

FTA#139: Application for listed project under the Fast-track Approvals Bill – ImpactMarine Land-based Salmon Farm Project for Schedule 2A

Date submitted to secretariat:	11 June 2024
Security level:	In-Confidence
To:	David TAPSELL, Chair – Fast-track Projects Advisory Group

Number of attachments: #	<p>Attachments:</p> <ol style="list-style-type: none"> 1. Application documents for 'ImpactMarine' Land-based Salmon Farm Project 2. Feedback from Ministry for Primary Industries
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Applicant	Sector	Region	Identified in a priority/strategy?
ImpactMarine (Bluff) Ltd	Aquaculture	Southland	Yes

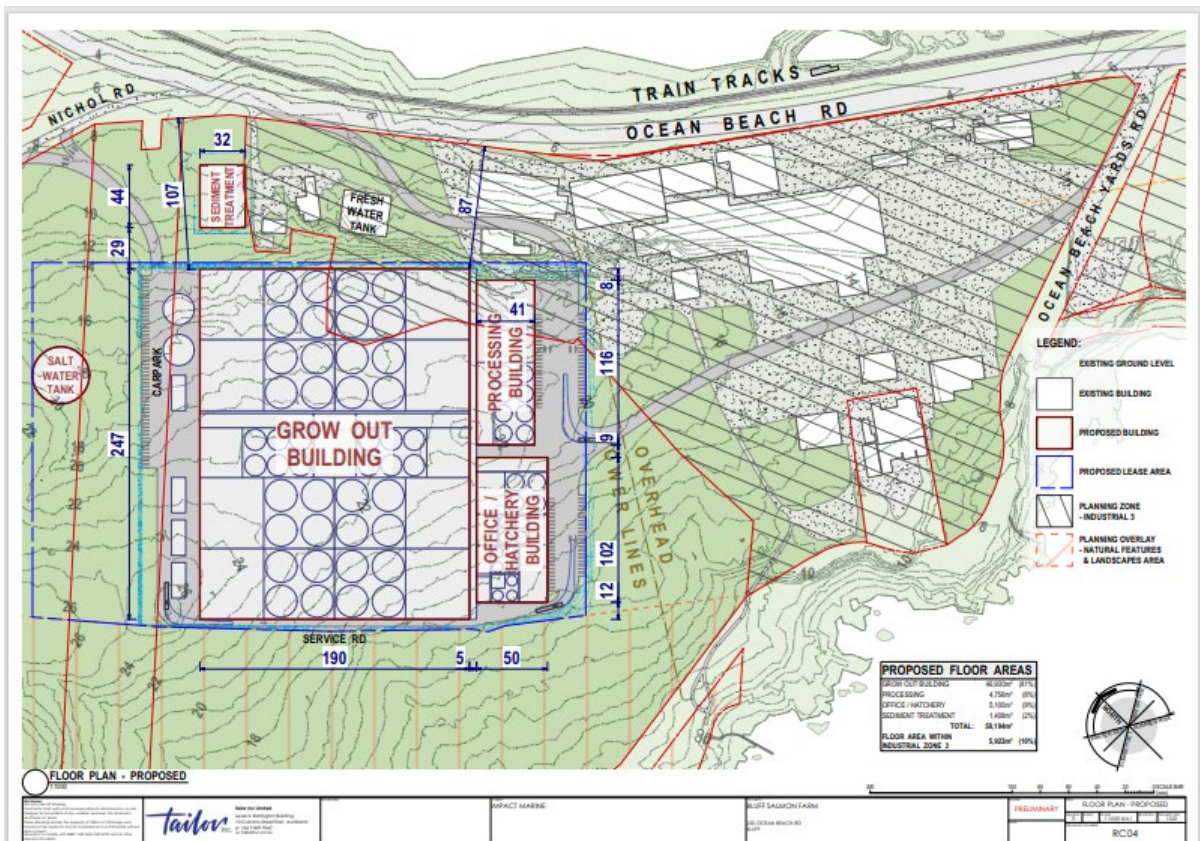
Ministry for the Environment contacts

Position	Name	Mobile	1 st contact
Principal Authors	Ben Bunting, Anna Galvin		
Manager	Stephanie Frame	s 9(2)(a)	
Director	Ilana Miller	s 9(2)(a)	✓

Project Location



Figure 1: Fish farm area outlined in black, as defined above.



