

FTC#49: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2020-32 - Kōpū Marine Precinct

Date Submitted:	15 April 2021	Tracking:	MfE#: 2021-B-07799 DOC#: 21-B-0290
Security Level	In-Confidence	MfE Priority:	Urgent
		DOC Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	TBA
To Hon Dr Ayesha Verrall, Acting Minister of Conservation	Decisions on recommendations	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE and DOC
Number of appendices: 6	Titles of appendices: 1. Kōpū Marine Precinct application documents and additional information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to Thames-Coromandel District Council, c/- 4Sight Consulting Limited 5. Section 17 Report 6. Comments received from Ministers, Thames Coromandel District Council, Waikato Regional Council and Waka Kotahi New Zealand Transport Agency

Ministry for the Environment contacts

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Director	Sara Clarke	s 9(2)(a)	✓

Department of Conservation contacts

Position	Name	Cell phone	1st contact
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FTC#49: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key Messages

1. This briefing relates to the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Thames-Coromandel District Council for referral of the Kōpū Marine Precinct project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (MfE: 2020-B-07282 and DOC: 21-B-0077) with your initial decisions annotated is in Appendix 2.
3. The Project is located within and on:
 - a. road reserve between Quay Street in the south and the presently unformed King Street to the north
 - b. accretion land between this road reserve and the Waihou River¹
 - c. freehold land (and the coastal water above it) within the Coastal Marine Area² (CMA), that is not part of the common marine & coastal area³
 - d. parts of the Waihou River and riverbed lying in both the CMA and the common marine and coastal area.
4. The Project is to develop a marine precinct at the existing Kōpū boat ramp, that includes the following facilities: an upgraded commercial slipway, a new commercial wharf and pontoon, a new recreational boat ramp, an unsealed recreational car park area, and an unsealed road (King Street) linking Queen St and Kōpū Quay.
5. The Project involves the following activities:
 - a. clearance of exotic and indigenous vegetation on land and in the CMA
 - b. earthworks on land (including within a high-risk erosion area)
 - c. disturbance of, and deposition of material on, the foreshore and seabed
 - d. disturbance of contaminated soil
 - e. deposition of material and works within a modified water course
 - f. construction of new structures, and removal of old piles on land and in the CMA
 - g. formation of a new road and parking areas, and associated infrastructure
 - h. diversion and discharge of stormwater and contaminants
 - i. all other works associated with the above activities.
6. The Project requires land use consents and coastal permits under the Waikato Regional Plan, and land use consents under the Thames-Coromandel District Plan and the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

¹ Formed by natural accretion of sediment on the Waihou riverbed

² As defined in section 2 of the Resource Management Act 1991 (RMA)

³ As defined in section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA)

7. We recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-tracking. We seek your decision on this recommendation and on our recommendations for requirements of the applicants, directions to a panel and notification of your decisions.

Assessment against Statutory Framework

8. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the referral application and when deciding on any further requirements or directions associated with Project referral.
9. Before accepting the application, you must consider the application and any further information provided by the applicants (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from Ministers, Thames Coromandel District Council (TCDC), Waikato Regional Council (WRC) and Waka Kotahi New Zealand Transport Agency (Waka Kotahi) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
10. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by the applicant

11. In response to a request for information under section 22 of the FTCA, the applicant provided further information on a number of matters. We have taken this information into account in our analysis and advice.
12. The applicant has advised that as the site is highly modified and the activity does not involve significant excavation, accidental discovery of archaeological material is possible but not likely. Nonetheless, an Archaeological Authority is being sought from Heritage New Zealand Pouhere Taonga for the Project as a precautionary measure.
13. The applicant has confirmed that the \$8.2 million received from the Provincial Growth Fund will cover the complete Project capital expenditure. This is based on the applicant's March 2021 cost estimates which are based on detailed design and recent tender rates for similar types of marine and civil works and allow for a 10% contingency.

Section 17 Report

14. The Section 17 Report indicates that there are six iwi authorities, two Treaty settlements and a number of Treaty settlement entities relevant to the Project area.
15. No areas covered by a statement of association, statutory acknowledgement, or any other form of cultural or commercial redress would be directly affected by the proposed project. Co-governance arrangements proposed in the Pare Hauraki Collective Redress Deed have yet to be established.

