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2 October 2026

Fast-track Team

Substantive Application under Fast-track Approvals Act 2024: Referred Project FTAA-2511-1144

1. We **enclose** a Substantive Application seeking resource consents and aquaculture decisions for referred project FTAA-2511-1144 (Marlborough Sounds Aquaculture).
2. The application complies with the FTAA and the specific requirements in the referral decision dated 5 May 2026. A summary of the application documents against the legislative sections is provided in the 'roadmap' document **attached** to this letter.
3. The application is identical to the referred project, except for one clarification regarding the area sought for the Guards Bay site. This has been reduced from ~78.5ha to 78.47ha¹.
4. The project seeks new marine farms in six locations. However, the sites share commonalities. Each site is proposed to address issues the aquaculture industry is facing in slightly different ways. This is explained in the Assessment of Impacts at Part 1.
5. We also **attach** a draft memorandum of counsel to this letter. That memorandum will be updated and filed before the panel convenor conference. The purpose of providing a draft with the application is to enable any interested parties to review and comment for efficiency.
6. The application has been lodged on behalf of the applicants by Aquaculture Direct Limited and Gascoigne Wicks Lawyers. Please send any correspondence to the persons listed below:
 - (a) Rebecca Clarkson and Ned Wells: [REDACTED];
[REDACTED];
 - (b) Quentin Davies, Emma Cornhill and Emma Deason: [REDACTED];
[REDACTED]
7. The filing fee will be paid as soon as an invoice is generated by EPA.

Yours faithfully

GASCOIGNE WICKS



Emma Deason

Associate

Email | [REDACTED]

¹ Note that the referral decision refers to an area of ~76.8ha but the plan attached to the referral decision is actually an area of 78.5ha. More information is provided in **Schedule L** to the application.

MARLBOROUGH SOUNDS AQUACULTURE – FTAA-2511-1144

“FIT FOR A CHANGING WORLD”

FAST-TRACK APPROVALS ACT 2024 (“FTAA”) - SUBSTANTIVE APPLICATION

ROADMAP

REFERRAL APPLICATION		
Requirements of FTAA		Comments
Part 1 Preliminary Provisions		
3	3 Purpose The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.	This application, if granted, will further the purpose of this Act. As found in the referral application process, this project will have significant regional and national benefits. This is also shown in the NZIER report in Schedule D, and summarised in the Assessment of Impacts (AOI)² at Part 1 and section 3.1.
5	5 Meaning of ineligible activity (1) In this Act, ineligible activity means any of the following: (a) an activity that— (i) would occur on identified Māori land; and (ii) has not been agreed to in writing by the owners of the land or been subject to a determination under section 23: (b) an activity that— (i) would occur in a customary marine title area; and	There are no ineligible activities involved in this application. The application seeks resource consents and aquaculture decisions for the same sites subject to the referral decision in FTAA-2511-1144. Relevantly: (a) There are no protected customary rights groups to which the area of the applications

² Titled “MAP Substantive Application FINAL” in Portal.

(ii) has not been agreed to in writing by the customary marine title group: (c) an activity that— (i) would occur in a protected customary rights area; and (ii) would have a more than minor adverse effect on the exercise of the protected customary right; and (iii) has not been agreed to in writing by the protected customary rights group: (d) an activity that would occur on either of the following classes of land: (i) Māori customary land: (ii) land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Maori Act 1993: (e) an aquaculture activity or an activity that is incompatible with aquaculture activities— (i) that would occur within an aquaculture settlement area declared under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004 or an area reserved under another Treaty settlement for the aquaculture activities of a particular group; and (ii) for which the applicant who is proposed to hold an approval described in section 42(4)(a) (resource consent) is not authorised to apply for a coastal permit under the Resource Management Act 1991: (f) an activity— (i) that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991; and (ii) that— (A) could not be granted an access arrangement because of section 61(1A) of that Act; or (B) would occur in an area for which a permit cannot be granted under that Act: (g) an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991:	apply (although there are applications for recognition of such rights); (b) The application does not occur within an aquaculture settlement area declared under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or another treaty settlement for aquaculture activities of a particular group.
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	(h) an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that— (i) would occur on land that is listed in Schedule 4; and (ii) has not been subject to a determination under section 24: an activity that— (i) would occur on a national reserve held under the Reserves Act 1977; and (ii) requires approval under that Act; and (iii) has not been subject to a determination under section 24: (j) an activity that— (i) would occur on a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority; and (ii) has not been agreed to in writing by the person or persons in whom the reserve is vested: (k) an activity that— (i) would occur on a reserve held under the Reserves Act 1977 that is managed by someone other than the Department of Conservation or a local authority; and (ii) has not been agreed to in writing by the person or persons responsible for managing it: (l) an activity that is— (i) a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act; or (ii) an activity that is described in section 15B of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it; or (iii) an activity that is prohibited by section 15C of the Resource Management Act 1991:	
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	(m) a decommissioning-related activity (which is an activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012): (n) an activity undertaken for the purposes of an offshore renewable energy project. (2) The agreement referred to in subsection (1)(a), (b), (j), or (k) is not required for an activity that is prospecting, exploration, mining, or mining operations of Crown-owned minerals undertaken below the surface of any land or area referred to in that subsection (the land) if the activity— (a) will not or is not likely to cause any damage to the surface of the land or any loss or damage to the owner or occupier of the land; and (b) will not or is not likely to have any prejudicial effect in respect of the use and enjoyment of the land by the owner or occupier of the land; and (c) will not or is not likely to have any prejudicial effect in respect of any possible future use of the surface of the land. (3) A person whose agreement is required under subsection (1)(j) or (k)— (a) must not unreasonably withhold their agreement; and (b) in deciding whether to give their agreement, must take into account the purpose of this Act and any relevant matters under the Reserves Act 1977. (4) For the purposes of subsection (3)(b), if a provision of the Reserves Act 1977 would require the person to withhold their agreement, the person must take into account that the provision would normally require them to withhold their agreement, but must not treat the provision as requiring them to do so. (5) The agreement referred to in subsection (1)(k) is not required if— (a) the reserve on which the activity is to occur is proposed to be the subject of a land exchange; and (b) the reserve is a Crown-owned reserve; and	
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	(c) the person or persons responsible for managing the reserve are not in place because of a Treaty settlement. (6) In subsection (2), exploration, mining, mining operations, and prospecting have the meanings given to those terms in section 2(1) of the Crown Minerals Act 1991.	
Subpart 2 – Steps before lodging substantive application		
29	29 Pre-lodgement requirements for listed project (1) Before lodging a substantive application for a listed project, the authorised person for the project must— (a) consult the groups referred to in section 11(1)(a); and (aa) notify in writing the persons and groups referred to in section 11(1)(b) and give them 20 working days to respond to the notice; and (b) if the substantive application seeks an approval described in section 42(4)(l) or (m) (access arrangement), comply with section 59(1) and (2) of the Crown Minerals Act 1991 (which applies as if a reference to an access arrangement under that Act were a reference to an access arrangement under this Act). (1A) The authorised person must not lodge the substantive application until each 20-working-day period given under subsection (1)(aa) has expired. (2) If there is more than 1 authorised person for a listed project,— (a) any 1 of the authorised persons may comply with paragraph (a) or (aa) of subsection (1) on behalf of all of them: (b) the authorised person who is the proposed holder of the approval referred to in paragraph (b) of subsection (1) must comply with that paragraph.	Refer to Schedule C. Even though this is a referred project, not a listed project, these requirements have been met. Longer than 20 working days has occurred since consultation and/or notification has occurred. Consultation has been ongoing. (1)(b) is not applicable to this application. Formal letters advising of the impending lodgement of this application were sent on 19 August 2026 to these parties (including all of the parties who are noted in the referral decision to be invited for comment on the substantive application). Consultation has been on behalf of all of the applicants collectively.