Key messages

1. The ImpactMarine Land-based Salmon Farm Project is to construct and operate a salmon farm and processing facility on land at 250 Ocean Beach Road and 68 Nicol Road, Bluff, Southland Region.
2. The project will comprise:
 - a. Land-based recirculatory aquaculture system salmon farm
 - b. Hatchery, smolt and grow out facilities and buildings
 - c. Processing plant and buildings
 - d. Waste pipework, water intake and pump infrastructure
 - e. Saltwater and freshwater tanks
 - f. Vehicle access/egress and internal roads.
3. The applicant notes the project will require a range of resource consents under the Resource Management Act 1991 (RMA) including:
 - a. Resource consent for water take and discharge consents
 - b. Coastal permit to occupy coastal space (intake structure and pipe up to 3km)
 - c. Coastal permit to place and erect structures in the coastal marine area (intake structure and pipe)
 - d. Coastal permit to discharge water into the coastal marine area.
 - e. Resource consent for taking and using surface water from freshwater reservoirs
 - f. Land use consents for earthworks and structures.
4. From the maps, plans and record of title provided by the applicant, it appears that the bulk of the project will occur on land currently zoned as 'rural' under Invercargill City District Plan. Amending the affected 'rural' zoning to 'industrial' zoning would require a plan change followed by sub-division. However, plan changes are not within scope of the Fast-track Approvals Bill. The plan change could be progressed as a separate matter under RMA processes.
5. The applicant advises that it has held pre-application meetings with Invercargill City Council and Southland Regional Council to discuss the project.
6. The Ministry for Primary Industries (MPI) advises that this is an application for a land-based fish farm and if approved through FTA will subsequently require a fish farm license issued by MPI under the Freshwater Fish Farming Regulations 1983.
7. The project site, extending over three titles, is private freehold land. The applicant advises it holds lease/licence agreements with the landowners.
8. We have undertaken an initial (Stage 1) analysis of the application, and this is provided in Table A.
9. We consider the applicant **has** provided sufficient information to consider the project for inclusion on Schedule 2A (although we note it could still be included on Schedule 2B based on the information provided).
10. The project does not trigger the ineligibility criteria in clause 18 of the Fast-track Approvals Bill (the Bill).
11. Advice on PSGE development priorities and Māori development is provided in Table A. Table A also includes the relevant PSGEs or Māori groups and the settlement mechanisms, that will/may be impacted by the project and whether the project is low,

medium or high impact on Treaty settlement/s and other relevant arrangements. Appendix 1 provides further detail on how this advice should be considered and our approach to analysis.

Signature



Ray Salter
Principal Analyst – Listed Projects

Table A: Stage 1 initial assessment of project eligibility and Treaty settlement assessment and advice¹

Project details	Project description	Approvals sought	Consultation undertaken	Does the project trigger the ineligibility criteria [clause 18]?				Discretionary ground to decline [clause 21(2)]	Eligibility [clause 17]	
				Treaty settlement land, Māori customary land, customary marine title, customary rights, aquaculture settlement area, or prevented by RMA clauses [clauses 18(a-e, g)]	Access arrangement under CMA where a permit can't be granted, or is listed in items 1-11, 14 [clauses 18(f,h)]	Activity on a national reserve under Reserves Act which requires approval under that Act [clause 18(i)]	Prohibited activity under EEZA or regulations under that Act, decommissioning-related activities, offshore renewable energy progressing ahead of permitting legislation [clause 18(j-l)]		Is the project eligible [clause 17(2)]	Would the project have significant regional or national benefits [clause 17(3)]
High level summary			Y	Y/N	Y/N	Y/N	Y/N			
<p>Schedule requested 2A</p> <p>Project Name ImpactMarine Land-based Salmon Farm</p> <p>Applicant ImpactMarine (Bluff) Ltd</p> <p>Company director/s David Christopher HAMPTONA Aaron Steven MCCALLION Marcus John CLEMITSON</p> <p>Location 250 Ocean Beach Road and 68 Nicol Road, Bluff, Southland Region</p> <p>Land Status Freehold private land. The applicant advises it holds a lease/licence agreements with the landowners to construct and operate the project.</p>	<p>The ImpactMarine Land-based Salmon Farm Project is to construct and operate a salmon farm and processing facility on land at 250 Ocean Beach Road and 68 Nicol Road, Bluff, Southland Region.</p> <p>The project will comprise: Land-based recirculatory aquaculture system salmon farm Hatchery, smolt and grow out facilities and buildings Processing plant and buildings Waste pipework, water intake and pump infrastructure Saltwater and freshwater tanks Vehicle access/egress and internal roads.</p>	<p>The applicant seeks approval under the:</p> <ul style="list-style-type: none"> Resource Management Act 1991 Freshwater Fisheries Regulations 1983 	<p>The applicant had pre-application meetings with Invercargill City Council and Southland Regional Council to discuss the project. The applicant has initiated engagement with the Bluff community and Ngāi Tahu o Awarua Rūnaka, who were noted as affected parties by the two councils.</p>	No	No	No	No	<p>The project, or any part of it, is inconsistent with a relevant Treaty settlement, the NHNP Act, the Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement.</p> <p>No – this project does not appear to be ineligible according to the information provided in the application.</p> <p>It is more appropriate to deal with the application under another Act.</p> <p>Yes – this project requires a plan change under RMA processes to amend the current zoning. Plan changes are outside scope of the Fast-track Approvals Bill.</p> <p>The project may have significant adverse effects on the environment.</p> <p>Yes – applicant advises that work on an AEE is underway.</p> <p>The applicant has a poor compliance</p>	<p>Whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes.</p> <p>Yes – applicant advises that it will streamline the usual RMA processes.</p> <p>The impact referring this project will have on the efficient operation of the fast-track process.</p> <p>Low/moderate impact - project plans are well advanced, and the two councils already engaged on the project.</p> <p>Whether the application contains sufficient information to inform the referral decision.</p>	<p>The project has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list.</p> <p>Yes– the NZ Government's Aquaculture Strategy Investment Roadmap (2023) identifies additional capacity or new salmon hatcheries to provide enough suitable smolt for open ocean salmon farms as a priority.</p> <p>The project will deliver regionally or nationally significant infrastructure.</p> <p>Yes – the applicant claims the project will deliver nationally significant infrastructure.</p> <p>The project will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment.</p> <p>No</p> <p>The project will deliver significant economic benefits.</p> <p>Yes – the applicant advises 'yes' but has not provided further detail specific to the project. The applicant notes the project will have a lifespan of at least 50 years so will provide ongoing employment opportunities.</p> <p>The project will support primary industries, including aquaculture.</p> <p>Yes – this is an aquaculture project.</p> <p>The project will support development of natural resources, including minerals and petroleum.</p> <p>No</p> <p>The project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions.</p>

