BEFORE THE HANANUI AQUACULTURE PROJECT [FTA-2511-1138] EXPERT PANEL

In the matter of	the Fast-track Approvals Act 2024 (the *FTAA*)
And	approvals sought under the Resource Management Act 1991, the Wildlife Act 1953 and the Fisheries Act 1996

Record of Decisions of the Expert Panel under Section 87 of the Fast-track Approvals Act 2024

Date of Decisions: 10 August 2026

Expert Panel
Bal Matheson KC
Dr Ngaire Phillips
Stephen Daysh

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LIST OF ACRONYMS / ABBREVIATIONS

TERM	MEANING
BMP	Biosecurity Management Plan
CE	Coastal Environment
CMA	Coastal Marine Area
CMS	Stewart Island/Rakiura Conservation Management Strategy
CRFTCA	COVID-19 Recovery (Fast-track Consenting) Act 2020
DOC	Department of Conservation
EMMP	Environmental Monitoring and Management Plan
EPA	Environmental Protection Authority
ES	Environment Southland
FTAA	Fast-track Approvals Act 2024
HAP	Hananui Aquaculture Project
MACA Act	Marine and Coastal Area (Takutai Moana) Act 2011
MfE	Ministry for the Environment
MMMP	Marine Mammal Management Plan
MPI	Ministry for Primary Industries
MSAP	Murihiku Southland Aquaculture Pathway 2025
Ngā Rūnaka ki Murihiku	Waihōpai Rūnanga, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima and Te Rūnanga o Hokonui
NPMP	Rakiura National Park Management Plan
NTCSA	Ngāi Tahu Claims Settlement Act 1998
NTS	Ngāi Tahu Seafood Resources Limited
NZADP	New Zealand Aquaculture Development Plan 2025-2030
NZAS	New Zealand Aquaculture Strategy 2019
NZCA	New Zealand Conservation Authority
NZCPS	New Zealand Coastal Policy Statement
RCP	Southland Regional Coastal Plan 2013
RIGL	Ruapuke Island Group Landowners
RMA	Resource Management Act 1991
RPS	Southland Regional Policy Statement
RTIAB	Rakiura Tītī Island Administering Body
SBMP	Seabird Management Plan
SCB	Southland Conservation Board
Seafood NZ	Southern Inshore Fisheries Management Company Ltd
SLR	SLR Consulting New Zealand Limited
SMP	Shark Management Plan
TRONT	Te Rūnanga o Ngāi Tahu
WAR	Wildlife approval report

PART A: EXECUTIVE SUMMARY

1 This is an application for the Hananui Aquaculture Project (**HAP, Project** or **Application**) by Ngāi Tahu Seafood Resources Limited (**NTS** or **the Applicant**) to develop an exposed coastal water finfish farm off the northern coast of Rakiura/Stewart Island.

2 NTS is a wholly owned subsidiary of Ngāi Tahu Seafood Ltd, which in turn is a wholly owned subsidiary of Ngāi Tahu Holdings. Te Rūnanga o Ngāi Tahu (**TRONT**) is the sole trustee of the Ngāi Tahu Charitable Trust that owns and operates Ngāi Tahu Holdings. Because of this linkage, we have been told that the expectations and responsibilities of TRONT apply to the Applicant. TRONT and Ngāi Tahu whānui anticipate that the HAP will acknowledge the responsibilities of Ngāi Tahu ki Murihiku and be consistent with local tikanga and kawa, as well as directly support the aspirations of Ngāi Tahu set out in various strategic documents.[1]

3 The HAP is located within Te Ara a Kiwa, waters which Ngāi Tahu has voyaged across for centuries, for harvesting, trade, and connection. For Ngāi Tahu ki Murihiku, Te Ara a Kiwa is not just a body of water, but a living space woven with whakapapa, atua, and intergenerational identity. It is within the takiwa of TRONT, who hold ahi kā, mana whenua and mana moana over the site. The narrative of the site, including the relationship of Ngāi Tahu ki Murihiku with Te Ara a Kiwa, has been foundational to the development of the Project, and consideration of its impacts on Ngāi Tahu values, associations, relationships, cultural practises, uses and aspirations.[2] This has included development of the HAP alongside Papatipu Rūnanga.

4 The HAP involves:

a. The construction and operation of four marine farms positioned within an approximately 1,285 ha area which is 2 - 6 km from the shore;

b. The marine farms will consist of polar circle pens, with each farm comprising up to 20 pens, in two 10-pen blocks, along with associated mooring lines, anchors and anchor blocks, feed and accommodation barges, and navigational aids (buoys, marks and lighting);

c. The pen design will use a single net system, with an underwater net mesh size of 40 mm or less, and above water will use jump fences and top nets, to exclude predators;

d. The development being progressed in two stages, with:

- Stage 1 comprising one block of 10 pens at each of the four farm sites (Farms 1A, 2A, 3A and 4A), and a total discharge of up to 15,000 tonnes of feed per annum; and

- Stage 2 comprising a further block of 10 pens at each of the four farm sites (Farms 1B, 2B, 3B and 4B), with a total aggregate discharge of up to 25,000 tonnes of feed per annum; and

[1] Section 2.3.2 of Application.
[2] Sections 2.1 – 2.3 of the Application.

- Development of Stage 2 being dependent on the monitoring results from Stage 1, and dependent upon effects remaining within thresholds specified by a proposed adaptive management approach; and

e. Monitoring, surveying and sampling activities, both before construction commences and during operation of the marine farms.

5 The HAP was included as a listed project in Schedule 2 of the FTAA. On 9 March 2026 this expert panel (**Panel**) was appointed to determine the Application.

6 The Panel has assessed the Application by applying the relevant statutory criteria within the purpose and context of the FTAA.

7 The Panel received comments from commentators and a response to those comments from the Applicant. The Panel has also asked further questions of clarification from a number of parties throughout the process, and the thoughtful and comprehensive responses have assisted the Panel's deliberations. The Panel has carefully reviewed all of that information in evaluating the Application. Overall, there is a high degree of alignment between the Applicant, the regulatory authorities and those who provided comments. What differences initially existed between the parties were largely resolved through the iterative processes adopted by the Panel. The Panel's findings on the principal issues in dispute, of which there were very few, are in Part L.

8 In respect of the proposed conditions of the approvals, there were limited comments received, which reflected the high level of agreement on the wording of the consent conditions that resulted from the pre-lodgement consultation undertaken by the Applicant (which continued throughout the processing of the substantive application), and the process adopted by the Panel.[3]

9 For the reasons given in this decision, the Panel grants approvals for the Application subject to the conditions in **Appendices A-B**.

10 This decision is made in accordance with section 87 of the FTAA. This decision covers all the approvals sought by the substantive application. This decision document comprises:

a. This executive summary – Part A;

b. An overview of the HAP application - Part B;

c. An overview of the FTAA framework - Part C;

d. The procedural steps undertaken – Part D;

e. The regional and national benefits of the HAP – Part F;

f. An evaluation of the effects of the Project – Part F;

g. An evaluation of the applicable planning and policy framework – Part G;

[3] This process is outlined in more detail in Part D.

h. The framework for assessment of RMA approvals – Part H;

i. The framework for assessment of Wildlife Act approvals – Part I;

j. The framework for an Aquaculture Decision – Part J;

k. An evaluation of proposed conditions for the approvals – Part K;

l. The Panel's decision on principal issues in contention – Part L;

m. The overall assessment of the Application under the FTAA– Part M; and

n. The formal record of decisions on approvals – Part N.

PART B: OVERVIEW OF THE APPLICATION

Application

Applicant

11 NTS is the authorised person for the HAP, as set out in section 42 of the FTAA.

Site and surrounding environment

12 The Site for the Project is an exposed area of coastal water, off the northern coast of Rakiura/Stewart Island, 13 km north-west of Oban. The site is "L-shaped", is located between 2 km and 6 km offshore and covers an area of approximately 1,285 ha. The location is shown in Figure 1 below:

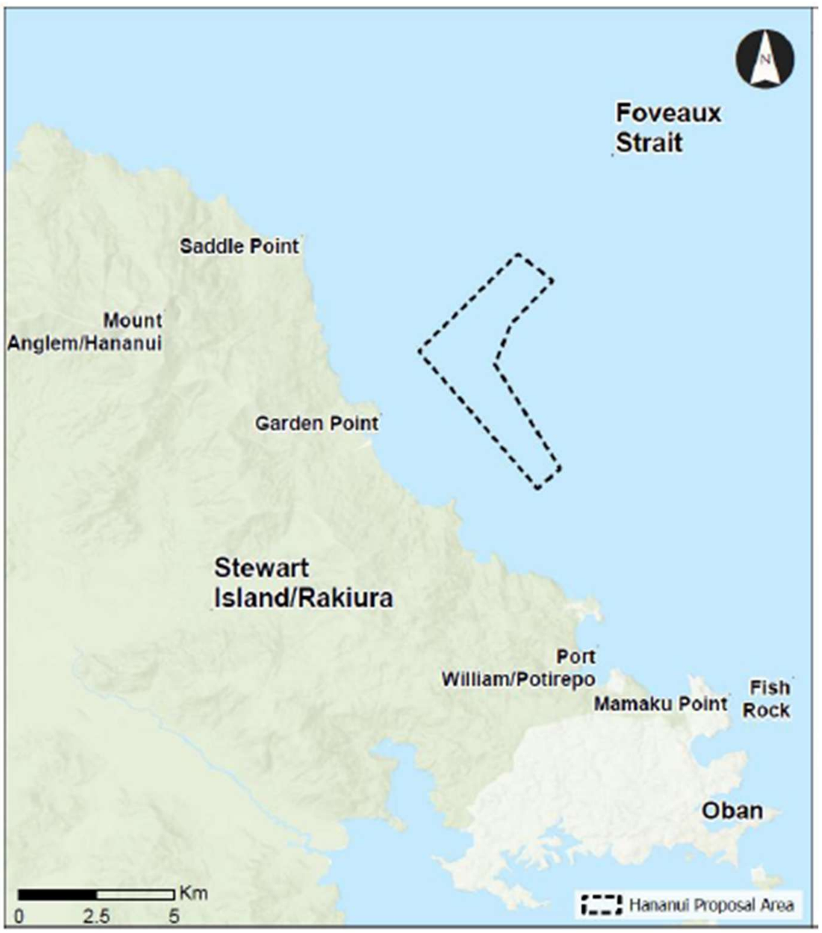

Figure 1 – Proposed site location (source: Figure 6-1 of the Application)

13 The Applicant provides a detailed description of the Site and its surrounding area, along with the conditions, values and uses in this area, which include:

a. Ngāi Tahu ki Murihiku site narrative.[4]

[4] Section 2.2 of the Application.

b. Site location.[5]

c. Suitability for aquaculture.[6]

d. 'Natural State' water classification.[7]

e. Metocean conditions.[8]

f. Water quality.[9]

g. The seabed and benthic habitats.[10]

h. Fauna, including marine mammals, seabirds, sharks and wild fish.[11]

i. Commercial and recreational uses in the area.[12]

j. Natural character, landscape and amenity values.[13]

14 We adopt the description of conditions, values and uses without repeating it here, noting that the summary of these matters set out in the Application are in turn based on more detailed descriptions set out in various reports appended to the Application.

Overview of the Application

15 The Application is to establish four marine farms in two stages of development. The full development will comprise two blocks of 10 pens (in a 2x5 grid) within each of the four farms, with one block established as part of Stage 1 (Farms 1A-4A), and the second during Stage 2 (Farms 1B-4B). The maximum total feed discharge will be 15,000 tonnes per annum in Stage 1, increasing to a total maximum of 25,000 tonnes per annum in Stage 2. However, progression to Stage 2 will be dependent on the monitoring results from Stage 1, and effects remaining within specified thresholds. It is proposed that a minimum of two full production cycles will be completed across all four farms before moving to Stage 2.[14]

16 Each block will include an associated mooring and anchoring system and be separated by around 300m from the second block within each farm. Each farm will be served by its own feed barge. Within the overall 1,285 ha site, the pens and barges will take up around 100 ha, being less than 8% of the proposed site. An exclusive occupation area, with access restricted to NTS (or others authorised by NTS) would extend around each farm and barge, 200m outwards from the buoys located at the edge of the mooring grid and from the sides of the feed barges, resulting in a total area for the exclusive occupation of up to 460 ha. Within the wider site, but outside the exclusive occupation areas, it is proposed that NTS would have preferential occupation, meaning this area could be used by the general public except in in circumstances where NTS wants to use

[5] Section 6.1 of the Application.
[6] Section 9.1 of the Application.
[7] Section 9.2 of the Application.
[8] Section 9.3 of the Application.
[9] Section 9.4 of the Application.
[10] Section 9.5 of the Application.
[11] Section 9.6 of the Application.
[12] Section 9.7 of the Application.
[13] Section 9.8 of the Application.
[14] Section 6.4.1 of the Application.

the area[15]. Figure 2 below, which is taken from the Application, shows in orange outline the exclusive occupation areas, and the dotted black line being the area of preferential occupation.

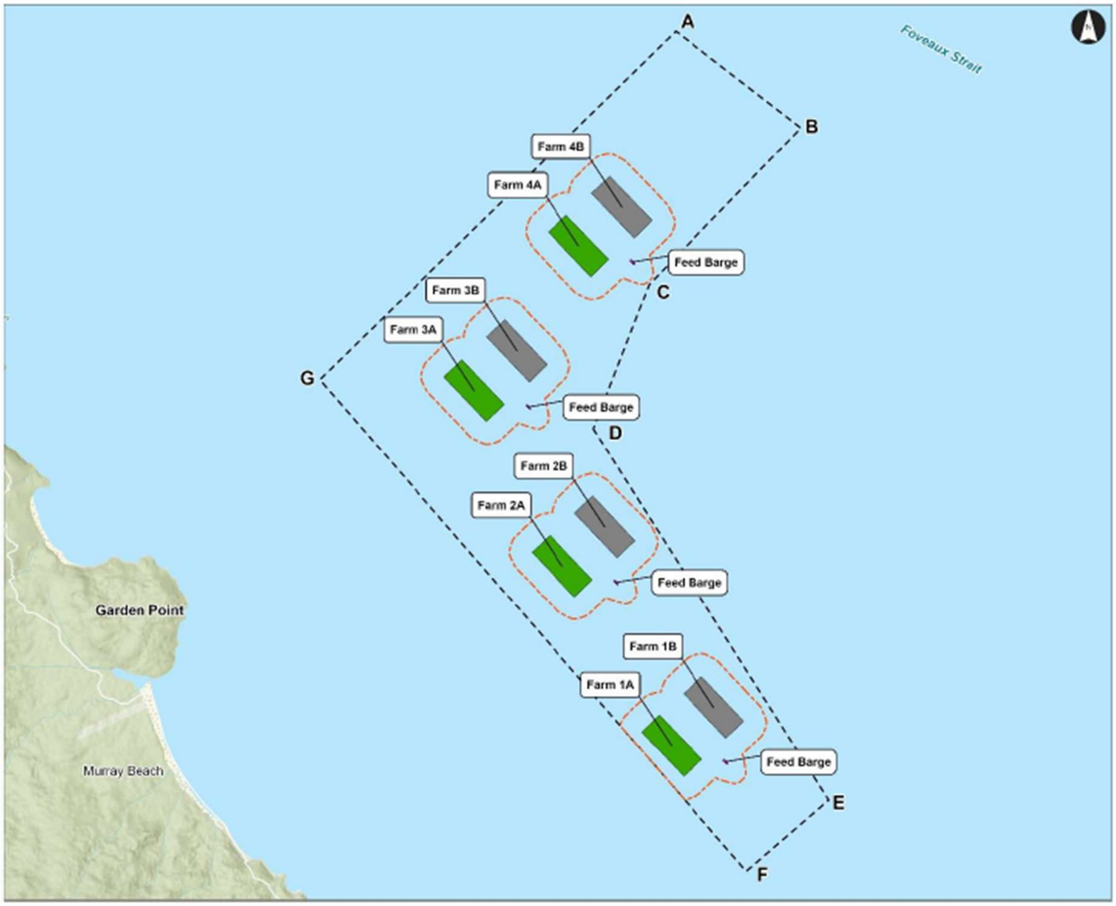

Figure 2 – Farm layout (source: Figure 6-2 of the Application)

17 The principal activity of the farms is the stocking of pens with fish (introduced as smolt), and feeding of those fish, to a harvest weight of approximately 4.5 – 5 kg. Single year class farming is proposed at each marine farm site, with rotational stocking, and a fallow period proposed after each harvest time.[16]

18 The Application states that the size and layout of the site has been designed around various factors, including sites being positioned over sandy habitat, at least 1 km from biogenic habitat along the predominant tidal axis (southeast–northwest) and 500 m in other directions, and to be the furthest extent practicable from Rakiura.[17]

19 The Project allows for the exact location of the farms to shift (but remain within the overall site) in response to matters arising at the detailed design and installation

[15] Section 6.3.1 of the Application.
[16] Section 6.4 of the Application.
[17] Section 6.3.1 of the Application.

phases, or subsequently through monitoring.[18] This would also result in the exclusive occupation areas being adjusted accordingly.

20 Details on the sea pens, feed barges and their anchoring systems, along with proposed navigation aids are detailed in the Application.[19] In summary, this includes:

a. The use of 168 m circumference circular pens. These will consist of black high-density polyethylene pipes in floating collars tied together by brackets. A vertical jump fence up to 3.5 m high will be attached to the floating collar structure, to exclude seals and sea lions from the net pens, with a smaller jump fence to keep the salmon within the net pens. In addition, 5.9 m bird net poles will be attached to the floating collar structure, to support dark-coloured bird netting with a maximum half mesh size of 60 mm, placed over the pens.

b. Nets will be suspended below the floating collars to a maximum depth of 22 m below the sea surface (or as needed to allow for a 5m clearance from the bottom of the pen to the seabed). This will comprise a single net system made from dark coloured predator resistant materials, with a maximum half mesh size of 40 mm, to exclude predators from, and contain the salmon within, each pen. Each net will also have a 'false' bottom separated from the outer net, or a mortality collection system, to hold/contain dead fish away from marine species swimming underneath the nets.

c. The use of submerged artificial lighting (to delay the maturation of the fish), comprising up to eight 680 watt LED lights per pen, installed approximately 3-7m below the surface, and with light generally directed downwards.

d. Feed barges will be used for onsite accommodation, and include on board staff amenities, control rooms, workshop and maintenance facilities, and mortality processing and storage, with mortalities and sewage removed to shore for disposal. The barges will provide feed to each sea pen through feed blowers blowing feed through pipes to a rotor spreader that distributes feed throughout the pen.

e. Smaller vessels will be used to transport staff around the farm, service the farm and clean pens. Other temporary service barges and other work vessels will be on site from time to time for restocking supplies, delivering smolt and harvesting.

f. A mooring system will be required to anchor the sea pens and barges to the seabed. Indicative mooring designs are included in the Application,[20] and will be refined during the detailed engineering design, but are expected to comprise 2500 kg dual shank anchors (with concrete block or steel sinkers); mooring lines and anchors for each block of pens; and gridlines, bridles and buoy lines to hold the pens in configuration. The feed barges will be moored using 8 anchor chains, also connected to 2500 kg dual shank anchors.

[18] Section 6.3.1 of the Application
[19] Sections 6.3.2-6.3.4 and 6.3.6 of the Application.
[20] In Appendix J of the Application.

g. Various aids to navigation will also be installed around the Site, including four cardinal marks, along with four special marks at the corner of each farm, two of which are to be lit.

Previous applications

21 The FTAA requires,[21] for projects listed in Schedule 2 such as the HPA, that information is provided about previous applications that have been made for the same activities. A summary of the previous applications that have been made for the HAP are outlined in the Application.[22] This includes an application to Environment Southland (**ES**) under the Resource Management Act 1991 (**RMA**), which was lodged in December 2019, but then withdrawn.[23] A new application was then lodged in 2022 with the Environmental Protection Authority (**EPA**) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**CRFTCA**).[24] That application was declined by that expert hearing panel.

22 The Project in front of us has been refined from what was proposed in these previous applications, with the Application stating that a number of changes have been made to respond to issues raised in the CRFTCA process.[25] While cognisant of this, our consideration is under a very different legislative framework than the CRFTCA Panel.

Resource consents

23 The Panel has reviewed all the documentation and the further information provided by the Applicant and other participants. The consents required by the HAP are set out in Section 8.2.2 of the Application. In response to Minute 7, the Applicant[26] and ES[27] confirmed that the list of consents required in Section 8.2.2 was accurate, but that, for the avoidance of doubt, reference to Rule 9.1.1 should also be included.[28] The Panel agrees with the Applicant that pursuant to the Southland Regional Coastal Plan 2013 (**RCP**) the Application is a non-complying activity.[29] Although the Application is classified as a non-complying activity by the RCP, the requirements applying to that activity status (i.e. under section 104D of the RMA) are expressly dis-applied by clause 17(1)(b) of Schedule 5 of the FTAA and therefore do not apply to our consideration. The Application is therefore effectively treated as a discretionary activity. ES agrees with the Applicant's analysis of the relevant plan provisions.[30]

24 A consent duration of 25 years is sought for the resource consents that are required,[31] along with (under clause 26(1) of Schedule 5 of the FTAA) a lapse period of ten years.[32]

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[21] Section 43(2) of the FTAA.
[22] Section 7 of the Application.
[23] A summary of the previous application made under the RMA is set out in Table 7-1 of the Application, along with subsequent changes that were made to it through the further information process in Table 7-2.
[24] A summary of the previous application made under the CRFTCA is set out in Table 6-1 of the Application, and includes a comparison to the details of this current Application.
[25] Section 6.5 of the Application.
[26] Environment Southland comments on the draft decision document and draft conditions, dated 17 July 2026.
[27] Applicant's Response to Draft Consent Conditions and Further Information Request (Minute 7), dated 17 July 2026.
[28] Rule 9.1.1 is a general rule applying to the exclusive or preferential coastal occupation of the CMA. While Rule 15.1.7 is a more specific rule applying to marine farming, Rule 9.1.1 is also identified and included for the avoidance of doubt, to ensure that the occupancy component of the Application is covered.
[29] Section 8.2.2 of the Application.
[30] Environment Southland section 53 comments, dated 29 April 2026.
[31] Section 8.2.4 of the Application.
[32] Condition #6.

Approvals relating to a wildlife approval under the Wildlife Act 1953

25 A wildlife approval provides lawful authority for an act or omission that would otherwise be an offence under various sections of the Wildlife Act.

26 Schedule 7, clause 5 sets out the criteria for assessment of an application for a wildlife approval (refer further Part I).

Approvals relating to an aquaculture decision under the Fisheries Act 1996

27 The HAP also requires an aquaculture decision to be made, because it seeks approval for aquaculture activities to be undertaken in the Coastal Marine Area (**CMA**). An 'aquaculture decision' determines whether the aquaculture activities authorised by the coastal permit application would have an 'undue adverse effect on fishing'. It is an important decision because the coastal permit, if granted, may displace fishing occurring in an area and adversely affect the fishery or fishers. For applications not processed through the FTAA, the chief executive of the Ministry for Primary Industries (**MPI**) makes this decision. For applications processed under the FTAA, the chief executive of MPI, in accordance with clauses 14 to 16 of Schedule 5, makes a recommendation to the Panel, which then makes the aquaculture decision.

28 In respect of the HAP, as directed by the FTAA, the process for the making of a recommendation under clause 14 of Schedule 5 undertaken by chief executive of MPI occurred at the same time as the Panel invited comments under section 53.

29 Schedule 5, clause 20 sets out the criteria when considering an aquaculture decision (refer further Part J).

PART C: OVERVIEW OF THE FTAA FRAMEWORK FOR APPROVALS

Legal context for a listed project under the FTAA

30 In accordance with section 42 of the FTAA, an authorised person[33] for a listed project may lodge a substantive application with the EPA. The substantive application is required to follow the process set out in sections 43 and 44. The Applicant lodged the substantive application on 26 November 2025.

31 The EPA decided that the Application was complete and within scope on 17 December 2025.[34] The EPA made a recommendation on whether there are competing applications or existing resource consents for the same activity,[35] and provided the Application to the panel convenor on 21 January 2026. The EPA requested a report from the Ministry for the Environment (**MfE**) (being the "responsible agency" under section 18 of the FTAA) on 22 January 2026. A report was received on 2 February 2026.

Decisions on approvals

32 NTS seeks all necessary approvals for the construction, operation, maintenance and removal of four marine farms. These involve:

a. Resource consents that would otherwise be applied for under the RMA;

b. A wildlife approval that would otherwise be applied for under the Wildlife Act; and

c. An aquaculture decision that would otherwise be made under section 80 of the Fisheries Act 1996.

33 Schedules to the FTAA set out decision-making criteria that apply in relation to the different types of approval that can be granted. These criteria are expressly applied in the record of our decision on each of these approvals at Parts H - J below.

34 This Part discusses the general operation of the FTAA.

The purpose of the FTAA

35 Section 3 of the FTAA states:

> *The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.*

36 The FTAA provides a single process for seeking a range of approvals that would otherwise have to be sought under different statutes and by different processes. This is provided for in section 42 and the approvals that can be granted include all those sought by the Applicant.

[33] As defined in section 4 of the FTAA.
[34] Section 43 of the FTAA.
[35] Section 47 of the FTAA.

General provisions that apply in relation to all fast-track approval applications

37 Section 81 of the FTAA states:

> ***81 Decisions on approvals sought in substantive application***
> *(1) A panel must, for each approval sought in a substantive application, decide whether to—*
> *(a) grant the approval and set any conditions to be imposed on the approval; or*
> *(b) decline the approval.*
> *(2) For the purpose of making the decision, the panel—*
> *…*
> *(a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:*
> *(b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision):*
> *(c) must comply with section 82, if applicable:*
> *(d) must comply with section 83 in setting conditions:*
> *…*
> *(f) may decline the approval only in accordance with section 85.*
> *(3) For the purposes of subsection (2)(b), the clauses are as follows:*
> *(a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:*
> *…*
> *(i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7:*
> *...*
> *(4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.*
> *...*
> *(6) Despite subsection (2)(a), the panel—*
> *(a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but*
> *(b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.*
> *(7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.*

38 Section 81(3) refers to the schedules to the FTAA that provide specific criteria to be taken into account in relation to the different types of applications that may be dealt with under the FTAA. As noted already, they are discussed later, in Parts H – J, when we address the particular approvals that are sought. However, at a broad level, we note that the criteria in each schedule of relevance to this decision start with the "purpose of this Act" and direct the Panel to give the greatest weight to that purpose.

39 In terms of section 81(2)(d), the direction in relation to sections 82 and 83 relate to the setting of conditions. We discuss this in Part K.

Ability to decline consent

40 Section 85 of the FTAA sets out the limited circumstances when approvals must or may be declined.

41 Section 85(1) and (2) sets out the matters that would require us to decline an approval. We are satisfied that none of these matters apply to the HAP, and in particular we find that no approvals are being sought for an ineligible activity, the grant of the approvals will not breach section 7 of the FTAA, and we have not made a reservation under clause 20 of Schedule 5 of the FTAA.

42 Section 85(3) sets out the matters that must be considered by the Panel in forming a view that the approval sought should be declined:

> *Approval may be declined if adverse impacts out of proportion to regional or national benefits*
>
> *(3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—*
> *(a) there are 1 or more adverse impacts in relation to the approval sought; and*
> *(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—*
> *(i) any conditions that the panel may set in relation to those adverse impacts; and*
> *(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.*
>
> *(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).*
>
> *(5) In subsections (3) and (4), **adverse impact** means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.*

43 Section 85(4) means that non-compliance with directive avoidance policies that may otherwise preclude the granting of an approval is not itself fatal to an application. There are provisions in the Schedules that are generally to a similar effect.

44 Consistent with the approach adopted by other expert panels, we see section 85(3) as requiring assessments of:

a. The extent of the HAP's regional or national benefits;

b. The significance of adverse impacts, after having applied the ameliorating effect of any proposed conditions of consent; and

c. Whether the remaining adverse impacts are "sufficiently significant" to be "out of proportion" to the HAP's regional or national benefits.

45 We return to this assessment below.

Other statutory obligations

46 Where there are existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA Act**), sections 7, 82 and 84 provide direction on the exercise of powers and functions under the FTAA, the consideration the Panel must give to specified documents[36], and the setting of any conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the MACA Act.

47 We consider these, and other general obligations on us as decision makers, where relevant, in Parts H- K below.

[36] Section 82(4) of the FTAA.

Iwi authorities

48 Section 3 of the Application sets out details relating to the Ngāi Tahu settlement and Te Tiriti o Waitangi. It sets out:

a. That Te Rūnanga is the iwi authority that represents the interest of Ngāi Tahu whānui. TRONT in turn recognise and supports the rakatirataka and mana of Papatipu Rūnanga.

b. How Papatipu Rūnanga have been engaged throughout the development of the HAP.

c. That the outcomes of the engagement are collated in various reports – Ngā Hua o Āpiti Hono Tātai Hono (contained in Appendix D to the Application), the Te Ara a Kiwa Cultural Values Assessment, the Cultural Impact Assessment (contained in Appendix E to the Application) – and that these "*collectively articulate how the HAP can proceed in a manner that protects taoka species, sustains cultural integrity, and delivers enduring benefits for Ngāi Tahu whānui and future generations*".[37]

d. The context leading to the Ngāi Tahu Settlements (encompassing both Ngāi Tahu-specific settlements, along with relevant national Treaty settlements), along with a summary of each settlement, and an assessment of how the HAP relates to each.

e. That the HAP sits at the "confluence" of the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**), the 1992 Fisheries Settlement, and the outcomes sought by the Māori Commercial Aquaculture Claims Settlement Act 2004 as an expression of iwi-led aquaculture and contemporary mahinga kai.

49 The Application also sets out consultation undertaken with TRONT (as the statutory body representing Ngāi Tahu whānui and the applicant for Customary Marine Title) and with Ngāi Tahu ki Murihiku, including Awarua Rūnanga, Waihōpai Rūnanga, Ōraka-Aparima Rūnanga and Hokonui Rūnanga (collectively **Ngā Rūnaka ki Murihiku**), including the establishment of a Manawhenua Working Group.[38]

50 The Panel invited comments from TRONT, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, Te Ohu Kaimoana and Ngāi Tahu Whanui under section 53(2)(b) – (g).

51 Comments were received from TRONT and Te Ao Mārama (on behalf of Ngā Rūnaka ki Murihiku) which indicated strong support for the Project. A full summary of the comments are included in **Appendix C**.

[37] Section 3.1 of the Application.
[38] Sections 4.1 and 4.2.1 of the Application.

PART D: RECORD OF PROCEDURAL STEPS UNDERTAKEN

Panel Convener steps

Section 18 Report

52 MfE[39] provided a report under section 18 in accordance with section 49. This report relates to Treaty settlement and other obligations and identifies a list of Māori groups relevant to the proposal, including iwi authorities, Treaty settlement entities, applicant groups under the MACA Act, and tangata whenua in relation to customary fisheries and two mataitai reserves.

53 The report states that the Treaty settlement relevant to this Application is the NTCSA, which includes a statutory acknowledgement over the Rakiura/Te Ara a Kiwa (Foveaux Strait) CMA. The statutory acknowledgement requires a consent authority to provide a summary of the Application to TRONT, and the consent authority must have regard to the statutory acknowledgement in making notification decisions under the RMA. The report states that as the Panel acts as the consent authority in this instance, this obligation can be met through the Panel's consultation process under section 53 of the Act. Further, the report notes other settlement provisions – including taonga species and a conservation protocol – which while not considered to have direct implications for the Panel’s consideration of this Application, are considered to provide relevant context regarding the traditional connection of Ngāi Tahu with this area and its environment.

Section 51 Reports

54 Pursuant to section 51 of the Act, the Panel Convener directed the EPA to obtain a report, under clause 3 of Schedule 7 of the FTAA, from the Director-General of Conservation, along with advice about the approach to the weighting of matters set out in Schedule 7, clause 3.[40] A consolidated wildlife approval report (**WAR**) was provided by the Department of Conservation (**DOC**) on behalf of the Director-General, on 15 April 2026. Its purpose was to provide commentary to support the Panel’s assessment of the wildlife approval aspect of the Application, including consideration of the criteria in clause 5 of Schedule 7 of the FTAA.

55 The conclusion reached in WAR was that, subject to recommended conditions and management plans, the proposed activities are broadly consistent with the purpose of the Wildlife Act. In particular, the WAR concludes that the relevant species management plans include appropriate methodologies to mitigate the risks associated with the Project.

Establishment of Panel

56 The Panel was set up under section 50 of the FTAA with effect from 9 March 2026. But, for the purposes of section 53, the commencement date for the Panel was recorded as 16 March 2026.

Meetings and Site visit

57 On 17 and 26 March 2026, the Panel held an online Project Overview Conference with participants for the HAP. During the conference, the Applicant and its experts provided an overview of the Application, which was also attended by relevant administering

[39] MfE has now been amalgamated into the Ministry for Cities, Environment, Regions and Transport as of 1 July 2026.
[40] Minute of the Panel Convenor, dated 28 January 2026.

agencies, local authorities, Treaty settlement entities, iwi authorities, and other Māori groups. This conference also allowed the Panel to ask questions of the Applicant and its experts. This conference was recorded and remained available on the EPA website.

58 The Panel visited the Project site and surrounding area in Rakiura / Stewart Island on 14 April 2026, viewing the Site from the water and from a helicopter. This included landing at various locations along the adjacent coastline to view the Site as well as landing near the top of Hananui / Mt Anglem. During the site visit, the Panel also saw the existing fish farms that are owned and operated by Sanford Limited at Big Glory Bay. Further details are described in Minute 5, dated 6 May 2026.

59 Much of the Panel's correspondence, deliberations and decision-making occurred over email following reviews of the available documentation, the Project Overview Conference, the receipt of further information requests, and the receipt of comments (including on the draft Decision report and conditions). The Panel also met virtually via Microsoft Teams or in person on numerous occasions, including:

a. 15 April 2026;

b. 4 May 2026;

c. 21 May 2026;

d. 16 June 2026;

e. 23 June 2026;

f. 8 July 2026;

g. 24 July 2026;

h. 31 July 2026; and.

i. 6 August 2026.

Further information

60 During the Project Overview Conference, it became apparent that some of the relevant administering agencies and local authorities had already commissioned or prepared expert reports or advice in their consideration of the Application, and the Panel requested that these reports and advice be made available prior to comments on the Application being filed, so that those making comments had the benefit of this information before they filed their comments.[41] DOC provided a response to this on 23 March 2026, noting that it had not commissioned any external expert reports in relation to the HAP, and that reports would be prepared by internal technical staff and filed with comments invited under section 53 of the FTAA. ES provided a response on 19 March 2026, which included certain additional information:

a. A landscape review prepared by Mike Moore;

[41] Minute 1 of the Expert Panel, dated 20 March 2026.

b. A seabed review prepared by Dr Keeley in October 2025, along with a response from Cawthron that was provided by the Applicant in response to that review (including revisions to the Seabed monitoring report);

c. Confirmation that Dr Keeley's review was included in the Application documents (within an appendix to the Water Column Assessment included as Appendix K to the Application), and SLR Consulting New Zealand Limited's (**SLR**) response to that review was also included in an appendix to the Water Column Assessment; and

d. Further comments from Dr Keeley on the seabed and water column reports included in the Application.

61 The Panel also directed the EPA to request the following further information under section 67 of the FTAA:

a. A request for legal submissions to be provided from the Applicant on specified matters, and for ES and DOC to address the submissions in their comments on the Application (along with any other party choosing to do so);[42] and

b. Information requested from the Applicant about proposed conditions.[43]

62 Legal submissions on the specified matters were received from the Applicant on 10 April 2026. These addressed:

a. How the HAP is reliant on an adaptive management approach;

b. The existing applicable legal principles relating to the use of adaptive management in the RMA context and whether the FTAA requires any amendments to the application of those principles; and

c. How the HAP's assessments and conditions have responded to those principles.

63 DOC and ES provided comments on the Applicant's legal submissions as part of their section 53 comments. As part of this, DOC also provided legal submissions on the adaptive management principles in the RMA context and whether the FTAA requires any amendments to the application of those principles.

64 The Applicant's response to questions about proposed conditions (as set out Minute 4) was received on 22 April 2026. The evolution of the draft conditions is discussed further below.

Invitations to comment

65 The Panel invited comments on the Application by minute dated 30 March 2026.[44] Responses to this invitation were due on 30 April 2026. Comments were received on time from the following:

a. Bravo Adventure Cruises;

[42] Minute 3 of the Expert Panel, dated 1 April 2026.
[43] Minute 4 of the Expert Panel, dated 8 April 2026.
[44] Minute 2 of the Expert Panel, dated 30 March 2026.

b. CRA8 Rock Lobster Industry Association Inc;

c. DOC;

d. ES;

e. Great South;

f. Minister for Māori Development;

g. Minister for Oceans and Fisheries & Minister for Regional Development;

h. Minister for the South Island & Minister for Hunting and Fishing;

i. MPI;

j. New Zealand Conservation Authority (**NZCA**);

k. PāuaMAC5;

l. Rakiura Tītī Island Administering Body (**RTIAB**);

m. Ruapuke Island Group Landowners (**RIGL**);

n. Southland Conservation Board (**SCB**);

o. Te Ao Mārama Inc; and

p. TRONT.

66 On 4 May 2026, the EPA received a late comment from Southern Inshore Fisheries Management Company Ltd (**Seafood NZ**), who advised that internet outages had prevented its comment being filed within time. The Panel, under section 81(6) of the FTAA opted to accept the late comment from Seafood NZ.[45]

67 The Panel would like to thank all parties who commented for their contributions. **Appendix C** contains a summary of all the matters raised in the comments. The matters raised are primarily discussed in Parts F to K of this Decision, as relevant to our evaluation, the approvals sought or proposed conditions.

68 The Panel, through the EPA, received various items of correspondence from parties either requesting to comment, or providing additional material. The Panel's response to this correspondence is recorded in the Panel's Minutes 5, 6, and 7 dated 6 May 2026, 18 June and 9 July 2026 respectively.

Applicant's response to invited persons comments

69 On 7 May 2026, the Applicant provided a response to the comments received on the Application from those persons who were invited to comment under section 53 of the FTAA. This included, amongst other matters, an updated set of draft consent

[45] Minute 5 of the Expert Panel, dated 6 May 2026.

conditions. These conditions were superseded by those provided later, as described at paragraphs [72] – [77] below.

70 The Panel has considered the Applicant's responses, and, where appropriate, refers to those responses within Parts F to L of this report.

Appointment of special advisor

71 On 8 April 2026 the Panel appointed Liz White as a special adviser to provide the Panel with additional support in decision writing matters.[46] This appointment was made under clause 10(2) of Schedule 3 of the FTAA. The Panel records its thanks to Ms White for her very valuable assistance with the drafting of this decision.

Conditions

72 The Application included a set of draft conditions. Since that time, the draft conditions have evolved, as follows:

a. In Minute 4 (dated 8 April 2026) information was requested from the Applicant about the proposed conditions. In its response (dated 22 April 2026), the Applicant proposed changes to various conditions, as well as identifying where conditions might need to be amended further if the Panel considered that the modified approach identified by the Applicant would be more appropriate than the approaches set out in the original draft conditions.

b. Various parties provided feedback on the draft conditions, including suggested amendments to conditions, as part of their formal comments. These are summarised in **Appendix C**.

c. In their comments on the Application both ES and DOC advised that they had not had sufficient time to address the Applicant's response to Minute 4 in their comments. In Minute 5 (dated 6 May 2026) the Panel requested that these parties provide their views by 18 May 2026. These parties provided feedback (received on 18 May), which identified where the amendments to the draft conditions proposed by the Applicant addressed their concerns, and where matters remained outstanding. ES also included feedback from Dr Keeley, but noted his ability to comment had been limited due to Dr Keeley being on leave.

d. On 7 May 2026, the Applicant provided a response to the section 53 comments. This included (in Attachment A to the response) various amendments to conditions.

e. In Minute 5, the Panel also indicated its intention to hold a Conditions Workshop in person in Christchurch and on-line to discuss any remaining areas of dispute regarding the draft conditions with the Applicant and any parties who provided comments.

f. Prior to the Workshop, the Applicant provided (22 May 2026) an updated set of conditions, including a draft Environmental Monitoring and Management Plan (**EMMP**). The Applicant also indicated its intention to engage with parties, particularly ES and DOC, in relation to the updated set of consent conditions with a view to resolving any remaining issues ahead of the other parties

[46] Minute 4 of the Expert Panel, dated 8 April 2026.

responding to the conditions and the proposed Conditions Workshop in late June.

g. As a result of those further discussions, a further updated set of conditions was then provided on 8 June 2026.

h. Both updated sets of consent conditions included commentary to explain the genesis of all proposed amendments, and collated the responses to Minute 4, the WAR, the section 53 comments, and ES and DOC's 18 May comments.

73 The Panel held a Conditions Workshop with participants on 23 June 2026, which was attended in-person in Christchurch, and online. A recording of the Workshop is available online. The purpose of the Workshop was to discuss the Applicant's suite of conditions dated 8 June 2026, to identify those matters that had been resolved with other parties, and those which remained outstanding. (Refer further Minute 7, dated 9 July 2026.)

74 Following the Conditions Workshop, the Applicant provide an updated set of proposed consent conditions on 1 July 2026, reflecting changes arising from the discussions held. This also included additional changes arising from further discussions held between the Applicant and ES following the Conditions Workshop. This included final drafts of the EMMP, Shark Management Plan (**SMP**), Marine Mammal Management Plan (**MMMP**) and Biosecurity Management Plan (**BMP**), noting that no further changes had been made from previous version of these, except in relation to the EMMP.

75 On 9 July 2026, the Panel issued a draft set of conditions on which comments were invited under section 70 of the FTAA. This condition set was based on the Applicant's 1 July 2026 conditions set, with changes proposed by the Panel. For changes that extended beyond grammatical or formatting changes, comments were included to explain the proposed changes. Additional comments also sought further clarification on some matters.

76 Comments were received from the Applicant, DOC, ES, Ngā Rūnaka ki Murihiku and TRONT. The Panel notes that no amendments were sought by Ngā Rūnaka ki Murihiku or TRONT, and only minor changes were identified by ES.

77 The Applicant also provided a response to comments made by other parties on 23 July 2026 (pursuant to section 70(4) of the FTAA), which included accepting some (but not all) of the changes sought. Having reviewed the Applicant's response, the Panel also provided a further opportunity for DOC to respond to the matters raised in that response.[47] A response from DOC was received on 29 July 2026, clarifying some matters arising from the Applicant's response.

78 We provide our findings in relation to consent conditions in Parts K and L.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

79 Under section 72 of the FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on this draft decision and draft conditions. In accordance with section 72(1), the Panel directed EPA provided a copy

[47] Minute 10 of the Expert Panel, dated 24 July 2026.

of the "*draft decision, including any draft conditions*." As expressly allowed for by section 72(1A), the Panel directed EPA comply with that obligation at the same time as it complies with section 70(1) (i.e. seeking comments on draft conditions).

80 In respect of the substantive matters raised, the Minister's response:

a. Encouraged the Panel to consider how monitoring results and data could be shared with RIGL and RTIAB, regarding their relevant declared interests;

b. Supported RTIAB's position that the area is utilised by tītī and should proceed with an elevated standard of cultural responsibility; and

c. Noted that the Project applies an adaptive management approach that will provide for changes to practises if unexpected adverse effects occur.

81 The Panel is grateful for the Minister's comments, and it has had regard to the matters raised. The Panel is satisfied that those participating in this process have recognised the cultural importance of tītī, and that has certainly been front of mind for the Panel.

82 The Panel deliberated over whether or not it should include any specific obligation on the consent holder to share monitoring results and other data with RIGL and RTIAB, however it ultimately decided that do so would not accord with its obligations under section 83 to not impose conditions that are more onerous than necessary.[48] Further, the Panel is confident the Applicant (as consent holder) will ensure that the information about tītī is shared with all relevant parties in a process that accords with tikanga. The Panel has ensured that the monitoring and reporting conditions forming part of the Seabird Management Plan (**SBMP**) (condition 46) specifically includes a requirement to record, respond to and report any seabird interactions or incidents with farm structures (which would include any seabirds becoming entangled), and this will ensure that any direct impacts on tītī can be identified.

Appointment of independent legal advisor

83 On 29 July 2026, the Panel appointed Brookfields to provide specific legal advice on two discrete matters that arose during the latter part of our consideration, namely:

a. What case law or guidance exists on what constitutes a material condition for the purposes of the aquaculture decision - the Panel's initial view being that the area of farming, and possibly the total number of pens or farms, would be material to a determination that there was no undue adverse effect on commercial, recreational or customary fishing; and

b. Whether the Panel can define the commencement of the consent as the issue of a notice by the Applicant, subject to a long-stop date by which the consent must commence - for example, that the consent will commence by 1 August 2029 unless the consent holder gives notice to Environment Southland that it wishes the consent to commence earlier.

[48] This is discussed further in Part L.

84 The response from Brookfields (Matthew Allan and Lisa Wansbrough) was provided on 4 August 2026. That advice was prepared very promptly and has been extremely helpful to the Panel in its final deliberations.

85 That advice was immediately circulated to the parties, who were advised that if any party wished to provide any comments in response, then that should be filed with the EPA by 12pm on 6 August 2026.

86 The EPA received an emailed response from ES, and a more substantive memorandum in response from the Applicant, both of which were passed on to the Panel.

87 Further discussion of the advice received, along with the response received from the Applicant, is addressed in our decision at Part J and Part L.

Hearing

88 The Panel has not required a hearing on any issue.

89 The Panel was able to adequately consider all issues based on the information available including the Application, comments received, responses to comments, the further information provided by the Applicant, ES, and other invited persons, and through the discussions at the Conditions Workshop. The material issues involved were comprehensively addressed in the documentation provided thereby resolving any technical expert differences of opinion. The remaining issues in dispute between the parties are very limited in scope and nature, and the Panel has sufficient evidence before it to make a finding on those matters.

Timing of the Panel decision

90 In accordance with the panel convenor minute dated 2 March 2026 the time frame for the Panel to issue its decision documents under sections 79 and 88 of the FTAA is 10 August 2026.

PART E: IDENTIFICATION OF REGIONAL AND NATIONAL BENEFITS

Legal context

91 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

92 As noted above in Part C, section 81(4) of the FTAA specifically requires the Panel to consider the extent of the Project's regional or national benefits.

93 The assessment of adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval can only be declined if the adverse impacts are sufficiently significant to be out of proportion to the identified regional or national benefits.[49]

94 There is no specific definition of significant regional or national benefits in the context of listed projects. Section 22 of the FTAA, which relates to the criteria for assessing a referral application, provides the following (relevant sub-clauses shown):

> *(2) For the purposes of subsection (1)(a), the Minister may consider—*
> *(a) whether the project—*
> *(i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:*
> *…*
> *(iv) will deliver significant economic benefits:*
> *(v) will support primary industries, including aquaculture:*
> *…*
> *(x) is consistent with local or regional planning documents, including spatial strategies:*

95 While acknowledging that those matters relate to consideration of a referral application, the Panel finds that it is appropriate to apply those same types of considerations to an assessment of a substantive application. Given the FTAA's core focus on regional and national benefits, it would be anomalous if the criteria for referral into the FTAA process could not be applied to an assessment of any resulting substantive application. The Panel also records that while it finds assistance from section 22, it does not consider that list of matters to be an exhaustive list, and that the Panel may consider (and has considered) other regional and national benefits not listed.

96 In respect of those matters in section 22(2), the Panel finds that the Project will assist with the development of New Zealand's aquaculture industry which has been identified as a priority project (sub-clauses (2)(a)(i) and (v)), the Project will deliver significant economic benefits as described immediately below (sub-clauses (2)(a)(iv)), and the Project is consistent with regional planning documents (sub-clauses (2)(a)(x)).

Summary of Other Benefits Identified

97 A summary of the anticipated national and regional economic and employment benefits is set out in the Application at section 5.2. A full economic assessment is set out in Appendix I of the Application, which concludes that the HAP will deliver significant economic benefits. Below, we summarise the key benefits that have been identified:

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[49] Section 85(3) of the FTAA.

a. In the establishment phase:

- Regional 'Value Added' (VA)[50] of between $61 and $78 million, with 200-260 jobs created.
- National VA of between $175 and $215 million, with 660-840 jobs created.

b. In the operational phase:

- Regional VA of between $781 and $888 million, with 415-480 jobs created.
- National VA of between $1.7 and $2.05 billion, with 800-1,040 jobs created.

c. A return to households, from the total economic activity associated with the HAP, of up to $841m, of which $386m will be to households in Southland.

d. At full scale, a contribution of approximately $500m in annual gross revenue. For completeness, we note that in Minute 7, dated 9 July 2026, we requested confirmation that this figure was correct, and for advice on how many years the HAP was expected to operate "at full scale". The Applicant confirmed this figure was taken from the Murihiku Southland Aquaculture Pathway 2025 (**MSAP**), which was in turn supported by work undertaken by Infometrics. The Applicant also noted that the MSAP assumed that it would take 10 years for the HAP to be at full scale, thereby allowing 15 years for it to operate at full scale, based on a 25-year consent.[51]

e. Social and community benefits arising from the four funds proposed by the Applicant.

f. The contribution of the HAP towards the achievement of the goals for aquaculture growth at both the regional and national level (this is discussed further in Part G).

Section 53 Comments on benefits

98 Many of those who provided comments either did not specifically refer to the potential benefits or expressly recognised that there would be such benefits. The latter include:

a. PāuaMAC5 - the HAP will lead to port and other infrastructure improvements of broader benefit to others and additional employment opportunities.

b. Minister for the South Island / Minister for Hunting and Fishing – the Project will deliver significant regional economic benefit, including job creation and regional investment benefits.

c. ES – the HAP's significant regional benefits and alignment with the MSAP.

[50] What this includes in summarised in footnote 17 of the Application.
[51] Applicant's response to Minute 7, dated 17 July 2026.

d. Minister for Oceans and Fisheries / Minister for Regional Development – the Project will have significant regional economic benefits, including generation of substantial economic and employment benefits for Southland.

e. Ngā Rūnaka ki Murihiku – the HAP provides significant opportunities for Murihiku, including high-quality employment for whānau, the opportunity to reconnect whānau back to this site, workforce development pathways for rangatahi, increased regional economic activity and long-term industry stability, opportunities for co-design, and intergenerational benefits aligned with whānau wellbeing and sustainable regional growth.

f. TRONT – the HAP will be a tribal asset, advancing the tribal economic base and continuing the ancestral relationship with the moana, providing an opportunity for Ngāi Tahu to be actively involved in the aquaculture industry delivering positive outcomes for mana whenua, the environment and the wider tribe.

99 The only comment that raised any issues with the assessment of benefits was from Great South. That organisation noted that the economic assessment assumes a Business-as-Usual scenario, which does not take into account changes that might impact the Chinook Salmon fishery, such as climate change effects. It also noted that its own analysis more conservatively estimates the economic benefits of the HAP at $498m, and 298 jobs created. However, Great South also stated that their analysis was based on older information, also assumes a Business-as-Usual scenario, and was undertaken for a different purpose. Overall, it accepted this Project will 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.

Assessment

100 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 the benefits of the HAP are regionally significant. To the extent that the Project contributes materially to the development of New Zealand's aquaculture industry, then those benefits are arguably also nationally significant.

101 Furthermore, the Panel is aware that the assessment of benefits under the FTAA is not limited strictly to financial benefits, and it must also include broader social and cultural benefits that arise from the Project. These wider social and cultural benefits, in particular, the cultural benefits identified by mana whenua are, in the Panel's view, regionally significant. In that regard, the Panel draws particular attention to the following comment received from TRONT:

> *The project 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*.[52]

102 In undertaking this assessment, we have not been provided with any evidence about any material financial or other disbenefits that should weigh against the finding we have made about the regional significance of the benefits identified.

[52] Te Rūnanga o Ngāi Tahu section 53 comments, 30 April 2026.

PART F: EVALUATION OF EFFECTS

103 Clause 5(4) of Schedule 5 to the FTAA requires a consent application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. The Application provided an assessment of these matters in section 10, which was in turn informed by a range of technical assessment contained in appendices to the Application. Participants who commented also raised a range of actual and potential effects.

104 The potential adverse effects discussed included:

a. Seabed Effects;

b. Water Column Effects;

c. Effects on Marine Life;

d. Biosecurity and Disease Risk Effects;

e. Effects on Natural Character, Landscape and Visual Amenity;

f. Cultural Effects;

g. Effects on Navigation;

h. Effects on Commercial Fisheries;

i. Effects on Recreation and Tourism;

j. Noise Effects; and

k. Effects from Waste Material and Hazardous Substances.

105 Significant positive effects will also accrue from the Project. These include:

a. Economic Benefits and Costs;

b. Value Added and Employment Impacts; and

c. Cultural and social benefits.

106 We have thoroughly read all effects assessment reports and expert review comments and have had the opportunity to question experts about the key issues at the Panel Overview Conferences and again at the Conditions Workshop. We briefly summarise the expert conclusions regarding effects below and a cross-reference the final conditions that we have imposed to effectively manage and monitor identified effects.

107 Prior to discussing the information before us on each effect it is important to say that from an overall assessment perspective, we find that the Applicant has provided a comprehensive and well researched suite of effects assessments as part of its substantive application for the Panel's consideration. Furthermore, throughout its substantive application preparation and ensuing FTAA decision making process, it is evident that the Applicant has been proactive in engaging with the two relevant administering agencies, ES and DOC, including with their respective expert reviewers.

108 During the Panel Overview Conference held on 17 March 2026 the Panel asked the two administering agencies if they considered the Panel had sufficient expert evidence in front of it to properly consider the Application and both agencies replied they did. We agree with that conclusion.

109 Following the Applicant's responses to the Panel's requests for more certain and definite conditions (requested in our Minute 4 dated 8 April 2026), completion of the comments process under section 53 of the FTTA, and the outcome of the 23 June 2026 Conditions Workshop, we record that in relation to effects assessment and management matters there are no principal issues in contention between experts. There are, however, some legal/planning process matters associated with the conditions as set out in Parts H – L of this decision.

Seabed Effects

110 *Cawthron* (Dr Bennett, Dr Smeaton, Ms Floerl and Dr Casanovas) provided an assessment of the potential effects of organic material (farmed fish faeces, uneaten feed, and additives) and structures (installation and long-term occupation) on the seabed habitats and communities in the area associated with the HAP.[53] The assessment was undertaken utilising modelling, baseline data and existing literature. Initial assessments and modelling undertaken by Cawthron first starting in 2018 had been updated in this report to include various refinements to the HAP made by the Applicant following the declined CRFTCA application.

111 The Cawthron assessment concluded that, overall, the proposed development is not expected to result in adverse seabed effects, and seabed ecological integrity is likely to be maintained. The assessment makes several recommendations for managing seabed effects to defined standards and in terms of baseline and ongoing monitoring that have been adopted.

112 Dr Keeley, an experienced marine scientist peer reviewed the seabed effects assessment undertaken on behalf of ES, and he agreed with both the methodology undertaken by Cawthorn and with the conclusions of its report. His peer review noted that the conservative approach to the assessment was likely to have overestimated any effects on the seabed ecology resulting from the deposition of organic material.

113 For DOC, Dr Rodgers provided detailed comments under section 53 of the FTAA in relation to the potential effects on the seabed environment, and importantly on conditions designed to manage and monitor such effects. She noted that the improved confidence in the spatial extent and boundaries of biogenic habitat types since the previous CRFTCA application *"is an important advancement in identifying, avoiding and monitoring these habitats".*[54] Dr Rodgers suggested a range of condition improvements, many of which have been adopted by the Applicant in its final proposed conditions set dated 1 July 2026.

Conditions Proposed to Manage Seabed Effects
Management of seabed and water column effects – Condition 70
Adaptive Management – Conditions 71 to 82
Staging – Conditions 83 to 85

[53] Cawthron, 21 November 2025, *Assessment of seabed effects associated with farming salmon offshore of northern Stewart Island / Rakiura*. Appendix M of the Application.
[54] Department of Conservation section 53 comments, 23 April 2026.

Water Column Effects

114 The Applicant engaged *SLR* (Dr Wilson, Mr Forrest, Mr Zyngfogel, Dr McComb and Mr Greer) to characterise and evaluate the potential effects of the HAP on the water quality, phytoplankton, and dissolved oxygen within the water in the area of the HAP.[55] SLR also provided an assessment of the potential influence of artificial lighting required for the HAP on this area.

115 The modelling undertaken by SLR showed that the effects on water quality and ecological process in relation to ammonia toxicity, nutrient enrichment and oxygen depletion would be low within the area of the HAP itself and negligible / not ecologically meaningful in the surrounding area. Those experts make several recommendations for managing seabed effects to defined standards and in terms of baseline and ongoing monitoring that have been adopted.

116 SLR concluded that the underwater lighting would not have a measurable impact on the ecological process at the levels and depths that are proposed by the Applicant.

117 ES engaged Dr Keeley to peer review the SLR report and recommendations. Dr Keeley provided a range of useful clarification questions that have been responded to by the Applicant both prior to and through the section 53 comments process. He explained to us at the Conditions Workshop that, subject to some further minor conditions clarifications, he was satisfied that the Applicant's expert assessments and associated conditions framework were appropriate.

Conditions Proposed to Manage Water Column Effects
Management of seabed and water column effects – Condition 70
Adaptive Management – Conditions 71 to 82
Staging – Conditions 83 to 85

Effects on Marine Life

118 The Applicant engaged several experts to consider the effects of the HAP on marine mammals, seabirds, sharks and wild fish. The Applicant noted that the aim is to avoid attracting marine species to the Project area, and management plans provided with the Application address this as well as setting out the measures that will be undertaken to avoid or mitigate any adverse effects if species are attracted to the HAP area.

<u>Marine Mammals</u>

119 A desktop assessment of the effects of the HAP on marine mammals (whales, dolphins, fur seals and sea lions) was undertaken by Dr Clement of *Cawthron.*[56] Habitat displacement, avoidance and entanglement, noise and underwater lighting were all considered as potential effects on these species, with the assessment concluding that the effects would be low to moderate based on spatial and temporal factors associated with the species. A comprehensive MMMP, a draft of which was provided with the Application, adopts protection, best management practices and ongoing monitoring and review that will ensure any effects on marine mammals are both managed and remain appropriate.

[55] SLR, 6 November 2025, *Water Column Assessment, Hananui Aquaculture Project*. Appendix K of the Application.
[56] Cawthron, 7 November 2025. *Effects of Hananui Aquaculture Project on marine mammals*. Appendix N of the Application.

120 Ms Corne*,* a DOC Marine Mammal expert, provided an experienced expert view on cetaceans. Her conclusions were that *"the AEE and MMMP provide a comprehensive overview and reasonable management strategy for avoiding, minimising and mitigating entanglement, farm interactions and vessel strike".*[57]

121 Dr Weir provided a review of the Application in relation to potential effects on known pinniped (i.e., sea lions, fur seals and true seals) as part of the DOC section 53 response. She emphasised the critical nature of "*the collection of baseline data on pinnipeds and continued monitoring throughout all phases of development and operation".*[58]

122 The final MMMP conditions have had input from DOC experts, and that management plan is to be completed and certified prior to the construction of marine farm structures, with ongoing monitoring and review required.

Conditions Proposed to Manage Marine Mammal Effects Certification Conditions – Conditions 2 to 5 Marine Mammals Management– Conditions 36 to 42

<u>Sea Birds</u>

123 Dr Bull of *BlueGreen Ecology Limited* provided an assessment of the effects of the HAP on coastal and marine avifauna (seabirds),[59] based on the key species that had been recorded near the HAP site. The potential risks of the HAP to seabirds included entanglement, habitat exclusion, changes to food supply, disturbance, marine litter, attraction to artificial lighting, and vessel or propeller strike, while the presence of structures associated with the HAP would benefit some species by providing new roosting habitat.

124 Overall Dr Bull considered that, with the measures outlined in the SBMP provided by the Applicant, the HAP would not have a significant effect (i.e. it would be a low to very low effect) on most seabirds in the area. Dr Bull did however note that the effect on Foveaux shag and Spotted shag from entanglement and the Whenua Hou diving petrel from attraction to the artificial lighting had the potential to be moderate.

125 Two senior DOC sea bird experts (Mr Taylor and Dr Schultz) provided advice to the Panel in DOC's section 53 comments response.

126 Mr Taylor provides advice on known seabirds in the Foveaux Strait area and confirms the Applicant's expert has assessed the known species. He confirmed that the proposed SBMP was largely fit for purpose, providing commentary on the need to have more specific detail about euthanising birds on site, and some pen management aspects. He concludes that *"The applicant has done a good job in recognising important seabird values and identifying measures to reduce potential impacts with the proposed marine farm".*[60]

127 Dr Schultz gave specific advice regarding the potential effects of the proposed marine farming activity on hoiho / yellow-eyed penguin. While agreeing with Mr Taylor

[57] Department of Conservation section 53 comments, 23 April 2026.
[58] Department of Conservation section 53 comments, 23 April 2026.
[59] BlueGreen Ecology, 8 November 2025. *Hananui Aquaculture Project: Coastal & Marine Avifauna Assessment – Fast Track Approvals*. Appendix O of the Application.
[60] Department of Conservation section 53 comments, 23 April 2026.

regarding the overall comprehensive approach by the Applicant, he did recommend further discussions with DOC experts on conditions matters around entanglement events and lighting.

128 We have been advised that since the April 2026 section 53 comments there has indeed been further dialogue on seabird management and monitoring conditions between the experts and on 1 July 2026 following the earlier Panel convened Conditions Conference, DOC confirmed that; *"A copy of the Seabird Management Plan (SBMP) dated 6 May 2026 was provided to DOC on 30 June 2026. This version reflects updates made in response to DOC's s 53 comments, no further changes are requested."*

129 For completeness, the RTIAB provided comments to us under section 53 of the FTAA and also tabled and spoke to a document associated with conditions and management plan provisions at the Conditions Workshop.

Conditions Proposed to Manage Sea Bird Effects
Certification Conditions – Conditions 2 to 5
Seabirds Management – Conditions 43 to 49
Lighting – Condition 67

<u>Sharks</u>

130 The Applicant engaged Dr Finucci of *Earth Sciences New Zealand (formerly NIWA),* to provide advice to the Applicant regarding the effects of the HAP on two shark species known to be present in the Project area and most likely to interact with a marine farm - the white shark (*Carcharodon carcharias*), and the broadnose sevengill shark (*Notorynchus cepedianus*).[61] Dr Finucci considered that the most likely impact of the HAP on these species would be through entanglement and entrapment, however, with the implementation of avoidance and mitigation measures, the effects would be minimised. The Applicant developed a SMP for this purpose and, with this in place, the overall assessment by Dr Finucci was that any adverse effects on shark species associated with the HAP would be relatively low.