30	30 Identification of existing resource consent for same activity (1) This section applies if— (a) a substantive application for a listed project or a referred project is to seek an approval described in section 42(4)(a) (resource consent); and (b) the authorised person for the project does not hold an existing resource consent for the same activity using some or all of the same natural resource. (2) Before lodging the substantive application, the authorised person must notify in writing each regional council that is the consent authority for an area where the approval would apply. (3) A regional council that receives the notice must, within 10 working days after receiving it, notify the authorised person in writing— (a) of any existing resource consent to which section 124C(1)(c) or 165Z of the Resource Management Act 1991 would apply if the approval were to be applied for as a resource consent under that Act; or (b) that there are no existing resource consents of that kind. (4) If there is an existing resource consent of the kind referred to in subsection (3)(a), the regional council must notify the holder of the existing resource consent in writing that — (a) the regional council has received notice under this section; and (b) the holder of the existing resource consent may— (i) lodge an application for a resource consent under the Resource Management Act 1991 that is affected by section 124 or 165ZH of that Act; or (ii) if the existing resource consent relates to a listed project or referred project for which a substantive application has not been lodged, lodge a substantive application that seeks an approval described in section 42(4)(a) (resource consent) for the same activity as is authorised by the existing resource consent.	This application is for a referred project and seeks resource consents and aquaculture decisions. The authorised persons do not hold existing consents for the marine farms sought in this application. The authorised persons have notified Marlborough District Council, of this application. Council provided a notice under s 30, dated 2 September 2026, in Schedule J. N/A
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	(2) If the authorised person for the project wishes to lodge a pre-request aquaculture agreement in relation to the area, they must lodge it with the relevant chief executive before lodging the substantive application. (3) Section 186ZM of the Fisheries Act 1996 applies in relation to the pre-request aquaculture agreement— (a) as if the reference to the chief executive in section 186ZM(9) of that Act were a reference to the panel that considers the substantive application; and (b) with any other necessary modifications. (4) If there is more than 1 authorised person for a project, any 1 of the authorised persons may comply with subsection (2) on behalf of all of them.	require any further information from the applicants at this stage.
32 to 37	Preliminary steps for application for land exchange Preliminary step for application for mining permit	These are steps for applications for land exchange or mining permits, which are not relevant to this application.
37A to 39	Ministerial powers	Section 37A relates to listed projects so is not relevant to this application. Nonetheless this project is not proceeding in stages. Section 38 and 39 powers are acknowledged by the applicants but there is no proposal for the application to be a priority project, nor to pre-determine whether the application is an eligible activity or not.
Subpart 3 – Panel consideration of substantive application		
40 to 41	40 Process under this Act applies instead of process under specified Act If a substantive application seeks an approval under this Act,—	Section 40 is noted by the applicants. The application seeks resource consents and aquaculture decisions.

	(a) the process under this Act for obtaining the approval (including any steps under subpart 2) applies instead of the process for obtaining any corresponding approval under a specified Act; and (b) the process under this Act for obtaining any aquaculture decision in connection with an approval described in section 42(4)(a) (resource consent) (including any steps under subpart 2) applies instead of the process for obtaining an aquaculture decision under the Fisheries Act 1996. 41 Application of panel process to land exchange Sections 53 to 55 do not apply in relation to the part of a substantive application that relates to a land exchange.	Section 41 relates to land exchange applications and is therefore not relevant to this application.
42	42 Authorised person may lodge substantive application for approvals (1) The authorised person for a listed project or a referred project may lodge with the EPA — (a) 1 substantive application for the project; or (aa) 1 substantive application for a stage of a listed project that the Minister has determined, under section 37A(6)(a), may be lodged as a separate substantive application; or (b) in the case of a referred project whose referral application was accepted under section 21(1)(a), 1 substantive application for each stage of the project. (2) A substantive application must— (a) comply with section 43; and (b) if there is more than 1 authorised person for the project, be lodged jointly by every authorised person who is the proposed holder of an approval. (3) For each approval sought under subsection (4),—	This application is jointly made by all applicants who were granted the referred project under FTAA-2511-1144. The applicants declare that they would hold the Richmond Bay site as bare trustee for Maara Moana Limited which in turn has obtained the necessary authority on behalf of Te Taihū iwi to receive Richmond Bay. See Schedule H.

	(a) the applicant must be eligible to apply for any corresponding approval under a specified Act; or (b) if the substantive application is lodged by more than 1 authorised person, the authorised person who is proposed to hold the approval sought under subsection (4) must be a person who would be eligible to apply for any corresponding approval under a specified Act. (4) A substantive application may seek 1 or more of the following matters (the approvals): (a) a resource consent that would otherwise be applied for under the Resource Management Act 1991 (but see subsection (5)); (b) a change or cancellation of a resource consent condition that would otherwise be applied for under the Resource Management Act 1991 (but see subsection (6)); (c) a certificate of compliance that would otherwise be applied for under the Resource Management Act 1991 (but see subsections (7) and (7A)); (d) a designation or an alteration to an existing designation for which a notice of requirement would otherwise be lodged under the Resource Management Act 1991: (e) a concession as defined in clause 1 of Schedule 6: (f) a land exchange (but see subsection (8)); (g) an amendment to or revocation of a conservation covenant as defined in clause 41 of Schedule 6: (h) a wildlife approval as defined in clause 1 of Schedule 7: (i) an archaeological authority described in section 44(a) or (b) of the Heritage New Zealand Pouhere Taonga Act 2014 that would otherwise be applied for under that Act (but see subsection (9)); (j) an approval, a dispensation, or an authorisation that would otherwise be applied for under any of the following in respect of a complex freshwater fisheries activity: (i) regulation 42 of the Freshwater Fisheries Regulations 1983 (culvert or ford):	The requirements of s 43 are addressed below. As above, this application is lodged jointly by all of the authorised persons as per the decision on referral application FTAA-2511-1144 (Schedule H). The consents sought by each applicant are in line with the decision on referral application FTAA-2511-1144 (Schedule H). The application seeks resource consents as explained in the application documents.
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	(ii) regulation 43 of the Freshwater Fisheries Regulations 1983 (dam or diversion structure): (iii) regulation 65(2) of the Freshwater Fisheries Regulations 1983 (noxious fish): (iv) section 26ZM(2)(a) or (3)(b) of the Conservation Act 1987 (fish salvage activities): (k) a marine consent that would otherwise be applied for under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012: (l) an initial access arrangement or a variation to an existing access arrangement that would otherwise be applied for under section 61 of the Crown Minerals Act 1991 (but <i>see</i> subsection (10)): (m) an access arrangement that would otherwise be applied for under section 61B of the Crown Minerals Act 1991 or a variation to an access arrangement granted under that section: (n) a mining permit that would otherwise be applied for under section 23A of the Crown Minerals Act 1991 (but <i>see</i> subsection (11)). (5) A substantive application that seeks an approval described in subsection (4)(a)— (a) may seek that approval for an activity that is a prohibited activity under the Resource Management Act 1991: (b) must, if section 30(6) applies, be lodged within the time frame specified in that section. (6) A substantive application may seek an approval described in subsection (4)(b) only if— (a) the substantive application also seeks an approval described in subsection (4)(a) or (d); and (b) the change or cancellation is material to the implementation or delivery of the project. (7) A substantive application may seek an approval described in subsection (4)(c) only if the substantive application also seeks an approval described in subsection (4)(a) or (d).	Under the Marlborough Environment Plan (MEP), these new marine farms would be prohibited activities, because they are not within Aquaculture Management Areas (AMA) in the MEP. The MEP provides AMA for most existing marine farms in the Sounds. It does not provide AMA for new marine farms. More information is provided in the Assessment of Impacts (AOI) at Part 5.0.
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(7A) A substantive application that, under subsection (7), seeks an approval described in subsection (4)(a) or (d) may also seek an approval of that kind in relation to an activity that would not require a resource consent under the Resource Management Act 1991. (8) A substantive application that seeks an approval described in subsection (4)(f) must comply with section 35(9). (9) A substantive application that seeks an approval described in subsection (4)(i)— (a) may be made only if the application also seeks an approval described in subsection (4)(a) or (d): (b) may include an application under clause 7 of Schedule 8 (application for approval of person to carry out activity). (10) A substantive application may seek an approval described in subsection (4)(l) if the applicant— (a) is the holder of an appropriate permit required by section 61 of the Crown Minerals Act 1991; or (b) is also applying for the relevant approval under subsection (4)(n) as part of the substantive application. (11) A substantive application may seek an approval described in subsection (4)(n) only if — (a) the approval is sought for 1 or more deposits of 1 or more minerals; and (b) the applicant holds exploration permits or existing privileges that— (i) apply to those minerals; and (ii) have more than 3 months before they expire; and (c) the area of land for which the approval is sought is within, or the same as, the area of land to which those exploration permits or existing privileges apply; and (d) the application proposes that those exploration permits or existing privileges be surrendered in relation to the area of land over which the approval is sought; and	In terms of (5)(b), the applicants have notified Marlborough District Council and have received the notice regarding existing resource consents. The timeframe in s 30(6)(b) is to lodge the substantive application within 3 months of the notice from Council. This has occurred as the notice is dated 2 September 2026. Refer Schedule J. In terms of (6), no change or cancellation of an existing consent condition is proposed. In terms of (7), no certification of compliance is proposed. Therefore (7A) is also not relevant. Neither are (8) to (11) relevant to this application.
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	(e) the proposed term of the approval is no more than 40 years; and (f) granting the approval would not be prevented by any of sections 25(6) and 7 and 30(8) of the Crown Minerals Act 1991 if the approval were applied for under that Act. (12) If a substantive application is lodged by more than 1 authorised person, the applicant for the purposes of subsections (10) and (11) is the person who is proposed to hold the approval described in subsection (4)(l) or (n), as the case may be. (13) If the authorised person has applied under section 39 for a determination under section 23 or 24, the substantive application must comply with section 39(5).	As stated above, the applicants are the authorised persons under the decision on referral application FTAA-2511-1144 (Schedule H). This application does not seek a determination under ss 23 or 24 of the FTAA.
43	43 Requirements for substantive application (1) A substantive application— (a) must be lodged in the form and manner approved by the EPA; and (b) must— (i) explain how the project to which the application relates is consistent with the purpose of this Act; or (ii) for a project referred under section 21(1)(a),— (A) explain how both the stage to which the application relates and the whole project are consistent with the purpose of this Act; and (B) contain information relating to the likelihood that any later stages of the project will be completed; and (c) must demonstrate that the project does not involve any ineligible activities; and (d) must, if the application is lodged by more than 1 authorised person, state the proposed approval to be held by each person; and	The EPA form has been completed and filed with this application. The application explains how the project is consistent with the FTAA. It has also already been assessed as having significant regional and national benefits in the decision on referral application FTAA-2511-1144 (Schedule H). The application is not sought to progress in stages. The full proposal under referral application FTAA-2511-1144 (Schedule H) is sought in this substantive application.³ The application details how there are no ineligible activities proposed. Again, it is