¹ **Disclaimer:** Given time and scope constraints, the initial assessment is solely based on information provided by applicants. There may be additional relevant information which has not been provided to MfE.

								<p>history under the relevant legislation.</p> <p>No</p> <p>The project involves an activity that would occur on land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes.</p> <p>No</p> <p>The project includes an activity that is a prohibited activity under the RMA.</p> <p>No – however, a plan change would be required under RMA processes to amend the current zoning.</p>	<p>Yes - we consider the applicant has provided sufficient information to consider the project for inclusion on Schedule 2A. However, while the plan change requirement is outside of scope of the FTA Bill, the plan change could be progressed as a separate matter under RMA processes.</p>	<p>Yes – the applicant advises that the new facility, including use of recirculated water, will reduce emissions compared to conventional methods.</p> <p>The project will support adaptation, resilience, and recovery from natural hazards.</p> <p>Yes – the applicant advises that the project can operate as a closed system thereby enhancing resilience and recovery if affected by natural hazards.</p> <p>The project will address significant environmental issues.</p> <p>Yes – the applicant advises that use of recirculated water can better protect water quality and is more energy efficient than conventional methods.</p> <p>The project is consistent with local or regional planning documents, including spatial strategies.</p> <p>Yes – consistent with the Invercargill City District Plan and Southland Regional Coastal Plan. However, a plan change would be required under RMA processes to amend the current zoning.</p>
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PSGE Settlement Priorities and Māori Development assessment –

This table provides an overview. In the time available, it has not been possible to undertake a detailed review of all Treaty settlement and related matters, or to engage with the relevant PSGE, iwi or Māori groups in relation to the potential impacts of the project. If the project does progress through the fast-track process, it will be important this more detailed and comprehensive analysis and engagement is undertaken (there are some mechanisms in the proposed legislation, such as the clause 13 report (which will apply to Schedule 2 Part B (but not Part A) applications) and the requirements to invite comment from these groups, which are intended to address these matters).

