

**APPENDIX E: SUMMARY OF SECTION 53 COMMENTS RECEIVED AND PANEL’S RESPONSE**

*Note: This document is a summary only to provide an overview of comments received in relation to the Hananui Aquaculture Project. Please refer to the submitted documents from invited parties for the full text. The Panel has read and considered all comments received in full.*

No.	Party/Agency	Overall Position	Summary of Comments / Key Issues Raised	Relief Sought	Response by Panel
<b>Invited Comments</b>					
1	PāuaMAC5	Support	<p>Considers that conditions proposed relating to sharks adequately addresses previous concerns raised.</p> <p>In relation to the localised depletion of pāua near the farm by staff, PāuaMAC5 notes that Condition 45(b) references no recreational fishing in the vicinity of the farms, but considers the condition could be made more explicit, or a Code of Practice for the farm developed to mitigate the risk of extra recreational fishing impacts on pāua populations in the area posed by farm staff and contractors.</p> <p>Support request by CRA8 that that the marine farm is fully lit at night, noting that our vessels must be able to navigate the area in the dark also.</p> <p>Believes that the establishment of the farm will lead to port and other infrastructure improvements that will benefit quota owners and divers and provide an opportunity for off season employment opportunities for their dive crews and their local communities.</p>	Amendment of Condition 45(b) to be clearer that staff and contractors cannot undertake recreational fishing during their work hours; or the development of a Code of Practice to address this.	<p>The Panel does not propose to amend resource consent conditions further than that offered by the Applicant. Fishing during work hours is an employment issue, and conditions of the type proposed would not be consistent with the statutory requirement in section 83, FTAA that conditions on FTAA approvals be no more onerous than necessary.</p> <p>Other matters noted.</p>
2	Bravo Adventure Cruises	Support	Notes involvement had with Applicant from the outset of the application and describes a long personal and commercial connection to Rakiura.	N/A	Noted. No changes needed.
3	Southland Conservation Board (SCB)	Neutral	<p>Acknowledges the continued improvements in the application, particularly the increased emphasis on monitoring, staged implementation, and adaptive management. Considers that given the high ecological sensitivity of the receiving environment—particularly in relation to threatened seabirds, marine mammals, benthic habitats, and the outstanding natural character of the Rakiura coastal seascape—that any approval must be underpinned by strong, enforceable safeguards, robust baseline data, and a clearly defined adaptive management framework.</p> <p><u>Yellow eyed penguins (Hoiho)</u></p> <p>SCB remains particularly concerned about potential effects on yellow eyed penguins (hoiho), given the proposed development’s location within a known and important foraging area approximately 2–25 km offshore from nesting sites on Rakiura and Whenua Hou (Codfish Island). SCB states that the loss of even a single adult bird may have disproportionate population-level consequences.</p> <p>SCB notes the recent decline in Rakiura hoiho population and refers to recent research that demonstrates highly predictable and site-specific foraging behaviour, consistent use of particular offshore areas, and heavy reliance on benthic prey in deeper waters (~80 m). SCB considers that this predictability heightens concern regarding spatial overlap between aquaculture infrastructure, operational vessel activity, and core foraging areas.</p> <p><u>Light Pollution and Seabirds</u></p> <p>SCB remains concerned about potential light spill and night-time illumination associated with the proposed structures and operational activities, particularly on Whenua Hou / Codfish Island diving petrel (kuaka), which are known to be highly vulnerable to artificial lighting.</p> <p>Recommends a precautionary lighting design approach, noting that the recommended measures are also relevant to Rakiura’s Dark Sky Sanctuary values.</p> <p><u>Benthic Environment</u></p>	<p><u>Yellow eyed penguins (Hoiho):</u></p> <p>Seeks particular emphasis on population and foraging-area monitoring for hoiho, including potential indirect effects on the benthic environment.</p> <p><u>Light Pollution and Seabirds:</u></p> <p>Recommends a precautionary lighting design approach embedded through:</p> <ul style="list-style-type: none"> <li>• A highly precautionary lighting design philosophy</li> <li>• Use of lowest light intensity necessary for safety</li> <li>• Fully shielded, downward-directed lighting</li> <li>• Avoidance of blue-rich lighting spectra</li> <li>• Ongoing monitoring of seabird-lighting interactions with clear adaptive responses</li> </ul> <p><u>Ongoing Monitoring and Adaptive Management:</u></p> <p>Monitoring should be designed and overseen by DOC or a reputable independent institution; be transparent and publicly accessible; and include clearly defined trigger thresholds linked to enforceable management responses.</p>	<p>Subsequent advice from the SCB on 15 June 2026 confirmed that the Board has reviewed the proposed updated conditions and generally supports the amendments and refinements that had been made through the hearing process.</p> <p>The Panel accepts that updated advice, and assumes that the Board’s earlier concerns set out in its comments have been satisfactorily addressed.</p> <p>For completeness, the Panel records that, from its perspective, the matters raised by the Board have been appropriately addressed by the updated conditions.</p>

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			<p>SCB emphasises the importance of distinguishing between mobile sandy surface sediments and more consolidated substrates that may act as temporary accumulation points for organic waste. SCB maintains that localised benthic enrichment hotspots cannot be discounted. SCB supports the Applicant’s acknowledgement of uncertainty and reliance on monitoring, but emphasises that reduced sedimentation measures consistent with the CMS, alongside clear and enforceable trigger thresholds for management response, remain essential.</p> <p><u>Baseline Data – Northeastern Area</u></p> <p>SCB notes that grab sampling was not initially undertaken in the northeastern area of the proposal. While video imagery suggests broadly similar substrate composition, SCB supports targeted sediment and macrofaunal sampling in that area, particularly if it is to remain available for future use.</p> <p><u>Marine Wildlife Protection</u></p> <p>SCB supports the suite of prevention and mitigation measures outlined in the application for the protection of marine wildlife, noting the diversity and abundance of threatened and protected species within the wider project area.</p> <p><u>Natural Character and Experiential Values</u></p> <p>Effects on naturalness and remoteness may be moderated, SCB considers they are nonetheless real and should continue to be acknowledged within the overall effects framework.</p> <p><u>Ongoing Monitoring and Adaptive Management</u></p> <p>SCB supports the use of adaptive management, subject to how aspects of the monitoring are undertaken. SCB states that adaptive management should supplement, not substitute for, robust baseline data and precautionary design.</p>		
4	Minister for the South Island / Minister for Hunting and Fishing (Hon James Meager)	Support	<p>The Minister, in his capacity as the Minister for the South Island, notes that the development is aligned with the Southland Regional Long-Term Plan, which identifies Open Ocean Aquaculture as a high focus area because it allows for larger-scale production of fish with a smaller footprint. It also aligns with NZAS.</p> <p>The Minister concludes that given the scale of the projected economic benefits (including job creation and regional investment), the project will deliver significant regional economic benefit and does not require further economic analysis.</p> <p>The Minister has no further comments from the Hunting and Fishing portfolio.</p>	N/A	Noted. No changes needed.
5	Environment Southland (ES)	Support	<p>ES notes the ongoing dialogue it has had with the Applicant over the project and supports modifications made to reflect matters highlighted in previous applications, including increasing distance from shore, reducing overall footprint, modifying feed discharge volumes, and changing net system and mesh size.</p> <p><u>Regional and Cultural Significance</u></p> <p>ES is generally supportive of the application, noting significant regional benefits and alignment with MSAP.</p> <p><u>Planning Framework</u></p> <p>ES agrees with the Applicant's analysis of the relevant plan provisions in ES's planning documents (including the RPS and RCP). ES notes that the RCP's marine farming provisions date from the late 1990s/early 2000s and predate the NZCPS and MAS. It considers that the age of the RCP</p>	<p><u>General:</u></p> <p>If various approvals granted, then an appropriate suite of conditions should be applied, which are effective and enforceable, to ensure that the development and ongoing operation of the facilities occur in an environmentally appropriate and sustainable manner.</p> <p><u>Seabed effects and water column modelling:</u></p> <ul style="list-style-type: none"> <li>Further clarification should be provided on how benthic compliance is assessed with the multiple indicators that are proposed</li> </ul>	<p>ES has had an ongoing role in this FTAA process, and its contributions have been constructive and very helpful to the Panel.</p> <p>In terms of the specific matters raised in these comments, the Panel notes the following:</p> <ul style="list-style-type: none"> <li>ES agrees with the Applicant’s analysis of the relevant planning provisions. The Panel agrees that, given the age of the RCP, it is appropriate to read those provisions through the lens of the subsequent amendments that are designed to enable</li> </ul>

