

Bal Matheson KC

Hananui Aquaculture Project Expert Panel Chair

C/- Environmental Protection Authority

By email: substantive@fasttrack.govt.nz

Private Bag 63002
Wellington 6140

Department of Conservation
Whare Kaupapa Atawhai /
Conservation House
PO Box 10420
Wellington 6140

Fast-track@doc.govt.nz

29 July 2026

Tēnā koe Bal

Re: Request for Further Information under the Fast track Approvals Act 2024

On 24 July 2026, the Department of Conservation (DOC) received a request for further information from the Environmental Protection Authority (EPA) in relation to the Hananui Aquaculture Project in accordance with section 67 of the Fast-track Approvals Act 2024 (the Act / FTAA).

This letter provides a response to the further information requested.

Request

Given the fulsome nature of the Applicant's response, the Panel wishes to ensure that any matters that the Director-General wishes to raise are before the Panel. [...] Any response from the Director-General should be provided by 4pm, Wednesday 29 July 2026.

Response

DOC appreciates the opportunity to provide further comment. While the comments made in earlier submissions remain relevant, DOC wishes to clarify a small number of matters arising from the Applicant's Response to Comments on Draft Conditions dated 23 July 2026.

DOC has made its position clear regarding management plan certification for the Shark Management Plan (SMP) and Seabird Management Plan (SBMP) a number of times throughout the process for this application, including through the section 51 report, section 53 comments and more recent responses to the Panel. This view has not changed.

DOC would like to emphasise that the rationale for requested dual certification does not include either of the following factors attributed to DOC in the Applicant's response (paragraphs 15 to 18), as follows:

- *[that DOC] "does not consider Environment Southland to be competent to certify the management plans", or*
- *[that DOC] "wishes to retain the ability to argue that the plans should address matters other than those set out in conditions".*

DOC maintains that under the Fast-track regime, the relevant management plans serve different functions under the Wildlife Act 1953 (WA) and the Resource Management Act 1991 (RMA). While the Applicant's response acknowledged this, it does not address the specific differences between the two regimes. DOC would like to reiterate this distinction. Under the RMA, the management plans are directed at avoiding, remedying, or mitigating adverse effects on species and habitats arising from the proposed structures. Under the WA, the management plans address the activities relating to the



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

capture, holding, handling, release, disturbance and incidental killing of protected wildlife. The requirement for separate approvals under the RMA and WA reflects the distinct functions and purpose of each of these and should be managed by the relevant regulator.

As noted in DOC's comments under section 70 of the FTAA, this may result in differences arising between the management plans associated with each approval. DOC does not consider this to be an issue, particularly given the existing consultation provisions in the conditions that would ensure general alignment is achieved. Similarly, it is not expected that disputes that may require court resolution are likely to result from this process.

In response to paragraph 21(c) of the Applicant's response, DOC notes that its position in Waitaha was that management plans prepared to address harm to wildlife should be subject to dual certification by DOC and the relevant consent authority, with draft plans provided to both agencies simultaneously for certification. This reflects a consistent position taken by DOC in relation to the certification of wildlife management plans. The fact that DOC did not appeal the Waitaha decision does not mean that DOC agreed with the Panel's approach to certification. In the Waihi North decision, DOC also sought certification for management plans relevant to its statutory functions. This resulted in the Panel granting DOC a certification role for several management plans including the Native Frog Salvage and Release Plan and Native Frog Monitoring Plan associated with the wildlife approval.

Other Panels have accepted that dual certification may be appropriate. For example, in the Southland Wind Farm decision¹, the Panel concluded that dual certification of management plans under both the Wildlife Act and the RMA was appropriate (see paras 109-110).

Finally, DOC notes the Applicant's suggestion that the certification process may result in additional matters being required. As indicated in DOC's response to the Panel on 1 July 2026, DOC is largely comfortable with the current drafts of the SMP and SBMP. DOC would not be opposed to the Panel imposing a condition similar to 2(b)(iii) of the resource consent in any conditions relating to certification under the wildlife approval. This may provide the Applicant with reassurance that it is not DOC's intention to seek inclusion of additional matters (unrelated to conditions) in the plans.

We trust that the response adequately addresses the information requested. If there are further questions in relation to this response, please contact Amelia Wilkinson at [REDACTED]

Nāku noa, nā



Linda Kirk
Fast Track Applications Manager

¹ [Southland-Wind-Farm-Decision-2-April-Final.pdf](#)

