

## FTC #19: Application for referral of a project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decision on an application for a boat harbour in Whakatāne

Date Submitted:	6 October 2020	Tracking: MfE#: 2020-B-07198 DOC#: 20-B-0728
Security Level	In-Confidence	MfE Priority: Urgent DOC Priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision	tba
To Hon Eugenie Sage, Minister of Conservation	Decision	tba

Actions for Ministers' Office Staff	<b>Send out attached letter</b> (if agreed and signed). <b>Return</b> the signed briefing to MfE and DOC
Number of appendices and attachments	Titles of appendices: 1. Letter from the Minister for the Environment and Minister of Conservation to relevant Ministers of the Crown and Minister for Regional Development.

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Rebecca Perrett		
Responsible Manager	Sara Clarke	s 9(2)(a)	✓
Director	Liz Moncrieff		

### Ministry of Conservation contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Manu Graham	s 9(2)(a)	
Responsible Manager	Amy Robinson		✓
Director	Natasha Hayward		

## FTC #19: Application for referral of a project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decision for a boat harbour in Whakatāne

### Key Messages

1. We are seeking your joint decision on an application for referral of a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. The project, proposed over two stages, is for the development of a fit for purpose commercial boat harbour, associated facilities, and a channel to the Whakatāne river. The first stage includes berths for the commercial industry. The second stage, forecast to commence in late 2022, provides for additional berthage (including for recreation use) and car and boat parking facilities. The project involves declamation of land, allowing for the Whakatāne river to expand into a proposed boat harbour. Works in the Coastal Marine Area (CMA) are proposed where the channel meets the Whakatāne River.
3. We have undertaken an initial (Stage 1) analysis of the application and recommend you progress the project to the next stage.
4. We acknowledge there are a wide range of potential environmental effects with an application of this nature and scope, but on balance we consider advancing the project to Stage 2 will help to gather the further information required to make a clear call about whether this project proceeds further. The applicant has provided a reasonable assessment of the projects first stage, but we have recommended you seek further information from the applicant including specific information regarding the projects second stage.
5. A summary of the analysis and our recommendations for the application is provided in Table A. This application requires a joint decision as it is on land and within the CMA.