Advice on Māori development and PSGE settlement priorities includes information relating to:

- where projects align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents.
- where projects contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or are being led by or in partnership with a Māori entity or business;
- to relevant provisions in Treaty settlements, Joint Management Agreements outside of settlement; Mana Whakahono ā Rohe; Iwi Environment Management plans; implications for groups yet to settle their historical Treaty of Waitangi claims; and implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Ineligible projects - based on the considerations at cl18(a–e) of the Fast Track Approvals Bill (version as at introduction)	The project does not appear to be ineligible according to the information provided in the application.
Affected Māori group/s	The applicant has identified Ngāi Tahu (the iwi authority), and Papatipu Rūnanga of Awarua, Hokonui, Waihopai and Ōraka-Aparima as the groups with interests in the area. Information from Te Kāhui Māngai ² confirms the proposed project location as being within the area of interest for Te Rūnanga o Ngāi Tahu as provided in Ngāi Tahu Claims Settlement Act 1998, and the Papatipu Rūnanga as provided in the Te Runanga o Ngai Tahu (Declaration of Membership) Order 2001.
Has the applicant consulted with those Māori groups?	<p>Yes, the applicant states that consultation with Te Rūnanga o Awarua has spanned over a year, with emphasis on whanau aspirations and environmental aspects. The applicant states that the collaboration with the Rūnanga extends beyond environmental considerations to encompass employment opportunities to foster a mutually beneficial relationship.</p> <p>There is no evidence that engagement has been undertaken within the wider region in regard to the other Papatipu Rūnanga of Hokonui, Waihopai and Ōraka-Aparima.</p> <p>The applicant states that a Cultural Impact Assessment (CIA) with Te Ao Marama Incorporated, has been started and is due to be completed in July 202. This document will be used by the applicant to assist in building upon the relationship with the mana whenua.</p>
Impact/s of the project on Māori development and PSGE settlement priorities and related matters	<p><u>Impacts on PSGE settlement priorities and Māori development</u></p> <p>There is no information in the application to suggest that this application is made by or on behalf of a Māori organisation, or that the project will have a direct benefit in terms of Māori development. In the time available, officials have identified the following relevant plans and documents:</p>

² TKM | Iwi | Ngāi Tahu | Te Kahui Māngai

	<ul style="list-style-type: none"> • Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (Murihiku represent the four Rūnanga Papatipu o Murihiku; Te Rūnanga o Awarua, Te Rūnanga o Oraka/Aparima, Te Rūnanga o Hokonui and, Te Rūnaka o Waihōpai).¹ Of relevance to this application is the Aquaculture and Marine Farm policy in this document. • Ngāi Tahu's document, Ngāi Tahu 2025 states the aspiration is that "Te Rūnanga o Ngāi Tahu fully participates in the decision-making processes of resource management agencies" and that "Te Rūnanga o Ngāi Tahu is actively managing a number of sites, resources and areas either in joint partnership with another agency or as the sole manager". <p>It is not possible to confirm that this project does or does not align with the policies or documents mentioned above, given the lack of information on the content and character of the discussions with the affected Māori groups and the need for a full analysis of the plan/document to be undertaken (or provided with the application, if this has happened) in conjunction with the relevant iwi before any firm conclusions can be reached.</p> <p><u>Impact on Treaty settlements and other relevant arrangements</u></p> <p>Ngāi Tahu Claims Settlement Act 1998</p> <p><i>Statutory acknowledgements</i></p> <p>This Treaty settlement contains a number of statutory acknowledgements. Officials have identified that there are 2 statutory acknowledgements adjacent to, or close to, the project site. These are Motupōhue (Bluff Hill) (schedule 85) and Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area) (Schedule 104) in the settlement legislation.</p> <p>Generally, a statutory acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area. A council must have regard to the statutory acknowledgement when deciding whether the iwi is an 'affected person' for the purposes of notification decisions under the Resource Management Act 1991 (the RMA). The same applies to the Environment Court when considering participation in hearings under s274 of the RMA. A council must send summaries of applications for resource consents to the iwi. The PSGE (or any member of the iwi) may, as evidence of the association with a statutory area, cite the statutory acknowledgement in submissions that are made to a consent authority, the Environment Court or the Environmental Protection Authority. The Environment Court must also have regard to a statutory acknowledgement in considering appeals on applications for archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. There is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement).</p> <p>Listing this project, and the fast-track process generally, will not provide equivalent weight to the statutory acknowledgement, which may limit the influence of the iwi compared to the usual consenting regime. For example, under the RMA process, if a PSGE is notified due to the statutory acknowledgement, the PSGE has the right to make a submission, attend a hearing, appeal to the Environment Court, and appeal to the High Court and higher courts. The fast-track process does not provide those same rights to the PSGE (particularly the potential right to make a submission and then participate in a hearing and appeal). For Schedule 2 Part A projects there is a requirement on the expert panel to invite comment from the PSGE on the application (noting this is an automatic right to participate, which is currently discretionary under the statutory acknowledgement). The same applies to archaeological authorities, as the Environment Court will not hear appeals in the same way as occurs under the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p><u>Implications arising under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019</u></p> <p>The project area is in the common marine and coastal area.</p> <p>Within this area there are no customary marine title or protected customary rights holders under the Marine and Coastal Area (Takutai Moana) Act 2011 recorded on the register.³</p> <p>There are however approximately 4 applications by iwi, hapū and whānau groups (takutai moana applicant groups) who have applied to have their customary interests recognised under the Act. Under the Act, takutai moana applicant groups have certain rights in relation to consenting processes under the Resource Management Act 1991, including the right to be consulted on resource consent applications in their takutai moana application area.</p> <p>The Fast-track Approvals Bill currently provides for consultation with takutai moana applicant groups on Schedule 2B projects at the Ministerial referral stage, and the clause 13 report must include information about the relevant takutai moana applicant groups in the project area. For schedule 2A projects these steps would not apply. For listed projects (both Schedule 2A and 2B), the Fast-track Approvals Bill as currently drafted, does not provide for consultation with takutai moana applicant groups at the expert panel stage.</p> <p>This means that an implication of listing a project under Schedule 2A is that takutai moana applicants would not have the ability to input into the process at all, and for Schedule 2B listing the only opportunity for any input is at the Ministerial referral stage.</p> <p>As the project area is outside of ngā rohe moana o ngā hapū o Ngāti Porou there are no implications for the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 arising from this application.</p> <p><u>Other matters</u></p> <p>In the time available, officials have not identified any other impacts for groups yet-to-settle their historical claims (noting that Treaty settlements have been completed over the Ngāi Tahu takiwā including this area), Joint Management Agreements outside of settlement or Mana Whakahono ā Rohe.</p>
<p>Is the project considered low, medium or high impact (based on assessment criteria above)</p>	<p>From the information available officials consider this project is likely to be of medium impact. This is due to the significance of the coastal marine area to Ngāi Tahu and the statutory acknowledgements mentioned, and the potential implications for takutai moana applicants.</p> <p>An impact of listing this project under Schedule 2 Part A is that the Ministers will not have to exercise their 'referral discretion' including considering the Treaty settlement impacts through that process, nor will they have the benefit of the clause 13 report. For Part A projects, there is a requirement on the expert panel to invite comment from the PSGE on the application.</p>
<p>Has the Ministry for the Environment undertaken engagement?</p>	<p>Officials consider engagement would be beneficial to confirm the position the affected groups have on this project but were unable to undertake this in the time available.</p>
<p>Additional comments/context</p>	<p>See the attached advice from MPI on potential impacts on aquaculture and fisheries settlement considerations.</p>

