendations and conditions

[27] There appear to be some inconsistencies between recommendations in draft Management Plans and expert reports, and what is proposed as draft conditions. For example:

- a) Condition 49 specifies that the Shark Management Plan be subject to review “*two years after installation of the first net pens at the site, and no more than every five years thereafter*”, whereas the SMP (section 6) states “*The Plan will be reviewed and revised where necessary following the completion of Stage 1, and then again at the end of the five-year period after the implementation of Stage 2.*”
- b) The Front-End Engineering Design report (page 26) recommends deploying an Acoustic Doppler Current Profiler for 1 year prior to final engineering design. This would appear to be needed before Condition 11 could be complied with.

[28] Where such discrepancies between management plans or expert recommendations and the proposed conditions exist, please provide rationale as to why. If these discrepancies are an oversight, please provide amended wording.

Preparation of Management Plans generally

[29] Preparation of the Environmental Monitoring and Management Plan requires consideration of a document submitted with the Application, but it doesn't appear that any other Management Plans need to take into account the relevant Application documents. Please provide a list of documents comprising the Application that should be used to guide final management plan development (and other consent conditions).