### Action sought

6. Please indicate your decisions on the recommendations for the application listed in Table A.

### Signatures



Sara Clarke  
Manager – Fast Track Consenting  
Ministry for the Environment



Geoff Deavoll for Amy Robinson  
RMA Manager  
Department of Conservation



**Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment and Minister for Conservation are joint decision makers**

Project details	Project description and location	Project Funding	Project eligibility criteria met [s18 (3)]	Assessment against the purpose of the Act					Any other matters [s19(f)] and s23 (5)(c)]	Recommendation	Decision
				Economic benefits and costs [s19(a)]	Effect on social and cultural wellbeing [s19(b)]	Likelihood project will progress faster under the Act [s19(c)]	Public benefit [s19(d)]	Potential for significant adverse effects [s19(e)]			
<b>Project name</b> Whakatāne Commercial Boat Harbour  <b>Applicant</b> Whakatāne District Council  <b>Project location</b> 2 Keepa Road, Coastlands, Whakatāne  <b>Background</b> The project is a partnership between Te Rāhui Lands Trust, Te Runanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Whakatāne District Council, and the Provincial Growth Fund Limited	<p>Construction and use of internal boat harbour facilities and a boat access channel from the boat harbour to the Whakatāne River (partially located in the CMA where the channel meets the river).</p> <p>The project includes two alternatives for the vessel access channel, subject to confirmation of the design of the facility and the final consent application. Both options traverse a strip of Local Purpose Reserve. The northern option also traverses a scenic reserve.</p> <p>The boat harbour is expected to be completed in two stages. The first stage starting construction in early 2021 includes:</p> <ul style="list-style-type: none"> <li>Establishment of the boat harbour including its channel entrance and the first berths focused on the commercial industry (tourism, fishing and aquaculture).</li> <li>Construction of the Marine Technical Training Centre facility along with the commercial hardstand maintenance facility.</li> <li>Construction of a commercial chandlery.</li> <li>Flood protection works.</li> <li>Remediation of contamination</li> </ul>	<p>Stage one includes s 9(2)(b)(ii) of works, with funding support to the applicant provided through Provincial Growth funding of \$19.6m (made up of a loan and grant).</p> <p>The applicant has not provided costings or details of the timing or funding for the second stage of the project.</p> <p>To confirm certainty of long term investment of the project, it is recommended that information is sought from the applicant on costings and details of the funding for the second stage of the project, if the decision is made to seek comments.</p>	Yes	<p>The applicant estimates a minimum of 30 new jobs in the civil works development of the project. Reskilling and upskilling opportunities are included via training providers to support contractors who will be asked to focus on locally sourced employees. The application also estimates direct and indirect jobs created by an operational boat harbour and associated marine activities to be circa 900 jobs.</p> <p>The application also refers to the economic impacts of the community and alignment of the project to the Regional Development Project established for Eastern Bay of Plenty in 2018. It appears likely that the economic benefit of the project would assist in achieving the purpose of the Act regarding economic recovery and employment particularly within the Whakatāne and Bay of Plenty area.</p>	<p>The application has provided assessment and information regarding the social and cultural effects of the project.</p> <p>The application advises that the project has incorporated Te Runanga o Ngāti Awa (TRONA) values and objectives (cultural, social and economic) into the assessment of the regional boat harbour's benefit to the local community which has been significantly impacted by the Whakaari eruption, and now COVID-19.</p> <p>The project will change to the use of the unproductive Māori Land block, creating commercial and recreational infrastructure, as well as providing additional training, upskilling and local and regional job opportunities. These social outcomes are expected both in the short and long term.</p>	<p>The applicant considers that the Act will allow the project to progress faster than for standard RMA processes.</p> <p>As a result of the declamation works and potential effects relating to ecology, natural hazard and amenity there is likelihood of this application being notified under standard RMA processes.</p> <p>Approval of this project to Stage 2 would invite local authority comment about the appropriateness of fast-track versus standard RMA consent processes.</p>	<p>The public benefits of the project include:</p> <ul style="list-style-type: none"> <li>the potential to support enhancement of the town wharf for community use, by providing a purpose-built facility away from the town centre, which will also provide for public facilities in stage two; and</li> <li>utilisation of an existing unproductive site that has direct inland access to key transport networks.</li> </ul> <p>The area is susceptible to inundation from storm events and sea level rise. While a detailed design is not available at this stage, we accept the applicant's view that the works and design of the facility is likely to strengthen resilience to natural hazards and climate change.</p> <p>No evidence has been provided to suggest that environmental outcomes will be or are likely to be improved, but it is acknowledged that remediation works to rectify historical contaminated fill will enhance that area of the environment. An expert consenting panel would be required to assess the effects of the project and consider whether</p>	<p>The project has the potential for adverse effects including:</p> <ul style="list-style-type: none"> <li>Construction effects</li> <li>Ecological</li> <li>Landscape and visual</li> <li>Amenity</li> <li>Natural character</li> <li>Natural hazard</li> <li>Navigational safety</li> <li>Traffic</li> </ul> <p>The applicant has provided a summary of potential effects and intended design solutions (including alternative scenarios for the channel depending on technical reviews like the ecological analysis).</p> <p>Further information is recommended to be sought from the applicant to confirm the full scope of the project, particularly as it relates to the Coastal Marine Area and Local Purpose Reserve.</p> <p>Notwithstanding this, if the project is referred, there is sufficient consideration of the potential significant adverse effects in the application, such that an expert consenting panel can consider mitigation or management of adverse effects through conditions.</p>	<p>The PGF investment of \$19.6m is made up of a loan and grant. The beneficiaries of the Trust are Ngāti Awa and the Whakatāne District Council.</p> <p>Given the partnership of the PGF, it is unclear why all parties were not registered as the applicant, particularly also as the subject property is Maori owned land. If the project is referred it is suggested that further information is obtained from the applicant to confirm whether other applicants are involved.</p> <p>It is also recommended that comments are sought from Te Rāhui Lands Trust, as owners of the property site at 2 Keepa Road.</p> <p><u>Consultation</u> The applicant has provided a comprehensive list of engagement that has been undertaken, and a list of parties considered potentially affected (including NGOs) Apart from seeking comments (as per the Act) from local authorities it is not suggested at this stage that comments are sought from other parties.</p> <p>It is recommended, if the project is referred, that comment is sought from local authorities in respect to the applicant's list of parties (and any others) for guidance on potential parties an expert consenting panel should seek comments from.</p>	<p>a. agree to progress the Whakatāne Commercial Boat Harbour Project to Stage 2 of the process. The project warrants further analysis because it has potential to achieve the purpose of the Act.</p> <p>b. agree to seek further information from the applicant on meeting the requirements of s19 regarding:</p> <ul style="list-style-type: none"> <li>whether other applicants are involved;</li> <li>location of the project in respect to the CMA;</li> <li>details of works in the Local Purpose Reserve;</li> <li>timing and funding for stage 2 of the project; and</li> <li>The NGO's that were engaged with on the project.</li> </ul> <p>c. agree to seek comment from</p> <ul style="list-style-type: none"> <li>Ministers listed in s21(6) of the Act;</li> <li>the Minister for Regional Development; and</li> <li>Te Rāhui Lands Trust.</li> </ul> <p>d. agree to seek comments from the relevant local authorities:</p> <ul style="list-style-type: none"> <li>Whakatāne District Council; and</li> </ul>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

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				Economic benefits and costs [s19(a)]	Effect on social and cultural wellbeing [s19(b)]	Likelihood project will progress faster under the Act [s19(c)]	Public benefit [s19(d)]	Potential for significant adverse effects [s19(e)]			
	<p>from the site (historic timber mill timber peelings that were consented and placed during the 1980's).</p> <p>Construction on the second stage is forecast to commence soon after the completion of the first stage in late 2022, includes:</p> <ul style="list-style-type: none"> <li>• Additional berthage for recreation and commercial boats; and</li> <li>• recreational car and boat trailer parking.</li> </ul>						mitigation is sufficient if the application progresses.		<p>If the project is referred it is also recommended that further information is sought from the applicant regarding who the NGO's are that they consider potentially having an interest in the project.</p>	<ul style="list-style-type: none"> <li>• Bay of Plenty Regional Council.</li> </ul>	

Signed:

Hon David Parker  
Minister for the Environment

Date:

Hon Eugénie Sage  
Minister of Conservation

Date: