



**FTC #40 Application for referred project under the COVID-19 Recovery
(Fast-track Consenting) Act 2020 – Joint Stage 1 decision to
4 February 2021**

Application 2020-32 – Kōpū Marine Precinct

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|-----------------|-----------------|---|
| Date Submitted: | 4 February 2021 | Tracking: MfE#: 2020-B-07282 DOC#: 21-B-0077 |
| Security Level | In-Confidence | MfE Priority: Urgent DOC Priority: Urgent |

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|---|-----------------------|---------------------|
| | Action sought: | Response by: |
| To Hon David Parker, Minister for the Environment | Decision | TBA |
| To Hon Kiritapu Allan, Minister of Conservation | Decision | TBA |

| | |
|--------------------------------------|--|
| Actions for Ministers' Office Staff | Return the signed briefing to MfE and DOC. Send out attached letters (if agreed and signed). |
| Number of appendices and attachments | Titles of appendices: 1. Letters from the Minister for the Environment and Minister of Conservation to relevant Ministers of the Crown. |

Ministry for the Environment contacts

| Position | Name | Cell phone | 1 st contact |
|---------------------|-----------------|------------|-------------------------|
| Principal Author | Rebecca Perrett | | |
| Responsible Manager | Sara Clarke | s 9(2)(a) | ✓ |
| Director | Keita Kohere | s 9(2)(a) | |

Department of Conservation contacts

| Position | Name | Cell phone | 1 st contact |
|---------------------|-----------------|------------|-------------------------|
| Principal Author | Manu Graham | | |
| Responsible Manager | Geoff Deavoll | s 9(2)(a) | ✓ |
| Director | Natasha Hayward | s 9(2)(a) | |

FTC #40: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decision to 4 February 2021

Key Messages

1. We seek your joint decision on one application for referral of a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA), from Thames-Coromandel District Council.
2. The Kōpū Marine Precinct project (the Project) is for a commercial wharf/pontoon comprising an upgraded commercial slipway, a new wharf and pontoon, a new recreational boat ramp, and the creation of an unsealed recreational car park area and the forming of an unsealed road (King Street).
3. The Project is located at an unformed portion of Quay Street, adjacent to the Waihou River and King Street road reserve and is partly in the Coastal Marine Area (CMA).
4. The Project involves:
 - disturbance of contaminated soil
 - removal of indigenous and exotic vegetation in the CMA
 - construction of structures in the CMA
 - vehicle access associated with construction
 - disturbance of and deposition on the foreshore and seabed
 - works on land within a high-risk erosion area
 - deposition and works within a modified water course
 - earthworks and vehicle generation from the use of the recreational activities and commercial slipways.
5. The Project requires resource consents under the Waikato Regional Plan, Thames-Coromandel District Plan, and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
6. We have undertaken an initial (Stage 1) analysis of the application and recommend you progress it to the next stage of analysis (Stage 2) and invite comments from Ministers listed in section 21(6) of the FTCA, Minister for Economic and Regional Development, Thames-Coromandel District Council, Waikato Regional Council and Waka Kotahi New Zealand Transport Agency.
7. A summary of the Stage 1 analysis and all our recommendations are provided in Table A. This application requires a joint decision as it is on land and within the CMA.

Statutory Framework Summary

8. You may decline an application for referral before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the Project does not meet referral criteria in section 18 of the FTCA, (which include you being satisfied the Project meets the purpose of the FTCA) (see ss 18(2) and 23(1) of the FTCA); or

- b. for any other reason (see section 23(2) of the FTCA).
- 9. If you do not decline an application at this stage, section 21 of the FTCA:
 - a. requires you to provide an application to and invite comments from the relevant local authorities and any relevant Ministers; and
 - b. permits you to provide an application to and invite comments from any other person.
- 10. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept an application for referral (see section 22 of the FTCA).