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			<p>means it would be appropriate to refer to the NZCPS and Part 2 of the RMA when applying the RCP and assessing the project.</p> <p>ES also notes that the NZCPS was amended on 15 December 2025 (taking effect 15 January 2026), including relevant changes to Policy 8 (aquaculture) requiring decision-makers to take into account ecological and cultural benefits in addition to social and economic benefits.</p> <p><u>Technical Reviews Commissioned</u></p> <p>ES commissioned independent expert reviews in two key areas:</p> <ul style="list-style-type: none"> <li>Landscape effects – reviewed by Mr Michael Moore (including a site visit). Mr Moore concluded effects on natural character values are low-moderate (minor on the seven-point scale in Te Tangi a te Manu) and effects on landscape values are similarly low-moderate. ES considers landscape effects acceptable and not warranting decline.</li> <li>Seabed effects and water column modelling – reviewed by Dr Nigel Keeley. Dr Keeley's updated April 2026 review is attached as Appendix 1.</li> </ul> <p>Neither review raised specific issues of significant concern to ES, though Dr Keeley makes recommendations for the Panel's consideration.</p> <p><u>Wildlife, Marine Mammals and Sharks</u></p> <p>ES does not hold internal specialist expertise in seabird, marine mammal or shark ecology. ES notes proposed Conditions 31–51 relating to these matters, and wildlife permits applied for from DOC under the Wildlife Act 1953. ES relies on DOC's Section 51(2)(c) FTAA wildlife approval report (15 April 2026), particularly clause 3.2, which concludes that subject to recommended conditions, the proposed activities are broadly consistent with the purpose of the Wildlife Act. ES welcomes the opportunity to discuss the issue of certification with the Panel.</p> <p><u>Specific Technical Comments</u></p> <ul style="list-style-type: none"> <li>Biosecurity: ES considers the content of the BMP is appropriate, and takes into account the review previously undertaken by reviewed the Biosecurity Team Leader of Marine Operational Delivery.</li> <li>Navigational safety: ES's Harbourmaster has no specific concerns but requests that partial breakaway events be covered in conditions and management plans (in addition to full breakaways), and that the final Maritime Construction Safety Management Plan be submitted for Harbourmaster review and approval before any works commence.</li> <li>Decommissioning: ES requests that appropriate conditions and financial sureties be imposed in relation to decommissioning and rehabilitation. ES suggests the Panel seek further information from the Applicant on this point, given that decommissioning may occur many years in the future when economic conditions and logistics may have changed.</li> </ul> <p><u>Adaptive Management</u></p> <p>ES has no fundamental disagreement with the Applicant's legal submissions on adaptive management. ES supports an adaptive management approach in principle, provided the four key factors from case law are satisfied:</p> <ul style="list-style-type: none"> <li>good baseline information about the receiving environment;</li> <li>effective monitoring using appropriate indicators;</li> <li>thresholds triggering remedial action before effects become overly damaging; and</li> <li>ability to remedy effects before they become irreversible.</li> </ul>	<ul style="list-style-type: none"> <li>Any non-compliance events should be evaluated against potential natural disturbances</li> <li>Consider the introduction of an initial monitoring survey, prior to full production of the first farm</li> <li>Consider incorporating more formally the requirement for HAB monitoring</li> </ul> <p><u>Navigational Safety:</u></p> <ul style="list-style-type: none"> <li>Ensure that partial breakaway events are also covered in conditions and management plans, as well as full breakaways</li> <li>The final Maritime Construction Safety Management Plan should be submitted for review and approval by the Harbourmaster prior to the commencement of any works and developed in accordance with recognised maritime safety practices and relevant regional navigation safety bylaws.</li> </ul> <p><u>Decommissioning:</u></p> <p>Place appropriate conditions, and ensure legal and financial sureties are in place in relation to decommissioning and rehabilitation.</p>	<p>aquaculture (eg the amendments to Policy 8, NZCPS).</p> <ul style="list-style-type: none"> <li>ES commissioned an independent peer review of the landscape effects, which concluded that the effects on natural character values and landscape values were low-moderate and were acceptable. The Panel notes that this was a methodological peer review, rather than a full re-assessment. As recorded elsewhere in the Decision, the Panel accepts the advice of the landscape experts and agrees that the effects on natural character and landscape values are acceptable.</li> <li>ES also commissioned Dr Nigel Keeley to provide advice in respect of effects on seabed and water column modelling. Dr Keeley's assistance has been appreciated by the Panel, and his various comments have resulted in improvements to the consent conditions addressing these issues.</li> <li>Whether the Management Plans for Sharks and Seabirds are to be certified by DoC, ES, or some combination of the two entities is a live issue and is addressed elsewhere in the Decision.</li> <li>ES is comfortable with the proposed consent conditions addressing biosecurity risks.</li> <li>Likewise, the Panel is concerned to ensure that there is an appropriate balance between ensuring that the site's decommissioning leaves the seabed in as natural a state as possible, without imposing unrealistic expectations in respect of some elements (anchor blocks and chains etc) that may have become embedded into the seabed. This is addressed elsewhere in the Decision.</li> <li>Overall, ES appears comfortable with the proposed adaptive management processes proposed by the Applicant. Subject to the changes developed through the subsequent Panel processes, including subsequent comments and workshopping, the Panel is likewise comfortable.</li> </ul>

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6	Great South – Southland Regional Development Agency	Support	<p>Great South supports the HAP. Great South recently led development of the MSAP (in partnership with iwi, councils and stakeholders), which articulates how the region can become a leading aquaculture region, grounded in sustainable aquaculture practices. This is based on achieving the right balance between supporting a thriving, resilient aquaculture industry that generates economic opportunity while protecting the health and integrity of the region’s moana.</p> <p><u>Economic Benefits</u></p> <p>Great South agrees the project has potential to deliver large-scale, long-term economic benefits for Murihiku Southland including hundreds of sustained jobs, significant regional value added, and income flows comparable in scale to a major industrial employer, while strengthening economic diversification and resilience. It also aligns with Southland’s Net Zero 2050 Strategy and with the long-term regional strategy and plan for Murihiku Southland “Beyond 2025 Southland”. Great South acknowledges the importance of the HAP as a diversification opportunity for the Murihiku Southland region, as in addition to advancing Southland’s aquaculture pathway, it supports diversification away from reliance on a small number of large employers.</p> <p>Great South notes that its earlier Infometrics report (July 2025) produced more conservative projections (full-scale revenue of \$498m, 298 FTEs) but that the ME Consulting report is considered more accurate given updated project information from NTA. However, the ME Consulting report presents a business-as-usual scenario only, and does not take into account the changes in the natural environment, impacts in the natural Chinook fishery elsewhere and changing sea temperature, increasing extreme weather events and other climate change impacts.</p> <p><u>Climate change risks</u></p> <p>Great South notes the aquaculture industry is increasingly impacted by climate change, meaning that careful and conscious considerations need to be given to the effects that sit outside of aquaculture farmer’s control, particularly when assessing economic viability and resilience. Great South encourages NTS to continue to investigate integrated and multi trophic aquaculture opportunities involving ocean ranching, multiple aquatic species, indigenous seaweeds and filter feeding shellfish. When cultivated together in close proximity, these could provide more economic resilience, additional revenue streams and improved environmental outcomes.</p> <p><u>Renewable energy</u></p> <p>Great South recommends consideration of renewable energy and energy storage at production sites.</p> <p><u>Worker accommodation</u></p> <p>Great South recommends NTS closely liaise with Southland District Council and Great South on worker accommodation, given existing housing pressures in Rakiura/Stewart Island and Bluff.</p> <p><u>Focus Areas from the Murihiku Southland Aquaculture Pathway 2025</u></p> <p>Great South outlines key focus areas for consideration from the strategy. These reiterate the significance of the project and its potential to stimulate investment in infrastructure, transport and supply chain capacity and resilience.</p>	N/A	<p>The comments from Great South as to the likely benefits are noted. While the Panel acknowledges the cautionary comments by Great South about the assessment of financial returns by the Applicant, the Panel nonetheless finds, by a wide margin, that those benefits remain regionally significant.</p> <p>Other matters raised by Great South (eg, use of renewable energy and workers accommodation) will be of interest to the Applicant, but are not sufficiently connected to an adverse environmental effect that would warrant the Panel addressing them directly in its Decision.</p>
7	CRA8 Rock Lobster Industry Association Inc (CRA8)	Conditional support	<p>CRA8 supports the application, based on three factors: the farm blocks are offshore of Murray Beach in an area of negligible rock lobster potting activity; the project avoids sensitive benthic habitat; and the Applicant</p>	<p>Impose the following conditions on approval:</p> <ul style="list-style-type: none"> <li>• Lit cardinal marks</li> <li>• Lit perimeter buoys on pen corners</li> </ul>	<p>Noted. These matters are addressed in the conditions of the approvals.</p>