³ Subject to a minor clarification regarding the area for Guards Bay. Refer to **Schedule L** for more information.

(e) must comply with— (i) any information requirements specified by the Minister under section 27(3)(b)(ii); and (ii) the requirements listed in subsection (3) that apply to the approvals sought; and (f) must, if the authorised person has applied under section 39 for a determination under section 23 or 24, include a copy of the notice under section 39(4); and (g) must, if the application seeks an approval for an activity that is the subject of a determination under section 23, set out the steps taken to secure the agreement referred to in section 5(1)(a); and (h) must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant’s knowledge, there are no competing applications; and (i) must be made by the deadline specified in the notice under section 28(3)(d); and (j) must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid. (2) If a substantive application is for a listed project, it must also contain the following: (a) the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)), which applies— (i) as if the reference in section 13(4)(k) to section 11(1)(a) were a reference to section 29; and (ii) as if the reference in section 13(4)(ka) to section 11(1)(b) were a reference to section 29; and (iii) as if the reference in clause 2 of Schedule 11 to section 12(2) were a reference to section 29; and (iv) with any other necessary modifications:	identical to the project subject to decision on referral application FTAA-2511-1144.⁴ The application is lodged jointly by the authorised persons under referral application FTAA-2511-1144 (Schedule H). The application explains who would hold each consent (AOI at Part 2.2). In terms of (1)(e), referral decision FTAA-2511-1144 (Schedule H) included the following requirements, with responses in <i>italics</i>: - Under section 27(3)(b)(i) of the Act, a deadline of two years from the date of issue of this letter applies for lodging the substantive application. <i>This application has been lodged within that timeframe. FTAA-2511-1144 was referred on 5 May 2026. [Note this complies with s 43(1)(i) as noted below]</i> - Pursuant to section 27(3)(b)(ii) of the Act, the following information must be submitted with substantive application: an assessment of the biosecurity risks of the proposed project for the spread of marine pests and diseases, along with a corresponding biosecurity management plan.
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⁴ Subject to the minor amendment per footnote 1.

(b) if the project is planned to proceed in stages,— (i) an outline of the nature and timing of the stages; and (ii) a statement of whether a separate substantive application is to be lodged for each of the stages; and (iii) an explanation of how each stage meets the criteria in section 22: (c) the information that the applicant provided to the Minister when applying to have the project listed as a listed project and an explanation of how the substantive application is within the scope of the listed project. (3) The requirements referred to in subsection (1)(e)(ii) are those set out in,— (a) for an approval described in section 42(4)(a) (resource consent), clauses 5 to 9 of Schedule 5: (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 10 of Schedule 5: (c) for an approval described in section 42(4)(c) (certificate of compliance), clause 11 of Schedule 5: (d) for an approval described in section 42(4)(d) (designation), clauses 9 and 12 of Schedule 5: (e) for an approval described in section 42(4)(e) (concession), clause 3 of Schedule 6: (f) for an approval described in section 42(4)(f) (land exchange), clause 27 of Schedule 6: (g) for an approval described in section 42(4)(g) (conservation covenant), clause 42 of Schedule 6: (h) for an approval described in section 42(4)(h) (wildlife approval), clause 2 of Schedule 7: (i) for an approval described in section 42(4)(i) (archaeological authority), clause 2 of Schedule 8:	<i>This information is included in the application (see AOI at Part 6.10 Biosecurity Effects, Project Coastal Ecological Assessment (EcIA) 2026 Schedule D21 and Biosecurity Management Plan at Schedule E2 and E3)</i> • In relation to a substantive application for the project, pursuant to section 27(3)(b)(iii) of the Act, the panel must invite comments from the following groups, in addition to those specified under section 53: a. Department of Conservation b. Fisheries New Zealand (within the Ministry for Primary Industries) c. Biosecurity New Zealand (within the Ministry for Primary Industries) d. Aquaculture New Zealand e. Maritime New Zealand. <i>The applicants acknowledge this. The applicants have engaged actively with DoC and MPI (including Fisheries NZ and Biosecurity NZ). In addition, they have written to AQNZ and MNZ. The applicants welcome any comments they have to make on this substantive application when the panel invites them.</i>
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	(j) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clause 3 of Schedule 9: (k) for an approval described in section 42(4)(k) (marine consent), clauses 3 and 4 of Schedule 10: (l) for an approval described in section 42(4)(l) or (m) (access arrangement), clause 3 of Schedule 11: (m) for an approval described in section 42(4)(n) (mining permit), clause 16 of Schedule 11. (4) The EPA must approve an application form for the purposes of this section and ensure that it is made available on an internet site administered by or on behalf of the EPA.	<i>Detail is provided in the Consultation Record at Schedule C.</i> In terms of (1)(e)(ii), the relevant requirements in (3) are in (3)(a) “for an approval described in section 42(4)(a) (resource consent), clauses 5 to 9 of Schedule 5.”. That information is addressed below. In terms of (1)(f) and (g), a determination under ss23 or 24 is not sought in this application. In terms of (1)(h), this application is not a “priority project” as defined in the FTAA. In terms of (1)(i), this application is being made within the timeline provided in the referral decision under FTAA-2511-1144. In terms of (1)(j), the application fee has been paid. In terms of (2), this is not a listed project, so that subsection does not apply here. In terms of (3), as foreshadowed above, the relevant subsection is (3)(a). The relevant requirements are set out in clauses 5 to 9 of Schedule 5. That is addressed later in this table. In terms of (4), the application includes the EPA application form.
44	44 Information must be specified in sufficient detail Information required by section 43 must be specified in sufficient detail to satisfy the purpose for which it is required.	The applicants consider that the information required has been specified in sufficient detail in the application. The application should be read as a whole. For example, there are technical

		reports that inform the application within Schedule D .
45 to 79		The applicants note these procedural matters. Certain points are noted below to assist.
46	46 EPA decides whether substantive application is complete and within scope (1) The EPA must, in consultation with the relevant administering agencies and relevant consent authorities, decide whether a substantive application complies with subsection (2) within 15 working days after receiving it. (2) A substantive application complies with this subsection if— (a) the application complies with— (i) section 42; and (ii) sections 43 and 44; and (b) the application relates solely to a listed project or a referred project; and (c) the EPA considers that, on the face of the application, the project does not appear to involve an ineligible activity; and (d) any fee, charge, or levy payable under regulations in respect of the application is paid. [...]	This is noted. The applicants consider that (2) is complied with. Sections 42 to 44 requirements are assessed above in this table. The application relates solely to referred project FTAA-2511-1144. The applicants consider there are no ineligible activities involved. The application fees will be paid as soon as an invoice is generated.
47	47 EPA makes recommendation on whether there are competing applications or existing resource consents for same activity (1) The EPA must, in consultation with the relevant administering agencies and relevant consent authorities, make a recommendation to the Minister on— (a) whether a substantive application has any competing applications; and (b) if a substantive application seeks an approval described in section 42(4)(a) (resource consent), whether there are any existing resource consents of the kind referred to in section 30(3)(a) that are not identified in the substantive application.	This is noted. A s 30 notice has been provided to the applicants by Marlborough District Council and is in Schedule J. This confirms that the Council is not aware of any competing applications nor existing resource consents for the activities sought in their proposed locations. Nor are the applicants aware of such.