131 In the section 53 comments package, DOC Senior Marine Science Advisor, Dr Middlemiss reviewed the work and draft SMP prepared by Dr Finucci. She concluded that: *"To the best of my knowledge, the applicant has sufficiently outlined in the shark management plan the mitigations/actions required to protect sharks from potential interactions with the fish farm".*[62]

132 The final SMP conditions have had input from DOC experts and the management plan is to be completed and certified prior to the constriction of marine farm structures, with ongoing monitoring and review required. Furthermore, on 1 July 2026 a letter from DOC confirmed that; *"DOC staff have reviewed the Draft Shark Management Plan (SMP) dated June 2025 that was lodged with the substantive application and are comfortable with this version".*

Conditions Proposed to Manage Shark Effects
Certification Conditions – Conditions 2 to 5
Shark Management – Conditions 50 to 56

[61] NIWA, June 2025. *Shark assessment for the proposed fish farm off northern Stewart Island/Rakiura*. Appendix P of the Application.
[62] Department of Conservation section 53 comments, 23 April 2026.

Wild Fish

133 The Applicant relied on the advice provided by Mr Taylor and Mr Dempster in 2021 on the effects of salmon farming in the Project area on wild fish species.[63] Data from other fish farms in New Zealand and internationally was utilised in the assessment, and the authors concluded that while fish can be attracted to fish farms it was not considered either a positive or negative effect.

134 The assessment notes that while there may be changes to the availability of food for wild fish (through waste feed and changes to the benthic species), harmful contaminants such as organ halogenated compounds and heavy metals are not expected to build up to levels that would affect fish health. The assessment concludes that the effects of marine farming on wild fish around the HAP would be likely to be no more than minor.

Conditions Proposed to Manage Wild Fish Effects
No Specific Conditions

Biosecurity and Disease Risk Effects

135 Dr Forrest (*Salt Ecology*) and Dr Johnston (*Brightwater Partners*) provided an assessment of the marine biosecurity risks associated with the HAP.[64] The authors considered the risks associated with the introduction of new organisms (specifically marine pests and pathogens) and factors that would spread others that are already present, alongside processes associated with the HAP that would impact these.

136 Possible biosecurity risk pathways for the introduction of new pests or the spread of pathogens include the movement of vessels in the area, the presence of farmed salmon stock and biofouling of farm structures and vessels. Each of these can be mitigated through the measures outlined in the BMP prepared by the Applicant. With the implementation of these measures, Dr Forrest and Dr Johnston considered the biosecurity risks of these pathways to be negligible to minor. The impact on the Bluff oyster fishery was also considered by the experts, who concluded that the risk from HAP would be extremely low.

137 Overall, they concluded that the implementation of the measures within the BMP ensured that the effect of the HAP would be no more than minor.

138 ES have reviewed the relevant conditions and BMP and confirmed in its section 53 comments dated 29 April 2026 that they have had input into the BMP.

Conditions Proposed to Manage Biodiversity and Disease Risk Effects
Certification Conditions – Conditions 2 to 5
Biosecurity – Conditions 57 to 63

[63] Statfishtics and Melbourne University, August 2021. *A discussion on the effects of salmon farming on the wild fish fauna of an area in Foveaux Strait and management options for avoiding, remedying, and mitigating any adverse effects including proposed methods for monitoring and investigating the impact of deploying a sea pen salmon farm in the area*. Appendix Q of the Application.

[64] Salt Ecology, September 2025. *Hananui Aquaculture Project: Marine Biosecurity Assessment of Effects*. Appendix U of the Application.

Effects on Natural Character, Landscape and Visual Amenity

139 The assessment provided by Mr Coombs of *Isthmus*[65] and the report prepared by Ms Cain for *Te Ao Mārama Inc* and *Ngāi Tahu ki Murihiku*[66] are linked through the memo from Mr Coombs and Ms Cain from Kauati.[67] This memo describes the methodology utilised for the assessment of natural character, landscape and visual amenity where both a western and a Mātauranga Māori perspective was employed. Although the approaches are informed by different cultural lenses, they arrive at largely consistent conclusions about the appropriateness of the HAP.

140 The overall conclusion reached by Mr Coombs was that the HAP will not result in adverse effects on identified outstanding natural features, landscape, or natural character values and can be appropriately integrated into the landscape and seascape of Te Ara a Kiwa. The peer review undertaken on behalf of ES by Mr Moore also largely aligned with the assessment provided by Mr Coombs.

141 The assessment prepared by Ms Cain summarises the views of mana whenua, namely that, for Ngā Rūnaka ki Murihiku, the HAP is located appropriately and will enable mana whenua to remain connected with place.

142 As recorded earlier, the Panel undertook a site visit on 14 April 2026 and viewed the Site from key land-based Rakiura locations assessed by the landscape architects and Ms Cain. While not experts in this field it was helpful for us to correlate the expert advice with our own observations.

Conditions Proposed to Manage Natural Character, Landscape and Visual Amenity Effects
No specific conditions

Cultural Effects

143 A comprehensive Cultural Impact Assessment was prepared on behalf of Ngā Rūnaka ki Murihiku by Dr Tipa of *Tipa and Associates Limited.* The report outlines adverse cultural effects to be avoided and acknowledges that some of the issues can be addressed by consent conditions and monitoring, while others require ongoing discussions with Ngā Rūnaka ki Murihiku.

144 Comments under section 53 of the FTAA were received from TRONT on 30 April 2026. In supporting the Application TRONT stated that: *"The project 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."*

145 Te Ao Marama Inc (on behalf of Ngā Rūnaka ki Murihiku) commented pursuant to section 53 of the FTAA on 29 April 2026 and in these comments affirms their support for the HAP, noting it has been closely involved in the Project's development and that it supports the conditions framework.

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[65] Isthmus, 20 November 2025. *Natural Character, Landscape and Visual Assessment Report*. Appendix T of the Application. Attachment 1 to Environment Southland's response to Minute 1.
[66] Te Ao Mārama Inc, July 2025. *Ngā Hua o Āpiti Hono Tātai Hono Proposed Hananui Aquaculture Area, 2022 updated July 2025*. Appendix D of the Application.
[67] Isthmus and Kauati, 24 November 2025. Āpiti Hono Tātai Hono and Landscape Assessments. Appendix EE of the Application.

146 As referenced above the RTIAB have commented on the Project under section 53 of the FTTA. Its specific concern is potential impacts on Tītī (Sooty Shearwater, *Ardenna grisea*) and it sought further involvement in the monitoring and management of tītī. The process issues associated with the RTIAB and its relationship with the Applicant and administering agencies is discussed in Part L.

Conditions Proposed to Manage Cultural Effects
Hananui Community, Environmental, and Health & Education Funds – Conditions 88 to 92 [Noting these are "*Augier* Conditions" and also include wider community support]

Effects on Navigation

147 The Applicant provided an assessment of navigation risks of the HAP prepared by Mr Bermingham of *Navigatus*[68] in which the impact of marine farm structures and feed barges, and the potential hazards of mooring failure, are considered. The assessment concludes that the Project's navigation risks would be low with the implementation of the proposed marking and lighting, robust design, and ongoing monitoring of the mooring structures.

148 In its section 53 comments, ES confirmed that the Harbourmaster has closely scrutinised the Application material associated with navigational safety and has not raised any specific concerns. The comments do discuss potential breakaway events and their response, along with the need for appropriate decommissioning conditions. These aspects were discussed with the Panel at the Conditions Workshop. ES has confirmed to the EPA in an email dated 30 June 2026, which the Panel has seen, that they have liaised with the Applicant and agreed with the Applicant on updated condition wording.

Conditions Proposed to Manage Effects on Navigation
Structures – Conditions 10 to 29
Navigational Safety – Conditions 30 to 31
Boat Traffic – Conditions 68 to 69

Effects on Commercial Fisheries

149 The spatial displacement of fishing effort and environmental changes affecting wild fish were considered by Ms Gibbs of *Fathom Consulting Ltd*[69] to be the primary effects of the HAP on commercial fisheries operating in the area. The conclusion of the assessment based on existing data was that overall, at a fishery wide level, fishing effort will not be impacted and while some individual fishers may see an impact, this was no more than minor. The assessment also concludes that the HAP may attract some commercially harvested fish, such as blue cod, but any changes are expected to be localised and are not expected to affect fish populations overall.

150 Overall, Ms Gibbs determined that the HAP has been designed to avoid important fish habitats, and potential concerns about seafood safety, diver safety, debris, vessel interactions, and increased recreational fishing can be managed.

[68] Navigatus, 6 November 2025. *Hananui Aquaculture Project Navigational Risk Assessment*. Appendix L of the Application.
[69] Fathom Consulting Ltd, 30 September 2025. *Hananui Aquaculture Project: Characterisation and assessment of potential impacts on commercial fishing*. Appendix S of the Application.

Conditions Proposed to Manage Effects on Commercial Fisheries
No specific conditions

Effects on Recreation and Tourism

151 Ms Strong of *Thrive Spaces and Places*[70] prepared an assessment of the effects on recreation and tourism values of the HAP. Consultation informed the assessment, alongside a review of other relevant technical assessments. In considering matters raised, Ms Strong reached the conclusion that overall any effects on recreational values and on public access as a result of the HAP would be no more than minor.

Conditions Proposed to Manage Effects on Recreation and Tourism
No specific conditions

Noise Effects

152 An independent technical assessment of noise effects was not provided with the Application with the Applicant noting that the relevant noise standards are expected to be achieved based on data from other salmon farm sites.

Conditions Proposed to Manage Effects on Noise Effects
No specific conditions

Effects from Waste Material and Hazardous Substances

153 Based on its own experience the Applicant provided an overview of the initiatives that will be undertaken to reduce any adverse effects from waste materials and hazardous substance and committed to the development of standard operating procedures to address waste management. They have included in the proposed conditions appropriate waste management conditions.

Conditions Proposed to Manage Effects from Waste Material and Hazardous Substances
Waste Management – Condition 64

Economic Benefits and Costs

154 Mr McIlrath, a Director of *Market Economics Ltd*, produced an Economic Assessment Report.[71] His key findings have been discussed above, but are outlined in more detail below:

> *In addition to the capital costs, economic resources are used to produce the goods. These resources have costs that must be considered. The present value (discounted at 2% over 30 years) of the key items are:*
>
> *<u>Benefit</u>*[72]
> *• Foreign receipts earned (export, gross) $5.04bn,*

[70] Thrive Spaces and Places, October 2025. *Hananui Aquaculture Project Recreation and Tourism Assessment*. Appendix R of the Application.
[71] Market Economics Ltd, November 2025. *Hananui Aquaculture Project Economic Assessment*. Appendix I of the Application.
[72] The value excludes any benefits that New Zealand consumers might enjoy from the lift in product that is available, including increase consumption, lower prices or consumer surplus. The direct value is estimated at $1bn (over 30 years, discounted at 2%).

> • *Labour benefit (gross) $0.8bn,*
> • *Terminal value $25m.*
>
> *Costs*
> • *Establishment costs $218m,*
> • *Resources used $5.01bn,*
> • *Employment/labour costs $0.75bn*
>
> *The size of the potential (gross) benefits is clear, over $5.8bn in gross benefits with the bulk of this being associated with the foreign receipts generated for New Zealand. A portion of the benefits is associated the labour market shifts. The total benefits are delivered after the capital expenditure (costs) associated with the infrastructure investment. The business activity incurs a range of costs in the form of economic resources used and this is estimated at $5.01bn.*[73] *The labour cost (opportunity cost) is estimated to be in the order of $0.75bn and is based on the salary and wage costs observed in the seafood processing sector (a conservative position).*[74]

155 As also discussed above, Ms Brown, General Manager of Regional Strategy at Great South, provided comments under section 53 of the FTAA on 7 April 2026. Ms Brown takes a more circumspect approach noting that the Market Economics Report presents a Business-as-Usual scenario out to 2050 that may be implausible for a variety of environmental reasons. She references their own analysis in a report they commissioned by *Infometrics.*[75] That report suggests that the economic benefits of the HAP are more conservative with full scale revenue estimated at $498m.

156 The Applicant responded to the Great South comments, drawing on additional evidence from Mr McIlrath, and stating that:

> *NTS remains confident in the input data and assumptions provided for the modelling exercise. While we acknowledge Great South's perspective, we consider the modelling assumptions reflect the specific characteristics and operational context of the proposed project, rather than a simple 'business as usual' scenario.*

Value Added and Employment Impacts

157 In his Economic Assessment, Mr McIlrath covers his assessment of Value Added and Employment Impacts based on two scenarios. In summary his analysis indicates:

a. One-off/establishment impacts in the Southand Region of between $61m (High Imports) and $78m (Domestically Supplied);

b. New Zealand wide one-off/establishment impacts of between $175m (High Imports) and $215m (Domestically Supplied);

c. Ongoing/operational impacts in the Southland Region between $781m (High Imports) and $888m (Domestically Supplied);

d. New Zealand wide ongoing/operational impacts between $1.7bn (High Imports) and $2.05bn (Domestically Supplied);

e. Between 200 and 260 jobs for the one-off/establishment activities; and

f. Between 415 and 480 jobs for the ongoing activities.

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[73] The difference between the gross benefit and the cost of resources used is a proxy for producers surplus.
[74] The potential gain in salaries for people attracted to the venture is assumed to be +5%. For context, the sectoral average wage/salary is estimated at $68,500/year, which is 40% greater than the minimum wage.
[75] Infometrics, July 2025. Southland Aquaculture and Fishing baseline and Forecast Scenarios for Great South.

Cultural and Social Benefits

158 The Panel acknowledges the section 53 comments from Te Ao Marama Inc dated 29 April 2026 who recognise the significant opportunity the project presents for Murihiku, including:

a. Generation of high-quality employment for whanau;

b. Workforce development pathways for rangatahi;

c. Increased regional economic activity for long-term industrial stability;

d. Opportunities for co-design of research, environmental monitoring, and mātauranga integration; and

e. Intergenerational benefits aligned with aspirations for whanau wellbeing and sustainable regional growth.

PART G: EVALUATION OF PLANNING AND POLICY FRAMEWORK

159 This section considers those planning and regulatory instruments relevant to the HAP.

160 The AEE addressed the relevant statutory documents and identified relevant provisions.[76] These are:

a. New Zealand Coastal Policy Statement (**NZCPS**);

b. Southland Regional Policy Statement (**RPS**);

c. RCP;

d. Te Tangi a Tauira The Cry of the People (Te Tangi a Tauira);

e. Stewart Island/Rakiura Conservation Management Strategy (**CMS**) and Rakiura National Park Management Plan (**NPMP**);

f. New Zealand Aquaculture Strategy 2019 (**NZAS**);

g. New Zealand Aquaculture Development Plan 2025-2030 (**NZADP**); and

h. MSAP.

161 The Panel has considered the analysis of all these provisions. Rather than repeat that analysis, this section addresses the provisions of particular relevance to the Application and any comments received in relation to these documents.

National Policy Statements

162 The only relevant National Policy Statement that we must take into account under clause 17 of Schedule 5 to the FTAA is the NZCPS, which was addressed in section 13.5.1 of the Application.

163 The NZCPS relates to the coastal environment (**CE**). It includes various provisions that relate to protecting and preserving particular areas or values within the CE. Of particular relevance to the HAP, this includes:

a. Under Policy 3, the adoption of a precautionary approach towards proposed activities whose effects on the CE are uncertain, unknown, or little understood, but potentially significantly adverse.

b. Under Policy 11, direction on how indigenous biological diversity in the CE is to be protected.

c. Under Policy 13, outlining how the natural character of the CE is to be preserved and protected from inappropriate subdivision, use, and development.

d. Under Policy 15, outlining how natural features and natural landscapes (including seascapes) of the CE are to be protected from inappropriate subdivision, use, and development.

[76] Sections 13.5.1 – 13.5.7 of the Application.

e. Under Policies 22 and 23, providing direction on the discharge of contaminants.

164 The NZCPS also includes provisions relating to the use of the CE (and how this contributes to wellbeing), with Objective 6 noting that functionally some uses and developments can only be located in the CMA, and that "*the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits*".

165 Policy 8 is specific to aquaculture and outlines how the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities is to be recognised. Policy 8(a) includes direction for regional coastal plans to include provision for aquaculture activities in appropriate places in the CE, and Policy 8(b), updated through amendments made in 2025, requires taking into account the ecological, cultural, social and economic benefits of aquaculture.

166 The NCZPS also includes provisions setting out how the principles of the Treaty of Waitangi are to be taken into account, and the involvement of tangata whenua provided for, in the management of the CE (Objective 3 and Policy 2).

167 In its feedback, ES notes that amendments were made to the NZCPS that took effect on 15 January 2026, after the substantive application for the Project was lodged. It notes, relevantly, that changes were made to Policy 8, pertaining to aquaculture activities. Specifically, when recognising the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities, Policy 8 now requires decision-makers to take into account wider benefits, including the ecological and cultural benefits of aquaculture (rather than only social and economic benefits previously). ES states that an important benefit of the Project is its enabling of cultural well-being as a modern expression of mahinga kai.[77]

168 DOC states that the potential effect on benthic habitat that is of most concern to it, as is the deposition of organic material on ecologically significant indigenous biogenic ecosystems. It states that there are three types of biogenic habitat known to exist in the area, and these represent "*indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare*". As such, DOC submits that Policy 11(a)(iii) of the NZCPS applies to these habitats, requiring that adverse effects on these types of habitats are avoided (and that this direction takes precedence over the less strict approach to effects management set out in Policy 11(b)(ii)).[78]

169 DOC also raises concerns that the modelling undertaken by the Applicant predicts that, due to the strong currents and resuspension of farm waste, farm-related organic deposition would be dispersed into areas around the farms, where biogenic habitats exist, with the effects of this on biogenic ecosystems being unknown, due to salmon farming not having been undertaken in this type of environment previously, and because the assessment is based on a predictive mathematical model, rather than monitoring of existing activities. It holds concerns that if damage does occur to frame-building bryozoan habitats, recovery can be slow. In this context, DOC considers the requirement in Policy 3 to adopt a precautionary approach is relevant, and seeks a condition to 'enforce' specific setbacks distances from biogenic habitat.[79]

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[77] Environment Southland section 53 comments, dated 29 April 2026, Section 1.4.
[78] Department of Conservation section 53 comments, dated 23 April 2026, paragraphs 3.3.2-3.3.3
[79] Department of Conservation section 53 comments, dated 23 April 2026, paragraphs 3.3.5 – 3.3.8.

170 In terms of Policies 13 and 15 of the NZCPS, which pertain to areas of outstanding natural character and on outstanding natural features and landscapes, DOC consider that landscape and natural character are key considerations for the Panel given the relatively unspoilt nature of the northern Rakiura landscape / seascape and the direction of these policies in relation to this landscape/ seascape. It considers that a robust assessment of potential adverse effects on natural character and landscape is required, in terms of the Panel's consideration under section 85 of the FTAA, as to 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. DOC suggested that the Panel commission its own review of the Applicant's landscape and natural character assessment or obtain additional independent landscape advice. The Panel considered this request, but decided against seeking any further landscape assessment, given the thorough Applicant's landscape assessment[80] and the peer review already undertaken on behalf of ES.[81]

171 NZCA notes that the assessment undertaken by the Applicant against Policy 11 of the NZCPS does not include consideration of marine macroalgae, or of habitats and ecosystems that are defined by marine macroalgae, such as coralline algae and rhodoliths, which it considers fall within those areas or habitats referred to in Policy 11(b)(i)-(iii). That policy directs significant adverse effects on these areas/habitats are to be avoided, and other adverse effects to be avoided, remedied or mitigated.[82]

172 MPI considers that the Application is consistent with policies 8, 11 and 12 of the NZCPS.

173 We have reviewed the expert assessment material associated with NZCPS provided by the Applicant and the various comments mentioned above and concur with the overall planning analysis provided by the Applicant's advisors in the Application.[83] This analysis has drawn on the range of comprehensive expert effects assessments provided in the Application, none of which have been materially challenged by any other expert view presented for our consideration. Further comment is in Part H.

Southland Regional Policy Statement (RPS)

174 The relevant provisions from the RPS are set out and evaluated in section 13.5.2 of the Application, under the following themes:

a. Marine farming policy framework;

b. Management of the Southland CMA and CE;

c. Recognising and providing for Ngāi Tahu values and uses;

d. Seabed deposition;

[80] Isthmus, 20 November 2025. *Natural Character, Landscape and Visual Assessment Report*. Appendix T of the Application.
[81] Mike Moore, 7 November 2025. *Proposed Hananui Aquaculture Project, Natural Character, Landscape and Visual assessment - Peer Review Report*.
[82] New Zealand Conservation Authority section 53 comments, page 9.
[83] Table 13-2 in Section 13.5.1 of the Application.

e. Water quality;

f. Indigenous fauna;

g. Landscape and natural character; and

h. Amenity values.

175 In its comments, ES records that it has engaged with the Applicant in relation to various aspects of the relevant planning framework in the preparation of the Application, and that, having reviewed the Applicant's analysis of the RPS (being an ES planning document), it agrees with that analysis.[84]

176 No other section 53 parties commented specifically on the RPS provisions.

177 We agree with the Applicant's analysis in Table 13-3 of the Application and its conclusions that the Project is consistent with the RPS.

Southland Regional Coastal Plan (RCP)

178 NTS seeks all necessary consents under the RCP to authorise activities associated with the construction and on-going operation of the HAP, as outlined in section 8.2.2 of the Application. While most activities were classified as discretionary, one component of the activity triggered a non-complying consent requirement (being the introduction of exotic fauna). As discussed earlier the FTAA dis-applies section 104D, and therefore the Project is to be assessed by the Panel as a discretionary activity. The RCP contains objectives and policies for the management of activities in the CMA.

179 The Applicant identified and assessed the relevant provisions in the RCP under the following themes:

a. Marine farming policy framework;

b. Management of the Southland CMA and CE;

c. Functional need to locate in, and occupation of, the CMA;

d. Recognising and providing for Ngāi Tahu values and uses;

e. Providing for social and economic utilisation;

f. General management of structures;

g. Seabed deposition;

h. Water quality;

i. Indigenous fauna;

j. Landscape and natural character;

[84] Environment Southland section 53 comments, dated 29 April 2026, Section 1.3.

k. Amenity values;

l. Navigational effects;

m. Biosecurity and introduction of exotic fauna;

n. Public access;

o. Noise; and

p. Lighting and glare.

180 As with the RPS, ES comments on its engagement with the Applicant in relation to various aspects of the relevant planning framework in the preparation of the Application, and that, having reviewed the Applicant's analysis of the RCP (being an ES planning document), it agrees with that analysis.[85]

181 ES states that the provisions in the RCP pertaining to marine farming were formulated in the late 1990s/early 2000s, prior to both the NZCPS and the Murihiku Aquaculture Strategy. In particular, it states that the RCP does not include any spatial planning to identify specific parts of the Southland CMA where open ocean aquaculture is directed towards. Its intended full review of the RCP, including the marine farming provisions, has not progressed due to the Government's "plan stop" legislation. It is in this context that ES states the Application is consistent with the relevant regional planning documents, and that, given the age of the RCP, it is appropriate to refer to the NZCPS and Part 2 of the RMA when applying the RCP and assessing the Project.[86]

182 No other section 53 parties commented specifically on the RCP provisions.

183 We find in favour of the Applicant's planning analysis regarding the RCP (in Table 13-4 of the Application), with which ES also agrees.

Planning documents recognised by a relevant iwi authority and lodged with the Council

184 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.[87]

a. The only planning document recognised by relevant iwi authorities that has been lodged with the Council is Te Tangi a Tauira.

b. The Applicant identified and assessed the relevant provisions in Te Tangi a Tauira in section 13.5.4 of the Application. We agree with this assessment.

c. No section 53 parties commented specifically on the Te Tangi a Tauira.

[85] Environment Southland section 53 comments, dated 29 April 2026, Section 1.3.
[86] Environment Southland section 53 comments, dated 29 April 2026, Section 1.4.
[87] Schedule 5, clause 5(1)(h) and clause 5(2)(g) of the FTAA.

Stewart Island / Rakiura Conservation Management Strategy (CMS) and Rakiura National Park Management Plan (NPMP)

185 The Applicant states that the provisions in the CMS of most relevance to the HAP are those relating to marine ecosystems, habitats and species. It notes that many objectives and policies relate to DOC's advocacy, research and administrative functions, and that of those relating to environmental effects of relevance to this Application, the objectives and policies are consistent with those of the NZCPS, RPS and RCP. In relation to the NPMP, the Application notes that this addresses activities within the National Park itself, and states that as the HAP site boundary is located approximately 2 km offshore from the National Park, and does not include any land-based activities on the adjacent shore, that it is not relevant to the Application.[88]

186 NZCA notes that Rakiura National Park is subject to the CMS. It considers that the Park is heavily influenced by the marine environment, given the proximity of visitors, structures, facilities and infrastructure on the island, to the sea.

187 NZCA also refers to provisions in the NPMP that seek to integrate the management of indigenous species and ecosystems within Rakiura National Park, with the neighbouring marine environment surrounding much of the National Park, given that indigenous species do not follow management boundaries, and can be adversely affected by human activities in areas outside of National Park itself.

188 NZCA go on to note that while the assessment of the HAP has considered mitigation of visual impacts, it still considers that there will be impacts on the naturalness and sense of remoteness along the eastern coast of the National Park adjacent to the proposed fish farm sites.

189 In the WAR, DOC state that, in its view, the wildlife approval application is not inconsistent with the objectives, outcomes or policies of the CMS and NPMP.

190 The Panel has undertaken our own site visit (refer Part D, paragraph 58), including viewing the National Park from the Site, and viewing the Site from the key viewing points within the Park, including from Hananui / Mt Anglem itself. While we agree with NZCA that there will be some changes to distant sea views from some areas of the eastern coast of the Park, we do not consider that these will materially detract from visitor experiences.

Aquaculture Strategies and Plans

New Zealand Aquaculture Strategy 2019 (NZAS)

191 The Applicant comments on the NZAS in section 13.5.5 of the Application. The NZAS sets out the intended pathway for the growth of aquaculture in New Zealand, and the Government work plan to support it. The pathway includes a goal of $3 billion in annual sales by 2035. The NZAS includes objectives for aquaculture to become a more productive industry that further supports regional prosperity, and one which is sustainable, resilient and inclusive. This strategy also recognises the importance of partnering with iwi.

192 The Minister for the South Island states that the Project aligns with the Strategy's aims to develop sustainable growth pathways to open aquaculture, and we agree with this.

[88] Section 13.5 of the Application.

New Zealand Aquaculture Development Plan 2025-2030 (NZADP)

193 The Applicant comments on the NZADP in section 13.5.6 of the Application, noting that it sets out actions the Government will take to achieve the goal set out in the NZAS – of enabling the aquaculture industry to reach $3 billion in annual revenue by 2035. The Application notes that one of the key pathways to achieving this goal is to extend aquaculture into the open ocean, and states that the HAP will make a significant contribution to this goal being met. It is also noted that the NZADP refers to the opportunities for partnership with iwi in aquaculture.

194 In their comments, MPI, and the Minister for Oceans and Fisheries and Minister for Regional Development agree that the HAP would contribute towards achievement of the $3 billion goal set out in the NZADP. The Minister further comments that the HAP aligns with the goal of the NZADP to support Māori Aquaculture opportunities.

195 The Panel concurs with these assessments.

Murihiku Southland Aquaculture Pathway 2025 (MSAP)

196 The Applicant comments on the MSAP in section 13.5.7 of the Application, noting that Great South, the Regional Development Agency, was responsible for preparing this document. To provide for growth of aquaculture in the region, the MSAP identifies 5 goals, with 9 focus areas and 17 projects identified that are considered to support the achievement of those goals. Of note, Goal 5 seeks to extend aquaculture into the open ocean. The HAP is also one of the identified projects.

197 In its comments, Great South states that the MSAP articulates how the region can become a leading aquaculture region, grounded in sustainable aquaculture practices, that balances support for a thriving, resilient aquaculture industry that generates economic opportunity, with protection of the health and integrity of the region’s moana. It considers the HAP to be a key enabler and critical step for the region to achieve the aspirations set out in the MSAP.

198 ES, a signatory to the MSAP, considers that the Project will make a significant contribution to achieving the aquaculture growth aspirations outlined in this document.[89]

199 In the Panel’s mind, there is no doubt that the Application is directly aligned with and gives effect to the recently developed MSAP, and the Panel endorses the comments recorded above.

[89] Environment Southland section 53 comments, dated 29 April 2026, Section 1.2.

PART H: ASSESSMENT FRAMEWORK – RMA APPROVALS

Decision-Making Criteria

200 In considering whether to grant resource consents, we must apply clauses 17 – 22 of Schedule 5 to the FTAA.[90]

201 Clause 17 contains the primary criteria for the RMA approval and is discussed below. Clause 18 deals with conditions and is discussed at below, and clause 19 is not relevant to this Application. Clauses 20-22 describes the process for an aquaculture decision and is discussed at Part J below.

202 Clause 17 is set out in full below:

> ***17 Criteria and other matters for assessment of consent application***
>
> *(1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),*
> *(a) the purpose of this Act; and*
> *(b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and*
> *(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.*
>
> *(2) For the purpose of applying any provisions in subclause (1),—*
> *(a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and*
> *(b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and*
> *(c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval is a relevant matter.*
>
> *(3) Subclause (4) applies to any provision of the Resource Management Act 1991(including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.*
>
> *(4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.*
>
> *(5) In the case of an application for a coastal permit for aquaculture activities, if the panel makes a reservation under clause 20 in relation to recreational fishing or customary fishing or commercial fishing in relation to stocks or species not subject to the quota management system, the panel must not grant the coastal permit in respect of the areas covered by the reservation.*
>
> *(6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.*
>
> *(7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.*

203 In accordance with the criteria in clause 17, the Panel:

a. Has applied the criteria individually, before applying the greatest weight to the purpose of the FTAA (an approach that has been adopted in the majority of Panel decisions to date);

b. Has not applied section 104D of the RMA;

[90] Section 81(2)(a) of the FTAA.

c. Has applied Part 2 of the RMA by reference to sections 5, 6 and 7;

d. Has not been directed to (and has therefore not applied) any relevant provisions of any other legislation that directs decision making under the RMA;

e. Has considered and applied all of the relevant criteria, but has limited its substantive discussion of those criteria to the principal issues in dispute; and

f. Has summarised its assessment of criteria in this Part, but to avoid duplication has cross-referred to substantive consideration of some issues at other parts of this Decision.

Purpose of the FTAA

204 By reference to Part E above, the Panel finds that the HAP will generate significant regional benefits, and the HAP is otherwise entirely consistent with the purpose of the FTAA.

Effects of the HAP

205 Under section 104(1)(a) and (ab) of the RMA, the Panel is required to have regard to any positive effects of the HAP, together with any measures agreed to by the Applicant that would ensure positive effects on the environment or that would offset or compensate for any adverse effects.

206 In regard to positive effects, and by reference to Part F above, the Panel finds that:

a. The HAP will generate significant positive economic, social and cultural effects.

b. The proposed community fund represents a measure that falls under section 104(1)(ab) of the RMA, and which is offered on an *Augier* basis. The Panel may accept or reject this condition, but may not alter it. The Panel confirms its acceptance of this condition and has included it in the conditions of the RMA approval.

207 Under section 104(1)(a) of the RMA, the Panel is required to have regard to any adverse effects resulting from the HAP, after considering the ameliorating effect of conditions imposed to avoid, remedy, mitigate offset or compensate those effects. Consistent with our obligation to focus our decision on the principal issues in contention, we make the following findings in respect of adverse effects (recording expressly that these findings are contingent on the conditions that we attach to this Decision):

a. Adverse effects on natural character and landscape effects will be minor, primarily because of the limited visibility of the operations from the shoreline and the distance of the activities from the shoreline. While the HAP will be visible from Hananui / Mt Anglem and to a much lesser extent visible from some shoreline locations, we do not consider that such an activity is inappropriate or that it results in adverse natural character or landscape effects on any identified outstanding natural landscapes or features, or any significant adverse effects on any other area.

b. Adverse effects on marine mammals, sharks and seabirds (including in particular tītī and hoiho), will be minor. Although there remains an unavoidable risk of entanglement of fauna with the fish pens, the Panel is satisfied that these risks have been appropriately addressed by the proposed conditions of consent.

c. Adverse effects on the seabed will be more than minor directly beneath the HAP, but will reduce in severity further from the proposed fish pens. Because the fish pens have been located in areas devoid of sensitive biogenic habitat, the Panel is satisfied that the adverse impacts on that habitat will be no more than minor.

d. Adverse impacts on other wild fish, recreation, and commercial activities (including effects on navigation) will be less than minor.