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			<p>has engaged constructively with fishing industry stakeholders throughout the development phase.</p> <p>CRA8's support is conditional on identified navigational safety measures being imposed as conditions of any approval. This is because Foveaux Strait is a high-energy, high-traffic waterway in which commercial fishing vessels, the Bluff ferry, and recreational craft routinely operate in low visibility and at night.</p>	<ul style="list-style-type: none"> <li>• Properly lit feed barges and associated structures</li> <li>• Compliance with relevant maritime and international standards</li> <li>• The final configuration being appropriately charted on official New Zealand nautical charts</li> </ul>	
8	Rakiura Titi Island Administering Body (RTIAB)	Neutral	<p>RTIAB makes submissions as kaitiaki with statutory, customary, and intergenerational responsibilities for the stewardship of tītī and the maintenance of customary tītī harvesting practices on the Rakiura Titi Islands. RTIAB is not opposed to development in principle. However, development at this scale, in an area recognised as utilised by tītī, must proceed with an elevated standard of cultural responsibility. RTIAB considers that the current proposal does not provide sufficient assurance that risks to tītī have been fully addressed. In the absence of the amendments sought by RTIAB, the proposal remains premature.</p> <p><u>Assessment Limitations</u></p> <p>RTIAB considers the current proposal does not adequately address cultural, ecological and cumulative risks to tītī. Specific evidential gaps identified include:</p> <ul style="list-style-type: none"> <li>• Lighting: The use of Pelorus Sound as an analogue for artificial lighting effects is inappropriate, as Foveaux Strait is a higher energy environment with clearer water and greater light transmission potential, likely underestimating attraction risk for partially nocturnal seabirds such as tītī.</li> <li>• Entanglement risk: Head size data are used to discount entanglement risk for hoiho, but no equivalent morphological analysis is provided for tītī, which are smaller. This creates an evidential gap.</li> <li>• Set net bycatch data: Reliance on monofilament set net bycatch data is inappropriate, as those nets are deployed in coastal environments and designed to be difficult to detect, unlike aquaculture structures.</li> <li>• Prey aggregation effects: Supporting ecological information indicates that forage fish analogous to pilchards and anchovies are likely to increase around the farm structures. As these species are important in tītī diet, increased prey availability may attract tītī to the farm area, increasing exposure to artificial lighting and infrastructure. This pathway has not been adequately assessed.</li> <li>• Cumulative effects: The project must be considered alongside existing aquaculture, fisheries pressures, climate-driven changes in prey availability, and long-term population trends.</li> </ul> <p><u>Cultural Impact Assessment Misalignment</u></p> <p>The CIA identifies tītī as a taonga species requiring a precautionary approach to management. RTIAB considers there is a clear misalignment between the CIA framework and the Draft SBMP, which relies on ecological thresholds and adaptive management responses after effects occur.</p> <p>Population-based thresholds (such as those in Table 5 of the SBMP) are not appropriate for culturally significant species. Even small or uncertain effects may be unacceptable where they influence behaviour, distribution or access in relation to customary harvest.</p>	<p>Make the following amendments to the SBMP and consent conditions:</p> <ul style="list-style-type: none"> <li>• Amend the SBMP to include a proactive, structured partnership framework with RTIAB and mana whenua, including co-design of monitoring programmes, development of culturally informed indicators, and the establishment of precautionary thresholds specific to tītī.</li> <li>• Monitoring programmes should include targeted night-time observation, behavioural assessment and appropriate detection methods for identifying interactions and changes in activity patterns.</li> <li>• Monitoring data should be regularly and transparently shared with opportunities for joint interpretation and discussion through an agreed engagement process.</li> <li>• There should be direct mana whenua involvement in monitoring and decision-making, including adaptive management</li> <li>• Lighting design, operation, and any future changes must be subject to review with mana whenua and supported by monitoring evidence. If attraction or disorientation of tītī is observed, changes to lighting must be implemented.</li> <li>• Annual reporting should include a tītī-specific section with culturally accessible summaries and hui-based reporting.</li> <li>• An independent review process involving mana whenua should be established.</li> </ul>	<p>The Panel acknowledges the very important role of the RTIAB. The concerns raised in RTIAB's comments, and in its follow up correspondence, have been addressed substantively elsewhere in the Decision.</p>

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			<p>The SBMP does not adequately incorporate cultural indicators, co-designed monitoring, or partnership with mana whenua. As a result, cultural risk to tīti is not adequately addressed.</p>		
9	New Zealand Conservation Authority (NZCA)	Conditional support	<p>The NZCA comments in its statutory conservation oversight role under the Conservation Act 1987. The NZCA's comments take into account the Director-General of Conservation's technical advice under section 51 of the FTAA.</p> <p>Overall, NZCA consider that for this proposal to be approved there must be clear requirements for robust baseline data and continuing monitoring and reporting requirements, quality standards and safeguards that are transparent and enforceable, and a management framework that is responsive to change and to relevant new knowledge when it comes available.</p> <p><u>Treaty Obligations</u></p> <p>The NZCA is satisfied the proposal has met the requirements under the relevant Treaty settlement (the NTCSA), noting that the settlement includes statutory acknowledgement over the Rakiura/Te Ara a Kiwa (Foveaux Strait) CMA, and the engagement undertaken by the Applicant with papatipu rūnanga.</p> <p><u>Protected and Threatened Wildlife</u></p> <p>The NZCA supports the DOC Section 51(2)(c) wildlife approval report recommendations, particularly:</p> <ul style="list-style-type: none"> <li>• DOC should hold a certification role alongside the Council (not just with opportunity for DOC input) for management plans where DOC is the relevant regulator.</li> <li>• The proposed 30-year certification period is inappropriate. Wildlife approvals should include review and re-certification initially after 2 years, then every 5 years, in line with the resource consent. DOC typically limits wildlife approvals to 10 years given potential changes in best practice, habitat conditions, species knowledge and threat status.</li> <li>• The SMP, draft SBMP and draft MMMP are generally considered appropriate.</li> <li>• The NZCA is particularly concerned about species foraging in Foveaux Strait near the proposed farm sites, including the Nationally Critical Whenua Hou diving petrel (breeding exclusively on Whenua Hou/Codfish Island) and the Nationally Endangered hoiho.</li> <li>• Given that the conservation status of NZ birds is due to be updated in 2026, the NZCA agrees with DOC that any changes to seabird threat classifications impacted by this proposal should be updated prior to certification of the SBMP.</li> </ul> <p><u>Benthic Habitats</u></p> <p>The NZCA identifies an oversight in the application: non-geniculate coralline algae (NGC) and potentially rhodoliths are not recognised or assessed, despite images in Figure 6 of Appendix M of the Application apparently showing such specimens. The NZCA notes:</p> <ul style="list-style-type: none"> <li>• Rhodolith beds have been identified as 'significant marine ecological areas' under the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020.</li> <li>• There is extensive international literature about the vulnerability of rhodolith or maerl beds to sediment deposition and disturbance.</li> <li>• Appendix M of the Application acknowledges that maerl beds (formed by coralline red algae) are highly sensitive to deposition, yet the application does not investigate these habitats further. Appendix Z</li> </ul>	<p><u>Protected and Threatened Wildlife:</u></p> <p>Encourage a particular focus in the monitoring of endangered and at-risk species and potentially develop additional mitigation methods to eliminate risks to those taonga species.</p> <p>Any changes to the Threat Classifications for seabirds impacted by this proposal should be updated accordingly prior to certification of the SBMP.</p> <p><u>Benthic Habitats:</u></p> <p>NCG and potentially rhodoliths, and the associated 'significant marine area' within the survey zone, and potentially in the proposed farmed sites, needs to be addressed.</p> <p>Coralline algal habitats need to be part of any field analysis in the future and particularly part of the baseline surveys that are planned pre-development. If rhodolith beds are identified within the planned farm footprint, the suitability of the proposed farm sites would require re-assessment.</p> <p>The effectiveness of fallowing (including the duration of fallowing period) needs to be substantiated in the context of the farm sites proposed.</p> <p><u>Biosecurity:</u></p> <p>Extreme caution should be taken to the use of Florfenicol and the Applicant should be directed to review planned treatment protocols.</p> <p>Reporting requirements must explicitly address biosecurity issues.</p>	<p>The Panel notes the comments from NZCA.</p> <p>In terms of the specific matters raised:</p> <ul style="list-style-type: none"> <li>• The question of certification is dealt with elsewhere in the Decision.</li> <li>• The proposed 30-year certification issue has been addressed through conditions.</li> <li>• The changes to the Threat Classification of seabirds will be updated prior to certification of the management plan.</li> <li>• The existence of NCG and potentially rhodoliths has been responded to by the Applicant, and addressed by the Panel in the Decision.</li> <li>• The Panel is satisfied the proposed biosecurity conditions are appropriate to address the concerns raised. The Panel is not prepared to make any findings on the use of the antibiotic Florfenicol. That is not a matter that is sufficiently directly connected to an adverse environmental effect. Rather, the Panel expects that the use of any such antibiotics will be managed through other statutory and regulatory provisions, including by Biosecurity New Zealand.</li> <li>• The Panel has addressed the issue of natural character effects in its decision.</li> <li>• Finally, in respect of climate change, the Panel finds that in the context of this application (being a marine farm in relatively open water for a limited duration) the effects of climate change referred to are not ones that the Panel can address through the imposition of conditions. Rather, to the extent that climate changes causes changes to weather patterns, then that is a matter that the design of the sea pens will need to account for. If climate change does result in the operation of the marine farm having unexpectedly adverse environmental effects over the 25-year duration of the approval, then the Panel is confident that these effects will be identified by the monitoring proposed.</li> </ul>

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			<p>(Seabed Monitoring Report) contains no mention of algae, corallines, rhodoliths or maerl. The assessment in Appendix BB against Policy 11 of the NZCPS does not mention marine macroalgae, or habitats and ecosystems that are defined by marine macroalgae, such as coralline algae and rhodoliths.</p> <ul style="list-style-type: none"> <li>Coralline algal habitats must form part of any future field analysis and pre-development baseline surveys. If rhodolith beds are identified within the farm footprint, the suitability of the proposed farm sites would require re-assessment.</li> <li>The effectiveness of fallowing for 3 months needs substantiation in the context of the proposed farm sites. The NZCA cites research suggesting extended fallowing may be required for recovery where benthic macrofaunal communities have been severely impaired.</li> </ul> <p><u>Biosecurity</u></p> <p>The NZCA expresses concern about open pen fish farming internationally in relation to disease and parasite spread. The NZCA specifically flags:</p> <ul style="list-style-type: none"> <li>The proposed use of the antibiotic Florfenicol (referenced in Appendix U), noting recent bans imposed on its in Tasmanian salmon farming and citing recent research which documents the impacts of florfenicol on sediment microbial communities in Chile. The NZCA recommends the Panel urge extreme caution in the use of this antibiotic and direct the Applicant to review planned treatment protocols.</li> <li>That limited details are provided in the draft BMP about monitoring and reporting requirements, including who received the recommended reports, any review processes to address issues arising, whether there are requirements to halt farming activities if there are repeated containment issues. The NZCA considers that reporting requirements must explicitly address biosecurity issues so affected parties are fully informed and government agencies can specify requirements for safe operation, monitoring and review.</li> </ul> <p><u>Natural Character</u></p> <p>The NZCA considers there will be impacts on the naturalness and sense of remoteness along the eastern coast of Rakiura National Park adjacent to the proposed farm sites, notwithstanding mitigation of visual impacts.</p> <p><u>Climate Change</u></p> <p>The NZCA considers that the Application is silent on climate change impacts, noting that is likely to have multiple impacts on the proposal, including the impacts of increased climate variability on storm events, which in turn will affect the farm physical infrastructure and its resilience to these events. This is despite the Western Pacific and Tasman Sea being identified as climate hotspots with warming at up to 0.4°C per decade (subsurface waters warming at nearly four times the global average). Optimal water temperatures for Pacific salmon are 10–17°C. The NZCA urges the Applicant to explicitly address steps to increase farm resilience and reduce negative impacts on farmed species and neighbouring ecosystems.</p>		
10	Ministry for Primary Industries (MPI)	Support	<p>MPI generally supports the Application in the context of the Government's goal (in the NZADP) of reaching \$3 billion in annual aquaculture revenue by 2035.</p> <p>MPI considers that the proposed management plans for marine mammals, seabirds, benthic environment and biosecurity are appropriate for the granting of consent.</p> <p><u>Aquaculture Opportunity</u></p>	N/A	<p>The Panel acknowledges these comments, and MPI's support for the HAP.</p> <p>While MPI have referred to "new space" obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004, the Panel considers that to be the responsibility of MPI rather than the Panel.</p>

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			<p>MPI notes that Chinook salmon farming is currently New Zealand's second largest aquaculture sector (after green-lipped mussel farming). Extending aquaculture into the open ocean, including through the development of open ocean salmon farming (such as the HAP) is identified as an important pathway in the NZADP to achieve the Government's aquaculture aspirations and is expected to be a key driver of salmon farming production and revenue growth for New Zealand.</p> <p><u>Seabirds, Marine Mammals and Sharks</u></p> <p>MPI notes that its experts in marine ecology reviewed and provided feedback on the draft assessments prior to lodgement. MPI consider that the assessments included in the substantive application provide an accurate representation of the risk to seabirds, marine mammals, and sharks that could overlap with the proposed farm. The draft management plans align well with MPI-developed best practice guidelines to minimise and mitigate interactions between open ocean finfish aquaculture and seabirds and marine mammals. MPI sees no basis for declining consent based on potential effects on seabirds, marine mammals and sharks. MPI notes that decline in the hoiho population is being addressed by actions from MPI, DOC, TRONT and conservation organisations, and considers that risks to hoiho from salmon farming can be mitigated through appropriate consent conditions.</p> <p><u>Biosecurity</u></p> <p>MPI notes that Biosecurity New Zealand (BNZ) reviewed the BMP, Marine Biosecurity Assessment of Effects and proposed consent conditions and provided feedback on these prior to lodgement. BNZ considers the BMP appropriately manages the risks of introducing, spreading and exacerbating marine pests and diseases. BNZ supports the staged approach, with detailed Standard Operating Procedures to be developed post-consent. Proposed Condition 58 enables MPI to provide feedback on the BMP prior to certification. BNZ is satisfied that biosecurity risks can be appropriately managed subject to the BMP requirements being incorporated into consent conditions.</p> <p><u>Benthic Environment</u></p> <p>MPI's experts are satisfied with the depositional model and extensive benthic survey, noting that the modelling indicates that sensitive biogenic habitats lie outside the farm's primary footprint. MPI agrees with the Applicant's assessment that potential seabed effects have been avoided or reduced through farm siting on sandy, gravel and shell hash seabed habitats and in areas with strong flushing potential. MPI sees no basis for declining consent based on potential benthic effects.</p> <p><u>NZCPS Consistency</u></p> <p>MPI confirms the application is consistent with NZCPS Policies 8 (aquaculture), 11 (indigenous biodiversity) and 12 (harmful aquatic organisms), subject to implementation of proposed conditions and management plans.</p> <p>MPI also notes that if the application is granted, 'new space' obligations would arise under the Māori Commercial Aquaculture Claims Settlement Act 2004, which MPI administers.</p>		
11	Minister for Oceans and Fisheries / Minister for Regional Development	Support	<p><u>Oceans and Fisheries</u></p> <p>The Minister notes the Government's aspirational goal of doubling export value, with aquaculture growth expected to contribute substantially, and the NZADP's target of \$3 billion in annual revenue by 2035.</p> <p>The Minister notes that at full development, the HAP could produce up to 14,000 tonnes of salmon per annum, which at current market pricing could translate to over \$300 million in sales revenue annually. The</p>	N/A	The Panel acknowledges the Minister's support, in respect of both of his portfolios.