	[...]	
80	80 Aquaculture decision required for certain coastal permits (1) This section applies if the EPA requests the relevant chief executive to make a recommendation on an aquaculture decision under section 48. (2) A panel must make an aquaculture decision in accordance with clause 20 of Schedule 5 when it makes its decision under section 81 on an approval described in section 42(4)(a) or (b) (resource consent or change or cancellation of resource consent condition). (3) The EPA— (a) must provide electronic copies of an aquaculture decision to— (i) the relevant consent authority; and (ii) the persons and organisations who supplied information to the relevant chief executive; and (iii) the persons and organisations consulted by the relevant chief executive; and (b) in complying with paragraph (a), may withhold information if the EPA is satisfied that there would be good reason to withhold the information under the Official Information Act 1982 if the information were requested under that Act.	The application seeks aquaculture decisions for the new marine farms. The applicants note that the EPA will initiate this process. See AOI at section 3.5 for more detail.
81	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—	The applicants note this. The applicants refer to the referral decision under FTAA-2511-1144 (Schedule H). See AOI at Part 5 and the economic assessment (Schedule

(aaa) must, if the substantive application relates to an unlisted project, consider the Minister's reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1): (aab) must consider a relevant Government policy statement: (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: (e) may impose conditions under section 84: (ea) may impose conditions under section 84A: (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: (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, clauses 20 to 22 of Schedule 5: (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5: (d) for an approval described in section 42(4)(c) (certificate of compliance), clause 27 of Schedule 5: (e) for an approval described in section 42(4)(d) (designation), clauses 24 and 25 of Schedule 5:	D22), which provide further detail on the project's significant benefits. There is no relevant Government policy statement as defined, however growth of the aquaculture industry is a Government objective as set out in the New Zealand Aquaculture Development Plan 2025. This is discussed in AOI at Parts 3 and 5. The applicants note the remainder of these requirements for the panel to consider in its decision-making processes. As assessment against s 85 is provided later in this table. An assessment against Schedule 5 requirements is provided later in this table.
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	(f) for an approval described in section 42(4)(e) (concession), clauses 7 to 9 of Schedule 6: (g) for an approval described in section 42(4)(f) (land exchange), clauses 29 to 33 of Schedule 6: (h) for an approval described in section 42(4)(g) (conservation covenant), clauses 45 and 46 of Schedule 6: (i) for an approval described in section 42(4)(h) (wildlife approval), clauses 5 and 6 of Schedule 7: (j) for an approval described in section 42(4)(i) (archaeological authority), clauses 4 and 5 of Schedule 8: (k) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clauses 5 and 6 of Schedule 9: (l) for an approval described in section 42(4)(k) (marine consent), clauses 6 and 7 of Schedule 10: (m) for an approval described in section 42(4)(l) (access arrangement), clauses 7, 9, and 10 of Schedule 11: (n) for an approval described in section 42(4)(m) (access arrangement), clauses 8, 9, and 10 of Schedule 11: (o) for an approval described in section 42(4)(n) (mining permit), clauses 19 to 21 of Schedule 11. (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. (5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(aa) or (b), the panel— (a) must treat the stage of the project to which the application relates as constituting the project; but	As above, there is detailed information in the application regarding the project's significant regional and national benefits. See AOI at Part 5 and the NZIER economic report in Schedule D22. Site specific benefits are set out in AOI Parts 7 to 12. No staging is proposed.
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	(b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed. (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.	The applicants note this.
82	82 Effect of Treaty settlements and other obligations on decision making (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval. (2) 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. (3) The panel must also consider whether granting the approval would comply with section 7. (4) In this section, document— (a) means any document, arrangement, or other matter; and (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).	The applicants acknowledge these requirements. The applicants have undertaken extensive consultation with tangata whenua, including applicants for protected customary rights (PCR) or customary marine title (CMT) under the Marine and Coastal Area (Takutai Moana) Act 2011. This is detailed in the Thirdspace Aotearoa Report at Schedule B and the Consultation Record at Schedule C. See also the AOI at Sections 6.9, 6.15 and 6.17 for information about customary fishing.
83	83 Conditions must be no more onerous than necessary	This is noted by the applicants. The applicants have proposed conditions in Schedule F.

	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.	
84	84 Conditions relating to Treaty settlements and recognised customary rights (1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.	As above. The applicants note there are no holders of PCR or CMT yet in the relevant areas where the new marine farms are sought.
85	85 When panel must or may decline approvals <i>When approval must be declined</i> (1) The panel must decline an approval if 1 or more of the following apply: (a) the approval is for an ineligible activity: (b) the panel considers that granting the approval would breach section 7: (c) in the case of an approval described in section 42(4)(b) (change or cancellation of resource consent condition), the approval must be declined under clause 23 of Schedule 5: (d) in the case of an approval described in section 42(4)(c) (certificate of compliance), the approval must be declined under clause 27 of Schedule 5: (e) in the case of an approval described in section 42(4)(e) (concession), the approval must be declined under clause 7(3) of Schedule 6: (f) in the case of an approval described in section 42(4)(f) (land exchange), the approval must be declined under clause 29(2) or (3) of Schedule 6:	There are no ineligible activities sought. The applicants do not consider there to be any breach under s 7 in granting the approvals sought. Subsections (c) to (h) are not relevant to this application.

	(g) in the case of an approval described in section 42(4)(l) or (m) (access arrangement), the approval must be declined under clause 7(2) or 8(2) of Schedule 11, as the case may be: (h) in the case of an approval described in section 42(4)(n) (mining permit), the approval must be declined under clause 20 of Schedule 11. (2) A panel must decline an approval described in section 42(4)(a) (resource consent) for any area for which the approval must not be granted under clause 17(5) of Schedule 5. <i>Approval may be declined if adverse impacts out of proportion to regional or national benefits</i> (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.	In terms of (2), clause 17 of Schedule 5 is assessed below in this table but no issue has been identified. The applicants consider the application documents clearly demonstrate that the project has significant regional and national benefits and that any adverse impact is far outweighed by those benefits. Aquaculture is perhaps the most studied activity that occurs in the coastal marine area. The effects of longline marine farming are localised, minor (in an RMA sense) and reversible. There are positive ecological effects of marine farming. See AOI at Part 5, NZIER Economics Report (Schedule D22), Robertson EcIA (Schedule D21). The applicants propose consent conditions in Schedule F. Those conditions have been worked through with Marlborough District Council, DoC and tangata whenua. An assessment against the pMEP is provided in the application, as is a detailed summary of the pMEP and why these marine farms cannot be sought under it (see AOI at Part 5.0).
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Schedule 5		
<i>An approval described in section 42(4)(a) or (d) (resource consent or designation), the information specified in clause 2 of Schedule 5:</i>		
Clause 2	2 Information about resource consent or notice of requirement required in referral application (1) The information required to be provided under section 13(4)(y)(i) is— (a) an assessment of the project against— (i) any relevant national policy statement; and (ii) any relevant national environmental standards; and (iii) if relevant, the New Zealand Coastal Policy Statement; and (b) in relation to any proposed approval that is a resource consent, whether, to the best of the applicant's knowledge, there are any existing resource consents of the kind referred to in section 30(3)(a). (2) If the referral application is to be lodged by more than 1 person, the reference to the applicant in subclause (1)(b) must be read as a reference to the person who is to be identified in the application as the proposed holder of the resource consent.	(1)(a)(i) An assessment of the New Zealand Coastal Policy Statement, being the only relevant national policy statement to this project, in included in the application documents⁵. (1)(a)(ii) The Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 only applies to existing aquaculture research and trial activities so is not relevant. (1)(a)(iii) As above. (b) This is included in the application documents.⁶ (2) This is noted, and each of the six marine farms is to be owned by each respective applicant as explained in the application documents.⁷
Application requirements, etc, for substantive application		
Clause 5	5 Information required in consent application	

⁵ See **AOI at Part 4.0**.

