



MFE BRF- 663

DOC 21-B-0853

2 February 2022

Ngāi Tahu Seafood Resources Limited
C/-Frances Lojkinė
Principal Planner
Stantec New Zealand
Email: s 9(2)(a)

Dear Frances Lojkinė

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Hananui Aquaculture project

Thank you for Ngāi Tahu Seafood Resources Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Hananui Aquaculture project to an expert consenting panel (a panel) for consideration under the FTCA.

I am writing to you on behalf of both myself and Hon Kiritapu Allan, Minister of Conservation, as the project is fully within the Coastal Marine Area (CMA). Hon David Parker, Minister for the Environment, has delegated his responsibility for making a decision on this project under sections 23 and 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.

The project is to construct and operate an open ocean marine farm (salmon) within a 2500-hectare area of the CMA between approximately two and six kilometres from the north-eastern coast of Stewart Island/Rakiura.

The purpose of the FTCA is to promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

We can only refer a project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes our being satisfied the project will help achieve the FTCA's purpose.

We have decided the project meets the referral criteria in section 18 of the FTCA, including that it will help to achieve the FTCA's purpose, as it has the potential to:

1. have positive effects on social well-being by providing opportunities for year-round employment that will assist in sustaining the Stewart Island/Rakiura and Bluff communities
2. generate approximately 50–180 direct full-time equivalent (FTE) jobs in years 1–5 of the project associated with farm construction, monitoring, farm management, harvesting and processing
3. generate approximately 500 FTE jobs associated with marine farming and processing once the farm reaches full production
4. provide opportunities to build an economic base and provide for food security, economic development and employment for local iwi/Māori.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, we have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, we have also decided that you must provide the information listed in Appendix A of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that this information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, we have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the persons or groups, additional to those specified in clause 17 Schedule 6 of the FTCA, who are listed in Appendix A of this letter.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

Timeframes for a panel to make their decision

In accordance with section 24(2)(f) of the FTCA, we have also decided that a panel must issue its final decision on any resource consent application lodged with the EPA for the project no later than 90 days after the date specified for receiving comments under clause 18(1) Schedule 6 of the FTCA. This longer timeframe for decision-making is required due to the

project's scale and complexity and will allow a panel more time to consider the project, commission expert evidence and hold a hearing if it determines to do so.

We will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take our decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, our decision does not in any way endorse any related planning decisions that may affect the project.

Please do not publicly release our decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. We provide a copy of this decision to the persons, entities and groups specified in section 25(1) of the FTCA.
2. Our decision, the reasons for it, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, we have also decided to provide a copy of this decision to the parties listed below.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon Stuart Nash

Minister for Economic and Regional Development

(under delegated authority from Hon David Parker, Minister for the Environment)

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)-(m) FTCA:

Infrastructure; Māori Crown Relations-Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change

Additional relevant Ministers

Environment
Oceans and Fisheries

Local authorities:

Southland District Council
Southland Regional Council

Other parties:

Biosecurity New Zealand
Director-General of the Ministry for Primary Industries
Maritime New Zealand
Rakiura Marine Guardians Incorporated
Rakiura Titi Islands Committee
Rakiura Titi Islands Administering Body
Southland Aquaculture Working Group
Southland Conservation Board
Southland Regional Development Agency
Southland regional harbourmaster
Stewart Island/Rakiura Community and Environment Trust
Yellow-eyed Penguin Trust

Relevant iwi authority/ies:

Te Rūnanga o Ngāi Tahu
Te Rūnanga o Awarua
Te Rūnanga o Ōraka-Aparima
Te Rūnanga o Waihōpai
Te Rūnanga o Hokonui
Te Ohu Kaimoana

Relevant Treaty settlement entities:

Te Rūnanga o Ngāi Tahu
Takutai Trust
Te Ohu Kaimoana

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to resource consent application/s lodged by Ngāi Tahu Seafood Resources Limited for the Hananui Aquaculture project

Information required to be submitted with your application

In accordance with section 24(2)(d) of the FTCA, we have also decided that you must provide the following information with any application:

- engineering report outlining the proposed farm structures, mooring and anchor systems and demonstrating suitability to withstand the anticipated current and wave environment
- water column effects report, including associated hydrodynamic modelling, assessing the effects of farm-derived nutrients on macroalgae and phytoplankton, effects on dissolved oxygen, and effects of submerged artificial lighting
- seabed effects report, including associated modelling, assessing the effects of farm-associated deposition and seabed enrichment on benthic communities beneath and surrounding the farm
- oyster effects report, assessing the effects on the abundance and disease risk to wild oysters present within Foveaux Strait
- biosecurity effects report, assessing the biosecurity risks of the farm for the spread of marine pests and diseases, including an associated Biosecurity Management Plan
- shark effects report, assessing the effects on sharks present within Foveaux Strait, including from potential entanglement
- marine mammals' effects report, assessing the effects on marine mammals within Foveaux Strait including from habitat exclusion, disturbance and potential entanglement
- seabird effects report, assessing the effects on seabirds within Foveaux Strait, including from habitat exclusion, changes to food supply, disturbance, and potential entanglement
- penguin effects report, assessing the effects on penguins within Foveaux Strait, including from habitat exclusion, changes to food supply, disturbance, and potential entanglement
- wild fish effects report, assessing the effects on wild fish, including from attraction to farms, and waste feed and other organic matter
- landscape and natural character effects assessment report, describing the landscape and natural character values present, and assessing the effects on landscape character, natural character and visual amenity
- navigation risk assessment, assessing the effects of the farm on navigation safety for vessels operating within Foveaux Strait
- public access assessment, assessing the effects of exclusive access to 500 ha of the CMA on public access
- project staging options including the practicalities of an option to establish a reduced scale marine farm as an initial stage to test the environmental effects of the project in the open ocean environment.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, we have also decided that a panel must invite comments on any consent application for the project from the following additional persons or groups:

- the Minister for Oceans and Fisheries
- Te Rūnanga o Awarua
- Te Rūnanga o Oraka-Aparima
- Te Rūnanga o Waihōpai
- Te Rūnanga o Hokonui
- Biosecurity New Zealand
- Director-General of the Ministry for Primary Industries

- Maritime New Zealand
- Rakiura Marine Guardians Incorporated
- Rakiura Titi Islands Committee
- Rakiura Titi Islands Administering Body
- Southland Aquaculture Working Group
- Southland Conservation Board
- Southland Regional Development Agency
- Southland regional harbourmaster
- Stewart Island/Rakiura Community and Environment Trust
- Stewart Island/Rakiura Community Board
- Yellow-eyed Penguin Trust

Released under the provision of
the Official Information Act 1982