

Version  
as at 8 July 2023



## COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2022

(SL 2022/95)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2022: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

### Order in Council

At Wellington this 4th day of April 2022

Present:

Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the joint recommendation of the Minister for the Environment and the Minister of Conservation.

### Contents

	Page
1 Title	2
2 Commencement	2

---

#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This order is administered by the Ministry for the Environment.**

3	Principal order	2
4	New Schedule 45 inserted	2
	<b>Schedule</b>	<b>3</b>
	<b>New Schedule 45 inserted</b>	

## **Order**

### **1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2022.

### **2 Commencement**

This order comes into force on 8 April 2022.

### **3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

### **4 New Schedule 45 inserted**

After Schedule 44, insert the Schedule 45 set out in the Schedule of this order.

**Schedule**  
**New Schedule 45 inserted**

cl 4

**Schedule 45**  
**Hananui Aquaculture Project**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Hananui Aquaculture Project (the **project**).

**2 Authorised person**

The authorised person for the project is Ngāi Tahu Seafood Resources Limited.

**3 Description of project**

- (1) The scope of the project is to construct and operate open ocean marine farming (salmon) within a 2,500-hectare area of the coastal marine area, approximately 2 to 6 kilometres off the north-eastern coast of Stewart Island/Rakiura.
- (2) The project will comprise 4 separate marine farms, including—
  - (a) 2 blocks of 10 circular net pens and associated mooring and anchoring systems; and
  - (b) 5 anchored barges that will function as operational bases.
- (3) The project will be developed in 4 stages over 10 years.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) placing circular net pens, mooring lines, anchors, and navigational aids and lights in the coastal marine area;
- (b) disturbing the seabed in the coastal marine area (including by excavating or drilling and by fixing structures to the seabed);
- (c) occupying the coastal marine area with a marine farm and associated moored vessels;
- (d) aquaculture farming in the coastal marine area, including—
  - (i) introducing exotic animals to the coastal marine area; and
  - (ii) depositing material in or on the seabed; and
  - (iii) discharging water and contaminants into water;
- (e) carrying out any other activities that are—

- (i) associated with the activities described in paragraphs (a) to (d); and
- (ii) within the scope of the project as described in clause 3 of this schedule.

## **5 Approximate geographical location**

The project will occur approximately 2 to 6 kilometres off the north-eastern coast of Stewart Island/Rakiura.

## **6 Further information to be submitted**

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) an engineering assessment of the suitability of the proposed marine farm structures, mooring lines, anchor systems, and ancillary infrastructure to withstand the wave environment; and
- (b) an assessment of the effects of the proposed project on the water column, including—
  - (i) the results of hydrodynamic modelling; and
  - (ii) the effects of farm-derived nutrients on macroalgae and phytoplankton; and
  - (iii) the effects of farm operations on dissolved oxygen; and
  - (iv) the effects of submerged artificial lighting on the aquatic ecology; and
- (c) an assessment, with associated modelling, of the effects of the proposed project on the seabed, including farm-associated deposits and seabed enrichment, and on benthic communities beneath and surrounding the farm; and
- (d) an assessment of the proposed project on the abundance of, and disease risk to, wild oysters within Foveaux Strait; and
- (e) an assessment of the biosecurity risks of the proposed project for the spread of marine pests and diseases, together with an associated biosecurity management plan; and
- (f) an assessment of the effects of the proposed project on sharks within Foveaux Strait, including the effects of shark entanglement; and
- (g) an assessment of the effects of the proposed project on marine mammals within Foveaux Strait, including the effects of habitat exclusion, disturbance, and entanglement; and
- (h) an assessment of the effects of the proposed project on seabirds within Foveaux Strait, including the effects of habitat exclusion, changes to food supply, disturbance, and entanglement; and

- (i) an assessment of the effects of the proposed project on penguins within Foveaux Strait, including the effects of habitat exclusion, changes to food supply, disturbance, and entanglement; and
- (j) an assessment of the effects of the proposed project on wild fish within Foveaux Strait, including—
  - (i) the effect of the wild fish being attracted to the farms; and
  - (ii) the effect of the proposed project on the availability of waste feed and other organic matter; and
- (k) an assessment of the effects of the proposed project on the landscape and natural character (including identifying the relevant landscape and natural character values); and
- (l) an assessment of the effects of the proposed project on navigation safety for vessels operating within Foveaux Strait; and
- (m) an assessment of the effects of the proposed project on public access, including the proposed exclusive access to 500 hectares of the coastal marine area; and
- (n) an assessment of the options for staging the project, including the practicalities of initially establishing a reduced scale farm to enable testing of the environmental effects of the proposed project on the open ocean environment.

**7 Persons who must be invited to comment on project**

An expert consenting panel must invite comments on any consent application relating to the project from the following persons or groups (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act):

- (a) the Minister for Oceans and Fisheries; and
- (b) Te Rūnanga o Awarua; and
- (c) Te Rūnanga o Ōraka Aparima; and
- (d) Te Rūnanga o Waihōpai; and
- (e) Te Rūnanga o Hokonui; and
- (f) Biosecurity New Zealand; and
- (g) the Director-General of the Ministry for Primary Industries; and
- (h) the chief executive of Maritime New Zealand; and
- (i) the Rakiura Marine Guardians Incorporated; and
- (j) the Rakiura Tītī Committee; and
- (k) the Rakiura Tītī Islands Administering Body; and
- (l) the Southland Aquaculture Working Group; and
- (m) the Southland Conservation Board; and

- (n) the Southland Regional Development Agency Limited; and
- (o) the harbourmaster for the Southland region; and
- (p) the Stewart Island/Rakiura Community and Environment Trust; and
- (q) the Stewart Island/Rakiura Community Board; and
- (r) the Yellow-eyed Penguin Trust.

## **8 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

### *Statement of reasons*

*This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act*

The Minister for the Environment and the Minister of Conservation have accepted this application for referral. The Ministers considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the relevant Ministers, the Southland Regional Council, Te Rūnanga o Ngāi Tahu, Maritime New Zealand, and the Southland regional harbourmaster. The Ministers have accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will 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:
- in years 1 to 5, the project will generate approximately 50 to 180 direct full-time equivalent jobs associated with farm construction, monitoring, farm management, harvesting, and processing:
- when the farm reaches full production, the project will generate approximately 500 full-time equivalent jobs associated with marine farming and processing:
- the project will provide opportunities to build an economic base and provide for food security, economic development, and employment for local Māori people:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any adverse effects, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Michael Webster,  
Clerk of the Executive Council.

## **Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 8 April 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 45*.

The effect of the referral is to authorise Ngāi Tahu Seafood Resources Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 45*.

The expert consenting panels will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 7 April 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)