⁶ Application form, and Section 30 Notice at **Schedule J**.

⁷ **AOI at Part 2.2** and Referral Decision at **Schedule H**.

	(1) For the purposes of section 43(3)(a), a consent application must include the following information: (a) a description of the proposed activity; and (b) a description and map of the site at which the activity is to occur, including whether the site is within or adjacent to— (i) a statutory area (as defined in the relevant Treaty settlement Act); or (ii) ngā rohe moana o ngā hapū o Ngāti Porou; or (iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011; and (c) confirmation that the consent application complies with section 46(2)(a), (b), and (d); and (d) the full name and address of— (i) each owner of the site and of land adjacent to the site; and (ii) each occupier of the site and of land adjacent to the site whom the applicant is able to identify after reasonable inquiry; and (e) a description of any other activities that are part of the proposal to which the consent application relates; and (f) a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates; and	This information is provided in the Assessment of Impacts document.⁸ This is provided in the Assessment of Impacts.⁹ The new marine farms are not within such areas. More information is provided in the Assessment of Impacts.¹⁰ This has been provided in the AOI.¹¹ As for 46(2)(d), the application fee has been paid. N/A – the activity is within the coastal marine area. This information is provided in Schedule K. In terms of (e), this is provided in the AOI.¹² As noted in the application¹³, no other consents are required, except for Aquaculture Decisions under the Fisheries Act, which are sought concurrently in this application.
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⁸ See the references provided in **AOI Table X** “Assessment against FTAA Section 43” at pg 30.

⁹ **AOI at Part 2.3** Application Summary.

¹⁰ See **AOI at 6.2** The Cultural Environment and **Schedule A** Maps and Plans.

¹¹ See Table X Assessment against FTAA Section 42 and Table X Assessment against FTAA Section 43, pg. 31. For (b), see the referral decision at **Schedule H**.

¹² **AOI at Part 1**.

¹³ See **AOI at Part 2.2** Application Summary, and **Parts 3.3 and 3.4**.

	(g) an assessment of the activity against sections 5, 6, and 7 of the Resource Management Act 1991; and (h) an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2); and (i) information about any Treaty settlements that apply in the area covered by the consent application, including— (i) identification of the relevant provisions in those Treaty settlements; and (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area; and (j) a list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011; and (k) any conditions that the applicant proposes for the resource consent; and (l) if a notice under section 30(3)(b) or (5) has been received,— (i) a copy of that notice showing that it was received within the time frame specified in section 30(6)(b); and (ii) if a notice has been received under section 30(5), any more up-to-date information that the applicant is aware of about the existing resource consent referred to in the notice. (2) The documents referred to in subclause (1)(h) are the following: (a) a national environmental standard: (b) other regulations made under the Resource Management Act 1991: (c) a national policy statement:	This is provided in the AOI.¹⁴ This is provided in the AOI at Part 13. This is provided in Schedule F of the application. This is provided in Schedule J of the application. As above. As above. There is no more up to date information than that provided in that notice. (2) This is provided in the AOI at Schedule G. See Parts 4.0 to 6.0 in respect of subclause (d)-(g).
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¹⁴ **Part 3.4** and **Schedule G** at 3.2.

(d) a New Zealand coastal policy statement: (e) a regional policy statement or proposed regional policy statement: (f) a plan or proposed plan: (g) a planning document recognised by a relevant iwi authority and lodged with a local authority. (3) An assessment under subclause (1)(h) must include an assessment of the activity against— (a) any relevant objectives, policies, or rules in a document listed in subclause (2); and (b) any requirement, condition, or permission in any rules in any of those documents; and (c) any other requirements in any of those documents. (4) A consent application must include an assessment of the activity’s effects on the environment that— (a) includes the information required by clause 6; and (b) covers the matters specified in clause 7. (5) A consent application must also include the following information: (a) if a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991); and (b) if the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document; and	(3) This is provided in the Assessment of Impacts at Schedule G. This is provided in the AOI and in the various technical reports at Schedule D. Assessment against clauses 6 and 7 is provided later in this table. The AOI provides a summary of the activity for which consent is sought. This is considered in the AOI. The new marine farms are not within any area subject to customary marine title or protected customary rights, but they are located in areas where there are live applications for such.
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	(c) if the activity is to occur in an area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area. (6) If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect. (7) If the substantive application is to be lodged by more than 1 authorised person, the references to the applicant in subclauses (1)(d), (k), (l) and (6) must be read as references to the authorised person who is to be identified in the application as the proposed holder of the resource consent.	This is considered in the AOI. The new marine farms are not within such areas, but the Guards Bay site is within an area subject to a live mātaihai application by Ngāti Kuia. The applicants have undertaken extensive engagement with all Te Taihū iwi, including Ngāti Kuia and are not aware of any conflict with this application and that live mātaihai application. In terms of (6), the activity is within the coastal marine area. In terms of (7), this is noted. The application is a joint application made by all authorised persons under referral decision FTAA-2511-1144.
Clause 6	6 Information required to assess environmental effects (1) The assessment of an activity's effects on the environment under clause 5(4) must include the following information: (a) an assessment of the actual or potential effects on the environment: (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use: (c) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment: (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:	(1) Refer to application documents as below: (a) Refer AOI at Part 6; (b) There are no hazardous installations proposed to be installed as part of this application. Installation of farm structures and its effects are addressed in regard to Seabirds (AOI at Part 9.6.5) and generally in Parts 7 to 12 of the AOI, and Robertson EclA at 4.2 (Schedule D21); (c) This application doesn't seek consent for point source discharges or a separate discharge permit.

	(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal: (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision: (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved: (h) an assessment of any effects of the activity on the exercise of a protected customary right. (2) A consent application need not include any additional information specified in a relevant policy statement or plan that would be required in an assessment of environmental effects under clause 6(2) or 7(2) of Schedule 4 of the Resource Management Act 1991.	(d) Refer to the management plans in Schedule E and proposed conditions in Schedule F. (e) Refer AOI at Parts 3.6 and 6.2. Also Thirdspace Aotearoa report in Schedule B and Consultation Record in Schedule C. Also refer to Schedule K regarding 'adjacent' landowners and other existing legal interests. (f) Detailed consultation has occurred with iwi. Refer Thirdspace Aotearoa report in Schedule B and Consultation Record in Schedule C. (g) The effects of longline marine farming have been thoroughly studied and are well understood. Refer AOI at Part 6 and proposed conditions in Schedule F. (h) Refer AOI at Part 6.2. Note there are no protected customary rights (PCR) grants in the areas of the marine farms but there are applicants for such. In terms of (2), this is noted. The application has been framed around the FTAA sections.
Clause 7	7 Matters to be covered in assessment of environmental effects The assessment of an activity's effects on the environment under clause 5(4) must cover the following matters: (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including landscape and visual effects:	Refer to application documents as below: (a) Refer AOI at Part 3.1.6, Part 5 and Part 6.2, Thirdspace Aotearoa Report at Schedule B, and the various technical reports in Schedule D. Also refer to

	(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations: (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants: (f) any unreasonable emission of noise: (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Schedule K regarding ‘adjacent’ landowners and other existing legal interests. (b) Refer AOI at Part 6.11 and site specific in AOI at Parts 7 to 12, Thirdspace Aotearoa Report at Schedule B and the various technical reports in Schedule D. (c) Refer AOI at Part 6, Thirdspace Aotearoa Report at Schedule B and the various technical reports in Schedule D. (d) Refer AOI at Part 6, Thirdspace Aotearoa Report at Schedule B and the various technical reports in Schedule D. (e) Longline marine farming does not require ‘inputs’. There are no contaminants involved. (f) Refer AOI at Part 6.12 and proposed conditions at Schedule F. (g) There are no natural hazards or hazardous installations proposed.
Clause 13	Persons to be invited to provide written comments For the purposes of section 53(2)(m)(i), the persons or groups are— (a) the Director-General of Conservation: (b) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements.	The applicants acknowledge this and also note the parties to be invited for comment as per the Minister’s decision on referral FTAA-2511-1144. The applicants have undertaken ongoing consultation with DoC and Te Taihū iwi. Consultation to date is recorded in the Consultation Record (Schedule C).
Clause 14	Chief executive may seek information or consult certain persons	The applicants acknowledge this and also note the parties to be invited for comment as per the Minister’s decision on referral FTAA-2511-1144.