Action Sought

11. Please indicate your decision on the recommendations for the application listed in Table A.

Signatures



Sara Clarke
Manager – Fast Track Consenting
Ministry for the Environment



Geoff Deavoll
RMA Manager
Department of Conservation

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

Project to progress

| Project details | Project description | Project Funding | Is the Project ineligible for referral [s18(3)] | Will the project help to achieve the purpose of the FTCA? [s18(2)] | | | | | Any other relevant matters [s19(f)] | Conservation analysis | Recommendation | Decision |
|--|--|---|--|---|---|---|--|--|--|---|--|-----------------------------|
| | | | | Economic benefits and costs for people or industries affected by COVID-19 [s19(a)] | Effect on social and cultural wellbeing of current and future generations [s19(b)] | Likelihood project will progress faster under the Act than would otherwise be the case [s19(c)] | Public benefit [s19(d)] | Potential for significant adverse environmental effects, including greenhouse gas emissions [s19(e)] | | | | |
| <p>Project name</p> <p>Kōpū Marine Precinct</p> <p>Applicant</p> <p>Thames-Coromandel District Council</p> <p>Project Location</p> <p>An unformed portion of Quay Street, adjacent to the Waihou River and King Street road reserve. Partly located in the Coastal Marine Area (CMA).</p> | <p>Construction of the Kōpū Marine Precinct comprising an upgraded commercial slipway, a new wharf and pontoon, a new recreational boat ramp, and the creation of an unsealed recreational car park area and the forming of an unsealed road (King Street).</p> <p>The Project involves disturbance of contaminated soil, removal of indigenous and exotic vegetation in the CMA, vehicle access associated with construction, disturbance of and deposition on the foreshore and seabed, works on land within a high-risk erosion area, deposition and works within a modified water course, earthworks and vehicle generation from the use of the recreational activities and commercial slipways.</p> | <p>The applicant has advised the Project will be funded by Government Provincial Growth Funding (PGF), of \$8.2 million.</p> <p>The applicant has not provided details of the Project costs.</p> <p>When the applicant originally applied for PGF for the Project it was valued at \$10 million.</p> <p>It is recommended that further information is requested from the applicant, regarding the required Project funding and confirmation of how any balance not covered by the PGF grant is being funded to confirm investment certainty.</p> <p>As the Project has a PGF grant in support of regional development, if the Project progresses to Stage 2 we recommend that the Minister for Economic and Regional Development be invited to comment.</p> | <p>No. Based on available information, the Project does not:</p> <ul style="list-style-type: none"> include any prohibited activities include land returned under a Treaty settlement occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011. <p>There are currently the following applications for Customary Marine Titles:</p> <ul style="list-style-type: none"> Ngati Tamaoho Trust Board Ngati Tara Tokanui Trust Ngati Whanaunga Incorporated Society <p>While the Project does not occur on any customary marine title area, the applicant advised that they provided all three groups with details of the proposal. No comments were received.</p> | <p>The applicant notes that marine farming was heavily affected by COVID-19 due to difficulties in factory processing and exporting, particularly for the majority of mussel products that are exported overseas.</p> <p>The applicant advises that the Project:</p> <ul style="list-style-type: none"> will provide for a total of 108 new long-term jobs (including 16 jobs for Māori) with an estimated value of \$3.8 million has been identified as a potential site to operate a water transport system to move people and bikes around the Hauraki Rail Trail. The Hauraki Rail Trail is currently delivering a \$14 million benefit to the region from tourist activity and is expected to increase by a further \$13 million as the trail network expands is anticipated to result in an economic benefit to the region and | <p>The Project has the potential for positive effects on social wellbeing by providing employment, economic benefits and fit-for purpose facilities for commercial and recreational users.</p> <p>The applicant has engaged with iwi. Included in the application is a letter in support from Ngati Maru's Chairman for the Project and acknowledging the applicant's intent of ongoing engagement. Also included is a Cultural Impact Assessment dated November 2020 and Cultural Values Assessment from Ngati Maru Runanga.</p> | <p>The applicant considers that the fast-track process is likely to be faster than standard RMA processes given the nature of the Project, and the potential for public notification.</p> <p>Feedback will be sought on the use of the FTCA or standard RMA processes from the local authorities.</p> | <p>Based on the information provided the Project has the potential to provide for public benefit by:</p> <ul style="list-style-type: none"> generating employment increasing the productive potential and economy of the marine farming activity, the Kōpū industrial area and the wider marine servicing industry providing for additional loading and unloading of vessels, enabling the servicing of vessels within Kōpū, and addressing an existing demand for commercial berthage providing fit-for purpose facilities with the separation of commercial and recreational activities. | <p>The Project has the potential for adverse environmental effects, including:</p> <ul style="list-style-type: none"> effects on coastal processes, and effects on river/tidal flows ecological effects, including on the mangrove habitat visual and landscape effects temporary construction effects including from traffic and earthworks. <p>The applicant has advised of mitigation measures to address potential adverse effects and has confirmed that a number of technical experts have completed a range of preliminary technical assessments. The applicant advises that Visual and Landscape and Traffic assessments are currently being undertaken.</p> <p>Overall, the applicant advises that subject to appropriate mitigation the Project will not result in significant adverse environmental effects. We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that an expert</p> | <p>Designation</p> <p>There is an existing designation for River Control Purposes on the project site. Waikato Regional Council are the requiring authority and we recommend that if the Project progresses to Stage 2, they be asked to comment on any issues arising from the Project within their designation.</p> <p>Archaeological</p> <p>It is unclear whether an application for an authority is to be made to Heritage NZ. We recommend further information be requested on this if the application progresses to Stage 2. We do not recommend that Heritage NZ be asked to comment as part of this referral application. If the Project is referred, Heritage NZ will have an opportunity under the FTCA to comment on an application lodged with the</p> | <p>An area of the CMA that the Project is located in is identified on the Waikato Regional Coastal Plan Maps as a nationally significant 'mangrove and mudflat communities' feature.</p> <p>The advice from DOC's ecologist is that they agree with the ecological assessment from the applicant, that while the coastal plan overlays include the area as 'nationally significant' ecologically, at the finer scale there is only a narrow strip of vegetation to be removed and this is in the context of existing modifications at the site and the adjacent on land area.</p> <p>Mangroves are native vegetation and important part of the natural coastal ecosystem. There can be environmental effects from removing them. DOC also recognise that it might be more appropriate to remove mangroves in some cases to protect the amenity values of estuaries. Although the Project will destroy a thin band of mangroves, DOC agrees with the applicant that given there is no shortage of mangroves in the wider surrounds the</p> | <p>a. Note that section 23(3) of the FTCA permits you to decline an application for referral without inviting comments on an application from the relevant local authorities and any relevant Ministers.</p> <p>b. Note that the application has not been provided to or had any comments sought from relevant local authorities or relevant Ministers and that you are required to do so if you do not decline an application under section 23(3) of the FTCA.</p> <p>c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. Note that section 22 of the FTCA permits you to request further information from the applicant at any time before you decide whether to accept or decline an application.</p> <p>e. Agree to progress the Kōpū Marine Precinct to Stage 2 of the process. The Project warrants further analysis because it has potential to achieve the purpose of the FTCA.</p> <p>f. Agree that the application is to be provided to, and that you invite comments from:</p> <ul style="list-style-type: none"> The Ministers listed in section 21(6) of the FTCA The Minister for Economic and Regional Development Relevant local authorities Waka Kotahi New Zealand Transport Agency (additional entity under section 21(3) of | <p>Yes/No</p> <p>Yes/No</p> |