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	(Hon Shane Jones)		<p>Minister considers that the HAP is a key open ocean salmon project for New Zealand which could contribute towards meeting export demand.</p> <p>The Minister acknowledges the importance of the project for NTS's aquaculture ambitions and that it would support iwi-led aquaculture growth, which aligns with the NZADP's goals to support Māori aquaculture opportunities. The Minister also notes the 'new space' obligations that would arise under the Māori Commercial Aquaculture Claims Settlement Act 2004.</p> <p><u>Regional Development.</u></p> <p>The Minister considers, based on the Applicant's economic analysis, that the project appears to have significant regional economic benefits, with a large portion of these benefits accrued locally in the Southland region. The Minister supports the HAP and its potential to generate substantial economic and employment benefits for Southland.</p>		
12	Te Ao Mārama Inc (on behalf of Ngā Rūnaka ki Murihiku)	Support	<p>Te Ao Mārama Inc comments are provided on behalf of the four Papatipu Rūnanga with shared interests in Rakiura and Murihiku: Waihōpai Rūnanga; Te Rūnanga o Awarua; Te Rūnanga o Ōraka Aparima; and Te Rūnanga o Hokonui (collectively, Ngā Rūnaka ki Murihiku).</p> <p>The collective view of Ngā Rūnaka ki Murihiku (Ngā Rūnaka), reached after extensive engagement with the Applicant and internal governance processes, is one of strong support for the HAP. The engagement process undertaken between the Applicant and Ngā Rūnaka has given Ngā Rūnaka confidence that matters of most importance to mana whenua—including benthic health, protection of taoka species, seabirds, cumulative effects, and monitoring frameworks—have been considered thoroughly, with advice from both scientific experts and cultural practitioners.</p> <p><u>Alignment with Intergenerational Strategy</u></p> <p>The project is aligned with Mō Kā Uri Kāi Tahu 2050, the iwi intergenerational strategy focused on sustainable prosperity. Ngā Rūnaka highlight:</p> <ul style="list-style-type: none"> <li>• Mana whenua leadership: Through engagement on the the HAP, Ngā Rūnaka are directly involved in developing the aquaculture pathway in Murihiku, exercising rangatiratanga over coastal resources within the takiwā.</li> <li>• Partnership approach: The project has been developed alongside Papatipu Rūnanga ki Murihiku through the Manawhenua Working Group.</li> <li>• Intergenerational alignment: The project aligns with aspirations for sustainable prosperity, high-quality employment, workforce pathways for rangatahi, and long-term regional resilience.</li> </ul> <p><u>Engagement and Cultural/Environmental Considerations</u></p> <p>Ngā Rūnaka notes that they have engaged directly with NTS over several years, reviewing technical assessments, environmental reports and cultural considerations. This involvement included site identification and assessment, cultural impact considerations, environmental management frameworks, and development of consent conditions and management plans. Ngā Rūnaka state that this aligns with their expectations for upholding rangatiratanga, kaitiakitanga, and their long-standing relationship with Te Ara a Kiwa.</p> <p><u>Economic, Social and Wellbeing Benefits</u></p> <p>Ngā Rūnaka recognise the significant opportunity the project presents for Murihiku, including generation of high-quality employment for whānau, workforce development pathways for rangatahi, increased regional economic activity and long-term industry stability, opportunities for co-</p>	N/A	The Panel acknowledges and is grateful for the input of Te Ao Mārama throughout this process.

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			<p>design, and intergenerational benefits aligned with whānau wellbeing and sustainable regional growth.</p> <p>Ngā Rūnaka states that the HAP will enhance the ability for job creation and reconnect whānau back to this site, and has been proposed in a way that fits with the environment, rather than requiring the environment to fit the project. The proposed staging and monitoring conditions are considered appropriate to ensure the HAP's outcomes reflect the values and aspirations of mana whenua.</p>		
13	Te Rūnanga o Ngāi Tahu (TRONT)	Support	<p>Te Rūnanga o Ngāi Tahu (TRONT) is the statutorily recognised representative tribal body of Ngāi Tahu Whānui. TRONT supports the HAP, and the feedback provided by Te Ao Mārama on behalf of the four Papatipu Rūnanga.</p> <p>TRONT holds and exercises rangatiratanga within the Ngāi Tahu Takiwā, as recognised and affirmed by the Crown in Te Tiriti, the 1997 Deed of Settlement between Ngāi Tahu and the Crown and the Ngāi Tahu Settlement Act 1998.</p> <p>TRONT agrees with the assessment of Ngāi Tahu Settlements and the Treaty of Waitangi provided in Section 3 of the Application. In particular, TRONT notes the project site is within the Rakiura/Te Ara a Kiwa (Foveaux Strait Coastal Marine Area) Statutory Acknowledgement Area (NTCSA, Schedule 104) and is adjacent to the Hananui (Mt Anglem) Statutory Acknowledgement (NTCSA, Schedule 18). TRONT state that the Application acknowledges both these statutory acknowledgements and their role in establishing the depth of the Ngāi Tahu relationship with Te Ara a Kiwa and Rakiura.</p> <p>TRONT notes that:</p> <ul style="list-style-type: none"> <li>• Mana whenua, including through the establishment of the Manawhenua Working Group, have been consulted throughout the development of the project, allowing manawhenua to raise any issues or questions and have these addressed.</li> <li>• The ongoing expression of the ancestral relationship that Ngāi Tahu have with the area is enabled by the HAP through the involvement of mana whenua. It also provides an opportunity for Ngāi Tahu to be actively involved in the aquaculture industry and to lead the way for delivering positive outcomes for mana whenua, the environment and the wider tribe.</li> <li>• The HAP is a contemporary expression of mahinga kai which will enable Ngāi Tahu to continue their traditional and ongoing relationship with Te Ara a Kiwa and Rakiura as mana whenua/mana moana.</li> <li>• The HAP aligns with the Statutory Acknowledgements for Hananui/Mt Anglem and Rakiura/Te Ara a Kiwa.</li> <li>• The HAP will be a tribal asset which has its whakapapa in the broader Ngāi Tahu Settlement, while also advancing the tribal economic base and continuing the ancestral relationship with the moana</li> </ul> <p>TRONT also concurs with the response by counsel for NTS on new aquaculture space settlement obligations, as raised in the Panel Convener's Minute of 2 March 2026.</p> <p><u>Taonga Species</u></p> <p>TRONT notes the special association Ngāi Tahu has with taonga species is acknowledged in Schedule 97 of the NTCSA (49 bird species, 54 plant species and 6 marine mammals). The application includes draft management plans, proposed consent conditions and monitoring to address predicted adverse effects on taonga and other indigenous species. In addition, an adaptive management approach and the partnership with Ngāi Tahu ki Murihiku through the manawhenua working</p>	N/A	The Panel acknowledges the role of Te Rūnanga o Ngāi Tahu, and its support for the HAP.