	(1) For the purpose of making a recommendation on an aquaculture decision requested under section 48, the relevant chief executive may seek information relevant to the application for the resource consent from— (a) the applicant: (b) any fisher whose interests may be affected: (c) persons and organisations that the relevant chief executive considers represent the classes of persons who have customary, commercial, or recreational fishing interests that may be affected by the granting of the coastal permit or change to, or cancellation of, the conditions of the coastal permit. (2) Before making a recommendation on an aquaculture decision, the relevant chief executive may consult any of the persons or organisations specified in subclause (1). (3) If the relevant chief executive seeks information or consults persons or organisations under this clause,— (a) the relevant chief executive must do so at the same time as the panel seeks written comments on the application for the resource consent; and (b) the persons or organisations must provide the information or submissions to the relevant chief executive within 20 working days after the chief executive's request. (4) The relevant chief executive must provide any information or submissions received under subclause (3)(b) to the EPA no later than 5 working days after the date by which information or submissions must be received under that subclause. (5) The EPA must provide the information received under subclause (4) to the panel. (6) If the substantive application is lodged by more than 1 authorised person, the reference to the applicant in subclause (1)(a) must be read as a reference to the authorised person who is identified in the application as the proposed holder of the coastal permit.	The applicants have contacted Fisheries NZ and have been advised that Fisheries NZ do not require any further information from the applicants at this time and they will respond through the application process. The applicants have also sought to consult with Te Taihū iwi in terms of any effects on customary fishing, to supplement the Aquaculture Decision. More information is provided in the AOI at Parts 6.9, 6.15 and 6.17.
Clause 15	15 Relevant chief executive to make recommendation to panel on aquaculture decision	This is noted.

	(1) The relevant chief executive must, within 5 working days after receiving from the panel under section 71 draft consent conditions relating to the application for the resource consent, provide the EPA with a recommendation on an aquaculture decision consisting of— (a) a determination; or (b) a reservation; or (c) 1 or more determinations or reservations, or both, in relation to different parts of the area to which the request relates. (2) After having regard to the following, the relevant chief executive must make a recommendation under subclause (3): (a) 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; and (b) information supplied, or submissions made, to the relevant chief executive under clause 14(3)(b); and (c) information that is forwarded by the panel; and (d) any other information that the relevant chief executive has requested and obtained. (3) In making a recommendation on an aquaculture decision, the relevant chief executive must take into account sections 8 to 10 and 186GB(1) and (2) of the Fisheries Act 1996. (4) A recommendation on an aquaculture decision must— (a) be in writing; and (b) define the areas that are subject to the recommendation; and (c) provide reasons for the recommendation; and (d) include the information described in subclause (2)(a), (b), and (d). (5) If the relevant chief executive recommends a determination, the recommended determination may—	
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	(a) specify any condition of the coastal permit that is material to the recommendation and that relates to the character, intensity, or scale of the aquaculture activities; and (b) state that the condition may not be changed or cancelled until the relevant chief executive makes a further aquaculture decision in relation to the area affected by the change or cancellation under the Fisheries Act 1996. (6) If the relevant chief executive recommends a reservation, the recommended reservation must also include— (a) whether the reservation relates to customary, recreational, or commercial fishing, or a combination of them; and (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 recommended reservation were an aquaculture decision made under that Act. (7) The EPA must provide the recommendation on the aquaculture decision to the panel.	
Clause 16	16 Order in which recommendation requests to panel on aquaculture decision to be processed (1) The relevant chief executive must make recommendations on aquaculture decisions in the same order in which the requests for the decisions are received. (2) For the purposes of subclause (1), the order in which recommendations must be made in relation to requests received on the same day is determined by the time when the requests are received. (3) If 2 or more requests for recommendations are received at the same time, the relevant chief executive must make recommendations in the order specified by the EPA.	This is noted.

	(4) The relevant chief executive must give higher priority to processing a request made by a panel under section 48 than a request made as a consequence of coastal permits granted under the Resource Management Act 1991.	
Clause 17	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	Refer to application documents as below: (1) (a) Refer AOI at Part 3.1 Fast Track Approvals Act Purpose, AOI at Part 5 Project Benefits and NZIER Report (Schedule D22). This project would deliver on significant regional and national benefits. That was decided through the referral decision FTAA-2511-1144, and more information on benefits is provided in this substantive application, specifically at the references above. (b) Refer AOI at Part 3.3 and Part 3.4. Refer AOI at Part 3.3 and Part 3.4. (2) (a) This is noted. (b) No determination under s 23 FTAA is sought in this application. (c) Noted. This is noted.

	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.	This is noted. The new marine farms are prohibited activities under the Marlborough Environment Plan (MEP) because the MEP has an allocation framework of Aquaculture Management Areas for existing marine farms only. This is why this application is being made under the FTAA. More information is provided in the AOI at Schedule G Part 5.0. In terms of (5), this is noted. This is noted. This is noted. The applicants seek consent durations of 35 years.
Clause 18	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.	This is noted. The applicants include proposed consent conditions in Schedule F. These conditions have been discussed with Marlborough District Council, DoC and iwi.
Clause 20	20 Panel to make aquaculture decision (1) For the purposes of section 80, an aquaculture decision may consist of— (a) a determination; or (b) a reservation; or (c) 1 or more determinations or reservations or both in relation to different parts of the area to which the request relates.	This is noted. The application seeks aquaculture decisions. The applicants have written to Fisheries New Zealand (FNZ). FNZ advised that they do not require further information from the applicants at this stage. That consultation is summarised in Schedule C. The applicants have also sought to understand any effect on customary fisheries through consultation with Te

(2) The panel must have regard to the information described in clause 15(2). (3) In making an aquaculture decision, the panel must— (a) take into account, giving the greatest weight to subparagraph (i),— (i) the purpose of this Act; and (ii) sections 8 to 10 and 186GB(1) and (2) of the Fisheries Act 1996; and (b) have regard to the recommendation of the relevant chief executive made under clause 15. (4) An aquaculture decision may differ from the recommendation made by the relevant chief executive. (5) 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. (6) 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; and (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. (7) An aquaculture decision must— (a) be in writing; and	Tauihu iwi to supplement the Aquaculture Decision. More information is provided in the AOI at Parts 6.9, 6.15 and 6.17.
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	(b) define the areas that are subject to the decision; and (c) provide reasons for the decision.	
Clause 21	21 Conditions to be included in coastal permit relating to reservation If the panel makes a reservation under section 80 in relation to commercial fishing in relation to stocks or species subject to the quota management system, the panel must include consent conditions on the coastal permit noting the areas affected by the reservation.	This is noted.
Clause 22	22 Content of decision document for coastal permit (1) 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. (2) If the panel makes a reservation in relation to commercial fishing of stocks or species subject to the quota management system, the panel must notify the applicant that the permit will not commence in the area affected by the reservation unless— (a) an aquaculture agreement is registered in accordance with section 186ZH of the Fisheries Act 1996; or (b) a compensation declaration is registered under section 186ZHA of the Fisheries Act 1996. (3) If the substantive application was lodged by more than 1 authorised person, the reference to the applicant in subclause (2) must be read as a reference to the authorised person who was identified in the application as the proposed holder of the coastal permit.	Subclauses (1) and (2) are noted. The application is made by all authorised persons under referral decision FTAA-2511-1144, with the application documents making it clear which entity would hold which consent/marine farm¹⁵.
Clause 26	26 Content of decision document for resource consent or designation	This is noted. The applicants seek a two year lapse period for each of the farms, except for the Kapaua/Richmond Bay farm where a five year

¹⁵ AOI at Part 2.2 “Application Summary”, and Schedule H Referral Decision.
ELD 133073 17 1835 V5

	(1) A decision document for a resource consent or designation may specify the date on which the approval lapses unless it is given effect to by the specified date. (2) A date specified under subclause (1) must be no less than 2 years after the approval commences. (3) If no date is specified under subclause (1), the approval lapses 2 years after it commences.	lapse period is sought.¹⁶ The distinction is because the Kapaua site will be held by Te Tauihu iwi and there are several parties involved, hence the applicants seeking to provide iwi with further time to establish the farm.
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¹⁶ AOI at pg 19.