| Project details | Project description | Project Funding | Is the Project ineligible for referral [s18(3)] | Will the project help to achieve the purpose of the FTCA? [s18(2)] | | | | | Any other relevant matters [s19(f)] | Conservation analysis | Recommendation | Decision |
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| | | | | Economic benefits and costs for people or industries affected by COVID-19 [s19(a)] | Effect on social and cultural wellbeing of current and future generations [s19(b)] | Likelihood project will progress faster under the Act than would otherwise be the case [s19(c)] | Public benefit [s19(d)] | Potential for significant adverse environmental effects, including greenhouse gas emissions [s19(e)] | | | | |
| | | | | <p>related marine industries of \$58.5 million over 30 years.</p> <p>If the application progresses to Stage 2, we recommend further information from the applicant on the creation of short-term jobs during construction, what is meant by '16 jobs for Māori' and the approach intended to fill the jobs.</p> <p>The potential use of the site for water transport is not identified in the application as being part of the Project. We recommend further information on this should the application progress to Stage 2.</p> | | | | <p>consenting panel (a Panel) will consider the significance of effects should the Project be referred.</p> <p>We recommend further information from the applicant on any matters of concern currently arising from the Visual and Landscape and Integrated Traffic assessments currently being undertaken.</p> <p>The applicant has raised that there is an existing two-lane roundabout that serves as the entrance to Kōpū (from State Highway 25). This road network is near the Project site and may be impacted by the additional traffic generation and operation of the State Highway. We recommend that Waka Kotahi New Zealand Transport Agency be invited to comment.</p> | <p>Environmental Projection Authority (clause 17(6)(p) Schedule 6).</p> | <p>level of disturbance is considered less than minor in the wider ecological context.</p> <p>DOC has also considered the Projects intended use of structures in the CMA for stability of the adjacent land and advised that the structures will provide coastal protection along with an element of natural protection from the mangroves regenerating on the coastal side.</p> | <p>the FTCA.</p> <p>g. Agree that more information be sought from the applicant on investment certainty, job creation and potential environmental effects.</p> <p>h. Sign the attached (Appendix 2) letters to Ministers listed in section 21(6) of the FTCA, the Minister for Economic and Regional Development, relevant local authorities, Waka Kotahi New Zealand Transport Agency, and further information letter to the applicant.</p> <p>i. Note that while awaiting these comments and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations, prepare a report for the purpose of section 17 of the FTCA.</p> | <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> |

Signed:

Hon David Parker
Minister for the Environment

Date

Signed:

Hon Kiritapu Allan
Minister of Conservation

Date