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			group should ensure that if reality does not match prediction, the approach can be revisited.		
14	Minister for Māori Development (Hon Tama Potaka)	Conditional support	<p>The Minister for Māori Development supports the application, subject to the Panel considering the following:</p> <ul style="list-style-type: none"> <li>the potential effects of the proposal on the coastal marine environment of Te Ara a Kiwa given the project's location within the statutory acknowledgement area;</li> <li>the impact of the proposal on taonga species; and</li> <li>the potential effects on customary fishing practices as the project area sits within the customary fishing Area/Rohe Moana o Murihiku Rūnanga.</li> </ul>	<p>Consideration of the potential effects of the proposal on the coastal marine environment of Te Ara a Kiwa; and on taonga species.</p> <p>Regard had to the potential effects on customary fishing practices.</p>	<p>The Panel acknowledges the Minister's conditional support. The Panel is comfortable that the concerns raised by the Minister are appropriately addressed by the application and by the Panel's proposed conditions on the approvals.</p>
15	Ruapuke Island Group Landowners (RIGL)	Neutral	<p>RIGL notes that four applicants (on behalf of whānau that are landowners of the Ruapuke Island Group) obtained a High Court judgment in February 2026 granting Customary Marine Title (CMT) under the Marine and Coastal Area (Takutai Moana) Act 2011. RIGL see the CMT decision as giving effect to the rangatiratanga and legal authority held by the whānau over the waters surrounding the Island group, and note that those interests should be considered in relation to the HAP, due to the dynamic nature of Te Ara a Kiwa (Foveaux Strait), which means that effects of activities can be felt over a wide area, even though the Island Group is located some distance from the HAP site.</p> <p>RIGL note that they were unable to reach a consensus position in the time available to comment. The comments provided are therefore neutral, but raise issues of potential concern for the Panel to consider.</p> <p><u>Historical and Cultural Significance</u></p> <p>RIGL outline the long-standing significance of the Island Group and its surrounding water to those with direct whakapapa connections to it, and to Ngāi Tahu whānui more generally.</p> <p><u>Issues of Concern with the HAP</u></p> <p>RIGL outline the following concerns that they consider need to be addressed:</p> <ul style="list-style-type: none"> <li><b>Foveaux Strait oyster fishery:</b> The oyster fishery is highly vulnerable to <i>Bonamia exitiosa</i> and <i>Bonamia ostreae</i>. Fouling on marine farm structures and servicing vessels can be vectors for spread of both parasites.</li> <li><b>Disease and wild fish:</b> The spread of pathogens and disease between farmed and wild fish cannot be ruled out, and attraction of wild fish to feed dropped from fish enclosures can have impacts on native species.</li> <li><b>Monitoring:</b> Regular monitoring for effects of nutrients and other material being dispersed should be undertaken over a wider area.</li> <li><b>Funds:</b> The proposed Hananui Community Fund should be accessible to the Ruapuke Island Group community. RIGL also seeks confirmation that the Hananui Environmental Fund and Hananui Health and Education Fund will be open to Ruapuke Island Group whānau.</li> <li><b>Public liability/bond:</b> The proposed conditions do not appear to require public liability insurance or a bond for damage that might arise from the proposed marine farms. RIGL are concerned that lost gear could go aground on Ruapuke or surrounding islands, causing significant environmental damage.</li> </ul>	<p>Conditions should be imposed that:</p> <ul style="list-style-type: none"> <li>ensure the greatest possible mitigation of biosecurity risks to the oyster fishery.</li> <li>address the spread of pathogens and disease between farmed and wild fish.</li> <li>require monitoring of the condition of oysters and wild fish species (particularly blue cod), both in vicinity of the farms and at a distance. Where changes are detected, practices should be adjusted.</li> <li>Require monitoring of dispersal effects over a wider area.</li> <li>Provide access to the Ruapuke Island Group community to the Funds proposed.</li> </ul>	<p>The Panel appreciates the comment from RIGL.</p> <p>The Panel is comfortable that the proposed conditions of the approval, and the management practises, will address any biosecurity risk appropriately.</p> <p>The Panel notes the request by RIGL to specify that it has access to the community fund proposed to be established by the Applicant. The Panel considers that such a fund has been offered on an <i>Augier</i> basis, and therefore the Panel is not lawfully able to direct how that fund is to be applied. (Even if it were possible to do so, the Panel does not consider it would be appropriate to specify which community groups should be able to access those funds.)</p> <p>The Panel does not consider that a bond is necessary, however the Panel has directed more specific conditions addressing breakaway events (and the rectification of these), as well as the need for a formal decommissioning process at the end of the HAP.</p>
16	Department of Conservation (DOC)	Conditional support	<p>Overall, DOC considers that the ecological effects of the Application could be appropriately managed subject to:</p>	<p><u>Benthic habitat:</u></p> <p>Add a new condition to require that minimum separation distances (1 km along the tidal axis and 500 m in all other directions) are</p>	<p>Representatives of DOC have been heavily involved throughout the process, and the Panel has been very grateful for their careful and considered</p>

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			<ul style="list-style-type: none"> <li>the Applicant addressing the concerns set out in the comments relating to management of effects on benthic habitat and marine mammals; and</li> <li>appropriate consent conditions being imposed.</li> </ul> <p><u>Benthic Habitat</u></p> <p>A review of the application in relation to effects on benthic habitats is provided by Dr Kirsten Rodgers in Appendix B to DOC’s comments.</p> <p>The potential effect on benthic habitat that is of most concern to DOC is the deposition of organic material (principally waste food and fish faeces) from finfish farming on ecologically significant indigenous biogenic ecosystems. The three biogenic habitat types known to exist in the area around the project site (bushy-bryozoan thickets, bryozoan-sponge reefs, and patchy low-relief bryozoan-sponge habitat) are “<i>indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare</i>” and NZCPS Policy 11(a)(iii) requires avoidance of adverse effects on these types of habitat.</p> <p>DOC notes that the Applicant’s habitat modelling represents predictions based on survey results, rather than direct observations, and indicates that the proposal area itself consists of non-biogenic sand habitats, but that the wider area surveyed (c. 12,000 ha) contains 7% bryozoan-sponge reefs, 4% bushy-bryozoan thickets, and 1% patchy low-relief bryozoan-sponge habitat, with the remaining seabed made up of non-biogenic sand habitats. The modelling predicts that farm-related organic deposition would be dispersed into areas around the farms, where biogenic habitats exist. The effects that this would have on biogenic ecosystems are not known, because salmon farming has not occurred in this type of environment before, and because estimates of how much waste will be deposited in different areas are based on a predictive mathematical model, rather than on monitoring of existing activities. However, there is evidence from other environments of effects on bryozoans and sponges from salmon farm-derived deposition. If damage does occur to frame-building bryozoan habitats, evidence indicates that recovery can be slow. DOC considers that a precautionary approach under NZCPS is therefore relevant here.</p> <p>DOC supports repositioning of farm sites to increase separation from known biogenic habitats, but are concerned that the separation distances assessed in Appendix M are not specified in the conditions.</p> <p><u>Staging and Adaptive Management</u></p> <p>DOC notes its preference for the project being undertaken in four stages, as per the previous application. The current 2-stage development is less precautionary, and it is critical that adequate environmental quality standards, monitoring measures and decision processes are included in the consent to enable progression between stages to be adaptively managed without adverse effects on biogenic ecosystems.</p> <p>DOC is concerned that proposed condition 66 refers to avoidance of “adverse effects on the ecosystem function of”, rather than “adverse effects on” biogenic habitat, inconsistent with NZCPS Policy 11(a)(iii). It seeks better alignment between the condition and the indicators in Table C-2, so that “adverse effects on ecosystem function” are more clearly defined; and changes to ensure the condition also extends to patchy low-relief bryozoan-sponge habitat.</p> <p><u>Adaptive Management</u></p> <p>DOC notes the various aspects of the adaptive management approach to effects on benthic habitat, as set out in conditions 68 to 83, that is proposed to be taken from the point at which consent is granted. DOC considers that important measures have been taken to establish good</p>	<p>maintained between marine farms and biogenic habitat, and amend other relevant conditions to include these distances.</p> <p>Amend Condition 66 to more clearly describe the objective to be achieved in relation to avoidance of effects on biogenic habitat, and to include all forms of biogenic habitat that may be affected.</p> <p>Amend Condition 71 to ensure comprehensive baseline monitoring of benthic habitat is undertaken.</p> <p>Amend Appendix C, so that Environmental Quality Zones and Adaptive Management Triggers are depicted and described clearly and consistently.</p> <p>In Appendix C, for biogenic habitat (Table C-2), review the indicators to be monitored and the associated response triggers for remedial action. For most proposed indicators, a decline would indicate there had been a lethal effect on individuals that form the biogenic habitat; in order to allow for remedial action before effects become overly damaging, indicators need to be able to detect sub-lethal adverse effects.</p> <p>Amend Condition 82 to allow Stage Progression Reports to recommend no progression until appropriate remedial actions are taken, in the event that progression is not possible while continuing to comply with condition 66.</p> <p>Add a new condition, and amend condition 84, to explicitly state that the marine farms will be operated and monitored in accordance with a certified EMMP, with Annual Reporting to the consent authority, throughout the life of the project.</p> <p>If further advice is required, DOC suggests the Panel consider commissioning an independent expert report from Dr Tara Anderson (marine ecologist specialising in benthic/biogenic ecosystems).</p> <p><u>Marine mammals:</u></p> <p>Amend the draft MMMP, relating to the proposed measures to prevent pinnipeds from accessing farmed fish, to provide more information on what materials are planned to be used for netting, and on exactly how pens will be constructed to avoid depredation of fish by pinnipeds.</p> <p>Consider the installation of pilot pens prior to establishment of Stage 1 of the salmon farms, to test how resistant farm structures will be to pinnipeds attempting to access fish in practice, and to allow any necessary improvements to be made to pen materials and design in Stage 1 and subsequent stages.</p>	<p>comments. In particular, the Panel appreciated the detailed legal submissions filed addressing the relevant legal tests for adaptive management.</p> <p>Many of the comments initially raised by DOC appear, to the Panel, to have been subsequently addressed through further direct dialogue between DOC representatives and the Applicant.</p> <p>For completeness, however, the Panel records the following matters by way of response:</p> <ul style="list-style-type: none"> <li>The Panel is satisfied with the proposed amendments to the identified conditions.</li> <li>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).</li> <li>The Panel recorded DOC’s request at the workshop on 23 June 2026 to retract its proposed amendment to condition 45(c).</li> <li>The Panel did not consider it necessary to commission any further expert advice on landscape or natural character effects.</li> <li>The issue of management plan certification is dealt with substantively in the Decision.</li> </ul>