Relevant Planning or Regulatory Instruments

208 Under section 104(1)(b) of the RMA, the Panel is required to have regard to the relevant provisions of any national or regional planning instruments.

209 The AEE addressed the relevant statutory documents and identified relevant provisions.[91] In Part G above, the Panel has recorded the key planning provisions relevant to the HAP and the parties' positions on those instruments.

210 The Panel adopts and endorses the Applicant's assessment of the NZCPS provisions, and in summary, the Panel makes the following key findings in respect of the NZCPS:

a. The HAP is consistent with the NZCPS, as amended in December 2025. While those amendments were made after the HAP was lodged, absent any transitional provisions deferring the effect of those changes, the Panel is required to apply the NZCPS as it exists at the date of making its decision.

b. In regard to the NZCPS, and with reference to the Panel's finding on landscape and natural character effects above:

- The HAP is strongly aligned with Policy 8;

- Subject to the conditions proposed, the HAP will be consistent with the requirements of Policy 11; and

- The Panel finds that the HAP is not contrary to Policies 13 and 15. In particular, the Panel is satisfied that, in its proposed location and subject to the proposed conditions, the HAP is not an inappropriate use. Further, subject to those conditions, the Panel considers that the HAP will not adversely affect those areas of the CE that have outstanding natural character or natural features/landscapes, and nor does the Panel consider that the HAP will have significant adverse effects on the natural character or natural features/landscapes in other areas of the CE.

211 We have read and, as recorded earlier in Part G, accept and adopt the Applicant's assessment of the RPS. Given the agreement with ES on the Applicant's RPS assessment, and that no other parties raised any matters of disagreement in relation

[91] Sections 13.5.1 – 13.5.7 of the Application.

to the RPS assessment, we do not consider it necessary to summarise or comment on the specific provisions of the RPS further.

212 The RCP was made operative on 16 March 2013 and has not yet been updated to reflect the more recent changes to planning and policy documents that are more enabling of aquaculture. This point was expressly made by ES in its comments, and the Panel endorses the need for caution in that regard.

213 As noted in Part G, we accept the Applicant's analysis of the RCP, which in turn is agreed by ES.

Part 2 of the RMA

214 Clause 5(1)(g) of Schedule 5 of the FTAA requires an assessment of the HAP against sections 5, 6 and 7 of the RMA. NTS addressed this in section 13.3 of the Application.

215 The purpose of the RMA set out in section 5 is to promote the sustainable management of natural and physical resources. For the reasons set out in this Decision, we are satisfied that the HAP will enable the social and economic wellbeing of Ngāi Tahu whānui and the wider Southland Region through the provision of additional and continued employment, and the generation of significant benefits to the local and regional and national economy. Enabling this particular activity will enhance the cultural values of Te Ara a Kiwa by allowing Ngāi Tahu to engage directly with and gain sustenance from Te Ara a Kiwa.

216 For reasons expressed throughout this Decision, the Panel is also satisfied that the matters of national importance in section 6 and the matters to which particular regard must be had in section 7 have all been appropriately addressed by the HAP, and the conditions the Panel has imposed.

217 The Panel is therefore satisfied that the HAP will promote the purpose of the RMA, and is consistent with the requirements of sections 6 and 7 of that Act.

Other Relevant Matters

Section 7 of the FTAA – Treaty Settlements

218 Section 7(1) of the FTAA requires all persons performing and exercising functions, powers and duties under the Act to act in a manner that is consistent with the obligations arising under any Treaty settlements, and in a manner consistent with any customary rights recognised under, relevantly, the MACA Act.

219 The Panel considers that it is performing a judicial function in making the Decision, and because of section 7(2), that obligation in section 7(1) would not apply to it. However, for the avoidance of doubt, if that obligation in section 7(1) does apply to it, the Panel confirms that:

a. It has considered the relevant Treaty settlements that apply to Te Ara a Kiwa and concludes that the HAP is consistent with those settlements.

b. While the RTIAB was established under the Ngāi Tahu Treaty Settlement, the Panel has concluded that the rights conferred on the RTIAB under that settlement is limited to specified islands and does not extend to that part of Te Ara a Kiwa proposed to be occupied by the HAP. (Refer Part L.)

c. While the RTIAB enjoys customary rights (in the wider sense of that phrase), the obligation on the Panel to act consistently with customary rights only applies, in this case, to those rights conferred by the MACA Act. RTIAB does not hold any such rights. (Refer Part L.)

d. It understands that the RIGL have obtained a customary right under the MACA Act but the Panel has confirmed that the HAP does not overlap with, or materially affect the rights conferred by, that customary right.[92]

Section 82 of the FTAA

220 For the reasons set out above, the Panel does not consider that any Treaty settlement or customary right is relevant in respect of the RTIAB and the RIGL. The statutory acknowledgement for Rakiura/Te Ara a Kiwa set out in the NTCSA is however relevant to the HAP, and accordingly section 82 applies.

221 Section 82(2) requires that "*If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act*." The purpose of the statutory acknowledgement for Rakiura/Te Ara a Kiwa is set out in Schedule 104 of the NTCSA. The Panel is satisfied that it has had regard to that statutory acknowledgement in the same manner required by the NTCSA.

222 Under section 82(3), the Panel must also consider whether granting the approval would comply with section 7. The Panel has done so and concluded that it would.

Conclusion

223 The Panel's overall findings in respect of the RMA approvals are set out formally at Part N below.

[92] This is confirmed in maps that were provided by RIGL, in their response to Minute 7, dated 16 July 2026.

PART I: ASSESSMENT FRAMEWORK – WILDLIFE ACT APPROVALS

Decision-Making Criteria

224 In considering whether to grant a Wildlife Act approval, the Panel must apply Schedule 7 of the FTAA. Clause 5 of Schedule 7 contains the primary criteria.

225 In accordance with the criteria in clause 5, the Panel is required to take into account:

a. The purpose of the FTAA;

b. The purpose of the Wildlife Act 1953 - which the Panel considers to be the protection of species and particular populations of wildlife that are at risk;

c. The effects of the Project on the protected wildlife that is to be covered by the approval – including sharks and seabirds; and

d. Information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement.)

226 As with other approvals, the Panel:

a. Is required to give the greatest weight to the purpose of the FTAA and, as with other approvals, the Panel has applied the listed criteria individually before applying any weight to the purpose of the FTAA;

b. Has considered and applied all of the relevant criteria, but has limited its substantive discussion of those criteria to the principal issues in dispute; and

c. Has summarised its assessment of criteria in this Part, but to avoid duplication has cross-referred to substantive consideration of some issues at other parts of the Decision.

Assessment

227 The purpose of the FTAA and the HAP's alignment with that purpose is addressed elsewhere in the Decision. For the purposes of the Wildlife Act approvals, that purpose has been front of mind for the Panel.

228 Likewise, the Panel is cognisant of the purpose of the Wildlife Act, and in particular the risks posed to certain protected wildlife who occupy the marine environment in and around the location of the HAP. Subject to the proposed conditions of consent, and with the benefit of having seen and considered the draft management plans and noting DOC's comments in the WAR, the Panel finds that the HAP is consistent with the purpose of the Wildlife Act and that the protected wildlife will be safeguarded to the greatest extent reasonably practicable.

229 The Panel's particular findings in respect of the Wildlife Act approvals are as follows:

a. The Project is consistent with and will give effect to the purpose of the FTAA.

b. Subject to the imposition of the proposed conditions, including the proposed management plans, the Project will appropriately safeguard protected wildlife and the Project is therefore consistent with the purpose of the FTAA.

c. While there remains an unavoidable residual risk to protected wildlife, the Panel is satisfied that the proposed conditions and management plans will ensure that this risk is reduced as far as practicable.

d. For reasons discussed elsewhere in this Decision (refer Part L), the Panel has decided to not require joint certification of certain management plans that relate to the Wildlife Act approval, but has instead decided that all management plans should be certified by ES (subject to a process by which feedback can be sought from DOC and provided to the certifier and ES as part of that certification process).

e. The Panel has not had its attention brought to any further matters that require specific attention (as per paragraph 225(d) above) beyond those matters already addressed. For completeness, the Panel records that it has considered the Marine Mammals Protection Act 1978 and the Marine Mammals Protection Regulations and records simply that the Applicant will need to comply with any obligations under that Act and those regulations.

PART J: ASSESSMENT FRAMEWORK – AQUACULTURE DECISION

Decision-Making Criteria

230 The purpose of an aquaculture decision is to determine whether a proposed aquaculture activity would unduly affect commercial fishing, recreational fishing or customary fishing.

231 The normal process for making an aquaculture decision is set out in sections 186D, 186E, 186GB and 186H of the Fisheries Act 1996, and requires a decision to be made by the chief executive of MPI. That decision would either be a "determination", which comprises a finding that the activity will not unduly affect commercial, recreational or customary fishing and that the activity can proceed, or a "reservation", which is a finding to the contrary and means that the activity cannot proceed.

232 Under the FTAA, the making of this decision, referred to as an aquaculture decision, has been delegated to the Panel (clause 20, Schedule 5 of the FTAA).

Procedure and criteria for Chief Executive of MPI

233 Under the FTAA:

a. The Panel is required to direct the EPA to provide a copy of its draft conditions to the chief executive of MPI, at the same as it complies with section 70(1) (section 71 of the FTAA).

b. The chief executive must, within 5 working days of receiving those conditions, provide the EPA with a recommendation on the aquaculture decision consisting of either a determination, a reservation, or a combination thereof (clause 15, Schedule 5 of the FTAA).

c. The EPA must provide that recommendation to the Panel (clause 15(7), Schedule 5 of the FTAA).

234 The Panel must then make an aquaculture decision in accordance with the criteria and procedure set out below.

Procedure and criteria for Panel

235 In making an aquaculture decision, the Panel must, under clause 20(2) and (3):

a. Take into account the purpose of the FTAA, and sections 8 to 10 and 186GB(1) and (2) of the Fisheries Act 1996, giving the greatest weight to the FTAA's purpose.

b. Have regard to the recommendation of the relevant chief executive made under clause 15.

c. Have regard to the information listed in clause 15(2), namely: information held by the Ministry that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Fisheries Act 1996; information supplied, or submissions made, to the relevant chief executive under clause 14(3)(b); information that is forwarded by the Panel; and any other information that the relevant chief executive has requested and obtained.

236 The Panel may make an aquaculture decision that differs from the recommendation of the chief executive (clause 20(4), Schedule 5 of the FTAA).

237 If the Panel makes a determination, the determination may:

a. Specify any condition of the coastal permit that is material to the decision and that relates to the character, intensity, or scale of the aquaculture activities; and

b. State that the condition may not be changed or cancelled until the relevant chief executive makes a further aquaculture decision under the Fisheries Act 1996 in relation to the area affected by the change or cancellation (clause 20(5), Schedule 5 of the FTAA).[93]

238 If the Panel makes a reservation, the reservation must also include:

a. Whether the reservation relates to customary, recreational, or commercial fishing, or a combination of them;

b. If the reservation relates to commercial fishing, the stocks and areas concerned, specifying any stocks subject to the quota management system and any other stock not subject to the quota management system; and

c. Any other matters required to be included by regulations made under the Fisheries Act 1996, as if the reservation were an aquaculture decision made under that Act (clause 20(6), Schedule 5 of the FTAA).

239 An aquaculture decision by the Panel:

a. Must be in writing (clause 20(7)(a), Schedule 5 of the FTAA);

b. Must define the areas that are subject to the decision (clause 20(7)(b), Schedule 5 of the FTAA);

c. Must provide reasons for the decision (clause 20(7)(c), Schedule 5 of the FTAA); and

d. May include the matters described at paragraph 237 above.

Recommendation of Chief Executive of MPI

240 The Panel received a copy of the chief executive of MPI's recommendation on 15 July 2026. In summary, that recommendation:

a. Comprised determinations, confirming that the Project will not unduly adversely affect commercial, recreational or customary fishing; and

b. Stated that no conditions were material to the recommended determinations (clause 15(5), Schedule 5).

[93] See also clause 22, Schedule 5 of the FTAA, which sets out the content of a decision on a coastal permit. Clause 22(1) states "*If the panel makes a determination under section 80, the panel must note any conditions on the coastal permit that may not be changed or cancelled until a further aquaculture decision is made under the Fisheries Act 1996*".

241 On 21 July 2026, the Panel issued Minute 8, which sought clarification as to where the Panel might find the information referred to in Schedule 5, clause 15(2)(a), namely "*information held by the Ministry that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Fisheries Act 1996*".

242 On 24 July 2026, MPI responded by confirming that the information required to be provided under clause 15(2)(a) of Schedule 5 of the FTAA, is contained within the recommendation report provided on 15 July 2026.

243 The Panel is satisfied that it has the necessary information before it to make the Aquaculture decision.

Assessment and findings

244 The Panel has had regard to the chief executive's recommendation and has taken into account and given the greatest weight to the purpose of the FTAA and has taken into account sections 8 to 10, and 186GB(1) and (2), of the Fisheries Act 1996.

245 In respect of those matters:

a. For the reasons given elsewhere in the Decision, the Panel finds (by a wide margin) that the Project gives effect to the purpose of the FTAA. Amongst other outcomes, the Project will generate significant positive economic, cultural and social effects.

b. The Panel accepts, and gratefully adopts, the chief executive's analysis of sections 8 to 10[94] and 186GB(1)[95] and (2)[96] of the Fisheries Act 1996. In summary, the Panel finds that, in respect of the Project as described in the Application:

(i) Making a determination is consistent with the purpose in section 8 of the Fisheries Act 1996 – the Project will provide for the utilisation of fisheries resources (both farmed and wild fish), while ensuring sustainability (as that term is defined in section 8(2), Fisheries Act 1996).

(ii) The design of the Project has taken into account the environmental principles at section 9, Fisheries Act 1996, as have we as a Panel. Further we are satisfied that the conditions of the RMA Approvals will ensure that these environmental principles are appropriately taken into account for the duration of the activity.

(iii) Likewise, the Panel is satisfied that the information principles in section 10, Fisheries Act 1996, have been appropriately taken into account by the Applicant in the assessments undertaken in support of the Project, and we confirm that we have also taken these principles into account in making our decision. In particular, the Panel has thoroughly considered

[94] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Section 8 analysis at paragraphs 48 – 54; Section 9 analysis at paragraphs 55-56 and Table 1; section 10 analysis at paragraphs 57-58 and Table 2.

[95] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Paragraphs 61 – 123.

[96] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Paragraphs 13 & 93.

the proposed adaptive management framework proposed and the Applicant has made changes to this framework throughout the course of the Panel's consideration of the Project. The Panel records that the proposed conditions will appropriately manage any remaining level of uncertainty.

(iv) The Panel is satisfied that its consideration is appropriately circumscribed by the matters specified in section 186GB, Fisheries Act 1996.

c. The Panel adopts the analysis and the conclusion of the chief executive's recommendation:

(i) That there will be no undue adverse effects on recreational or customary fishing;[97] and

(ii) That there will be only a minor effect on commercial fishing, and this will not be an undue adverse effect.[98]

246 In respect of the information to which the Panel is required to have regard under clause 15(2), the Panel records for completeness that:

a. All information required to be provided by clause 15(2)(a) was contained within the chief executive's recommendation;

b. There were no submissions lodged with MPI, and accordingly no submissions for the Panel to have regard to (clause 15(2)(b)); and

c. No other specific information was sought by MPI related to its recommendation, and accordingly none was provided to us to have regard to (clause 15(2)(d)).

247 The Panel's succinct summary of its reasons above reflect the thorough recommendation report by the chief executive, which the Panel has adopted in its entirety, the low level of disagreement by any other parties about effects on fisheries (and in particular the lack of any competing applications), and the expectation that expert panel decisions under the FTAA will be provided expeditiously and will focus on substantive matters in dispute.

248 The Panel's Aquaculture decision is to make a determination in respect of recreational fishing, customary fishing, and commercial fishing. The area to which these determinations apply are a total of 1,285ha within the following coordinates (NZTM2000):

[97] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Paragraph 90.
[98] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Paragraphs 91-124.

Point	Easting	Northing
1	1,223,058.77	4,812,924.93
2	1,224,183.26	4,812,056.52
3	1,222,819.81	4,810,649.41
4	1,222,318.28	4,809,351.87
5	1,224,431.23	4,806,009.00
6	1,223,692.94	4,805,372.03
7	1,219,859.29	4,809,792.19

249 Under clause 20(5)(a), if the Panel makes a determination, it may specify any condition of the coastal permit that is material to the decision and that relates to the character, intensity and scale of the aquaculture activity. If so, under clause 20(5)(b) the Panel may state that the condition may not be changed or cancelled until a further aquaculture decision is made under the Fisheries Act 1996 in relation to the area affected by any change or cancellation.

250 In respect of those matters, the chief executive's recommendation was that the Panel's draft conditions do not impact on the assessment of sections 8-10 of the Fisheries Act, and that in accordance with clause 15(5) of Schedule 5 of the FTAA no conditions of the coastal permit are material to the recommended determination. Unfortunately, the Panel could not identify any specific reasoning in the recommendation that supported or further explained this recommendation.

251 An aquaculture decision may differ from the recommendation made by the chief executive (clause 20(4), Schedule 5). Respectfully, in this case the Panel does differ, because the Panel considers that some of the conditions of the coastal permit are material to the aquaculture decision and should be recorded as such.

252 As explained earlier, the Panel sought independent legal advice from Brookfields on two matters, the first of which related to this issue. Minute 11 (dated 4 August 2026) was circulated to the parties attaching that advice and requesting any response to that advice.

253 The Panel has considered the Applicant's response to Minute 11, dated 6 August 2026, in which counsel for the Applicant opposed the Panel identifying any conditions of the coastal permit as being material to the recommendation. That response:

a. Acknowledged the lack of any caselaw or any other substantive guidance, beyond that identified in the Brookfields advice; and

b. Appropriately accepted that the Panel is not bound by the chief executive's recommendation and that it may reach a different decision; but

c. Argued that the Panel should not in this case depart from that recommendation – the essence of the Applicant's opposition is described in paragraphs [7] and [8] of the Applicant's response:

> *7. I submit that for the Panel to depart from the MPI recommendation and reach a decision that a material condition or conditions should be specified under clause 20(5), it would first need to have coherent evidence before it that supported a finding that one or more of the conditions of the coastal permit relating to the character, intensity, or scale of the aquaculture activity are 'material' to the determination that there are no undue adverse effects on recreational, customary and commercial fisheries. The Panel would then need to determine that this evidence is to be preferred over the recommendation of MPI, the government agency with statutory responsibility for and oversight of the management of marine fisheries.*
> *8. The Applicant submits there is no such coherent evidence before the Panel upon which such a finding could be based.*

254 In the interest of brevity, the Panel adopts, for the purposes of the Decision, the background discussion and reasoning set out in paragraphs 2 to 14 of the legal advice received from Brookfields referred to at paragraphs 83-84 above.

255 In summary, the Panel:

a. Notes MPI's *Guidance Note 1: Aquaculture Planning and Consenting*, October 2012, and the statement that the "... *purpose of tagging the conditions is to ensure that the activity cannot be altered in a way that may change the impact on fishing without undergoing a further UAE [i.e. undue adverse effects] test*." While not having statutory force, in the absence of any relevant jurisprudence, this statement provides a sound rationale and explanation for the provision, and the Panel accordingly adopts it.

b. Records that, for a condition to be tagged, it must be both "*material to the aquaculture decision*", and it must "*relate to the character, intensity or scale of the aquaculture activities*". The Panel interprets the first of these requirements as a direction to limit any such tags to those conditions that are truly material, rather than ancillary or secondary in nature. The phrase "*character, intensity and scale*" is well understood in RMA jurisprudence, but in this context the Panel interprets it as relating to conditions that collectively define the nature and extent of the proposed activities.[99] At a high level, the Panel considers that conditions defining matters such as the location of the proposed aquaculture activity, the area occupied by the farms, the scale of the farms, and the duration of the activity, may fall within this category. In contrast, conditions relating to monitoring or other operational matters would likely not do so.

c. Accepts that the appropriate test is whether there is an "*undue* adverse effect" on recreational, customary or commercial fisheries, rather than a "no effects test".[100]

d. Does not accept the Applicant's submission that the Panel should not, in this case, tag any conditions as being material to the determination that there are no undue adverse effects on recreational, customary or commercial fisheries. In that regard:

[99] Refer paragraphs 6(g) and (h) of the Brookfields memorandum, dated 4 August 2024.
[100] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Paragraphs 20-21.

(i) The Panel accepts that the chief executive's recommendation was thorough in its assessment of the Project's potential effects on recreational, customary or commercial fisheries. In those circumstances, the Panel agrees that it would need cogent and probative evidence to the contrary to depart from that recommendation.

(ii) However, there was not any analysis, as far as the Panel can ascertain, of the proposed consent conditions nor any explanation as to why none of those conditions were material for the purposes of tagging those conditions. Given that the nature of the activity proposed was a key part of the assessment of potential effects on fisheries (see discussion below), and given that is the conditions of the consent that define that activity, this omission was surprising to the Panel.

(iii) In the absence of any such analysis, the Panel is not prepared to simply adopt the bare assertion in the chief executive's report. The Panel is expressly required by the FTAA to give reasons for its aquaculture decision (clause 20(7), Schedule 5), and it must accordingly give reasons for its decision as to whether or not to tag any conditions as being material. The Panel has based its decision on that issue on a careful review of the chief executive's recommendation and of the wider information provided as part of the substantive application, and after considering other information elicited throughout the Panel's process of determining the Application.

e. Records its reasons as follows:

(i) The chief executive's recommendation included:[101]

- Paragraph 23: "*Experience has shown that the UAE [undue adverse effects] threshold is most likely to be breached when marine farm developments occur over sedentary (scallop, oyster, cockle) and inshore (lobster, pāua) fisheries*."

- Paragraphs 28 and 55: "*... certain habitats are more significant for fisheries management than others because they are rare or are linked to some stage of the life history of a species*."

- The substantive assessment of Principle 9(c) in Table 1, (pages 20-21), which is replete with statements emphasising the importance in any assessment of the proposed location of the fish farms, for example:

  No HPSFM or other habitats of particular importance for fish spawning or reproduction have been formally identified ***in the vicinity of the proposed site*** *(Gibbs, 2025).*

  Moderate enrichment ***across the footprint of the proposed site*** *may result in reduced diversity but increased abundance; however, beyond this primary footprint, any associated effects are anticipated to be minor or negligible (Bennett et al., 2025).*

[101] Ministry for *Primary* Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138* (emphasis added, footnotes omitted).

> ***The sandy seabed habitat beneath the site*** *is unlikely to excessively change; most finfish species could still use the site to some extent for spawning or as juvenile habitat.*

- Paragraph 31 and a discussion of section 186GB, noting that the core focus of that section is on the "***location of the area that the coastal permit relates to***".

- Paragraph 36-37, and in particular paragraph 38: "***The proposed site is not located in any sensitive ecological areas***."

- In respect of the assessment against section 186GB of the Fisheries Act 1996, the location is equally important.[102]

- Paragraph 100, in respect of the assessment of adverse effects on commercial fisheries: "*Overall, MPI considers the aquaculture activities* ***at the proposed site*** *will have some effect on commercial fishing, but this will be minor*."

- Maps 2 and 3, at page 34 of the assessment, which clearly shows the importance of location relative to fishing event tracks. Map 3, in particular, shows that even a relatively small relocation of the 1,285 ha area, could have a much greater effect on existing commercial operations.

(ii) The above statements all confirm the importance, in an undue adverse effects assessment, of understanding the location of any proposed aquaculture activities. It appears self-evident to the Panel that the chief executive's assessment was undertaken by reference to certain aquaculture activities occurring in a certain location. The location of those activities must logically be material to the aquaculture decision. Intertwined with that question of location is that of scale. It is not possible to simply assess the effects of aquaculture activities by reference to a single location, but only by understanding the full area within which that activity may occur.

(iii) For the reasons set out in (i)-(ii) above, the Panel concludes that a condition that describes the location and scale of the Project is material to the aquaculture decision. The Panel has adopted the Proposal Area in Appendix A, showing an area of 1,285 ha, as being the appropriate condition of the coastal permit to identify.

(iv) The Panel records two further points in respect of its finding in (iii) above:

- The Panel is alert to the potential criticism that it is not necessary to tag the 1,285 ha Proposal Area in the coastal permit as a material condition because, if activities were proposed to occur outside of that area, then a new aquaculture decision under the Fisheries Act

[102] See, for example, paragraphs 64-73 (which expressly assesses the proposed location), and paragraph 86 of Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.*

would be required. While that may be so, the Panel interprets the legislative intent as being to ensure that there is a clear signpost in the coastal permit that directs any consent holder of the need to seek a new aquaculture decision under the Fisheries Act if certain changes are made to that coastal permit. It is possible, for example, that in future a variation to the coastal permit could be sought to change the shape of the wider 1,285 ha area, while maintaining the total size unchanged. In these circumstances, the proposed tag in the coastal permit will ensure that the consent holder, and regulators at the time, are aware of the need to seek a further aquaculture decision.

- The Panel considered whether or not this condition should be tagged more expressly to the location of the individual farms but decided against doing so, on the basis that the chief executive's recommendation appeared to relate to the wider area of 1,285 ha[103], and that the coastal permit does enable some potential relocation of farms within this wider area. The implication of this is that the consent holder will be able to relocate farms within the 1,285 ha area, subject to conditions of the coastal permit, without requiring a new aquaculture decision under the Fisheries Act.

(v) The Panel has also decided to exercise its discretion to tag a very limited number of further conditions that it finds as being material to its aquaculture decision and that relate to the character, intensity and scale of the Project. The Panel's reasons for doing so are set out below.

(vi) The chief executive's recommendation contained MPI's assessment of "the Proposal" (referred to in this decision as the Project). Again, it is self-evident to the Panel that to properly assess the impact of any proposed aquaculture activity on surrounding fisheries, the person undertaking that assessment must understand the nature and scale of the proposed activity. This is not a point the Panel feels necessary to labour, but there are numerous examples of the chief executive's recommendation referring to "the Proposal" or "the activities authorised by the approval", and it is clear to the Panel that the recommendation was made on the basis of a defined project. See for example (emphasis added):

- Paragraph 12: "*In making a decision or recommendation under the Fast-track Act, the panel and the chief executive assess whether they are or are not satisfied **that the aquaculture activities authorised by the approval** will not have an undue adverse effect on fishing*."

- Paragraph 42, at the start of "Part 2- Assessment": "*The following is an assessment of the effects **of the proposed aquaculture activities** on recreational, customary and commercial fishing*."

[103] Ministry for Primary Industries, 15 July 2026. *Recommendation on an aquaculture decision for Fast-track Approvals Act 2024 application FTAA-2511-1138.* Paragraph 43.

- The description of the proposed activities in paragraph 35 as: "*Application FTAA-2511-1138 is located in Foveaux Strait, 13 km northwest of Oban and 2-6 km north of the coastline of Stewart Island, Southland (see Map 1). The application is for 1,285 ha (the 'proposed site') in the coastal marine area.* ***The proposed site would be comprised of four separate marine farms consisting of two blocks, each containing ten circular net pens.*** *The pens would be secured to the seabed using a network of mooring lines and anchors. Five similarly anchored barges would be installed at the proposed site to serve as operational bases for the marine farms. Structures lay-out of the proposed site can be found in Appendix D*."

- The substantive assessment against section 9 of the Fisheries Act 1996, in Table 1 of the recommendation, is headed up "*Consideration of the environmental principles under section 9 of the Fisheries Act* ***for FTAA-2511-1138*** *...*". FTAA-2511-1138 is the activity as described in paragraph 35 of the chief executive's report (quoted above).

- The substantive assessment against section 10 of the Fisheries Act 1996, in Table 1 of the recommendation, is headed up "*Consideration of the information principles under section 10 of the Fisheries Act* ***for FTAA-2511-1138*** *...*". Again, FTAA-2511-1138 is the activity as described in paragraph 35 of the chief executive's report (quoted above).

(vii) Given the integral connection between the assessment and the description of the Project (which is controlled by the conditions of the permit), the Panel cannot, with respect, agree with the chief executive's recommendations at paragraphs 59 and 60. Put simply, the assessment assessed **a proposal**, and therefore the key conditions that define **that proposal**, must therefore be material to that assessment.

(viii) The Panel similarly has difficulty with respect to the chief executive's recommendations at paragraphs 88 and 89, and 121 and 122, which relate to the assessment against section 186GB of the Fisheries Act 1996. Again, the assessment against that section was undertaken by reference to **the proposal** at **the proposed location**.

(ix) The fundamental difficulty that the Panel has with the chief executive's recommendation in respect of this issue is that, if the Panel proceeded on the basis recommended, the consent holder could, over the term of the permit, seek to materially increase the intensity of the aquaculture activity through one or more changes to the consent conditions, and yet would not need to seek a new aquaculture decision and nor would the effects on fisheries need to be re-assessed. The Panel does not consider that such an outcome was intended by the chief executive, given the focus in the assessment of a certain proposal at an identified location, however in the absence of conditions being noted as being material then that outcome is a possibility. And that possibility appears to the Panel to be exactly the mischief that clause 20(5) of Schedule 5 was directed at avoiding.

(x) Given the essential linkage between the nature of the proposal and the assessment of undue effects on customary, commercial and recreational fishing, the Panel exercises its discretion to tag as material certain conditions of the coastal permit that are central to the character and intensity of such an activity. The Panel has been judicious in its assessment of these conditions and acknowledges the need for such conditions to be material to the aquaculture decision. The Panel also understands that it would be inefficient for a consent holder to be required to obtain a new aquaculture decision for only a minor variation to the consent conditions.

(xi) With the above in mind, the Panel identifies the following conditions as being material to the character and intensity of the Project: the definition of "Consented Site", the number of farms (maximum 4), the maximum number of 2 blocks per farm and 8 blocks in total, and a maximum of 10 pens per block and a maximum of 80 sea pens in total, with each sea pen having a maximum circumference of 168m.

f. Finds that the following conditions of the RMA Approval are material to the decision and relate to the character, intensity and scale of the aquaculture activity: the definition of "Consented Site", and those parts of Condition 19 identified in the associated Advice Note.

g. Records, for the purposes of clause 22(1) of Schedule 5 of the FTAA that the definition of "Consented Site" and those parts of Condition 19 identified above and in the associated Advice Note of the RMA Approval (coastal permit) may not be changed or cancelled until a further aquaculture decision is made under the Fisheries Act 1996.

PART K: ASSESSMENT OF CONDITIONS ON APPROVALS

Statutory Obligations relating to Conditions

256 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought.

257 Section 83 must be complied with and it provides:

> ***83 Conditions must be no more onerous than necessary***
>
> *When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.*

258 How the Panel has complied with this section is discussed below in relation to the conditions that have been set.

259 If a Treaty settlement or the MACA Act is relevant to an approval, then section 84 applies. This section allows for the Panel to set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the MACA Act.

FTAA requirements for conditions

<u>Resource consent</u>

260 For a resource consent the following clauses of Schedule 5 apply:

> ***18 Conditions on resource consent***
>
> *When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:*
> *(a) a reference to a consent authority must be read as a reference to a panel; and*
> *(b) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.*

<u>Wildlife approval</u>

261 For the grant of a wildlife approval the following clause of Schedule 7 apply:

> ***6 Conditions***
>
> *(1) A panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife.*
> *(2) In setting any condition under subclause (1), the panel must–*
> *(a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and*
> *(b) where more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and*
> *(c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.*

262 Generally speaking, a resource consent condition must also:[104]

a. be for a resource management purpose, not an ulterior one;

b. fairly and reasonably relate to the development authorised by the resource consent; and

c. not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

263 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.[105]

264 Conditions must also be certain and enforceable.[106]

265 A condition must also not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.[107] Such authorisation is subject to the following:

a. The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.

b. This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (section 84 of the RMA).

c. This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (section 127 of the RMA).