³ Marine and Coastal Area Register | Toitū Te Whenua - Land Information New Zealand (linz.govt.nz)

Appendix One: Approach and considerations for Treaty settlement advice on listed project applications advice in Table A

1. Ministers have advised the Advisory Group should receive advice from officials on “Māori development and PSGE settlement priorities” relevant to each application. Note this differs from section 13 requirements of the current Fast Track Consenting Bill that ‘Ministers must consider Treaty settlements and other obligations report’ as these reports will not be in existence at the time, although matters identified in section 13 (2)(a)-(j) will be considered as part of official's analysis.
2. We have interpreted “Māori development” and “PSGE priorities” to mean primarily projects that:
 - a. align explicitly with PSGE or iwi strategic objectives/vision/other strategic documents; and/or
 - b. contribute towards addressing historical or systemic inequities faced by Māori. This would be undertaken through an equity assessment; and/or
 - c. the project is being led by or in partnership with a Māori entity or business.
3. Given the time constraints and limited engagement this advice cannot be considered as comprehensive and does not intend to reflect their views and should not be read as such.
4. Engagement with PSGEs and other relevant groups has been considered based on potential high-risk factors including, but not limited to, if:
 - a. a project will take place on or effect any taonga or areas of significance that are protected by Treaty settlement arrangements.
 - b. a project will have a substantive and/or ongoing environment impact on any taonga or areas of significance.
 - c. a project will include a consenting arrangement that will require a significant take, or be ongoing for an extended period, in relation to a taonga or area of significance, or in regions where PSGEs have specific planning mechanisms in place.
 - d. PSGEs or other Māori entities have previously strongly contested the project or a similar type of project, particularly where court action has been taken.
 - e. The project is clearly in conflict with or undermines PSGE priorities.
 - f. Engagement would be required to maintain and uphold the Te Tiriti Crown relationship.
5. In limited circumstances where engagement occurs, it has been brief. Where engagement has been undertaken it is reflected in our analysis but should not be taken to mean that our Treaty Partners endorse our advice.