UNDER	The Fast-track Approvals Act 2024
IN THE MATTER OF	application under sections 42(4)(a) and 48 seeking resource consents and aquaculture decisions
AND	Referred project FTAA-2511-1144

**MEMORANDUM OF COUNSEL REGARDING SUBSTANTIVE APPLICATION
REFERRED PROJECT: MARLBOROUGH SOUNDS AQUACULTURE**

(FTAA-2511-1144)

Panel Convenor Conference

Dated this ... day of ... 2026

DRAFT

**GASCOIGNE WICKS
LAWYERS
BLENHEIM**

Solicitors: Quentin A M Davies / Emma L Deason

([REDACTED])

**Applicants' Solicitors
79 High Street
P O Box 2
BLENHEIM 7240
Tel: (03) 578-4229**

MAY IT PLEASE THE PANEL CONVENOR

1. This application seeks resource consents that would otherwise be required under the Resource Management Act 1991 (RMA), and aquaculture decisions that would otherwise be required under the Fisheries Act 1996, for new marine farms in the Marlborough Sounds.
2. The application seeks the same sites¹ to that referred under referral application FTAA-2511-1144 (“Marlborough Sounds Aquaculture” project).
3. This memorandum responds to the directions of Minute [X] dated X XXXX 2026 and is prepared to assist the panel by providing an overview of the application and approvals required, evaluation of the key issues for the panel and a summary of the decision-making requirements in the FTAA.
4. We **enclose** a table providing the applicants’ estimated timeframe for processing this application at **Appendix 1**.
5. This memorandum is to be read alongside the suite of application documents prepared by Aquaculture Direct Limited and various experts.

PART 1: AN OVERVIEW OF THE APPLICATION

Who are the applicants?

6. This is a joint application made by the following applicants:
 - (a) Apex Marine Farm Limited (Apex);
 - (b) Clearwater Mussels Limited (Clearwater);
 - (c) Marine Farming Association Incorporated (MFA);
 - (d) P H Redwood & Co Limited (Redwoods); and
 - (e) Talley’s Limited (Talley’s).
7. The applicants are the Te Taihu industry body (MFA is also a farmer in its own right), and a collective of family companies who have been marine farmers in Marlborough for decades.

¹ Noting the referral figures for each site and the total combined hectareage were “approximate” figures. There has been a minor amendment to the Guards Bay site which is explained in **Schedule L** to the application.

8. In addition to seeking new farms each, the applicants collectively seek consents as bare trustees for the new marine farms in Kapaua/Richmond Bay for Maara Moana, an entity that holds fisheries assets for Te Taihū iwi.²

The Project Sites and Benefits

9. The project will collectively comprise 282.29 hectares of new waterspace. The six sites are located within the coastal marine area of the Marlborough Sounds as shown in the infographic in **Schedule A**, comprising:
- (a) Papatua (Outer Marlborough Sounds): 90 hectares (MFA)
 - (b) Guards Bay (Outer Marlborough Sounds): 78.47 hectares (Redwoods)
 - (c) Hapuku Rock (Outer Marlborough Sounds): 28.03 hectares (Clearwater)
 - (d) Okuri Bay (Current Basin): 27.89 hectares (Clearwater and Talley's)
 - (e) Kapaua / Richmond Bay (Outer Pelorus Sound / Te Hoiere): 42.2 hectares (All applicants for Te Taihū iwi)
 - (f) Onapua Bay (Queen Charlotte Sound / Tōtaranui): 15.73 hectares (Apex)
10. The site maps and layout plans are shown in **Schedule A** to the Assessment of Impacts (AOI).
11. The benefits of this project are substantial. They have already been determined to be of regional or national significance in the referral process. The economic benefits are significant for Marlborough³:
- (a) increase annual Marlborough gross domestic product (GDP) by approximately \$84.4 million;
 - (b) increase annual Marlborough household spending by \$39.8 million;
 - (c) support approximately 222 employees in Marlborough;
 - (d) over a 30-year assessment period, the present value of the increase in Marlborough GDP and household spending is estimated at \$865 million and \$409 million respectively.
12. Those benefits are economically significant in the context of Marlborough's estimated GDP of \$4.5 billion.

² Ngāti Koata, Ngāti Apa ki te Rā Tō, Ngāti Tama, Ngāti Toa Rangatira, Rangitāne, Ngāti Kuia, Te Ātiawa o Te Waka-a-Māui, and Ngāti Rārua.

³ NZIER report at pg i, **Schedule D**.

Approvals Sought

13. This application seeks six coastal permits to establish and operate marine farms using conventional longline methods. It also seeks corresponding aquaculture decisions under the Fisheries Act.
14. Three applications are for Greenshell mussel (*Perna canaliculus*) nursery sites for the purposes of spat and seed holding and transfer, located in:
 - (a) Papatua;
 - (b) Guards Bay; and
 - (c) Hapuku Rock.
15. There are two applications for Greenshell mussel production farms, being Okuri Bay and Kapaua/Richmond Bay. 'Commonly consented' shellfish and seaweed species for those two farms are sought.⁴
16. There is one application for three flat oyster (*Ostrea edulis*) farming blocks in Onapua Bay. The consent also seeks to farm the same species as Okuri and Kapaua sites, with the addition of only harvesting the seaweed *Undaria pinnatifida*.⁵
17. The farming of flat oysters would require approval from Biosecurity New Zealand. That is a separate process to consenting. The Onapua site can be farmed for other species in the interim. The benefits assessment in the AOI, and in the NZIER report, consider the benefits of farming any of those species, so nothing hinges on whether flat oysters can be farmed in the future, except to the extent that the proposal includes the potential for reviving that market as an additional benefit.
18. Further detail is provided in **Part 4B** of the AOI.

⁴ As set out in Appendix 11 of the Marlborough Environment Plan (MEP): Greenshell mussel (*Perna canaliculus*), Blue mussel (*Mytilus galloprovincialis*), Scallop (*Pecten novaezelandiae*), Dredge oyster (*Ostrea chilensis*), Pacific oyster (*Crassostrea gigas*), Kina (*Evechinus chloroticus*), Pāua (*Haliotis iris*, *Haliotis australis*, *Haliotis virginea*), Cockle (*Austrovenus stutchburyi*), Pipi (*Paphies australis*), Kopakopa/ribbed mussels (*Aulacomya atra maoriana*), Geoduck (*Panopea zealandica*) and Seaweeds (*Macrocystis pyrifera*, *Ecklonia radiata*, *Gracilaria spp*, *Pterocladia lucida*, *Lessonia variegata*, *Ulva lactuca* and *Asparagopsis armata*).

⁵ An unwanted species under the Biosecurity Act but prevalent in Tory Channel and consented on a number of farms in that area. It is proposed as a means of countering the emerging effects of ocean acidification as it is a carbon sequester.

KEY ISSUES PANEL WILL NEED TO DETERMINE

Benefits

19. Given that longline aquaculture is an existing activity within Marlborough the economics assessment has had access to a large quantity of high quality information.
20. Some of the costs, particularly related to amenity, landscape and natural character are viewpoint specific and ephemeral. Effects of marine farms are reversible⁶, unlike the effects of many other activities that can occur in the coastal marine environment.
21. The panel will need to assess those benefits and costs in light of the statutory tests.

Conditions

22. The applicants have undertaken extensive engagement with tangata whenua, Marlborough District Council and Department of Conservation (DoC). The applicants have also engaged with Biosecurity New Zealand and MPI more broadly and have sought comments from the other invited parties on the application⁷ and proposed conditions and management plans.
23. The engagement with tangata whenua, Council and DoC has informed the application itself, as well as the proposed conditions and management plans. Refer to more information in **Schedule D** of the application.
24. There remain relatively few outstanding issues, and the applicants suspect some of these issues may be remedied prior to the panel convenor conference, or at least prior to appointment of the panel.

Biosecurity

25. Biosecurity New Zealand has provided comment saying they do not support the resumption of flat oyster farming activities within the Controlled Area Notice (CAN) zone.⁸ The applicants have sought to farm oysters in separate

⁶ Regarding ecological effects refer: Robertson Environmental EclA at pg 29 (**Schedule D**). Visual effects are immediately reversible upon removal of the farm structures.