Remaining Issues in Contention relating to Conditions

266 As noted in Part D, the drafting of consent conditions has been part of a constructive and evolving process, that has resulted in a significant narrowing of issues left for the Panel to determine. This process has included changes made throughout the process by the Applicant in response to comments from and discussions held with other parties, as well as changes made in response to questions raised by the Panel at various points.

267 We consider that the usefulness of the process followed is demonstrated by the limited changes requested to the draft conditions issued by the Panel on 9 July 2026, with many of these subsequentially agreed to by the Applicant (and for which we provide no further assessment).

268 We discuss the remaining issues below, along with our findings.

[104] *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.
[105] *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].
[106] *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.
[107] *Turner v Allison* (1970) 4 NZTPA 104.

Conditions of the RMA Approvals

Differences between certified and "as built" farm design plans

269 The Panel queried how differences between "as built plans" and those included in a certified Engineering Design Report would be addressed. The Applicant noted that any differences would need to meet the design objectives listed in Conditions 11 and 12. The Panel accepts this explanation.

Colour of feedpipes (Condition 20)

270 The Panel noted a preference for feed pipes to be recessive in colour given their reduced visibility when compared with brighter colours but sought advice from the Applicant regarding any material operational constraint or risk from such a restriction. In its response, the Applicant noted the principal operational constraint as being navigational safety. The Applicant noted that the pipes would largely be below or at the surface for the majority of their length but needed to be visible to any mariners traversing or working at the farms. It was also noted that lighter coloured pipes may extend their operational life.

271 The Panel accepts that navigational safety is an imperative and notes the Panel's overall assessment that adverse effects on natural character and landscape effects will be minor. As such, no changes have been made to the condition.

Feedback on the EMMP from DOC (Condition 80)

272 The Panel sought advice from parties on the requirement for feedback to be sought from DOC (as well as from Ngā Rūnanga ki Murihiku) on the draft EMMP. ES noted that while it was relatively neutral as to the inclusion of DOC, oversight of environmental monitoring of a resource consent is primarily the responsibility (in this region) of ES. The Applicant responded stating that this was unnecessary on the basis that they had engaged in lengthy discussions with DOC on the draft EMMP. The Applicant also noted that DOC had no regulatory role under the RMA, Wildlife Act or Marine Mammal Protection Regulations in relation to the management of the seabed and water column. The Panel also notes that DOC provided detailed technical advice on seabed effects and management as part of its section 53 comments.

273 The Panel is satisfied that the suggestion to limit feedback on the EMMP (and any reviews) is appropriate.

Enforceability of Condition 81(b)

274 The Panel noted concern with the enforceability of a condition which only requires effects to not be inconsistent with the conditions of consent. The Applicant proposed (and the Panel accepts) more specific wording that ensures compliance with the objectives set to manage seabed and water column effects.

Conditions of the Wildlife Act Approval

The inclusion of a condition on Avian Influenza (HPAI) Reporting and Biosecurity

275 DOC sought a new condition under the Wildlife Act approval which was aimed at addressing the risks posed by Avian Influenza in New Zealand.[108] The proposed condition required that the Consent Holder comply with DOC's guidance on avian influenza and also directed the Consent Holder to comply with MPI's national recording

[108] Department of Conservation comments on draft conditions, dated 17 July 2026.

requirements in the event any sick or dead birds or other wildlife were observed near the authorised site. In its response to comments on the draft conditions,[109] the Applicant opposed the suggested new condition and noted that MPI is the lead agency for biosecurity issues and that the Applicant would comply with lawful biosecurity directions from MPI. Further, the Applicant noted that DOC's proposed condition extended to species not subject to the approval and it was likely some aspects of the proposed conditions would conflict with other conditions of the wildlife permit.

276 The Panel agrees with the Applicant that the proposed condition is unnecessary given the national direction already provided by MPI with respect to Avian Influenza (HPAI). The Panel also finds that it is not appropriate for DOC to include species beyond those subject to the wildlife approval in any condition.

Reporting of shark interactions

277 DOC proposed a new condition under the Wildlife Act approval on recording of shark incidents/interactions with the marine farm. While the Applicant largely agreed with the inclusion of these conditions, it was noted that, as written, the conditions covered all shark species, whereas the Applicant considered that only those species subject to the approval should be included (these being basking sharks and white sharks).

278 The Panel agrees that reporting should be limited to protected sharks only and has amended Condition 10(d) accordingly.

Conditions of RMA Approvals

279 Refer to Appendix A.

Conditions of Wildlife Act Approvals

280 Refer to Appendix B.

[109] Applicant's response to comments on conditions, 23 July 2026.

PART L: RECORD OF PANEL'S DECISION ON PRINCIPAL ISSUES IN CONTENTION

Request by Rakiura Tītī Islands Administering Body (RTIAB) for changes to conditions requiring closer involvement in monitoring

281 RTIAB requested that the Panel make changes to the consent conditions to better provide for what it considered to be its kaitiaki responsibilities for the stewardship of tītī (sooty shearwater) and the maintenance of customary tītī harvesting practices on the Rakiura Tītī Islands.[110] Generally speaking, these changes sought a more direct role in the monitoring of tītī, including the development of cultural indicators to assist with that monitoring.

282 The Panel has taken into account the material provided by RTIAB, including the section 53 comments, the subsequent memoranda filed,[111] and the presentation to the Panel at the Conditions Workshop.

283 The Panel acknowledges the important role undertaken by RTIAB on those islands, which was also acknowledged by representatives of the Applicant at the Conditions Workshop. However, for the following reasons, the Panel declines to make the changes sought by RTIAB:

a. While the Panel must have regard to Treaty settlements (including the NTCSA), the Panel was not directed to anything in that Act (or any subsequent regulations) that would extend the scope of RTIAB's responsibility to the CMA of (and immediately surrounding) the Site (and nor could the Panel itself identify any such obligation). The Panel therefore finds that granting the approvals on the conditions proposed would not be inconsistent with "*any obligations under existing Treaty settlements*".

b. While RTIAB whānui may have customary rights in relation to the nominated islands, the obligation under section 7 of the FTAA is only to act in a manner consistent with customary rights recognised under the MACA Act. RTIAB does not have any such customary rights.

c. The changes sought by RTIAB would add complexity and almost certainly add cost to the consent holder. Such an outcome would be contrary to the obligation that we have as a Panel, under section 83 of the FTAA, to not impose any conditions that are any more onerous than necessary.

d. Because of our findings above, we also determine that we are not required under section 84 to impose any particular conditions to recognise or protect any Treaty settlement or obligation arising under the MACA Act (section 84 of the FTAA).

284 While the Panel is not proposing any direct changes in response to these requests by RTIAB, the Panel records that the consent conditions require the monitoring and reporting of any bird injuries or deaths associated with entanglement in any of the fish pens or associated nets. This information would be available to all interested parties, as public information through the regional council, including RTIAB, and would, at the very least, enable RTIAB to assess whether and to what extent Tītī were being directly

[110] Rakiura Tītī Islands Administering Body section 53 comments, undated.
[111] Memorandum to the Expert Panel from Rakiura Tītī Islands Administering Body, dated 30 May 2026.

impacted by operations at the site (if at all). While we have not imposed a condition to this effect, the Panel would encourage the Applicant to provide a copy of any report to RTIAB when they provide it to the regional council, particularly if tītī are referred to in that report.

Certification of Management Plans

285 The conditions of the Approvals that the Panel proposes to issue clearly identify the specific limits that any approval holder is required to comply with, however the associated management plans have an essential role in providing the detail as to how these limits are to be met. Management plans therefore play an essential role in ensuring that the adverse effects of the operations are appropriately managed over the duration of the activity.

286 Because of the important role of these management plans, the Panel has received, closely reviewed, and suggested changes to the content of these plans. While most management plans have been provided as full drafts, there remains an important step of "certification" of management plans. Certification is confirmation, from an appropriate authority, that the management plans contain the information required by the consent conditions and that the limits in those management plans reflect those in the consent conditions. While certification is not legally required, the Panel considers that certification of management plans should be required in this case, to the extent described in the conditions of the Approvals.

287 The development of the FTAA, and the bringing together of multiple approvals under the umbrella of one decision maker, has led to significant debate amongst expert panels about who should be the appropriate entity to certify management plans. This issue has been particularly in respect of management plans that address RMA effects, and also effects managed under a Wildlife Approval. Some expert panels have proposed that certain management plans should be certified jointly by both the Director-General of Conservation and a relevant council, other panels have decided that it should be a single certification.

288 It is unfortunate that the FTAA does not provide clear direction one way or another on this issue. The Panel respectfully suggests that, as part of any future FTAA amendment process, such direction is provided.

289 We turn to the parties' positions on this issue and then set out the Panel's findings.

<u>Parties' positions</u>

290 The Applicant proposed, in its draft conditions, that all management plans be certified by ES. The Applicant is opposed to a dual certification process for management plans, whereby the same plan would need to be certified by both ES and the Director-General. The Applicant's main reasons were:

a. A concern that the process would be inefficient, and may lead to the different certifying bodies having inconsistent views that would result in the Applicant needing to mediate between the two;

b. Concerns about DOC staff being difficult to deal with as a plan certifier, particularly in terms of being inconsistent in its position and being unreasonable;

c. A preference for all certification obligations to sit with ES, who has statutory functions relating to the topics covered by the range of management plans, and which either has in-house expertise or the ability to contract advice where needed; and

d. That the proposed process of certifying management plans which relate to a wildlife approval already allow for input from DOC staff.[112]

291 The Director-General's says that it should hold a certification role, alongside the ES, for management plans that relate to approvals for which DOC is the relevant regulator.[113]

292 The Director-General's concern is that it is "*highly inappropriate"* for ES to certify management plans for approvals that it is not the regulator of, being those relating to a wildlife approval. It is concerned that ES does not have the relevant expertise to undertake the certification. The Director-General notes that, outside the FTAA, approvals under the Wildlife Act are regulated by DOC, and management plans associated with such approval would be certified by DOC through that approval process. The Director-General says that the SMP and SBMP address the requirements of the wildlife approval and are critical for managing how the activities involving protected wildlife are carried out.[114] As such, the Director-General seeks a certification role, alongside ES, in relation to management plans utilised under approvals where DOC is the relevant regulator (being the SMP and SBMP). The Director-General states that such dual certification would not be unduly onerous for the Applicant, and it could occur simultaneously with the ES certification process.

293 In its comments on the draft conditions, the Director-General confirmed that they continued to hold this position and sought changes to the draft conditions of the Wildlife Act approval to this effect. They further noted that in their view, these management plans serve different functions under the two statutory regimes, with conditions under the RMA approval relating to avoiding, remedying, or mitigating adverse effects on species and habitats arising from the Project, and under the wildlife approval, addressing the management of activities involving protected wildlife, such as the handling, holding, and disturbance of those species. The Director-General maintains their position that dual certification ensures "*that both regulators retain appropriate oversight of matters within their respective jurisdictions, while providing confidence that certified plans appropriately address regulatory requirements and reflect best practice*." [115]

294 ES, while taking a neutral position in relation to certification, said that it did not have any inhouse technical expertise in seabird, marine mammal or shark ecology.[116]

295 During the Conditions Workshop, the Panel asked the Applicant whether it would be opposed to the SMP and SBMP being certified by DOC, instead of by ES. The Applicant's counsel confirmed that while it had a slight preference for ES to undertake the certification, it was fairly ambivalent as to which authority undertook it, with the key opposition being in relation to dual certification.[117]

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[112] Applicant's response to comments received, dated 7 May 2026, Attachment A, Item #3.
[113] Wildlife Approval Report, dated 15 April 2026, paragraph 3.3.
[114] Wildlife Approval Report, dated 15 April 2026, paragraphs 5.4.3 – 5.4.5.
[115] Department of Conservation comments on draft conditions, dated 17 July 2026.
[116] Environment Southland section 53 comments, dated 29 April 2026, sections 1.8-1.9.
[117] Conditions Workshop, 23 June 2026, at 2.01.40 – 2.03.15.

296 We also record that, following the Conditions Workshop, DOC confirmed that staff had reviewed the most recent drafts of the SMP and SBMP, and were comfortable with them.[118]

297 In its response to DOC's comments on conditions, the Applicant noted its continued opposition to dual certification, that certification is not required by law and that "*the Panel would need to be satisfied it was a reasonable and necessary approach having regard to the obligation not to impose onerous conditions contained in section 83*."[119]

298 Given the Applicant's substantive response to the Director-General's comments, the Panel requested that the Director-General provide the Panel with any response that it wished to make. That response was received on 29 July 2026 and has been taken into account by the Panel.

Panel Assessment and Findings

299 After having carefully considered all material filed, including that referred to above, the Panel's findings on this issue in contention are as follows:

a. There is no legal requirement for management plans to be certified, and nor does the FTAA (or RMA) specify who is required to certify any such management plans. The Panel therefore has a discretion in this regard. Any such discretion should be exercised in a manner consistent with the purpose and principles of the FTAA.

b. The Panel expressly gives no weight to the Applicant's concerns about delay or any other behaviour of DOC staff in relation to this process or its role. It would be inappropriate to have regard to such matters without receiving and testing direct evidence in relation to such matters.

c. The Panel does not accept that, because ES would be required to seek independent expert advice, the certification role should sit with the Director-General. It is not unusual for councils to seek independent advice when certifying some types of management plans.

d. The Panel has had regard to the Director-General's argument that the management plans have a different purpose under the Wildlife Act compared to those management plans required by an RMA process. While the Panel acknowledges this difference, the Panel considers that there should only be one management plan covering both Acts (it would materially inefficient and contrary to the purpose of the FTAA to have separate management plans). The Panel also considers that the purposes of the two Acts are not mutually exclusive, but, rather, are complementary. By that we mean that a management plan can "*avoid, remedy or mitigate adverse effects on species*" through providing procedures for "*capturing, holding, handling, releasing, disturbing and accidentally killing protected wildlife*". Any certifier of the management plan that is required for both Acts will need to have regard to the requirements of the conditions of both the Wildlife Approvals and the RMA Approvals, and potentially the purposes of both Acts. Accordingly, the Panel does not consider that the different purposes of the two Acts requires either two management plans, or that it requires certification by two entities, or just

[118] Letter from the Department of Conservation to the Expert Panel, dated 1 July 2026.
[119] 'Applicants response to comments conditions, dated 23 July 2026

by the Director-General.

e. The Panel considers that dual certification would be unnecessarily onerous because it would leave open the opportunity for dispute between certifying entities. That would lead to delay and additional expense. The Panel does not consider that such an outcome would either be consistent with the purpose of the FTAA, and nor would such a condition be consistent with section 83 of the FTAA.

f. The question then becomes whether that single certifying agency should be the Director-General or ES. For the following reasons, the Panel finds that it should be ES:

(i) The Director-General's experts have provided detailed technical advice on draft management plans, and the Director-General has confirmed that they are comfortable with the most recently drafted plans.[120]

(ii) The proposed conditions of consent provide a clear pathway for the Director-General to provide feedback on the final drafts of the managements, and a transparent process for any feedback not accepted by the Applicant to be provided to ES as certifying agency.

(iii) The Panel is confident that, if needed, ES can obtain suitable external expert assistance. That expert can have regard to any outstanding matters raised by the Director-General.

(iv) Given the likely interrelationship between them (i.e. changes in one management plan may affect another management plan), it will be more efficient if all management plans are be certified together.

Term, lapse, and commencement date of Approvals

300 The Application requested a term of 25 years and a lapse date of 10 years. The Panel is comfortable with the term, but has amended the lapse date as set out below.

301 That then leaves the question as to when the Approvals should commence.

302 Section 97(1) provides that, subject to sub-section (2),[121] an approval commences:”*(a) on the date on which the panel's decision document for the approval is issued under section 88; or (b) on any later date specified by the panel in the decision document.”*

303 Accordingly, in the normal course of events and on the basis applied for, the Approvals would commence on the date of the decision (10 August 2026) and expire 25 years later (9 August 2051). The consent holder would have 10 years to implement the approvals, but any “lapse-period” used up by the consent holder would essentially reduce the effective duration of the aquaculture activities themselves (in other words, if the consent was not implemented for 5 years, then the consent holder would only have a duration of 20 years within which to undertake its activities).

[120] DOC Response to Further Information Request, 1 July 2023
[121] Section 97(2) is not relevant to our decision because none of the approvals in s 97(2)(b)-(h) have been sought, and s 97(2)(a) does not apply because the Aquaculture Decision made by the Panel is a determination and not a reservation.

304 The Applicant indicated to the Panel that it wishes to maximise the duration for which it is able to undertake its activities and wanted to explore the option of the consent commencing later than the date of the decision (i.e. the Applicant wanted an alternative commencement date).

305 The Panel's draft conditions proposed an alternative method for determining what that commencement date should be:

> *The consent shall commence on the date that the consent commences in accordance with sections 116 and 116A, RMA, or the date specified in the Commencement Date Notice, whichever is the later.*

306 The "Commencement Date Notice" was proposed to be an irrevocable notice given by the consent holder to ES confirming that the consent had commenced, and that all associated obligations of that consent were therefore live.

307 In comments on the draft conditions, the Director-General expressed concern at the absence of a specific commencement date, noting that, as currently proposed, the ability to issue such a notice essentially reserved the decision-making authority as to the commencement to the consent holder

308 In considering the comments from the Director-General, the Panel sought feedback from the Applicant in the event we decided to insert a specific commencement date, while accommodating some flexibility as to the exact date.[122] The Panel received that response on 28 July 2026.

309 In their response the Applicant noted that "*it is likely to take four to five years from the grant of consent before it will be in a position to give effect to the resource consent and begin construction activities*"[123] and proposed wording for condition 6 as follows:

> *This consent shall lapse ten years from the date of commencement. The consent shall commence on the fifth anniversary of the date the consent is granted, or any earlier date specified in a Commencement Date Notice*.

310 As described earlier at paragraph 83, the Panel sought independent legal advice on this issue. That advice was distributed to the parties, and a substantive response was received from the Applicant on 6 August 2026.

Panel Assessment and Findings

311 The Panel has carefully considered all of the material received, and adopts, for the purposes of its decision, the analysis contained at paragraphs [16] to [39] of the Brookfields advice. In summary, the Panel:

a. Finds that it has a discretion both as to whether it should enable the consent to commence at a later date, and if so what that later date should be.

b. Records that the exercise of any such discretion should be guided, primarily, by the purpose of the FTAA.

c. Relies on the reasoning by the Board of Inquiry in the *Watercare Waikato River Take Proposal* referenced in the Brookfield's opinion:

[122] Minute 9, dated 23 July 2026
[123] Applicant's response to Minute 9, 28 July 2026, at [19]

> *We are aware that the limited duration of consents can effectively be further reduced by the time needed to construct necessary works and otherwise get ready to implement the operation. That is likely to be the case here. We are aware that there may be a delay between construction and initiating the water take. We have considered whether it would be appropriate to stipulate under section 116 of the RMA that the duration of the water take and associated operational consents not commence until the construction works to implement the water take are in place and the construction consents have been given effect. We do not consider it would be appropriate to ignore that. For that reason, we consider that the operational consents (to take water, to occupy and disturb the bed of the river and to discharge process, treated and backwash water) should not commence under section 116 of the RMA until the construction consents have been given effect, the construction works have been completed and notice to that effect has been given to the WRC.*

d. Acknowledges the other caselaw referred to in the Brookfields' opinion that might, on its face, support a requirement for inserting a specific date. The Panel considers that those authorities are in a very different factual and statutory context such that the Panel is entitled to take a different approach. For example, *Sharp v Amen* concerned the ability to exercise the power of sale under a mortgage: absolute certainty of the date that power comes into existence is therefore essential. However, in that case the Court of Appeal expressly acknowledged, at paragraph 776, the importance of context when it held that: "*A number of cases were cited by counsel, but none appears to us to be of great help. In them all the construction was controlled by the text of the particular statute and the subject matter. It may well be that in a different context it is possible to specify classes or prices by the providing the method by which they can be unambiguously identified.*" The Panel considers that the purpose of the FTAA and context in which section 97(1) operates justifies a more flexible approach to the specification of an alternative date under section 97(1)(b).

e. Accepts the Applicant's advice that there will be several years of work required prior to aquaculture activities being able to commence. This includes further pre-commencement monitoring, as well as the detailed design and procuring of the pens and associated structures.

f. Finds that it would be appropriate to allow for a situation whereby the Applicant can issue a "Commencement Date Notice" but that this period is backstopped by a specific date. This will avoid the consent having, effectively, an unlimited lapse date (i.e. the lapse period would not commence until the consent commences).

g. Has amended condition 6 by adding the following text:

> *Pursuant to section 97(1)(b) of the Fast-track Approvals Act 2024, the resource consent commences on* ***10 August 2031*** *provided that the consent will commence on an earlier date, if the Consent Holder serves an irrevocable written Commencement Date Notice on the Consent Authority. If such notice is served, the consent will commence on the date that is 20 working days after the notice is served.*
>
> *Note: This condition does not permit a later commencement date than 10 August 2031. This means that any Commencement Date Notice must be served more than 20 working days before 10 August 2031.*

h. Has amended the Commencement Date Notice definition to the following:

> ***Commencement Date Notice*** *means an irrevocable notice in writing given by the Consent Holder to the Consent Authority for the purpose of bringing forward the commencement of this resource consent in accordance with the commencement provision specified by the Panel in its decision document under section 97(1)(b) of the Fast-track Approvals Act 2024.*

i. Has made consequential changes to condition 2(e).

j. Records that imposing the condition it has described above essentially removes the need, in its view, for a lapse period of 10 years, and it has reduced the lapse date to 5 years. The Panel's concern is that otherwise, there could be a period of 15 years with no activities occurring (i.e. 5 years before the commencement notice is given, and then a 10-year lapse period). A period of 15 years without the consent being put into effect gives rise to the types of concerns identified in *Katz v Auckland City Council*, cited in the Brookfields' advice. The Panel considers further that a period of 15 years with no active aquaculture occurring and accordingly no benefits accruing over that period would be contrary to the purpose of the FTAA – the raison d'être of the FTAA is to enable certain infrastructure and development projects to be delivered more quickly than under previous statutory processes.

k. Records its finding that the condition set out above will give effect to the purpose of the FTAA and is consistent with the legislative intent of section 97(1) in that it specifies a long-stop date and otherwise provides a process whereby an earlier specified date will become clearly identified by the serving of the Commencement Date Notice. The Panel has not been able to identify any environmental effect that might arise from our proposed commencement condition. The proposed formulation of the condition also avoids the difficulty that would otherwise arise from a commencement date being specified that might prevent the consent holder from commencing its activities as soon as it wanted to. Such an outcome would be directly contrary to the purpose of the FTAA.

l. Records, in summary, that the proposed conditions:

(i) Ensure that the Applicant will be able to maximise the duration of its aquaculture activities (i.e. it should be able to utilise the full period of 25 years for active aquaculture production).

(ii) Ensure that the potential period of time in which there is no active aquaculture activity occurring at the site is limited to a period of 10 years, which matches the 10-year lapse period sought in the substantive application, and therefore addresses potential nature justice concerns arising from this change. (In other words, the proposed 5-year maximum window being allowed for prior to consent commencing and the 5-year lapse period now proposed once the consent commences, together matches the 10-year lapse originally sought.)

(iii) Describe both a specified long-stop date, and an objectively definable earlier date on which the consent commences.

(iv) Are consistent with the purpose of the FTAA.

PART M: OVERALL ASSESSMENT UNDER THE FTAA

Section 85(3) Assessment

312 As noted in Part C the Panel may decline an approval if, in complying with section 81(2), the Panel forms the view that there are one or more adverse impacts in relation to the approvals sought, and that those adverse impacts are of sufficient significance so as to be out of proportion to the Project's regional or national benefits. This must be after taking into account any conditions that may address those adverse impacts. A determination around the significance of an adverse impact cannot be made solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that we must take into account or otherwise consider in complying with section 81(2).

313 The Panel finds by a wide margin that the potential adverse effects of the Project, considered collectively, and after having had regard to the ameliorating effect of the proposed conditions of the approvals, are no more than minor. The Panel also finds that there are regionally significant positive effects arising from Project. The Panel makes these findings without having applied any additional weight to the purpose of the FTAA criterion. However, in making its overall decision (refer below), the Panel has accorded the purpose of the FTAA the additional weight required by the relevant assessment criteria.

314 It therefore follows that the Panel has no grounds on which to exercise its discretion to decline the approvals sought under section 85 of the FTAA: in short, there is no prospect of the adverse impacts being sufficiently significant so as to be out of proportion to the Project's regional benefits.

Overall Section 81 Assessment

315 Under section 81(1) of the FTAA, a Panel must, for each approval, decide whether to grant or decline any approval sought, and if the decision is to grant an approval it must set any conditions of those approvals.

316 The Panel's decisions in that regard are set out in Part N below. For the purposes of section 81, in respect of all approvals sought, the Panel can confirm that it:

a. Has considered the substantive application, and all reports, comments and other information received under any of section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72 and 90 (section 81(2)(a) of the FTAA);

b. Has applied the applicable clauses set out in section 81(3) of the FTAA (section 81(2)(b) of the FTAA);

c. Has complied with section 82 (section 81(2)(c) of the FTAA);

d. Has complied with section 83 when setting conditions (section 81(2)(d) of the FTAA);

e. Has not considered it necessary to impose any conditions under section 84 (section 81(2)(e) of the FTAA); and

f. Has not decided to decline the substantive applications under section 85 (section 81(2)(f) of the FTAA).

PART N: RECORD OF PANEL'S DECISION ON APPROVALS

Decision on RMA Approvals

317 The Panel grants the RMA Approvals, subject to the conditions in Appendix A.

Decision on Wildlife Act Approvals

318 The Panel grants the Wildlife Act Approvals, subject to the conditions in Appendix B.

Decision on Fisheries Act Approvals

319 The Panel grants the Fisheries Act Approvals, subject to recording, for the purposes of clause 20(5), Schedule 5 of the FTAA, that the following conditions of the RMA Approvals are material to the making of the Aquaculture Decision:

a. The definition of "Consented Site"; and

b. Those parts of Condition 19 identified in the associated Advice Note of the RMA Approval (coastal permit), being:

- The number of farms – maximum of four;
- Blocks of sea pens - maximum of two blocks per marine farm and eight blocks in total; and
- Sea pens - maximum of 10 (maximum circumference of 168 metres) circular pens per block and maximum of 80 sea pens in total.

Bal Matheson KC
(Chair)

Dr Ngaire Phillips
(Member)

Stephen Daysh
(Member)

APPENDIX A – CONDITIONS OF RMA APPROVALS

Details of Permit

<table>
<tr><td colspan="2">Purpose for which permit is granted:</td><td>Marine farming of King Salmon (Oncorhynchus tshawystcha) at a site located off the northern coast of Rakiura/Stewart Island, including:
(a) All associated structures, activities in the coastal marine area, occupation of the common marine and coastal area, disturbance of damage to and deposition on the seabed, and any other ancillary activities
(b) All associated discharges to water
(c) The associated use of coastal water for marine farming
(d) The maintenance and removal of structures</td></tr>
<tr><td rowspan="2">Location:</td><td>- site locality</td><td>Coastal marine area from between 2 and 6 kilometres offshore from mean high water springs along the northern coastline of Rakiura/Stewart Island, as shown on Plan A in Appendix A.</td></tr>
<tr><td>- receiving environment</td><td>Coastal marine area</td></tr>
<tr><td colspan="2">Expiry date:</td><td>25 years from the commencement of the consent</td></tr>
</table>

SCHEDULE OF CONDITIONS

<u>Interpretation:</u>

Wherever used in the conditions:

Commencement Date Notice means an irrevocable notice in writing given by the Consent Holder to the Consent Authority for the purpose of bringing forward the commencement of this resource consent in accordance with the commencement provision specified by the Panel in its decision document under section 97(1)(b) of the Fast-track Approvals Act 2024.

Consent Authority means Southland Regional Council.

Consented Site means the area of 1,285ha shown as the 'Proposal Area' on Plan A in Appendix A.

<u>Note:</u> *For the purpose of clause 20(5)(b) of Schedule 5 of the Fast-track Approvals Act 2024, the size and location shown as the 'Proposal Area' on Plan A in Appendix A is a material condition for the purposes of the Aquaculture Decision. Pursuant to clause 22 of Schedule 5 of the Fast-track Approvals Act 2024, the definition of Consented Site, and the Proposal Area shown on Plan A in Appendix A, must not be changed or cancelled until a further aquaculture decision is made under the Fisheries Act 1996.*

Entanglement refers to an incident where a seabird, shark or marine mammal becomes trapped or constrained by ropes, nets, lines or structures associated with the marine farm to the extent that direct human intervention is required to free the individual or individuals.

Manager means the Manager Resource Management, Southland Regional Council.

Ngā Rūnanga ki Murihiku means Awarua Rūnanga, Waihōpai Rūnaka, Ōraka-Aparima Rūnaka and Hokonui Rūnanga.

SQEP means a suitably qualified and experienced professional. The qualifications and experience of the relevant SQEP shall be set out in the related document or otherwise provided to the Consent Authority upon request.

Threatened means, in relation to conditions 36(a), 43(a) and 50(a), species assessed as Threatened under the New Zealand Threat Classification System (Nationally Critical, Nationally Endangered, or Nationally Vulnerable), and species listed as Vulnerable, Endangered, or Critically Endangered on the IUCN Red List.

Note: In addition to the definitions outlined above, where a word or phrase used in a specific condition requires definition, that definition is provided as a note after the relevant condition.

General conditions

Note: In addition to the conditions of this consent, activities undertaken under this consent must also be undertaken in compliance with any applicable national regulations or legislation.

1. The activities authorised by this consent must be undertaken in general accordance with the application lodged with the Environmental Protection Authority on 26 November 2025 (FTAA-2511-1138), except where modified by the conditions of this consent.
2. Where these resource consent conditions require a document (such as a report, Management Plan or amendment or review of a Management Plan) to be 'certified' the following process shall be followed:
   (a) The Consent Holder shall give the Consent Authority at least 20 working days' notice that certification is going to be requested, to allow the consent authority to organise any technical experts it may require;
   (b) The document shall be provided to the Manager for certification that it:
      i. contains suitable methods and procedures that will achieve the document's objectives as established in consent conditions, and enable any specified limits or restrictions identified in the consent conditions to be complied with;
      ii. contains the information required to be included in the document by consent conditions; and
      iii. where applicable, is in general accordance with the most recent version of each draft management plan as provided to the Environmental Protection Authority on 1 July 2026, except as amended to:
         A. respond to new information not available at the time the resource consent was granted, including but not limited to, information arising from monitoring; or
         B. align the management plans with consent conditions; or
         C. align with new or updated national instruments or updated best practice guidance; or
         D. incorporate comments made by Environment Southland, the Department of Conservation, Ministry for Primary Industries or representatives of Ngā Rūnanga ki Murihiku.
   (c) The Consent Authority may take such advice from suitably qualified persons as it considers necessary to satisfy itself that the document submitted for certification achieves the requirement of the relevant condition(s);
   (d) Should the document, in the opinion of the Consent Authority, achieve the criteria identified in the applicable consent conditions, the Consent Authority shall notify the consent holder accordingly and the consent holder may commence activities consistent with the document on receipt of written confirmation (certification) from the Manager;
   (e) Certification of documents under this condition may occur prior to the Consent Holder issuing the Commencement Date Notice provided that, at the time certification occurs, the consent would otherwise have commenced in accordance with section 97 of the Fast-track Approvals Act 2024;

(f) If the Consent Holder receives written notice from the Consent Authority that certification of a document will not be provided, the Consent Holder may re-submit the document following review of the Consent Authority's reasons, and with any necessary amendments, and request certification again. Conditions 2 (b) to 2 (d) would apply to a re-submitted document and the process shall be repeated until the Manager is able to certify that the document achieves the criteria in the applicable consent conditions; and

(g) Minor and technical amendments to each certified document (such as updating relevant contact details, hyperlinks or references to external content) may be made without certification by the Manager. A version of the document with minor and technical amendments must be provided to the Manager within one month of the amendment. Where this management plan relates to an approval under the Wildlife Act 1953, a copy must also be provided to the Department of Conservation.