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			<p>baseline information about the receiving environment, and to limit exposure to risk. However, DOC does have concerns about the remaining potential for damage to biogenic habitats from farm-related organic deposition being dispersed into the areas around the farms. While DOC is broadly supportive of the adaptive management approach proposed, which sets up a system to adjust management approaches in response to monitoring indicators, including monitoring of the deposition of waste on biogenic habitat around the project site, DOC identifies various concerns, along with suggested improvements to address these concerns. These include:</p> <ul style="list-style-type: none"> <li>Ensuring that the survey area for baseline monitoring covers all areas that may be occupied by the marine farms, at all stages of production, including potential relocation sites (if farms are relocated as part of adaptive management), to enable comparison over time between baseline conditions and the full development of the farms; and includes targeted sediment sampling in the northeastern part of the proposal area where grab samples have not previously been collected.</li> <li>The initial draft Environmental Quality Zones (EQZs) and Adaptive Management Triggers (AMTs) are based on modelling (and monitoring elsewhere in New Zealand), which includes caveats, assumptions and uncertainty. Therefore, it is important that the modelling is verified and validated via monitoring, and that any necessary adjustments of the zones are undertaken in light of that information. While conditions include a process to revise these based on baseline monitoring results, it is less clear whether there is a process to revise these again in response to monitoring of effects once the marine farms have been established. Revisions to the drafting of Appendix C to the conditions is also sought to describe and depict the proposed EQZs and associated adaptive management triggers more clearly and consistently.</li> <li>The indicators for identifying adverse effects on the ecosystem function of biogenic habitat contained in Table C-2 of Appendix C and response triggers not being set to trigger remedial actions before the effects become overly damaging. In particular, they address only lethal effects, rather than sub-lethal effects and early warning indicators for biogenic habitat deterioration. DOC requests that the Applicant undertakes further assessment to identify indicators suitable for detecting sub-lethal effects on biogenic habitat, so that monitoring leads to necessary changes to farm management before effects have become irreversible, and that the indicators in Table C-2 are then reviewed in the light of that assessment.</li> <li>While supporting the requirement for a stage progression report (SPR), DOC considers that an additional option should be added for progression not to occur, until appropriate remedial actions are taken, where monitoring and modelling indicate that any further increase in farming would be likely to lead to Condition 66 not being complied with.</li> <li>It is important to ensure that environmental monitoring and adaptive management will continue once Stage 2 is in place and DOC requests changes to explicitly state that the marine farms will be operated and monitored in accordance with a certified EMMP throughout the life of the project.</li> </ul> <p><u>Marine Mammals – Cetaceans</u></p> <p>A review of the application in relation to cetaceans is provided by Chloe Corne in Appendix C to DOC's comments.</p> <p>DOC notes that the greater Southland area, including Foveaux Strait and waters around Rakiura / Stewart Island, supports wide diversity of</p>	<p>Amend section 2.2 of the draft MMMP to require visual pre-construction baseline monitoring of cetaceans to be carried out, in addition to the proposed acoustic monitoring.</p> <p>Amend section 2.2 of the draft MMMP to require pre-construction baseline monitoring of pinnipeds.</p> <p>Amend Appendix 4 of the draft MMMP to clarify that no diver may enter the water if whales are within 100 m.</p> <p><u>Seabirds:</u></p> <p>Amend the draft SBMP to clarify how collisions between vessels and seabirds will be minimised.</p> <p><u>Sharks:</u></p> <p>Amend Condition 45.a to include species protected under all relevant domestic legislation, national plans, and international conservation agreements governing shark conservation.</p> <p>Delete Condition 45.c "<i>minimise shark interactions with the marine farms</i>" on the basis that it is inconsistent with 45.a; interactions such as entanglements need to be avoided, not minimised, in order to achieve 45.a.</p> <p><u>Landscape and natural character values:</u></p> <p>Suggests that the Panel commissions its own review of the Applicant's Natural Character, Landscape and Visual Assessment, or additional independent landscape advice</p> <p><u>Management plan certification:</u></p> <p>Amend conditions 44 and 51 to clarify and facilitate a dual certification process for management plans that support both the wildlife approval and resource consents of this application.</p>	

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			<p>whales and dolphins. Threatened cetacean species include: Hector’s dolphins (Nationally Vulnerable), southern right whales (Nationally Increasing), orca (Nationally Critical), bottlenose dolphins (Nationally Endangered), pygmy blue whale (Nationally Vulnerable) and humpback whales (Threatened under the International Union for Conservation of Nature).</p> <p>Potential impacts on cetacean species from aquaculture in an open ocean environment are not yet fully understood, due to a lack of data. However, the main impacts are likely to be similar to those from sheltered coastal aquaculture, which include entanglement risk, habitat displacement, noise disturbance, collision risk, artificial submerged lighting, trophic flow-on effects and possible behavioural change in some species. Ms Corne notes that there is a general absence of comprehensive long-term baseline data for marine mammals in this remote area. Available data is largely opportunistic and insufficient to identify important/critical habitat at scales relevant to the proposed farm. These limitations increase uncertainty.</p> <p>DOC’s preference is that comprehensive baseline monitoring for all marine mammals takes place prior to farm establishment, to gain a good understanding of how different species use the area, and to inform monitoring of change as the project proceeds. Additionally, DOC considers that both visual and acoustic monitoring should be carried out.</p> <p>Changes to the draft MMMP and related conditions are also sought based on the evidence of Ms Corne.</p> <p><u>Marine Mammals – Pinnipeds</u></p> <p>A review of the application in relation to cetaceans is provided by Dr Jody Weir in Appendix D to DOC’s comments.</p> <p>The greater Southland area, including Foveaux Strait and waters around Rakiura / Stewart Island, supports important foraging habitat for pinnipeds. Threatened species include: New Zealand sea lions (Nationally Endangered / IUCN Endangered) and southern elephant seals (Nationally Critical). New Zealand fur seals are not threatened but are experiencing significant declines on the West Coast of the South Island.</p> <p>Dr Weir notes that Rakiura / Stewart Island now supports the most important breeding population of New Zealand sea lions outside the subantarctic islands.</p> <p>DOC are concerned about the lack of data on potential impacts from open ocean aquaculture on pinnipeds, noting that NZ fur seals are present at the Blue Endeavour salmon farms, but not NZ sea lions.</p> <p>DOC’s key concern is that energy-rich salmon will attract both sea lions and fur seals to the area. If even a single pinniped gains access to a salmon (whether by escape of live fish or through access being gained to the pens), this this additional source of food in their environment could then alter their behaviour - potentially significantly, including though animals becoming more desensitised to humans, making them more bold and potentially aggressive.</p> <p>Given the rareness of New Zealand sea lions, DOC considers a precautionary approach is essential to avoid further compromise of the species, including the use of predator-proof netting and pens being constructed in a way that prevents pinnipeds from accessing the fish. DOC do not consider that the measures proposed to stop pinnipeds from accessing farmed fish are set out in the draft MMMP are sufficient.</p> <p>Further, DOC recommends that pilot pens are installed prior to Stage 1, to test how resistant farm structures will be to pinnipeds attempting to access fish in practice, in the Foveaux Strait environment. This would</p>		