⁷ Referral decision dated 5 May 2026, at page 4.

⁸ [Controlled Area Notice: Bonamia ostreae B2023-2 2023](#)

year class to maintain good biosecurity practice as to enable such farming in the Tory Channel.

26. The present CAN does not prevent farming oysters in the Marlborough Sounds.
27. The previously published position of Biosecurity New Zealand (as expressed in the 2019 Technical Advisory Group (TAG) report⁹) was that “A return to flat oyster farming in Marlborough Sounds can be considered” subject to conditions.
28. Biosecurity New Zealand’s current position is that they intend to form a new TAG and seek updated advice. The applicants understand that their opposition at this present point in time is precautionary, based on the possibility that the new TAG will form a different view.¹⁰ We understand the TAG process will be completed in December 2026 although no details have been supplied of the terms of reference, the personnel involved and the ability of interested parties such as Apex to take part. Should oyster farming be precluded, the applicant has an alternative use for the Onapua Bay space.
29. A biosecurity management plan has been proposed as part of the conditions. Such a plan (or the associated conditions) are not generally imposed on Marlborough mussel farm consents. The applicants have not had any feedback as to the contents of that plan.
30. Biosecurity New Zealand has advised that it does not have concerns with any of the other sites, nor with the other species proposed for the Onapua site.¹¹
31. We are continuing engagement with Biosecurity New Zealand and Ministry for Primary Industries.

Amenity, Landscape and Natural Character

32. The applicants concede that marine farms will have effects in their locality on amenity, landscape and natural character. NZCPS Policy 13 and 15 contain

⁹ <https://www.mpi.govt.nz/dmsdocument/41283-Report-of-the-Technical-Advisory-Group-2019-on-a-Return-to-Flat-Oyster-Farming-2327-September-2019>

¹⁰ Refer letter from Catherine Duthie to Emma Deason dated 25 September 2026, in **Schedule C**.

¹¹ Refer letter from Catherine Duthie to Emma Deason dated 25 September 2026, in **Schedule C**.

strong directives. The applicants concede that the some of the applications in question have at least a moderate effect on localised amenity, natural character or landscape. For that reason, they are not consistent with the NZCPS in the way it has been applied in the Marlborough Environment Plan.¹²

33. The question for the panel will be whether “those adverse impacts are sufficiently significant to be out of proportion to the project’s regional or national benefits”.¹³ Being “contrary to a provision of a specified Act or any other document”¹⁴ will not meet the threshold in s85(3)(b).
34. The key issue will not be in the magnitude of the effect itself, but how that relative effect is assessed in terms of the test in the Act.

Marine mammals

35. Marine farming (in its modern form¹⁵) has occurred in Aotearoa since the 1970s. Despite those decades of operation, very few reported incidents with marine mammals have occurred. Nor is it common to have marine mammal management plans or specific consent conditions regarding marine mammals on longline marine farm consents in Marlborough.
36. Despite that, DoC have raised concerns about the new marine farms. The applicants acknowledge that Hapuku Rock is within a Marine Mammal Distribution overlay in the MEP. The applicants have engaged marine mammals expert Helen McConnell to prepare a thorough assessment of that site.
37. The applicants have proposed a comprehensive Marine Mammal Management Plan (MMMP) for all sites, even though such a plan (or the associated conditions) are not generally imposed on Marlborough mussel farm consents.

¹² It is a feature of the Marlborough Environment Plan that it acknowledges “No liaison with Marlborough’s tangata whenua iwi has taken place during the assessment of these values. This is a recognised gap in this appendix of values” (MEP Volume 3 Appendix 1, page 1). No similar acknowledgement is made in respect of natural character but the identical approach to iwi involvement was taken in respect of natural character. On that basis the panel could take the approach that the plan does not adequately assess landscape values and natural character ‘key characteristics’. There is however a more straightforward approach to granting consent.

¹³ FTAA s 85(3)(b)

¹⁴ FTAA s 85(4)

¹⁵ Waitangi Tribunal, *Ahu Moana, the Aquaculture and Marine Farming Report*, (Wellington: Legislation Direct, 2002), 102pp Wai 953

DoC has provided feedback on the draft MMMP which has been factored into the version filed with this application. Refer to **Schedules C and E**.

38. In addition, in respect of the Hapuku Rock site, the applicant for that farm, in lieu of additional monitoring conditions, is proposing to part fund a research program to benefit understanding of dolphin ecology in Admiralty Bay. The applicant has received feedback from DoC that they “remain open to that as an option but on the basis as previously stated that it does not alter our more fundamental concerns about the proposal”.¹⁶
39. If agreed between DoC and the applicant, this research program will be superior to consent conditions because it will be difficult to draw any causal information from marine mammal monitoring only at the site (and an adverse causal effect of any significance between the farm and marine mammals seems unlikely).

Iwi

40. The applicants have consulted extensively with Te Taihū iwi, including an all-day kanohe ki te kanohe hui at Te Hōia Marae in Te Hōiere.
41. Parallel with that process has been the agreement reached with Maara Moana, an entity that holds fisheries assets on behalf of Te Taihū iwi. That support does not formally preclude individual iwi raising matters relating to particular sites through the fast-track process.
42. One issue which remains at large is whether, and if so in what form, conditions should be imposed on the consents to manage cultural and taiao impacts of the consents. Such conditions are not generally imposed on Marlborough mussel farm consents. Nonetheless a place holder has been included in the draft conditions, with the exception of Kapaua/Richmond Bay (because that site will be transferred to iwi as part of the arrangements made).
43. We are continuing engagement with iwi regarding these matters, which may be resolved before the Panel is engaged with this application.

¹⁶ Email from Murray Brass dated 23 September 2026.

PANEL MEMBERSHIP

44. The applicants consider a three-person panel is appropriate for this application. While we understand that nominations are not being sought, the skills, knowledge and expertise of the expert panel appointed for Hananui Aquaculture Project (FTAA-2511-1138), or a panel with similar expertise, would be suitable from the applicants' perspective.
45. Based on the key issues identified below [and after consultation with MDC and iwi], the expertise of the panel should comprise of three persons who cover the below matters:
- (a) One panel member with experience in assessing aquaculture developments, in accordance with FTAA Schedule 3, cl 7(1)(a)(i);
 - (b) One panel member with an understanding of Te Ao Māori, is sought, particularly given the application includes components for Te Taihū iwi in accordance with FTAA Schedule 3, cl 7(1)(b); and
 - (c) One panel member with experience in general ecology (preferably marine ecology); and
 - (d) A lawyer with planning knowledge or planner with legal knowledge.
46. As above, the applicants consider that three panel members is appropriate, and the above areas of expertise can be found in three people.

PROCEDURAL MATTERS

47. The applicants are not aware of any matters that give rise to complexity, and which are likely to require a significantly extended timeframe for the panel to make its decisions in accordance with section 81 of the FTAA. The default timeframe in section 79(1) of 30 working days from the date comments are received however may not be sufficient given material the panel will need to consider. In that regard the applicants would not oppose a modest extension to the default timeframe if required.
48. There is no requirement to hold a hearing under s 56 FTAA. Neither do the applicants believe a hearing will likely be required. The applicants are willing to engage directly with the panel as is necessary.

Dated this day of 2026

.....
Quentin A M Davies and Emma L Deason
Solicitors for Applicants

DRAFT

Appendix 1

Applicants' Estimated Timeframes

Task	Working Days	Date
Panel commencement	N/A	XX 2026
Invite comment from relevant parties by	10 W/D later	XX 2026
Comments close (ss 53 & 54)	20 W/D later	XX 2026
Comments close for applicants (s 55)	5 W/D later	XX 2026
Any other procedural steps, evaluation and decision writing	XX W/Day later	XX 2026
Draft Decision		
Draft decision and conditions to Ministers (s 72)	XX W/Day later	XX 2026
Response from Ministers. (s 72)	10 W/D later	XX 2026
Applicant response to Ministers comments (if any)	XX W/Day later	XX 2026
Draft conditions and decision to participants (s 70(1))	XX W/Day later	XX 2026
Participant comments on draft conditions (s70(2))	XX W/Day later	XX 2026
Applicant response to participants on conditions (s 70(4))	5 W/D later	XX 2026

Task	Working Days	Date
If not agreed, procedural step in relation to draft conditions.	XX W/Day later	XX 2026
Evaluate and finalise decision	XX W/Day later	XX 2026
Decision release	XX W/Day later	XX 2026