Note: The documents subject to the certification process that is set out in condition 2 are the Engineering Design Report (EDR), the Marine Mammal Management Plan (MMMP), the Seabird Management Plan (SBMP), the Shark Management Plan (SMP), the Biosecurity Management Plan (BMP), any Stage Progression Report (SRP), the Environmental Monitoring and Management Plan (EMMP) and any Farm Movement Plan (FMP).

Note: Certification must not be unreasonably withheld or delayed and certification or a response is expected to take no longer than 30 working days.

3. The Consent Holder must implement the certified documents required by the conditions of this consent and all works and activities authorised by this consent must be carried out in accordance with the certified documents required by the conditions of this consent.

4. If there are inconsistencies between the conditions of this consent and the application, the conditions of this consent shall prevail.

5. The Consent Holder must pay any monitoring charge or charges to recover the actual and reasonable costs incurred by the Consent Authority, including charges incurred through the use of technical experts/specialists engaged by the Consent Authority for the purposes of monitoring conditions of this consent (such as reviews of the required Management Plans) to ensure compliance with the conditions of this consent.

Lapse date and commencement date

6. This consent shall lapse five years from the date of commencement. Pursuant to section 97(1)(b) of the Fast-track Approvals Act 2024, the resource consent commences on **10 August 2031** provided that the consent will commence on an earlier date, if the Consent Holder serves an irrevocable written Commencement Date Notice on the Consent Authority. If such notice is served, the consent will commence on the date that is 20 working days after the notice is served.

   Note: This condition does not permit a later commencement date than 10 August 2031. This means that any Commencement Date Notice must be served more than 20 working days before 10 August 2031.

Occupation

7. Exclusive occupation of the common marine and coastal area (to the exclusion of the public and other users of the coastal marine area) shall be limited to the area of the marine farm structures, including mooring lines and anchors, not exceeding more than 200 metres around the structures (measured outwards from the compensation buoys on the mooring grid and from the sides of the feed barges) or extending beyond the area shown on Plan A attached to and forming part of these conditions (Appendix A).

8. Exclusive occupation must not exceed an area of 460 hectares across all the marine farms authorised by this consent and exclusive occupation areas around farms blocks relocated in accordance with conditions 10 and 86 may be substituted for those shown on Plan A.

9. This consent provides for preferential occupation of the consented area shown on Plan A, with the exception of the area identified in condition 7. Except to the extent that it is necessary for public safety or to achieve the purpose of this consent, members of the public must not be excluded from the area of preferential occupation.

Interpretation:

For the purpose of Conditions 7 – 9:

Exclusive occupation means a restriction of access to an area of the coastal marine area to the person(s) or company that holds consent to occupy the space unless that occupier grants permission for others to have access.

Preferential occupation means the general public is allowed to use an area of the coastal marine area that is subject to a consent to occupy space, except in circumstances where the occupier wants to use the area.

Structures

10. Marine farm structures first installed at the consented site must be located generally as shown on Plan A or within 250 metres of the positions shown on that plan. If any farms are relocated in accordance with condition 86 they must be located generally in the alternative farm locations shown on Plan A or within 500 metres of any initial farm positions shown on Plan A.

11. The sea pens and feed barge fixings and moorings shall be designed to function securely in the site's estimated environmental conditions with a minimum 1-in-50 year return period (peak current speed, significant wave height, and wind speed), and reasonably predictable natural hazards. Unless superseded by a site-specific assessment as part of the Engineering Design Report prepared by a SQEP, supported by additional environmental data and analysis, and agreed in writing by the Consent Authority prior to the first installation of marine farming structures at the site, the design basis shall not be less than the following baseline parameters identified in the application:
    (a) Peak current speed at 5-7 m depth: 1.57 m/s;
    (b) Significant wave height (Hs): 3.48 m; and
    (c) 10-minute mean wind speed at 10 m elevation: 29.5 m/s.

12. At least 30 working days prior to the first installation of marine farming structures at the site, the Consent Holder must provide to the Consent Authority for certification an Engineering Design Report prepared by a SQEP, with an accompanying peer review by a second SQEP, that includes the following information:
    (a) The consented site's estimated extreme environmental conditions associated with a minimum 1-in-50-year return period (peak current speed, significant wave height, and wind speed) and reasonably predictable natural hazards within which the sea pens and feed barges, fixings and moorings have been designed to function securely;
    (b) Design drawings for the mooring systems, anchors and anchor blocks required for securing the sea pens and feed barges at the site;
    (c) An analysis demonstrating that the specified anchors, anchor blocks, moorings (i.e. ropes and chains), connecting hardware (e.g. plates and shackles) and containment systems are designed to function within the design limits specified for the site's estimated extreme environmental conditions; and
    (d) Specifications and design of the sea pens (floating collars and fish enclosures) to be utilised and an analysis demonstrating that they are designed to function within the site's estimated extreme environmental conditions.

    <u>Note</u>: For the purposes of condition 12, a SQEP shall be a Chartered Professional Engineer or hold a similar professional title from an appropriate engineering registration authority that is a signatory of the Washington Accord (1989), e.g. European Engineer (EUR ING) or P.Eng (registered professional engineer).

13. At least 30 working days prior to the first installation of marine farming structures at the site, the Consent Holder must provide to the Consent Authority a Maritime Construction Safety Management Plan (MCSMP) that has been prepared by a SQEP in consultation with the Harbourmaster.
14. The objective of the MCSMP is to mitigate the risks associated with marine farm construction activities and/or farm breakaway events that occur within the marine environment to staff and contractors at the marine farm and to mariners. For the purposes of the MCSMP a breakaway event is where a structure or part thereof becomes free floating (i.e. is no longer attached to the mooring system).
15. The MCSMP must at a minimum include the following information:
    (a) List of parties involved in the construction and their roles and responsibilities
    (b) List of parties who may be impacted by the work and so who need to be communicated with
    (c) The safety priorities
    (d) The construction / installation methodology
    (e) A hazard register
    (f) Controls that will be employed to minimise the identified potential risks
    (g) An Emergency Operating Procedure (EOP) for any farm breakaway events, including requirements for reporting, as outlined in Condition 15(i)
    (h) Communication channels, requirements and triggers
    (i) A requirement to provide a written report to the Consent Authority and to the Harbour Master within 20 working days after any breakaway event that describes:
        i. The nature of the breakaway event and the steps taken to recover any lost materials or equipment
        ii. A description of any material or equipment that was not able to be recovered
        iii. The cause of the breakaway event, and what steps are proposed to be taken to avoid a repeat occurrence.
16. (a) Initial construction and installation of the marine farm and any future construction or installations at the marine farm, including progression to stage 2, shall be undertaken in accordance with the MCSMP;
    (b) In addition, the Emergency Operating Procedure (EOP) shall be implemented for ongoing operation of marine farms at the site.
17. The Consent Holder may review the MCSMP at any time prior to and during construction, and may review the EOP at any time during operation of the marine farms. Any reviews of the MCSMP, including the EOP, shall be undertaken by a SQEP in consultation with the Harbourmaster. Any amendment to the MCSMP or the EOP arising from a review shall be provided to the Consent Authority.
18. Requirements prior to and on commissioning of marine farming structures and associated infrastructure:
    (a) Within 10 working days of completing installation of a set of sea pens and any associated barge, the Consent Holder shall provide ‘as built’ plans of each block of marine farm structures and barge(s) established, including coordinates for all four corners of each block, and identifying any difference between the ‘as built’ plans and the Engineering Design Report required by condition 12 to the Consent Authority;
    (b) If marine farms are re-located within the consented site under condition 86, updated ‘as built’ plans shall be provided, consistent with the requirements of condition 18(a);

(c) 30 days prior to laying of the cardinal marks, the Consent Holder shall confirm with the Harbourmaster the type / model of cardinal buoys, the design of the shapes and the light characteristics and any radio aids intended to be fitted and the coordinates of the intended placement. The Consent holder is to request the Harbourmaster issue Notices to Mariners (NTMs) notifying of the cardinal marks and their characteristics and the position of the new recommended large vessel anchorages;

(d) Within 5 working days of laying of the cardinal marks, the Consent Holder shall provide the Harbourmaster and Land Information NZ (LINZ) Hydrographic Office written details of the light characteristics and any radio aids, if fitted, and coordinates of the position of the marks and request for the 'List of Lights' to be updated and for the farm area to be shown on the associated nautical charts. Unless advised otherwise by the Harbourmaster, the communication with LINZ is to include the updated position of the recommended anchorages currently shown on the charts.

(e) Within 10 working days of the construction of each farm block, the Consent Holder shall provide the Harbourmaster with confirmation that maritime "special marks" have been fitted in accordance with Figure 1 and that their light characteristics are consistent with the extant Maritime NZ Marine farm guidelines.

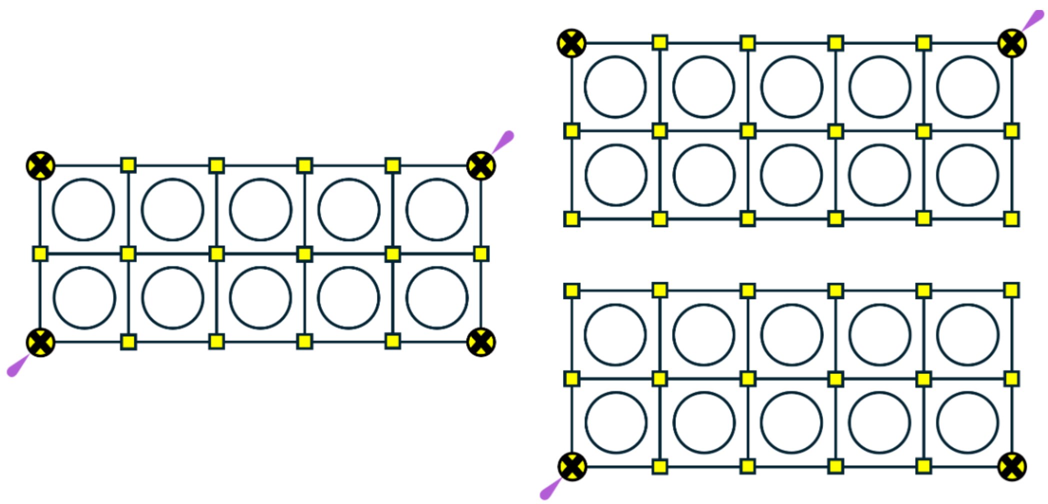


Figure 1: Proposed marine farm lighting (left: stage one, right: stage two) where a yellow square denotes a yellow compensation buoy, a yellow circle with an 'X' denotes a yellow special mark with a yellow cross shape on a short post, and a purple drop denotes a flashing yellow light.

<u>Interpretation:</u>

For the purposes of condition 18:

Cardinal mark means an aid to navigation with four quadrant marks (north, east, south and west) that indicates the mariner should pass to the named side of the mark (e.g. pass north of a north mark).

Special mark means an aid to navigation indicating a special area or feature. It is yellow and its topmark is an 'X'.

19. Structures and feed barges installed at any marine farm within the consented site must comply with the following limits and standards:

Table 1: Structures and feed barges limits and standards

Structures/feed barges	**Limit**
Number of marine farms	Maximum of four
Number of fixed barges	One per marine farm Maximum length of 40 metres and width of 12 metres Maximum air draught (overall height above the waterline) shall not exceed 14 metres (excluding appurtenances including aerials, satellite dishes, cranes and other non-superstructure equipment) under any design load conditions
Blocks of sea pens	Maximum of two blocks per marine farm and eight blocks in total
Sea pens	Maximum of 10 (maximum circumference of 168 metres) circular pens per block, set out in a 5 x 2 pattern, including above water predator nets up to 6 metres high above water and below water nets up to 22 metres depth, with a minimum clearance of 5m to the seabed Maximum of 80 sea pens in total Above water bird nets shall be installed and maintained on all sea pen structures. All above and below water structures, including nets, must be made of, painted or otherwise finished in dark material and recessive colours All above water predator nets must have a mesh size equal to or less than 60 millimetres half mesh (knot to knot) There must only be a single below water net for each pen, excluding installed false bottoms All below water nets used for sea pens must have a mesh size no larger than 40 millimetres half mesh (knot to knot) All nets shall be constructed from predator resistant materials designed, installed and maintained to resist tearing of the nets by seabirds, marine mammals and sharks
Under water lighting	Maximum of eight 680 watt LED lights per sea pen

<u>Note</u>: For the purpose of clause 20(5)(b) of Schedule 5 of the Fast-track Approvals Act 2024, the following elements of Condition 19 above are a material condition for the purposes of the Aquaculture Decision:

- *Number of marine farms - Maximum of four*
- *Blocks of sea pens - Maximum of two blocks per marine farm and eight blocks in total*
- *Sea pens - Maximum of 10 (maximum circumference of 168 metres) circular pens per block and maximum of 80 sea pens in total*

Pursuant to clause 22 of Schedule 5 of the Fast-track Approvals Act 2024, those parts of condition 19 repeated immediately above must not be changed or cancelled until a further aquaculture decision is made under the Fisheries Act 1996.

20. Except buoys, navigational marks, feed pipes and electrical cables / conduit or otherwise as specifically required by the Harbourmaster or as provided for in the MCSMP, MMMP or SBMP (whose requirements shall prevail over this condition):

    (a) The upper works of each barge above the gunwales shall be painted in a nautical colour scheme (such as white and blue);

    (b) The hull of each barge shall be a dark colour(s) (such as black);

(c) All other surface structures at each Salmon Farm shall:

i. Be painted or finished in dark or recessive colour(s); or

ii. Be the natural colour of the materials if these are recessive (such as galvanised carbon steel); and

(d) Where reasonably practicable, structures of the same type shall be painted or finished in such a way to allow the whole of each floating part to be discernible and contiguous (such as by using consistent and coherent colours).

21. The Consent Holder must, at all times during the exercise of this consent:

(a) maintain the marine farm structures, including but not restricted to the associated anchors, lines, buoys, sea pens, nets and feed barges, in good repair, appearance and condition; and

(b) ensure the marine farm structures are secured and marked by appropriate navigational aids, so as not to create a navigation safety hazard.

22. Except during maintenance activities (including biosecurity operations) and supervised operational activities that require the lifting of nets or movement of pens:

(a) All nets (above and below water), ropes and mooring lines shall be kept under tension to minimise the potential for entanglement while in use for fish farming; and

(b) If nets are not in use for fish farming they shall either be kept taut and weighted, or be removed from the water and stored so that they will not entangle seabirds, sharks or mammals.

23. If nets, ropes and mooring lines need to be loosened during maintenance activities and supervised operational activities that require the lifting of nets, measures as specified in the MMMP, SMP and SBMP must be implemented to avoid and/or minimise the risk of entanglement.

24. Sea pens shall be designed and operated to minimise the ability of marine mammals, sharks and diving birds to access dead fish from the bottom of the sea pens.

25. Should the Consent Holder decide to discontinue activities and surrender the consent, written notice shall be provided to the Manager no less than three months prior to the date on which the Consent Holder proposes to cease operations at the site.

26. Upon expiry (unless operating under section 165ZH of the RMA or an equivalent provision), surrender or cancellation of the consent:

(a) the Consent Holder must, at its own cost, completely remove all ropes, net pens, feed/accommodation barges, special marks associated with the marine farms, and all ancillary structures not embedded in the seabed, along with all equipment and vessels;

(b) unless it is not practicable or safe, the Consent Holder must, at its own cost, completely remove any type of anchor, anchor block, chain or rope that is embedded in the seabed; and

(c) any structures remaining in the seabed shall, if practicable and safe, be cut flush with the seabed.

27. For any structures remaining in the seabed under condition 26(c), the consent holder shall prepare a report by a SQEP providing:

(a) visual evidence of any structures remaining in the seabed at the site;

(b) the NZTM coordinates of the structure(s) which remain in the seabed; and

(c) the reasons for leaving the anchor, anchor block, chain and/or rope in the seabed.

The report shall be provided to the Manager within 20 working days of the completion of the report.

28. Upon reviewing the report required by condition 27, in the event that the Consent Authority is not satisfied with the way that all the structures have been decommissioned, the Consent Holder shall undertake any further reasonably practicable and safe actions the Consent Authority requests to decommission the site. Once the Consent Authority has indicated that it is satisfied with the decommissioning, the Consent Holder shall remove the cardinal marks that indicate the presence of the site.

29. If the Consent Holder fails to undertake or complete the work required by conditions 25, 26, 27 and 28, the Consent Authority may recover all actual and reasonable costs incurred to undertake or complete the work itself from the Consent Holder, in accordance with the Consent Authority's approved Schedule of Fees and Charges at the time of this action being required.

    <u>Note</u>: Removal of marine farm and associated structures from the site will be dependent on vessel and contractor availability and weather conditions, but shall occur as soon as practicable. On provision of notice to the Consent Authority under condition 25, the Consent Holder and the Consent Authority will agree an indicative timetable for the work to be completed. The Consent Holder will work to comply with that timetable, subject to the availability of the necessary specialists to complete the work and the effects of factors outside the Consent Holder's control.

    <u>Note</u>: It shall be the Consent Holder's responsibility to notify all relevant maritime authorities at the conclusion of the decommissioning activities to ensure that any Notice to Mariners are removed and that LINZ is notified so that chart corrections are applied to accurately reflect hazards in the area.

Navigational safety

30. The type, design, functionality, and placement of marine farm lighting and marking shall be in accordance with International Association of Marine Aids to Navigation and Lighthouse Authority Guidelines and shall be installed in accordance with the approval provided by the Harbourmaster under his or her Maritime Delegation from the Director of Maritime New Zealand pursuant to sections 200, 444(2) and 444(4) of the Maritime Transport Act 1994.

31. At least 20 working days prior to the first installation of marine farming structures at the consented site or changes to the location and layout in accordance with condition 86, the Consent Holder must advise the Harbourmaster and must comply with any directions from the Harbourmaster concerning notification of the presence of the marine farming structures to coastal users.

Farm operations

32. The consent holder shall ensure that the marine farms are operated so that:
    (a) feed loss from the pens is minimised;
    (b) Fish feeding behaviour and feed loss are monitored during feeding; and
    (c) Total annual feed discharge across all four farms does not exceed:
        i. During stage 1 (ie all of Farms 1A, 2A, 3A, and 4A), 15,000 tonnes;
        ii. During stage 2 (ie all of Farms 1A and 1B, 2A and 2B, 3A and 3B, and 4A and 4B), 25,000 tonnes; or
        iii. During an alternative stage that is undertaken in accordance with recommendations in a certified Stage Progression Report (SPR), an alternative total annual feed discharge, less than 25,000 tonnes, as provided for in the SPR.

33. Marine farms must be operated as single year class farms and the four marine farms shall be managed on a rotational stocking basis, which means that the farms will be stocked at staggered intervals and that farms will be at different stages across the production cycle.

    <u>Interpretation:</u>

    Single year class means the introduction of a single generation (year-class) of fish.

34. Following harvest each marine farm must be fallowed (hold no fish) for a period of no less than three months before introduction of the next year class of smolt. The Consent Holder must keep a record of the date of harvest, the date of restocking, the period of time each marine farm is operating at peak discharge, the dates each farm is fallow and provide a copy to the Consent Authority annually as part of the Annual Report required under condition 77.
35. Dead fish shall be removed from the sea pens at least twice a week, and daily where possible, provided that weather conditions, farm maintenance, and health and safety requirements permit, and otherwise at the first available period where weather conditions, farm maintenance and health and safety requirements permit. Dead fish removed from sea pens shall be treated and/or stored in such a manner that is bio-secure and does not attract predators and must be disposed of on mainland New Zealand in a biosecure manner.

Marine mammals

36. The Consent Holder must undertake the activity authorised by this resource consent so as to:
    (a) Avoid adverse effects on indigenous marine mammal taxa that are listed as threatened or at risk in the New Zealand Threat Classification System (NZTCS) lists and marine mammals that are listed by the International Union for Conservation of Nature and Natural Resources as threatened.
    (b) Avoid and/or minimise the risk of entrapment, injury or entanglement of marine mammals and record and report any incidence of injury or mortality of any marine mammals in accordance with measures in a Marine Mammal Management Plan (MMMP).
    (c) Ensure that its staff and contractors do not:
        i. feed any marine mammals or discharge/discard anything within the coastal marine area that would attract marine mammals (unless the discharge is authorised and in accordance with the conditions of this consent) in the vicinity of the marine farms or the consented site nor intentionally interact with marine mammals except where such an interaction is authorised by the conditions of this consent.
        ii. undertake recreational fishing activities at any of the marine farms or while transiting between the marine farms.
37. Prior to the introduction of marine farm structures, including pens, mooring lines and anchors, the Consent Holder must submit a MMMP prepared by a SQEP to the Manager, for certification in accordance with condition 2.
38. The objectives of the MMMP are to:
    (a) define the methodology to be used for monitoring, recording and reporting the level of marine mammal presence around the marine farms at the consented site;
    (b) achieve compliance with the conditions of this consent;
    (c) minimise and/or mitigate the attraction or avoidance of marine mammals to the marine farms at the consented site;
    (d) minimise and/or mitigate interactions between marine mammals and marine farm activities and structures; and
    (e) meet the requirements of the Marine Mammals Protection Regulations 1992 (as may be amended or replaced from time to time) and any permit granted under the Marine Mammals Protection Act 1978.
39. The MMMP must at a minimum include the following information:
    (a) a monitoring programme with procedures for recording and reporting marine mammal presence in the vicinity of farm structures;
    (b) a framework for mitigation and management actions and techniques to avoid and otherwise minimise harmful marine mammal interactions and incidents with farm structures;

(c) measures to record and respond to marine mammal interactions/incidents with farm structures;

(d) procedures for the implementation of the MMMP, including the training of staff;

(e) timeframes for reporting of incidents (entrapment, live entanglement, injury and mortality) to the Consent Authority, the Department of Conservation and Ngā Rūnanga ki Murihiku;

(f) actions to be taken in the event of any injury or mortality;

(g) a process for reviewing the effectiveness of the MMMP at achieving the objectives set out in condition 38 and updating the MMMP if required to improve its effectiveness;

(h) a management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of marine mammal interactions and incidents with marine farms; and

(i) contact details for the person who is responsible for the monitoring, reporting and implementation of the MMMP.

40. The MMMP shall be reviewed by a SQEP as follows:

(a) two years after the installation of the first net pens at the site, and every five years thereafter; and

(b) within 30 calendar days of the discovery of any marine mammal mortality or serious injury, or an orca or whale entanglement, associated with or resulting from the Consent Holder's activities.

41. Any amendment to the MMMP arising from the reviews set out in condition 40 shall be submitted to the Manager for certification in accordance with condition 2.

42. In preparing the MMMP under condition 37, and undertaking any reviews under condition 40, the Consent Holder shall seek feedback from:

(a) the Department of Conservation; and

(b) a representative or representatives of Ngā Rūnanga ki Murihiku.

The MMMP is to be provided to the parties listed in condition 42(a) and (b) at least 20 working days prior to being submitted to the Manager, Resource Management, Environment Southland for certification.

As part of the material submitted for certification, the Consent Holder must provide a document containing:

- feedback from these parties, and
- an explanation of the Consent Holder's response to the feedback, including what (if any) amendments have been made in response to the feedback and feedback that has not resulted in amendments.

Seabirds

43. The Consent Holder must undertake the activities authorised by this resource consent so as to:

(a) avoid adverse effects on:

i. NZTCS Threatened and At Risk seabird species (including juveniles from nearby nesting or roosting sites); and

ii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened;

(b) otherwise minimise risks to seabirds from debris and foreign objects (including physical structures), artificial lighting, entanglement or collisions, and disturbance of nesting or roosting sites;

(c) minimise and/or mitigate the effects of the attraction of seabirds to the marine farms at the consented site;

(d) minimise and/or mitigate interactions between seabirds and marine farm activities and structures;

(e) avoid and/or mitigate the risk of entrapment, injury or entanglement of seabirds and record and report any incidence of injury or mortality of any seabirds in accordance with a Seabird Management Plan (SBMP);

(f) ensure that its staff and contractors do not intentionally feed seabirds or discharge/discard anything within the coastal marine area that would attract seabirds (unless the discharge is authorised and in accordance with the conditions of this consent) in the vicinity of the marine farms or while transiting between marine farms.

44. Prior to the first installation of marine structures on site, including installation of pens, mooring lines and anchors, the Consent Holder must submit a SBMP prepared by a SQEP to the Manager Resource Management, Environment Southland, for certification in accordance with condition 2.

45. The objectives of the SBMP are to:

(a) achieve compliance with conditions of this consent;

(b) define the methodology to be used for monitoring, recording and reporting seabird interactions around the marine farms; and

(c) for the first two years of operation of the marine farms at the site, monitor, record and report on seabird behaviours around the marine farms.

46. The SBMP must at a minimum include the following information:

(a) A monitoring programme with procedures for recording and reporting seabird interactions and behaviours in the vicinity of marine farms.

(b) Mitigation and management actions and techniques to minimise seabird interactions and incidents with farm structures in order to achieve condition 45.

(c) Procedures to record, respond to and report seabird interactions/incidents with farm structures, and timeframes for reporting.

(d) Procedures for the implementation of the SBMP, including training of staff.

(e) A process for reviewing the effectiveness of the SBMP at achieving the objectives set out in condition 45 and updating the SBMP if required to improve its effectiveness.

(f) A management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of seabird interactions and incidents with marine farms.

(g) Any updates (where necessary) to be consistent with any approval required under the Wildlife Act 1953.

47. The SBMP shall be subject to review, by a SQEP:

(a) two years after the completion of installation of the first sea pen at the consented site; and

(b) every five years thereafter.

48. Any amendment to the SBMP arising from the reviews set out in condition 47 shall be submitted to the Manager, for certification in accordance with condition 2.

49. In preparing the SBMP under condition 44, and undertaking any reviews under condition 47, the Consent Holder shall provide the SBMP to and seek feedback from:

(a) The Department of Conservation; and

(b) a representative or representatives of Ngā Rūnanga ki Murihiku.

The SBMP is to be provided to the parties listed in condition 49(a) and (b) at least 20 working days prior to being submitted to the Manager, Resource Management, Environment Southland, for certification.

As part of the material submitted for certification, the Consent Holder must provide a document containing:

- feedback from these parties, and
- an explanation of the Consent Holder's response to the feedback, including what (if any) amendments have been made in response to the feedback and feedback that has not resulted in amendments.

Sharks

50. The Consent Holder must:
    (a) Avoid adverse effects of activities on indigenous shark taxa listed as threatened or at risk in the NZTCS or threatened in the IUCN red list, excluding shark species managed under the Fisheries Act.
    (b) ensure that its staff and contractors do not feed sharks or undertake recreational fishing activities in the vicinity of the marine farms or while transiting between marine farms; and
    (c) minimise shark interactions with the marine farms.
51. Prior to the introduction of marine farm structures, including pens, mooring lines and anchors, the Consent Holder must submit a Shark Management Plan (SMP) prepared by a SQEP to the Manager for certification in accordance with condition 2.
52. The objectives of the SMP are to:
    (a) achieve compliance with conditions of this consent;
    (b) operate the marine farms so as to avoid, remedy, and mitigate adverse effects on sharks;
    (c) ensure best practice is adopted to avoid entanglement or entrapment of sharks, having regard to best international practice, ongoing research and allowing for technological improvement in net design, construction and maintenance;
    (d) establish reporting and response procedures in the event of protected, threatened, or at-risk shark entrapment, entanglement or death; and
    (e) establish a monitoring programme to assess the effectiveness of the SMP.
53. The SMP must at a minimum include the following information:
    (a) a monitoring programme with procedures for recording and reporting interactions and incidents (entanglement, entrapment, injury and mortalities) with sharks at the marine farms;
    (b) mitigation and management actions and techniques to minimise shark interactions and incidents with farm structures in order to achieve condition 52;
    (c) measures to respond to shark interactions/incidents with farm structures;
    (d) procedures for the implementation of the SMP, including training of staff;
    (e) timeframes for reporting of incidents (entrapment, live entanglement, injury and mortality) to the Consent Authority, the Department of Conservation (when a protected species is involved) and Ngā Rūnanga ki Murihiku;
    (f) a management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of shark interactions and incidents with marine farms; and
    (g) Any updates (where necessary) to be consistent with any approval required under the Wildlife Act 1953.
54. The SMP shall be subject to review, by a SQEP:
    (a) two years after the completion of the installation of the first sea pen at the site, and no more than every five years thereafter; and

(b) within 30 calendar days of the discovery of any protected shark species mortality, entanglement or serious injury associated with or resulting from the consent holder's activities.

55. Any amendment to the SMP arising from the reviews set out in condition 54 shall be submitted to the Manager, for certification.

56. In preparing the SMP under condition 51, and undertaking any reviews under condition 54, the Consent Holder shall provide the SMP to and seek feedback from:

(a) The Department of Conservation; and

(b) a representative or representatives of Ngā Rūnanga ki Murihiku.

The SMP is to be provided to the parties listed in condition 56(a) and (b) at least 20 working days prior to being submitted to the Manager, Resource Management, Environment Southland for certification.

As part of the material submitted for certification, the Consent Holder must provide a document containing:

- feedback from these parties, and
- an explanation of the Consent Holder's response to the feedback, including what (if any) amendments have been made in response to the feedback and feedback that has not resulted in amendments.

Biosecurity

57. The consent holder shall operate the farms so as to ensure that it avoids to the greatest extent practicable the risk of introducing or spreading:

(a) Marine pests; and

(b) Pathogens.

58. Prior to the installation of farm structures at the marine farms, the Consent Holder must submit a Biosecurity Management Plan (BMP) prepared by a SQEP to the Manager for certification in accordance with condition 2.

59. The objective of the BMP is to ensure that the risks of introduction or spread of any marine pest(s) and/or pathogens from the marine farming activities are managed, and reduced to as low a level as practicable.

60. The BMP must at a minimum include the following information:

(a) Identification of generic pathway and on-farm pathogen biosecurity measures to be implemented, including those associated with vessel movements to and from the marine farm;

(b) Identification of additional measures for marine pest and biofouling management specific to the risks posed by salmon farming at the consented site;

(c) Identification of additional measures for specific pathogen risks posed by salmon farming at the consented site; and

(d) An outline of staff training to be implemented at the site for mitigating biosecurity risks.

61. The BMP shall be subject to review by a SQEP:

(a) Annually;

(b) When there is a significant change in operating parameters at the consented site that potentially present an altered biosecurity risk to the marine farms or their environment;

(c) If new technologies or methods arise that could significantly improve the biosecurity outcomes for the site; and

(d) Where BMP requirements need to be amended to be consistent with any broader regulatory developments (e.g., new regional or national pathway plan rules that are stricter than those currently in the BMP).

62. Any amendment to the BMP arising from the reviews set out in condition 61 shall be submitted to the Manager, Resource Management, Environment Southland for certification.
63. In preparing the BMP under condition 58, and undertaking any reviews under condition 61, the Consent Holder shall seek feedback from:
    (a) Biosecurity New Zealand; and
    (b) a representative or representatives of Ngā Rūnanga ki Murihiku.