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			<p>allow any necessary improvements to be made to pen materials and design in Stage 1 and subsequent stages.</p> <p>As noted above in relation to cetaceans, DOC’s preference is that comprehensive baseline monitoring for all marine mammals takes place prior to farm establishment. DOC notes that no pre-construction baseline monitoring is proposed for pinnipeds, but considers that this is critical to assessing and understanding how the farms may be affecting protected species.</p> <p><u>Seabirds</u></p> <p>A review of the application in relation to seabirds is provided by Graham Taylor in Appendix E to DOC’s comments, and in relation to hoiho / yellow-eyed penguin specifically, by Dr Hendrik Shultz in Appendix F.</p> <p>Foveaux Strait has high seabird diversity, including three endemic seabird species: Whenua Hou diving petrel, Southern Cook’s petrel and Foveaux shags. The area also supports major colonies of other seabirds; and three penguin species. DOC notes the key risks to seabirds, and states that it is generally satisfied that these risks are well addressed in the Seabird Effects Assessment, the draft SBMP and proposed conditions to manage effects on seabirds. In addition to comments on specific mitigation measures provided in the Section 51 Report, DOC recommends a minor change is recommended to the SBMP to provide clearer guidance about how collisions between vessels and seabirds will be minimised.</p> <p>Overall, DOC is comfortable that effects on seabirds, including hoiho, will be appropriately managed.</p> <p><u>Sharks</u></p> <p>A review of the application in relation to seabirds is provided by Dr Karen Middlemiss in Appendix G to DOC’s comments.</p> <p>The primary protected species that may be impacted by the HAP is the great white shark, which is strongly associated with marine habitats in the Stewart Island / Rakiura region.</p> <p>DOC is satisfied that the Applicant has addressed concerns raised during the pre-consultation feedback period and these have been reflected in the substantive application. Two changes are sought to condition 45 to refer to all relevant legislation/ plans/ agreements governing shark conservation and remove reference to irrelevant legislation; and to align with condition 45.a.</p> <p><u>Natural Character and Landscape</u></p> <p>DOC notes that although the proposed marine farm site is outside Rakiura National Park, it will be visible from various points within it, and may impact on the visual enjoyment of the area for some visitors to it. DOC notes that it has not commissioned a separate landscape and natural character assessment or review of the Applicant’s assessment (contained in Appendix T of the application), but considers that landscape and natural character are key considerations for the Panel particularly given the relatively unspoilt nature of the northern Rakiura landscape / seascape and the requirements of Policies 13 and 15 of the NZCPS regarding the avoidance of adverse effects on areas of outstanding natural character and on outstanding natural features and landscapes. DOC states that as Section 85 of the FTAA requires the Panel to consider whether any adverse impacts of a project are sufficiently significant to be out of proportion to the project’s regional or national benefits (after taking into account potential modifications and conditions), a robust assessment of potential adverse effects is necessary as a basis for this consideration.</p>		

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<p><u>Legal submissions on adaptive management</u></p> <p>Largely agrees with Counsel for the Applicant’s submissions regarding adaptive management and the RMA, including that the leading case addressing adaptive management in the RMA context is <i>Sustain Our Sounds Inc v New Zealand King Salmon Company Limited</i> [2014] NZSC 40 – an aquaculture case. This establishes that before adaptive management can be considered there must be an adequate evidential foundation giving reasonable assurance it will achieve its goals of reducing uncertainty and managing remaining risk. Adaptive management is not a “suck it and see” approach.</p> <p>Whether the precautionary approach requires prohibition rather than adaptive management – depends on four factors:</p> <ul style="list-style-type: none"> <li>• The extent of environmental risk;</li> <li>• The importance of the activity;</li> <li>• The degree of uncertainty; and</li> <li>• The extent to which adaptive management will sufficiently diminish risk and uncertainty.</li> </ul> <p>The overall question is whether an adaptive management regime can be considered consistent with the precautionary approach.</p> <p>The vital risk/uncertainty factors include:</p> <ul style="list-style-type: none"> <li>• Having good baseline information about the receiving environment;</li> <li>• Effective monitoring of adverse effects using appropriate indicators;</li> <li>• Thresholds being set to trigger remedial action before effects become overly damaging; and</li> <li>• Effects that might arise can be remedied before they become irreversible.</li> </ul> <p>The precautionary approach is explicitly stated in NZCPS Policy 3(1), which requires a precautionary approach to activities whose effects on the coastal environment are uncertain, unknown or little understood, but potentially significantly adverse. Policy 3 sets the cautionary standard; adaptive management is permissible only if it meets that standard.</p> <p>In the salmon farming context: adaptive management must be precautionary in structure, not merely adaptive in name; and it must limit exposure to risk at the outset, not allow learning through damage.</p> <p>Nothing in the FTAA displaces or lowers the standard set by NZCPS Policy 3(1) at the stage where the Panel is required to give effect to relevant policy instruments under clause 17(1)(b) of Schedule 5.</p> <p>As New Zealand’s second ‘open ocean’ salmon farm, the project involves genuine uncertainty regarding actual and potential environmental effects. In the first open ocean salmon farm (Blue Endeavour), the panel adopted a precautionary approach relying on scientific and expert evidence coupled with mitigation requirements in conditions and associated monitoring and management plans.</p> <p>A precautionary approach is likewise warranted for the HAP. If the Panel concludes adaptive management conditions could result in adverse impacts not appropriately managed, it would be required to undertake a proportionality assessment under section 85(3) of the FTAA.</p>					
<b>Invited Comments Accepted Late</b>					
17	Seafood New Zealand (Seafood NZ)	Conditional support	Seafood NZ recognises the amendments made to minimise the impact on commercial fishers by reducing the application area from the previous 2022 application.	Apply adaptive management measures to minimise impacts on the environment, with triggers set at a cautious level that allows for a response after effects are detected, but before those effects become overly damaging.	The Panel notes these comments. The Panel considers that the proposed assessment and conditions of approvals appropriately address the concerns raised.

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			<p>While recognising the importance of open ocean aquaculture, Seafood NZ remains concerned with the impact to the environment and wild fisheries from fish farm effluent and introduced aquaculture species.</p> <p>Seafood NZ encourages the use of an adaptive management approach in this instance, so that triggers can be set at a cautious level that allows for a response after effects are detected, with any significant adverse effects addressed before they become irreversible or overly damaging.</p> <p>Seafood NZ supports the Application subject to a high level of monitoring, and effects on the wild ocean environment being minimised as much as possible.</p> <p><u>Impacts on commercial fishing</u></p> <p>Seafood NZ notes that whilst commercial fishing is undertaken in the area, the effect has been minimised compared to the previous application.</p> <p>However, Seafood NZ remains concerned with the cumulative effects of spatial closures in the Otago/Southland area, and this application adding to the quantum of closures, marine reserves and other applications in play. Seafood NZ notes that the displacement estimates are generally based on marine farm site size, not the overall displacement of commercial fishing in the wider region, and the shift of effort into other related fishery areas.</p> <p>In respect of finfish fisheries, Seafood NZ notes that the proposed site is regularly used for blue cod potting, and whilst it is on average less than 1% over the last five fishing years of the total catch, it is targeted by local fishers. The site is also used for a small number of set netting events each year (less than 1% of total catch) and it is unclear whether additional effort may now occur given the additional closures in the Otago/Southland region.</p> <p>Seafood NZ notes that previously, MPI have applied a non-statutory 'rule of thumb' threshold of 5% when assessing whether the catch displaced by a new aquaculture application may have an 'undue adverse effect' on commercial fishing, noting that this does not consider the shift in effort or cumulative impacts. While the current catch and effort information indicates that the proposal will not have a significant impact on blue cod potting or set netting, consideration still needs to be given to any shift of effort into other local fisheries should there be any additional applications in the area. This information should be taken into account by FTAA and Fisheries NZ.</p>	<p>Take into account cumulative effects of closures in the Otago/Southland area</p>	

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