    The BMP is to be provided to the parties listed in condition 63(a) and (b) at least 20 working days prior to being submitted to the Manager, Resource Management, Environment Southland for certification.

    As part of the material submitted for certification, the Consent Holder must provide a document containing:

    - feedback from these parties, and
    - an explanation of the Consent Holder's response to the feedback, including what (if any) amendments have been made in response to the feedback and feedback that has not resulted in amendments.

Waste management

64.
    (a) Any floating inorganic waste material or debris that is accidently lost from the marine farms or from the Consent Holder's or contractors' vessels shall be promptly retrieved, stored and then disposed of at an approved waste facility onshore.
    (b) From the commencement of the installation of marine farm structures and throughout the construction and operation of the marine farm, the Consent Holder must prepare and implement a Waste Management Plan to avoid and minimise the risk of waste materials such as plastics and marine farm debris being discharged into the coastal marine area, including during any transit to and from the site. The Waste Management Plan shall address the risk of waste from construction and operational activities and shall be periodically reviewed to ensure that the waste management measures set out in the plan are effective. A copy of the Waste Management Plan shall be provided to the Consent Authority upon request.
    (c) The Consent Holder must undertake an annual inspection of the adjacent coastline (from Saddle Point to Bob's Point) for any marine farm related waste and debris, and remove any inorganic waste material or debris for disposal at an authorised facility. The Consent Holder must keep a record of these inspections and the amount of waste removed, which must be provided to the Consent Authority as part of the Annual Report required under condition 77.

Heritage

65. The Heritage New Zealand Pouhere Taonga Archaeological Discovery Protocol, or an accidental discovery protocol modified to reflect the specific project detail, marine environment and marine conditions that the project is occurring within, shall be operated under for any accidental archaeological discoveries that occur during construction works.
66. The Accidental Discovery Protocol required under condition 65 shall be accessible on site at all times during work under this consent.

    <u>Note:</u> *Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand and includes shipwrecks. These provisions apply regardless of whether a resource consent or building consent has been granted by Council.*

Lighting

67. The Consent Holder must, as far as reasonably practicable, minimise non-navigational lighting used at night, by ensuring:
    (a) Curtains, blinds or shutters which are effective at preventing light spill at night are provided for all windows on the barges anchored at the marine farms;
    (b) The curtains, blinds and shutters installed in accordance with clause (a) above are closed to prevent light spill at night, unless required to be open to facilitate the safety of staff;
    (c) Only external lighting that is required for navigation, deck and boat handling work, or health and safety purposes is installed at the marine farms;
    (d) Lights for deck and boat handling work are only to be used while that work is being undertaken;
    (e) All external work lights fitted to marine farm structures are to be designed, fitted and operated so as to minimise glare, light spill and reflection, except where required for navigation or health and safety purposes;
    (f) Light intensity of fitted lighting units is as low as practicable and longer wavelength ("warm white") colour is used; and
    (g) That where vessels operate at the marine farm at night, except for vessel navigation lighting, any external lights are only to be used to:
        i. Facilitate the safety of staff;
        ii. Prevent harm to salmon; or
        iii. Protect each of the marine farm structures, or ancillary infrastructure, from damage or failure.

Boat Traffic

68. The Consent Holder must, as far as reasonably practicable, minimise boat traffic associated with the marine farm operation within 200 metres of the coastline, subject to allowing for the requirements outlined in condition 69 below.
69. Marine farm staff and contractors must only access land on the adjacent coastline via existing landing sites (e.g. those used by tourism and charter operators), unless under specific circumstances (such as search and rescue, clean up, recovery of equipment, pest control, health and safety or attending to an incident involving marine fauna).

Management of seabed and water column effects

70. The Consent Holder shall ensure that the marine farming activities authorised by this consent do not cause:
    (a) adverse effects on the ecosystem function of biogenic habitat (bryozoan-sponge reefs (including associated patchy low-relief bryozoan sponge habitat) and bushy bryozoan thickets) existing up to the date of commencement of the consent;
    (b) the mean dissolved oxygen (DO) concentration 300m in the predominant current direction from the outside edge of the sea pens to fall below 5 mg/L for two successive months. DO concentration shall be measured from a depth profile with data averaged within 1m depth bins;
    (c) Chlorophyll-a concentrations 800 m in the predominant current direction from the outside edge of the sea pens to be greater than 3.5 µg/L for two successive months;
    (d) total nitrogen concentrations at any monitoring station 800 m in the predominant current direction from the outside edge of the sea pens to be more than 50 µg/L above the highest concentration measured at reference sites during the same monitoring occasion for two successive monitoring occasions.

Note: "Ecosystem function" in clause (a) refers to the role of habitat-forming taxa in providing structure, supporting biodiversity, and maintaining overall habitat condition. "Adverse effects on the ecosystem function of biogenic habitat" will be identified using the indicators set out in Table B-2, Appendix B or any amendments to those indicators pursuant to condition 82.

Details of sampling methodologies for determining compliance with (a) – (d) above are contained in the EMMP required by conditions 72 - 74.

Adaptive Management

71. Marine farming at the site shall be monitored as required by conditions 72 – 74 and managed in accordance with:
    (a) the Environmental Quality Zones (EQZ) and Adaptive Management Triggers (AMT) contained in Appendix B to these conditions; or
    (b) any amendment to the EQZ or AMTs made subject to conditions 81 and 82 and certified in accordance with condition 2; and
    (c) the adaptive management sections of the Environmental Monitoring and Management Plan (EMMP) required by condition 72.
72. Following the commencement of this consent, the Consent Holder must submit an EMMP prepared by a SQEP to the Manager for certification in accordance with condition 2.
73. The objectives of the EMMP are to:
    (a) Detail the monitoring programme that will be implemented to assess the effects of the marine farming activity on the water column and seabed, including pre-development (baseline) monitoring;
    (b) Detail the adaptive management regime that will be implemented under this consent;
    (c) Achieve compliance with condition 70; and
    (d) Detail how the EQZ and AMT may be adjusted throughout the term of the consent, subject to conditions 81 and 82.
74. The EMMP must be prepared taking into account relevant recommendations in the "*Recommendations for seabed monitoring at the proposed Hananui salmon farming area*" and the "*Water Column Assessment*" submitted with the application lodged with the Environmental Protection Authority on 26 November 2025 (FTAA-2511-1138) and the draft EMMP submitted to the Environmental Protection Authority on 1 July 2026 and, at a minimum, include the following information:
    (a) The seabed and water column monitoring plan that will be implemented to assess the actual effects of the marine farming activity against the AMT, including:
        i. Pre-development and operational monitoring;
        ii. Sampling locations that will provide sufficient pre-development (baseline) information for all potential stages of production of the farms, including potential relocation sites should farm locations be amended in accordance with conditions 10 and 86;
        iii. Duration and timing of sampling;
        iv. Sampling design and analytical methods to be used;
        v. Parameters to be analysed;
        vi. An assessment of any changes to the seabed and water column monitoring plan as a result of pre-development monitoring and why these are justified; and
        vii. Reporting requirements to be met in the Annual Report.
    (b) The EQZ and AMT, consistent with condition 71 against which monitoring results shall be compared and which will be used as triggers for adaptive management actions to ensure compliance with condition 70;
    (c) A description of the different marine farm adaptations that may be implemented if the AMT are exceeded;

(d) A model review framework that identifies the model validation and re-modelling requirements for progression between stages.

Interpretation:

Model validation means the systematic use of monitoring and operational data, including actual feed inputs and measured environmental responses, to compare depositional model predictions against observed conditions and quantitatively and qualitatively assess the accuracy, reliability, and fitness-for-purpose of the depositional model under operational conditions.

75. Pre-development monitoring under the EMMP shall occur for the following minimum durations:
    (a) 24 months for seabed monitoring of biogenic habitats;
    (b) 12 months for seabed monitoring of sandy habitats; and
    (c) 12 months for water column monitoring.
76. Prior to the introduction of fish to the marine farms, the Consent Holder shall provide a Pre-Development Monitoring Report which analyses the results of the pre-development monitoring, and is prepared by a SQEP, to the Consent Authority. The report shall include:
    (a) A description of the monitoring undertaken;
    (b) An assessment of the results of the monitoring;
    (c) Details of the existing environment (environmental parameters, benthic habitats) at the time of monitoring based on the monitoring results;
    (d) Recommendations for any updates to the monitoring section of the EMMP; and
    (e) Recommendations for any updates to the AMT required to address monitoring recommendations under condition 76(d).

    Note: *any such updates will be subject to the process outlined in conditions 81 – 82.*
77. The consent holder shall produce an Annual Report and shall provide it to the Consent Authority within three months of the anniversary of the commencement of the consent, and then annually from that date, throughout the life of the project. The Annual Report shall include:
    (a) Details of all monitoring undertaken in accordance with the conditions of this consent;
    (b) Actual Annual Feed discharged during the year covered by the Annual Report;
    (c) A record of harvested salmon;
    (d) Comparison of the annual monitoring data with the compliance limits in condition 70, AMT in the EMMP and requirements in conditions 3636 (Marine Mammals), 43 (Seabirds), 50 (Sharks) and 57 (Biosecurity);
    (e) A summary of any seabird, marine mammal and/or shark mortality, serious injury or entanglement events caused by the consent holder’s activities;
    (f) A description of actions that have been or will be implemented where monitoring data or incident records indicate non-compliance with consent conditions or a Management Plan or other document certified under this consent; and
    (g) All other information required to be included in the Annual Report under a condition of this consent and Management Plan or other document certified under this consent.

    Note: *The Annual Report shall be prepared recognising that it can be made publicly available by the consent authority, and will be disclosable by the consent authority on receipt of a request under the Local Government Official Information and Meetings Act 1987.*
78. The EMMP shall be subject to review, by a SQEP, at least every 5 years from the completion of installation of the first sea pen, and:
    (a) As part of any Stage Progression Report prepared in accordance with condition 83.c; and
    (b) As part of any marine farm relocation undertaken pursuant to condition 86.

79. Any amendment to the EMMP arising from any review shall be submitted to the Manager, for certification in accordance with condition 2.
80. In preparing the EMMP under condition 72, and undertaking any reviews, the consent holder shall seek feedback from a representative or representatives of Ngā Rūnanga ki Murihiku. That feedback, along with an explanation of the consent holder's response to the feedback shall be provided to the Manager, as part of material submitted for certification.
81. Notwithstanding condition 71 and Figure 1 in Appendix B, the size and shape of the EQZs may be reviewed and amended by the consent holder once fish have been introduced to the marine farms, where monitoring results indicate that the size or shape of the EQZ should be amended to better reflect observed seabed conditions, depositional patterns, solids flux, or the residual solids footprint from discharges at the marine farms. If the consent holder seeks to amend the shape and area of the EQZs the following process shall be followed:
    (a) The consent holder shall provide the consent authority with a report prepared by a SQEP, that assesses the results of seabed monitoring, provides an indication of the solids flux and residual solids footprint from discharges at the marine farms and proposes amendments to the zones; and
    (b) The consent authority certifies that with any alteration to the zones the seabed effects will continue to comply with Condition 70(a).
82. Notwithstanding condition 71 and Appendix B, the AMTs may be reviewed and amended by the consent holder:
    (a) During the period of pre-development (baseline) monitoring to address any monitoring recommendations that arise; and
    (b) Once fish have been introduced to the marine farms, in order to improve certainty that the AMTs are workable in practice and represent the most appropriate triggers to enable adaptive management measures to be employed before any significant adverse effect is encountered;

    Provided that, at all times, the AMTs ensure that condition 70 continues to be met, and that the following process for amending AMTs is followed:

    (c) The consent holder shall provide the consent authority with a report prepared by a SQEP, that assesses the results of monitoring, provides analysis and reasoning for any proposed changes to the AMTs, and proposes specific AMT amendments; and
    (d) The consent authority certifies that any alteration to the AMTs will not result in the seabed or water column effects being inconsistent with the conditions of this consent.

Staging

83. Progression from Stage 1, or any alternative stage, to Stage 2 shall only occur if:
    (a) A minimum of two full production cycles has been completed at Stage 1 during which:
        i. At least 12,500 tonnes of feed has been used across all four farms in two 12-month periods;
        ii. The marine farm has been operated and monitored in accordance with the certified EMMP; or
    (b) An alternative stage has been completed in accordance with recommendations in the relevant Stage Progression Report (SPR) and has been operated and monitored in accordance with the certified EMMP; and
    (c) a SPR for the completed stage has been prepared by a SQEP, recommends that progression from Stage 1 or any alternative stage is appropriate, and has been certified by the Manager Resource Management, Environment Southland in accordance with condition 2.
84. The objective of the SPR is to determine whether the marine farm can progress to Stage 2, or any alternative stage, while continuing to comply with condition 70.

85. Each SPR must:
    (a) include analysis of the results of monitoring undertaken in accordance with EMMP;
    (b) include a description and analysis of any modelling undertaken as a requirement of the EMMP; and
    (c) recommend one of the following based on monitoring and modelling:
        i. Progression to Stage 2;
        ii. Progression to Stage 2, but incorporating adaptive management measures to address matters identified through monitoring or modelling; or
        iii. Progression to an alternative stage, with maximum annual feed discharge level, farm location and minimum stage duration to be specified in the SPR; or
        iv. No progression until appropriate remedial actions are taken, in the event that progression is not possible while continuing to comply with condition 70.

    Note: *Any alternative maximum feed discharge level specified in accordance with condition 85.c.iii shall not exceed 25,000 tonnes across all four farms.*

    Note: *While a SPR is being prepared and certified, production may continue under the current stage subject to meeting the compliance limits in condition 70 and other conditions of this consent.*

Alternative farm locations

86. As part of the adaptive management of the marine farm, the Consent Holder may relocate marine farms to the alternative farm sites shown on Plan A and / or to any location within 500 m of the initial farm site, subject to:
    (a) Preparation of a Farm Movement Plan (FMP). The purpose of an FMP is to confirm that the relocation will satisfactorily address issues identified through the adaptive management process and that the potential adverse effects of the changed layout relating to seabed deposition and the safety of the marine farm structures will not exceed those considered at the time of granting the consent. An FMP shall be prepared by a SQEP and, at a minimum, shall include the following information:
        i. A clear description of the trigger or issue that has prompted the relocation proposal;
        ii. A seabed survey of the alternative location to confirm that the outside edge of the sea pens will not be located within 500 m of any biogenic habitat situated outside the Proposal Area boundary shown on Plan A;
        iii. An assessment to confirm that the marine farm structures can be safely and securely installed and maintained at the new location(s);
        iv. Depositional modelling that demonstrates continued compliance with limits in condition 70 and that seabed deposition effects from the relocated farm(s) will remain within the AMT in the EMMP (and Appendix B); and
    (b) Submission of the FMP to the Manager for certification in accordance with condition 2; and
    (c) Providing updated “as-built” plans to the Consent Authority in accordance with condition 18(b) and notifying the Harbourmaster of the relocated farms and the associated amended exclusive occupation area.

Review

87. The consent authority may, in accordance with Sections 128 and 129 of the Resource Management Act, serve notice, during the months of August to October each year or if non-compliance with the conditions of this consent is determined, of its intention to review the conditions of the consent for the purposes of:
    (a) Dealing with any adverse effect on the environment which may arise from the exercise of this consent and which is appropriate to deal with at a later stage, or

(b) Considering any changes to information on the effects of marine farming, particularly information gained from monitoring, or

(c) Considering any changes required to the adaptive management approach implemented at the site, or

(d) Complying with the requirements of a regional plan, national environmental standard, or national planning standards.

Hananui Community, Environmental, and Health & Education Funds

88. The Consent Holder shall establish and maintain the following funds to support positive social, cultural, environmental, and community outcomes associated with the activities of this consent:

    (a) Hananui Community Funds – to support community projects that are important to local communities. Two separate sub-funds shall be established for the Rakiura and Bluff communities, to be managed by trustees comprising local community representatives, including Rūnanga representatives residing within each community.

    (b) Hananui Environmental Fund – to support local projects and initiatives that enhance or restore the Murihiku environment. The fund shall be governed by the Consent Holder and include a project-selection panel comprising representatives of local organisations, Rūnanga, and external experts as required.

    (c) Hananui Health and Education Fund – to support health and education outcomes for people within the Murihiku takiwā through initiatives such as treatment, targeted public-health programmes, and scholarships. The fund shall be managed by persons with relevant health-care and education expertise and include Rūnanga representation.

89. Prior to the completion of installation of the first sea pen , the Consent Holder shall prepare a Fund Governance and Implementation Plan (FGIP). The Plan shall:

    (a) Describe the governance structure, decision-making framework, and membership composition for each fund;

    (b) Identify transparent criteria for the selection, approval, and monitoring of supported projects;

    (c) Outline annual reporting requirements to the Consent Authority and participating communities; and

    (d) The FGIP shall be provided to the Consent Authority for its records.

90. For its first contribution, the Consent Holder shall make a total annual financial contribution across all four funds listed in condition 88 of a minimum of 10 cents per fish harvested in the preceding year. Annually following the first contribution, the minimum contribution per harvested fish shall be adjusted to reflect changes in the Consumer Price Index, All Groups, as published by Statistic New Zealand.

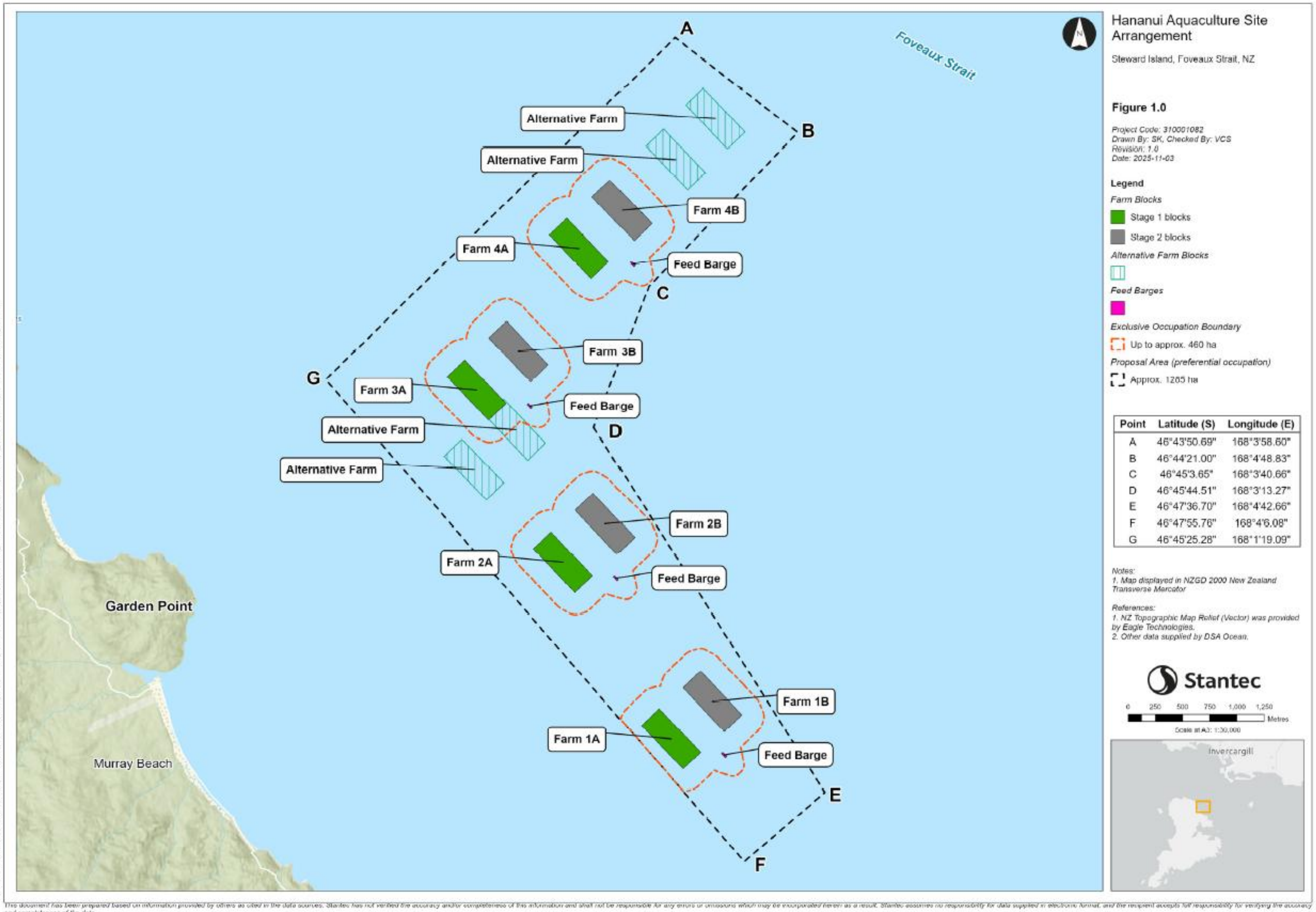
91. In any financial year where the Consent Holder can demonstrate that the aquaculture operations have experienced a material financial loss or other exceptional circumstances, the Consent Holder may defer all or part of the annual contribution, provided that:

    a. Written notice and justification are provided to the Consent Authority and fund-governance bodies; and

    b. Deferred contributions are recorded and made up in subsequent financial years once operations return to profitability.

92. The first contribution to each fund shall be made within 12 months of the first commercial harvest from Stage 1 operations.

Conditions Appendix A – Plan A



Point	Latitude (S)	Longitude (E)
A	46°43'50.69"	168°3'58.60"
B	46°44'21.00"	168°4'48.83"
C	46°45'3.65"	168°3'40.66"
D	46°45'44.51"	168°3'13.27"
E	46°47'36.70"	168°4'42.66"
F	46°47'55.76"	168°4'6.08"
G	46°45'25.28"	168°1'19.09"

Conditions Appendix B – Adaptive Management Triggers and Environmental Quality Zones

B-1 Water Quality

Water quality AMTs are such that the farm operation shall not cause:

(a) Total Nitrogen concentrations at any monitoring station 800m in the predominant current direction from the outside edge of the sea pens, to exceed 30 μg/L above the highest concentration measured at any reference site during the same monitoring occasion for two successive monitoring occasions;

(b) Chlorophyll-a concentrations in nearby sheltered embayments, to exceed 3.5 μg/L for two successive months and be attributed to marine farm activities; and

(c) Mean dissolved oxygen (DO) concentrations 300m in the predominant current direction from the outside edge of the sea pens, to fall below 6 mg/L for two successive months. DO concentration shall be measured from a depth profile with data averaged within 1 m depth bins.

B-2 Seabed

B-2.1 Sandy seabed

Environmental Quality Zones (EQZs) for Stage 1 and Stage 2 (Figure 1) are:

- Zone 1 (blue line in figure) or the zone of maximum effect (0.5 kg m^2 yr^{-1} solids flux contour).
- Zone 2 (orange line in figure) is the primary footprint (7 $g \cdot m^{-2}$ residual solids contour).
- Beyond Zone 2 is a spatially defined area extending 3 km in the predominant current flow direction (north-west / south-east) and 2 km cross-current from the Zone 2 boundary. This area encompasses the 0.7 $g \cdot m^{-2}$ residual solids footprint and extends beyond it to capture the maximum spatial extent at which farm-related effects may be detectable.

There is no EQZ for areas outside of the Beyond Zone 2 area, because natural conditions are expected with no effects attributable to farm activities.

AMTs for each zone are set out in Table B-1.

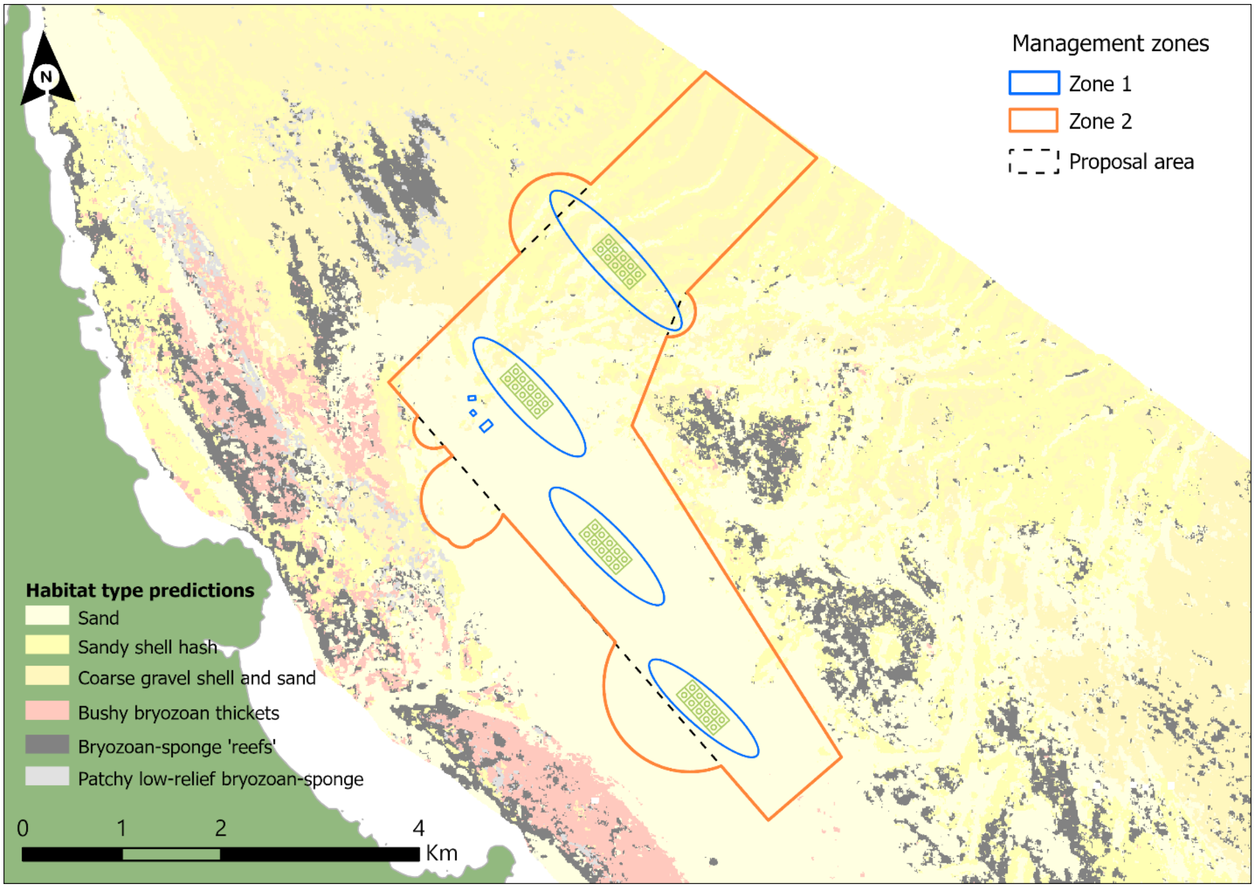


Figure 1A. Consented site with overlayed EQZs based on Stage 1 feed inputs.

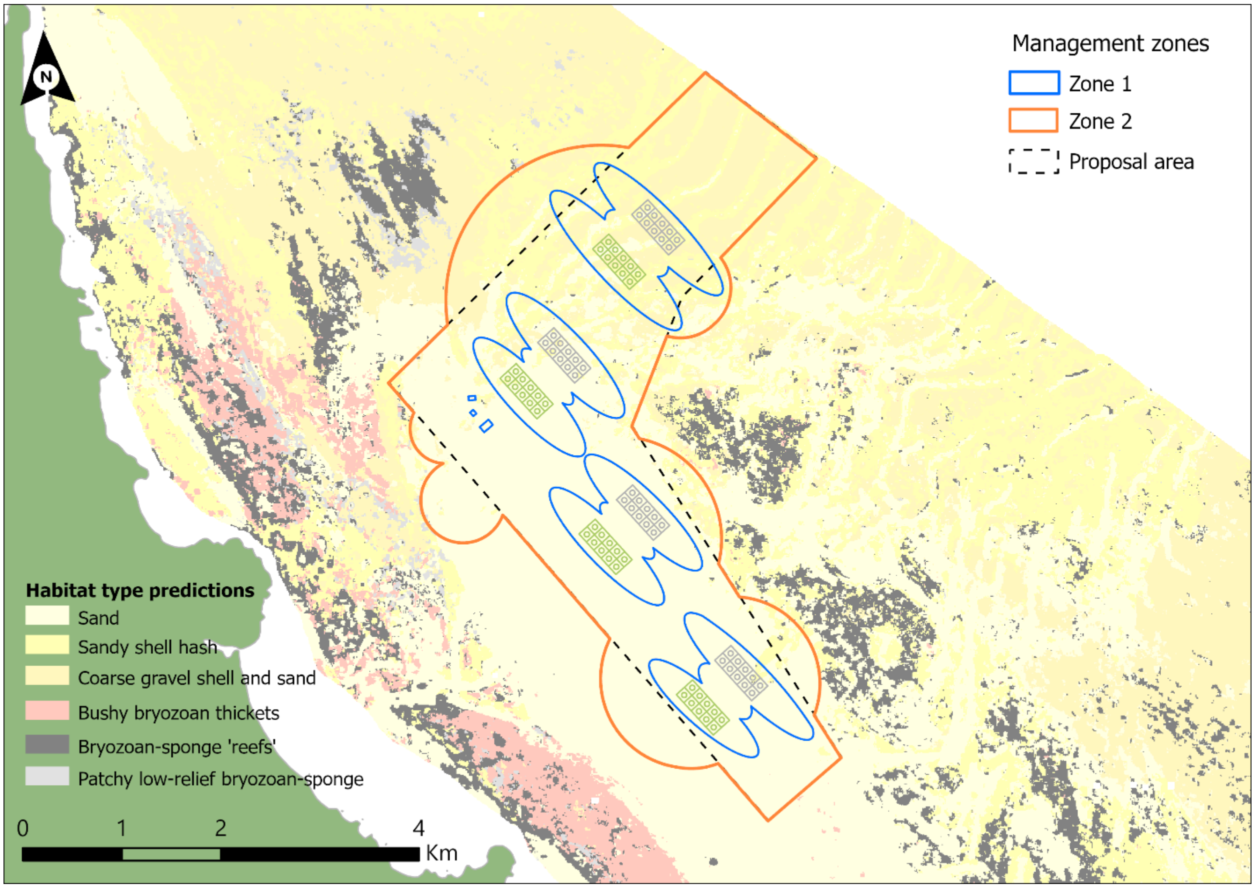


Figure 1B: Consented site with EQZs based on Stage 2 feed inputs

B2-2 Biogenic Habitat AMTs

The farm layout has been designed to minimise deposition of farm-derived material on biogenic habitats. While low-level inputs may occur through resuspension, far-field deposition and accumulation are expected to be minimal and may not be readily detectable. Biogenic habitat monitoring is a precautionary measure, designed to provide early detection of an effect if it arises, through an approach that employs a broad range of monitoring tools.

Given the limited precedent for organic enrichment effects on key taxa and the time required for such effects to become detectable, establishing AMT for biogenic habitats at this stage would be premature. Instead, potential adverse impacts to ecosystem function should be assessed through multiple lines of evidence relative to background conditions and over time, allowing farm-related effects to be distinguished from natural variability and changes in individual indicators to be interpreted in the context of broader ecosystem change, in accordance with Table B-2.

Table B-1. Guiding environmental principles, adaptive management triggers (AMT) and indicators, associated thresholds and response triggers for sandy habitats. Under the tiered monitoring approach, Tier 1 indicators are to be used routinely to assess environmental impact and, when breached, should trigger Tier 2 surveys. $S^{2-}_{(UV)}$ = total free sulphides (ultraviolet (spectrophotometry) method), b-MBI = bacterial Metabarcoding Biotic Index, DO = dissolved oxygen, AMBI = AZTI's Marine Biotic Index, BQI = Benthic Quality Index, N = total abundance, S = taxa richness, H' = Shannon–Wiener diversity index, d = Margalef's diversity index, J' = Pielou's evenness, ES = Enrichment Stage

Guiding principles – sandy habitats	AMT indicators and associated thresholds	Response trigger
Zone 1		
Peak production: full-suite monitoring		
Farm shall not become very highly enriched (**all areas < cf. ES 5**)	AMT for identifying very high enrichment (ES 5): • Quantitative indicators (station average): o S^{2-}_{UV} > 800 µM or standard method o Redox / pH index > 3.0 o b-MBI > 4.5 o Macrofaunal indicators (AMBI > 5.1, BQI < 2.6, expert judgement that other available indicators [e.g., N, S, H', J' and d] indicate very high enrichment) o Station average near-bottom water column DO < 90% reference o White, anaerobic bacterial coverage > 50%. • Visible free outgassing from sediments.	If two or more AMT are triggered at any Zone 1 station, or if visible free outgassing is observed, farm management response actions, as outlined in the EMMP, should be initiated.
Interim stations: tiered monitoring		
Farm shall not become very highly enriched (**all areas < cf. ES 5**)	**Tier 1 AMT for identifying very high enrichment (ES 5):** • Quantitative indicators (station average): o S^{2-}_{UV} > 800 µM or standard method / in tandem for a while o Redox / pH index > 3.0 o Station average near-bottom water column DO < 90% reference o White, anaerobic bacterial coverage > 50% • Visible free outgassing from sediments. **Tier 2 AMT for identifying very high enrichment (ES 5, archived):** • Quantitative indicators (station average):	Tier 2 is triggered when any two or more Tier 1 indicators are triggered at any Zone 1 station or outgassing is observed; archived Tier 2 samples should be processed. If Tier 2 indicators are exceeded, farm management response actions, as outlined in the EMMP, should be initiated.

Guiding principles – sandy habitats	AMT indicators and associated thresholds	Response trigger
	o b-MBI > 4.5[1] o Macrofaunal indicators (AMBI > 5.1, BQI < 2.6, expert judgement that other available indicators [e.g., N, S, H', J' and d] indicate very high enrichment).	
Zone 2		
Zone 2 shall not become highly enriched (**all areas < cf. ES 4**)	**Tier 1 AMT for identifying high enrichment (ES 4):** • Station average: o S^{2-}_{UV} > 500 µM[2] o b-MBI > 4.	Tier 2 should be triggered when either or both Tier 1 indicators are exceeded at any Zone 2 station.
	Tier 2 AMT for identifying high enrichment (ES 4): Quantitative macrofaunal indicators (station average): o AMBI > 4.4* o BQI < 4.0* o Expert judgement that other available indicators (e.g., N, S, H', J' and d) indicate high enrichment.	Farm management response (see EMMP) should be initiated when Tier 2 indicators are triggered (AMBI, BQI, expert judgement) at any Zone 2 station. *If only expert judgement available, indications of high enrichment = farm response action required. If AMBI and BQI can be calculated, then 2/3 indicators triggered = farm management response triggered.*
Beyond Zone 2		
Beyond Zone 2 shall not become moderately enriched (**all areas < cf. ES 3**) Minor enrichment permitted but not sufficient to cause ecological degradation or loss of biodiversity	**Tier 1 AMT for identifying moderate enrichment (ES 3):** • Station average: o S^{2-}_{UV} > 250 µM or, > upper 95% CI value for relevant reference stations o b-MBI > upper 95% CI value for relevant reference stations.	Tier 2 should be triggered when either or both Tier 1 indicators are exceeded at any Beyond Zone 2 stations.
	Tier 2 AMT for identifying moderate enrichment (ES 3): Quantitative macrofaunal indicators (station average): o AMBI > upper 95% CI for relevant reference stations o BQI < lower 95% CI for relevant reference stations o Expert judgement that other available indicators (e.g., N, S, H', J' and d) indicate moderate enrichment.	Farm response actions (see EMMP) should be initiated when Tier 2 indicators are triggered (AMBI, BQI, expert judgement) at any Beyond Zone 2 stations. *If only expert judgement available, indications of moderate enrichment = farm response action required.*

[1] Incorporation of this index at the Hananui proposal area would require validation against infaunal data over at least 2 years before applicability as a Tier 1 AMT indicator.

[2] Point equivalent to approximately the transition between 'Moderate' and 'Poor' status based on international data published by Fisheries and Oceans, Canada, and Cranford et al. (2020), and as recommended in the Aquaculture Stewardship Council benthic monitoring whitepaper (ASC 2022). Assumes use of the UV spectrophotometry of sediment pore water method.

Guiding principles – sandy habitats	AMT indicators and associated thresholds	Response trigger
		If AMBI and BQI can be calculated then 2/3 indicators triggered = farm management response triggered.

Table B-2. Guiding environmental principles, indicators for identifying adverse effects to ecosystem function and response triggers for biogenic habitats

Guiding principles – biogenic habitats	Indicators for identifying adverse effects to ecosystem function	Response trigger
No adverse effect sufficient to disrupt ecosystem function	**Video footage (video and still imagery) analyses** • **Quantitative:** o Statistically significant change in the percent cover of key taxa relative to appropriate reference station(s)[3] o Statistically significant change in community composition (positive or negative) relative to appropriate reference station(s). • **Qualitative** o Presence of any fish-farm derived material o Evidence of physical disturbance. **Habitat complexity** • Statistically significant changes in the total area of habitat extent (m^2), structural complexity (rugosity), and / or seafloor composition (proportion of different substrate types) over time. Soft sediment sampling (sentinel stations) **Tier 1 AMT for identifying moderate enrichment (ES 3):** o S^{2-}_{UV} > 250 µM or, > upper 95% CI value for relevant reference stations or standard method o b-MBI > upper 95% CI value for relevant reference stations. **Tier 2 AMT for identifying moderate enrichment (ES 3):** Quantitative macrofaunal indicators o AMBI > upper 95% CI for relevant reference stations	If a statistically significant change in cover for key taxa or community composition is detected based on the BACI design and in conjunction with farm activities, farm management actions (see EMMP) should be initiated. Evidence of physical disturbance should be evaluated using expert judgement alongside other indicators, such as farm-waste tracers, to determine whether the farm or external forces (e.g. ship anchoring, oyster dredging) are the likely source. If a statistically significant change in these parameters is detected based on the BACI design and in conjunction with farm activities, farm management actions (see EMMP) should be initiated. If either or both Tier 1 indicators are triggered at any sentinel station, expert judgement should be required to assess whether there is evidence of biogenic habitat impact before proceeding to Tier 2.

[3] Implies the use of a beyond BACI approach to test for a significant control vs impact interaction term. The same statistical design will be applied for univariate (change in the percentage cover of key taxa, total area of extent, habitat extent, rugosity) and multivariate analyses (change in community structure, seafloor composition).

	o BQI < lower 95% CI for relevant reference stations o Expert judgement that other available indicators (e.g., N, S, H', J' and d) indicate moderate enrichment.	If Tier 2 indicators are triggered (AMBI, BQI, expert judgement) at any sentinel station, farm management response (see EMMP) should be initiated. *If only expert judgement available, indications of moderate enrichment = farm management response triggered. If AMBI and BQI can be calculated, then 2/3 indicators triggered = farm management response.*

APPENDIX B – CONDITIONS OF WILDLIFE ACT APPROVALS

SCHEDULE 1

1	**Authorised activity (including the species, any approved quantities and collection methods)** (Schedule 2, clause 2)	A. Activity: a) For the capture, holding, handling, releasing, disturbing and incidental killing of white sharks, basking sharks and seabirds (except black-backed gulls) which may result from their entanglement and entrapment in the proposed marine farming structures. B. Methodology: a) The methods in relation to white sharks and basking sharks are set out in the Shark Management Plan b) The methods in relation to seabirds are set out in the Seabird Management Plan
2	**The Land** (Schedule 2, clause 2)	Within the HAP marine farming site off the northern coast of Rakiura. The coordinates of the site boundaries are as follows: 46°43'50.69"S 168° 3'58.60"E 46°44'21.00"S 168° 4'48.83"E 46°45' 3.65"S 168° 3'40.66"E 46°45'44.51"S 168° 3'13.27"E 46°47'36.70"S 168° 4'42.66"E 46°47'55.76"S 168° 4' 6.08"E 46°45'25.28"S 168° 1'19.09"E
3	**Personnel authorised to undertake the Authorised Activity** (Schedule 2, clause 3)	a) Suitably trained marine farm staff b) Suitably qualified and trained vets c) Additional personnel as may be approved in writing by the Department of Conservation.
4	**Term** (Schedule 2, clause 4)	10 August 2026 to 10 August 2056
5	**Approval Holder's address for notices** (Schedule 2, clause 8)	The Approval Holder's address in New Zealand is: Physical: Ngāi Tahu Seafood Resources Limited Postal: PO Box 3787, Christchurch 8140 Phone: 021 904 228 Email: thomas.hildebrand@ngaitahu.iwi.nz
6	**The Department's address for notices**	The Department's address for all correspondence is: Rakiura National Park Visitor Centre, Main Road, Halfmoon Bay, Stewart Island

		Phone: 03 219 0009 Email: stewartisland@doc.govt.nz And Permissions Team Level 4 73 Rostrevor Street Hamilton 3204 Email: permissionshamilton@doc.govt.nz

SCHEDULE 2

CONDITIONS OF THE APPROVAL

General conditions

Note: *Any reference in the conditions in this Schedule to Resource Consent conditions is a reference to the approvals as granted by the Fast-track Approvals Act 2024 expert panel on 10 August 2026.*

1. The Approval Holder must implement the documents required by the conditions of this Wildlife Act Approval and all works and activities authorised by this approval must be carried out in accordance with the documents required by the approval.
2. In accordance with Conditions 47-49 and 54-56 of the Resource Consent the Approval Holder may make amendments to any of the management plans provided that feedback is sought from DOC.

Seabirds

3. The Approval Holder must undertake the activity authorised by this Wildlife Act Approval so as to avoid and/or mitigate the risk of entrapment, injury or entanglement of seabirds and record and report any incidence of injury or mortality of any seabirds in accordance with the Seabird Management Plan (SBMP) required under the conditions of the Resource Consent.
4. The objectives of the SBMP are to:
    a. achieve compliance with conditions of this approval;
    b. define the methodology to be used for monitoring, recording and reporting seabird interactions around the marine farms; and
    c. for the first two years of operation of the marine farms at the site, monitor, record and report on seabird behaviours around the marine farms
5. The SBMP must at a minimum include the following information:
    a. A monitoring programme with procedures for recording and reporting seabird interactions and behaviours in the vicinity of marine farms.
    b. Mitigation and management actions and techniques to minimise seabird interactions and incidents with farm structures in order to achieve Condition 4.
    c. Procedures to record, respond to and report seabird interactions/incidents with farm structures, and timeframes for reporting.
    d. Procedures for the implementation of the SBMP, including training of staff.
    e. A process for reviewing the effectiveness of the SBMP at achieving the objectives set out in Condition 4 and updating the SBMP if required to improve its effectiveness
    f. A management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of seabird interactions and incidents with marine farms.
6. In accordance with the Animal Welfare Act 1999, section 11, the Approval Holder may euthanise seabirds in their care if the seabird is:
    a. Suffering unreasonable or unnecessary pain or distress; or
    b. Is seriously ill or permanently injured and unlikely to survive in the wild; and
    c. The Approval Holder has the skills to humanely euthanise.
7. The Approval Holder must not euthanise seabirds unless:
    a. A veterinarian recommends euthanasia on animal welfare grounds; or
    b. The Approval Holder euthanises wildlife under direction of the Director-General.

Monitoring and Reporting

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

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

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

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

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

Sharks

9. The Approval Holder must undertake the activity authorised by this Wildlife Act Approval so as to minimise shark interactions with the marine farms in accordance with the Shark Management Plan (SMP) required under the conditions of the Resource Consent.
10. The objectives of the SMP are to:
    a. achieve compliance with conditions of this approval;
    b. operate the marine farms so as to avoid, remedy, and mitigate adverse effects on sharks;
    c. ensure best practice is adopted to avoid entanglement or entrapment of protected sharks, having regard to best international practice, ongoing research and allowing for technological improvement in net design, construction and maintenance;
    d. establish reporting and response procedures in the event of protected shark entrapment, entanglement or death; and
    e. establish a monitoring programme to assess the effectiveness of the SMP.
11. The SMP must at a minimum include the following information:
    a. a monitoring programme with procedures for recording and reporting interactions and incidents (entanglement, entrapment, injury and mortalities) with sharks at the marine farms;
    b. mitigation and management actions and techniques to minimise shark interactions and incidents with farm structures in order to achieve Condition 10.
    c. measures to respond to shark interactions/incidents with farm structures;
    d. procedures for the implementation of the SMP, including training of staff;
    e. timeframes for reporting of incidents (entrapment, live entanglement, injury and mortality) to DOC; and
    f. a management review process that has the flexibility to accommodate future advances in infrastructure and other developments in line with the evolution of the science behind best management practices for management of shark interactions and incidents with marine farms.
12. In the event that all reasonable actions have been attempted to remove an entangled or entrapped live shark, or the condition of the shark deteriorates rapidly, or the shark begins to display more aggressive behaviour that makes it impractical and a health and safety risk to disentangle and release the shark, the Approval Holder may take action to destroy the shark, in accordance with the SMP.

Reporting

13. The Approval Holder must keep a record of all protected shark incidents/interactions with the marine farm.
14. The Approval Holder must provide these records annually, within three months of the anniversary of the commencement of the consent, to the Regional Statutory Manager of the Department of Conservation (SSI-StatutoryandCommunity@doc.govt.nz), and permissionshamilton@doc.govt.nz, for the term of the authorisation.
15. Any incident with a protected shark must be reported to DOC within 24 hours of the incident.
16. All reporting must be undertaken in accordance with the SMP.

Revocation

17. The Director-General may revoke this Approval in whole or any part at any time (pursuant to clause 7(4) of Schedule 7 of the Fast-track Approvals Act 2024) if:
    a. The Approval Holder breaches any of the conditions of this Approval; and
    b. In the Director-General's opinion, the exercise of this Approval has caused, or is likely to cause, any unforeseen adverse effects on sharks or seabirds.
18. If the Director-General intends to revoke this Approval in whole or in part, the Director- General must give the Approval Holder such prior notice as is reasonable and necessary in the circumstances.

Costs

19. The Approval Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this approval and to investigate any alleged breaches of the terms and conditions of it.

Variations

20. The Approval Holder may apply to the Director-General for variations to this Approval in accordance with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.

Liabilities

21. The Approval Holder agrees to exercise the Approval at their own risk and releases, to the full extent permitted by law, the Director-General and the Director-General's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage, or injury occurring to any person or property arising from the Approval Holder's exercise of the Approval.

Compliance with Legislation and Director-General's Notices and Directions

22. The Approval Holder must comply with all statutes, bylaws, and regulations, and all notices, directions, and requisitions of the Director-General and any competent authority relating to the exercise of the Approval.

Variations Employees, Contractors, or Agents

23. The Approval Holder is responsible for the acts and omissions of its employees, contractors, and agents when acting in the course of, or in connection with, the activities authorised by this Approval.
24. The Approval Holder is liable under this Approval for any breach of its terms by its employees, contractors, or agents, when acting in the course of, or in connection with, the activities authorised by this Approval, as if the breach were committed by the Approval Holder.

APPENDIX C: 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
Invited Comments					
1	PāuaMAC5	Support	Considers that conditions proposed relating to sharks adequately addresses previous concerns raised. 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. 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. 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.	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.	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 of the FTAA that conditions on FTAA approvals be no more onerous than necessary. Other matters noted.
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	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. <u>Yellow eyed penguins (Hoiho)</u> 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. 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. <u>Light Pollution and Seabirds</u> 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. Recommends a precautionary lighting design approach, noting that the recommended measures are also relevant to Rakiura's Dark Sky Sanctuary values.	<u>Yellow eyed penguins (Hoiho):</u> Seeks particular emphasis on population and foraging-area monitoring for hoiho, including potential indirect effects on the benthic environment. <u>Light Pollution and Seabirds:</u> Recommends a precautionary lighting design approach embedded through: • A highly precautionary lighting design philosophy • Use of lowest light intensity necessary for safety • Fully shielded, downward-directed lighting • Avoidance of blue-rich lighting spectra • Ongoing monitoring of seabird-lighting interactions with clear adaptive responses <u>Ongoing Monitoring and Adaptive Management:</u> 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.	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. The Panel accepts that updated advice, and assumes that the Board's earlier concerns set out in its comments have been satisfactorily addressed. For completeness, the Panel records that, from its perspective, the matters raised by the Board have been appropriately addressed by the updated conditions.

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			Benthic Environment 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. Baseline Data – Northeastern Area 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. Marine Wildlife Protection 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. Natural Character and Experiential Values 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. Ongoing Monitoring and Adaptive Management 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.		
4	Minister for the South Island / Minister for Hunting and Fishing (Hon James Meager)	Support	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. 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. The Minister has no further comments from the Hunting and Fishing portfolio.	N/A	Noted. No changes needed.
5	Environment Southland (ES)	Support	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. Regional and Cultural Significance ES is generally supportive of the application, noting significant regional benefits and alignment with MSAP. Planning Framework 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	General: 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. Seabed effects and water column modelling: • Further clarification should be provided on how benthic compliance is assessed with the multiple indicators that are proposed	ES has had an ongoing role in this FTAA process, and its contributions have been constructive and very helpful to the Panel. In terms of the specific matters raised in these comments, the Panel notes the following: • 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

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			and predate the NZCPS and MAS. It considers that the age of the RCP means it would be appropriate to refer to the NZCPS and Part 2 of the RMA when applying the RCP and assessing the project. 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. Technical Reviews Commissioned ES commissioned independent expert reviews in two key areas: • 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. • Seabed effects and water column modelling – reviewed by Dr Nigel Keeley. Dr Keeley's updated April 2026 review is attached as Appendix 1. Neither review raised specific issues of significant concern to ES, though Dr Keeley makes recommendations for the Panel's consideration. Wildlife, Marine Mammals and Sharks 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. Specific Technical Comments • 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. • 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. • 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. Adaptive Management 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: • good baseline information about the receiving environment; • effective monitoring using appropriate indicators; • thresholds triggering remedial action before effects become overly damaging; and • ability to remedy effects before they become irreversible.	• Any non-compliance events should be evaluated against potential natural disturbances • Consider the introduction of an initial monitoring survey, prior to full production of the first farm • Consider incorporating more formally the requirement for HAB monitoring Navigational Safety: • Ensure that partial breakaway events are also covered in conditions and management plans, as well as full breakaways • 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. Decommissioning: Place appropriate conditions, and ensure legal and financial sureties are in place in relation to decommissioning and rehabilitation.	aquaculture (eg the amendments to Policy 8, NZCPS). • 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. • 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. • Whether the Management Plans for Sharks and Seabirds are to be certified by DoC, ES, or some combination of the two entities is a principal issue in contention and is addressed elsewhere in the Decision. • ES is comfortable with the proposed consent conditions addressing biosecurity risks. • 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. The Panel understands that the updated conditions regarding this have been agreed with ES. • 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.

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6	Great South – Southland Regional Development Agency	Support	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. <u>Economic Benefits</u> 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. 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. <u>Climate change risks</u> 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. <u>Renewable energy</u> Great South recommends consideration of renewable energy and energy storage at production sites. <u>Worker accommodation</u> 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. <u>Focus Areas from the Murihiku Southland Aquaculture Pathway 2025</u> 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.	N/A	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. 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.
7	CRA8 Rock Lobster Industry Association Inc (CRA8)	Conditional support	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	Impose the following conditions on approval: • Lit cardinal marks • Lit perimeter buoys on pen corners	Noted. These matters are addressed in the conditions of the approvals.

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<tr><th>No.</th><th>Party/Agency</th><th>Overall Position</th><th>Summary of Comments / Key Issues Raised</th><th>Relief Sought</th><th>Response by Panel</th></tr>
<tr><td></td><td></td><td></td><td>has engaged constructively with fishing industry stakeholders throughout the development phase.

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.</td><td>• Properly lit feed barges and associated structures
• Compliance with relevant maritime and international standards
• The final configuration being appropriately charted on official New Zealand nautical charts</td><td></td></tr>
<tr><td>8</td><td>Rakiura Tītī Island Administering Body (RTIAB)</td><td>Neutral</td><td>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 Tītī 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.

<u>Assessment Limitations</u>

RTIAB considers the current proposal does not adequately address cultural, ecological and cumulative risks to tītī. Specific evidential gaps identified include:
• 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.
• 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.
• 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.
• 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.
• Cumulative effects: The project must be considered alongside existing aquaculture, fisheries pressures, climate-driven changes in prey availability, and long-term population trends.

<u>Cultural Impact Assessment Misalignment</u>

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.

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.</td><td>Make the following amendments to the SBMP and consent conditions:
• 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.
• Monitoring programmes should include targeted night-time observation, behavioural assessment and appropriate detection methods for identifying interactions and changes in activity patterns.
• Monitoring data should be regularly and transparently shared with opportunities for joint interpretation and discussion through an agreed engagement process.
• There should be direct mana whenua involvement in monitoring and decision-making, including adaptive management
• 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.
• Annual reporting should include a tītī-specific section with culturally accessible summaries and hui-based reporting.
• An independent review process involving mana whenua should be established.</td><td>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.</td></tr>
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			The SBMP does not adequately incorporate cultural indicators, co-designed monitoring, or partnership with mana whenua. As a result, cultural risk to tītī is not adequately addressed.		
9	New Zealand Conservation Authority (NZCA)	Conditional support	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. 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. <u>Treaty Obligations</u> 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. <u>Protected and Threatened Wildlife</u> The NZCA supports the DOC Section 51(2)(c) wildlife approval report recommendations, particularly: • 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. • 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. • The SMP, draft SBMP and draft MMMP are generally considered appropriate. • 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. • 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. <u>Benthic Habitats</u> 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: • Rhodolith beds have been identified as 'significant marine ecological areas' under the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020. • There is extensive international literature about the vulnerability of rhodolith or maerl beds to sediment deposition and disturbance. • 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	<u>Protected and Threatened Wildlife:</u> 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. Any changes to the Threat Classifications for seabirds impacted by this proposal should be updated accordingly prior to certification of the SBMP. <u>Benthic Habitats:</u> 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. 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. The effectiveness of fallowing (including the duration of fallowing period) needs to be substantiated in the context of the farm sites proposed. <u>Biosecurity:</u> Extreme caution should be taken to the use of Florfenicol and the Applicant should be directed to review planned treatment protocols. Reporting requirements must explicitly address biosecurity issues.	The Panel notes the comments from NZCA. In terms of the specific matters raised: • The question of certification is dealt with elsewhere in the Decision. • The proposed 30-year certification issue has been addressed through conditions. • The changes to the Threat Classification of seabirds will be updated prior to certification of the management plan. • The existence of NCG and potentially rhodoliths has been responded to by the Applicant. • 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. • The Panel has addressed the issue of natural character effects in its decision. • 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.

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			(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. • 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. • 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. <u>Biosecurity</u> The NZCA expresses concern about open pen fish farming internationally in relation to disease and parasite spread. The NZCA specifically flags: • 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. • 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. <u>Natural Character</u> 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. <u>Climate Change</u> 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.		
10	Ministry for Primary Industries (MPI)	Support	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. MPI considers that the proposed management plans for marine mammals, seabirds, benthic environment and biosecurity are appropriate for the granting of consent. <u>Aquaculture Opportunity</u>	N/A	The Panel acknowledges these comments, and MPI's support for the HAP. 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.

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			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. <u>Seabirds, Marine Mammals and Sharks</u> 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. <u>Biosecurity</u> MPI notes that Biosecurity New Zealand (BNZ) reviewed the BMP, Marine Biosecurity Assessment of Effects and proposed consent conditions and provided feedback on the 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. <u>Benthic Environment</u> 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. <u>NZCPS Consistency</u> 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. 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.		
11	Minister for Oceans and Fisheries / Minister for Regional Development	Support	<u>Oceans and Fisheries</u> 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. 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	N/A	The Panel acknowledges the Minister's support, in respect of both of his portfolios.

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	(Hon Shane Jones)		Minister considers that the HAP is a key open ocean salmon project for New Zealand which could contribute towards meeting export demand. 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. <u>Regional Development.</u> 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.		
12	Te Ao Mārama Inc (on behalf of Ngā Rūnaka ki Murihiku)	Support	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). 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. <u>Alignment with Intergenerational Strategy</u> The project is aligned with Mō Kā Uri Kāi Tahu 2050, the iwi intergenerational strategy focused on sustainable prosperity. Ngā Rūnaka highlight: • 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. • Partnership approach: The project has been developed alongside Papatipu Rūnanga ki Murihiku through the Manawhenua Working Group. • Intergenerational alignment: The project aligns with aspirations for sustainable prosperity, high-quality employment, workforce pathways for rangatahi, and long-term regional resilience. <u>Engagement and Cultural/Environmental Considerations</u> 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. <u>Economic, Social and Wellbeing Benefits</u> 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-	N/A	The Panel acknowledges and is grateful for the input of Te Ao Mārama throughout this process.

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			design, and intergenerational benefits aligned with whānau wellbeing and sustainable regional growth. 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.		
13	Te Rūnanga o Ngāi Tahu (TRONT)	Support	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. 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. 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. TRONT notes that: • 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. • 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. • 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. • The HAP aligns with the Statutory Acknowledgements for Hananui/Mt Anglem and Rakiura/Te Ara a Kiwa. • 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 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. <u>Taonga Species</u> 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	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	The Minister for Māori Development supports the application, subject to the Panel considering the following: • 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; • the impact of the proposal on taonga species; and • the potential effects on customary fishing practices as the project area sits within the customary fishing Area/Rohe Moana o Murihiku Rūnanga.	Consideration of the potential effects of the proposal on the coastal marine environment of Te Ara a Kiwa; and on taonga species. Regard had to the potential effects on customary fishing practices.	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.
15	Ruapuke Island Group Landowners (RIGL)	Neutral	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. 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. <u>Historical and Cultural Significance</u> 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. <u>Issues of Concern with the HAP</u> RIGL outline the following concerns that they consider need to be addressed: • Foveaux Strait oyster fishery: The oyster fishery is highly vulnerable to Bonamia exitiosa and Bonamia osteae. Fouling on marine farm structures and servicing vessels can be vectors for spread of both parasites. • Disease and wild fish: 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. • Monitoring: Regular monitoring for effects of nutrients and other material being dispersed should be undertaken over a wider area. • Funds: 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. • Public liability/bond: 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.	Conditions should be imposed that: • ensure the greatest possible mitigation of biosecurity risks to the oyster fishery. • address the spread of pathogens and disease between farmed and wild fish. • 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. • Require monitoring of dispersal effects over a wider area. • Provide access to the Ruapuke Island Group community to the Funds proposed.	The Panel appreciates the comment from RIGL. The Panel is comfortable that the proposed conditions of the approval, and the management practises, will address any biosecurity risk appropriately. 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 *Augier* 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.) The Panel does not consider that a bond is necessary, however the Panel has addressed this through ensuring more specific conditions are included addressing breakaway events (and the rectification of these), as well as the need for a formal decommissioning process at the end of the HAP.
16	Department of Conservation (DOC)	Neutral	Overall, DOC considers that the ecological effects of the Application could be appropriately managed subject to:	<u>Benthic habitat</u>: Add a new condition to require that minimum separation distances (1 km along the tidal axis and 500 m in all other directions) are	Representatives of DOC have been heavily involved throughout the process, and the Panel has been very grateful for their careful and considered comments. In particular, the Panel appreciated the

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			• the Applicant addressing the concerns set out in the comments relating to management of effects on benthic habitat and marine mammals; and • appropriate consent conditions being imposed. <u>Benthic Habitat</u> 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. 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 "*indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare*" and NZCPS Policy 11(a)(iii) requires avoidance of adverse effects on these types of habitat. 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. 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. <u>Staging and Adaptive Management</u> 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. 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. <u>Adaptive Management</u> 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	maintained between marine farms and biogenic habitat, and amend other relevant conditions to include these distances. 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. Amend Condition 71 to ensure comprehensive baseline monitoring of benthic habitat is undertaken. Amend Appendix C, so that Environmental Quality Zones and Adaptive Management Triggers are depicted and described clearly and consistently. 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. 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. 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. 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). <u>Marine mammals</u>: 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. 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.	detailed legal submissions filed addressing the relevant legal tests for adaptive management. 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. For completeness, however, the Panel records the following matters by way of response: • The Panel is satisfied with the proposed amendments to the identified conditions. • 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. • The Panel recorded DOC's request at the workshop on 23 June 2026 to retract its proposed amendment to condition 45(c). • The Panel did not consider it necessary to commission any further expert advice on landscape or natural character effects. • The issue of management plan certification is dealt with substantively in the Decision.

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			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: • 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. • 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 revised 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. • 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. • 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. • 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. <u>Marine Mammals – Cetaceans</u> A review of the application in relation to cetaceans is provided by Chloe Corne in Appendix C to DOC's comments. DOC notes that the greater Southland area, including Foveaux Strait and waters around Rakiura / Stewart Island, supports wide diversity of	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. Amend section 2.2 of the draft MMMP to require pre-construction baseline monitoring of pinnipeds. Amend Appendix 4 of the draft MMMP to clarify that no diver may enter the water if whales are within 100 m. <u>Seabirds</u>: Amend the draft SBMP to clarify how collisions between vessels and seabirds will be minimised. <u>Sharks</u>: Amend Condition 45.a to include species protected under all relevant domestic legislation, national plans, and international conservation agreements governing shark conservation. Delete Condition 45.c "*minimise shark interactions with the marine farms*" 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. <u>Landscape and natural character values:</u> Suggests that the Panel commissions its own review of the Applicant's Natural Character, Landscape and Visual Assessment, or additional independent landscape advice <u>Management plan certification</u>: 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.	

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			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). 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. 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. Changes to the draft MMMP and related conditions are also sought based on the evidence of Ms Corne. <u>Marine Mammals – Pinnipeds</u> A review of the application in relation to cetaceans is provided by Dr Jody Weir in Appendix D to DOC's comments. 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. Dr Weir notes that Rakiura / Stewart Island now supports the most important breeding population of New Zealand sea lions outside the subantarctic islands. 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. 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. 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. 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		

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			allow any necessary improvements to be made to pen materials and design in Stage 1 and subsequent stages. 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. <u>Seabirds</u> 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. 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. Overall, DOC is comfortable that effects on seabirds, including hoiho, will be appropriately managed. <u>Sharks</u> A review of the application in relation to seabirds is provided by Dr Karen Middlemiss in Appendix G to DOC's comments. 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. 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. <u>Natural Character and Landscape</u> 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.		

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			Legal submissions on adaptive management 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 *Sustain Our Sounds Inc v New Zealand King Salmon Company Limited* [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. Whether the precautionary approach requires prohibition rather than adaptive management – depends on four factors: • The extent of environmental risk; • The importance of the activity; • The degree of uncertainty; and • The extent to which adaptive management will sufficiently diminish risk and uncertainty. The overall question is whether an adaptive management regime can be considered consistent with the precautionary approach. The vital risk/uncertainty factors include: • Having good baseline information about the receiving environment; • Effective monitoring of adverse effects using appropriate indicators; • Thresholds being set to trigger remedial action before effects become overly damaging; and • Effects that might arise can be remedied before they become irreversible. 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. 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. 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. 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. 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.		
Invited Comments Accepted Late					
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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			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. 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. 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. <u>Impacts on commercial fishing</u> Seafood NZ notes that whilst commercial fishing is undertaken in the area, the effect has been minimised compared to the previous application. 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. 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. 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.	Take into account cumulative effects of closures in the Otago/Southland area	