Comments received

16. Comments were received from Ministers, TCDC, WRC and Waka Kotahi. The key points of relevance to your decision are summarised in Table A. We have taken this information into account in our analysis and advice.
17. s 9(2)(f)(ii), s 9(2)(g)(i)
18. TCDC in its regulatory capacity, considered the fast-track process is appropriate, noting that the Project is consistent with the structure plan for the area and will contribute to the success of marine-based industry in Kōpū and the Thames-Coromandel District.
19. WRC considered that the fast-track process is likely to be appropriate, noting that the marine and aquaculture industries are identified as key regional activators for economic stimulus, and the Project has the potential to provide short- and long-term jobs in an area of declining productivity. WRC also recommended a number of technical assessment reports that should be included in any resource consent application to a panel, including:
- a. a hydrological impacts assessment,
 - b. assessment of the safety of other users within and around the Project site,
 - c. the effects of climate change, and
 - d. effects on biosecurity.
20. WRC recommended that all technical assessment reports should be independently peer reviewed and that the peer reviews are made available to WRC prior to, or at the time of, any request for comment from a panel.
21. Waka Kotahi is not opposed to the Project on the basis that it is unlikely to have significant adverse traffic or road safety effects. However, if the Project is referred, Waka Kotahi would like the opportunity to review any assessment of transport effects and to provide feedback on the recommendations.

Section 18 referral criteria

22. You may accept the application for referral of the Project if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
23. We confirm that the Project does not include ineligible activities, and therefore satisfies the requirements of section 18(3) of the FTCA, as explained in Table A.
24. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We confirm that the Project will help to achieve the purpose of the FTCA, and thus satisfy the requirements of section 18(2), as it has the potential to:
- a. generate employment
 - b. provide infrastructure to improve economic outcomes
 - c. have positive effects on social wellbeing
 - d. progress faster than would otherwise be the case under standard Resource Management Act 1991 (RMA) processes.

25. We consider that any adverse effects arising from the Project, together with any proposed mitigation measures, could be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and Risks

26. Even if the Project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the Project for any other reason.

Section 23 FTCA matters

27. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and a summary of our analysis of these matters is in Table A. Note that you may accept an application even if one or more of those reasons apply.
28. There is an existing designation for River Control Purposes (WRC 1) over a large portion of the site and therefore a section 176 approval under the RMA from WRC is required. The applicant has advised that formal agreement with WRC is currently being prepared to be included in a resource consent application submitted to a panel. Taking into account the comment received from WRC in support of the Project, we consider that this is unlikely to affect the ability of the Project to proceed.

Conclusions

29. We do not consider there are any significant reasons for you to decline to refer the Project. We consider that you could accept the application under section 24 of the FTCA and that all of the Project could be referred to a panel.
30. We consider that if you decide to refer the Project, you should specify under section 24(2)(d) of the FTCA that the applicants must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in a resource consent application submitted to a panel:
- a. an integrated transport assessment
 - b. a landscape and visual assessment
 - c. a soil investigation report on land contamination
 - d. assessment of the effects on coastal processes and the integrity and performance of the Waikato Regional Council Waihou flood protection scheme, including:
 - i. an assessment of hydrological impacts of the structures and the risk of blockage of the flood protection scheme
 - ii. an assessment of safety risks to Hauraki Rail trail users and occupiers and users of adjacent areas
 - e. an assessment of any future effects resulting from climate change and sea-level rise, including consideration of the Waikato Regional Council Infrastructure Strategy and Sustainable Infrastructure Decision Making Framework.
 - f. a Biosecurity report
 - g. an ecological assessment, including an assessment of effects on avifauna
 - h. independent peer reviews, by suitably qualified and experienced persons, of the technical assessments referred to in (d) to (g) above.
31. The above information is required to inform a panel of the actual and potential effects of the Project.

32. If you decide to refer the Project we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a resource consent application from:
- a. Matai Whetū Marae, to inform a panel's assessment of actual and potential effects of the development on the marae, as recommended s 9(2)(f)(ii), s 9(2)(g)(i)
 - b. Waka Kotahi, to inform a panel's assessment of actual and potential effects of the development including on the nearby State Highway 25.
33. Our recommendations for your decisions follow.

Next Steps

34. You must give notice of your decisions on the referral application, and the reasons for them, to the applicants and the persons, entities and groups listed in section 25 of the FTCA.
35. We recommend that if you decide to refer the Project, the notice of decisions should also be copied to Matai Whetū Marae. Waka Kotahi will receive a copy of the notice of decisions as it was invited to comment on the referral application.
36. We have attached a letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your offices to give copies to all relevant parties.
37. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
38. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.⁴

⁴ Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

39. We recommend that you:

- a. **Note** that section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this referral application unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** that when assessing whether the Project will help to achieve the purpose of the FTCA, you may consider a number of matters under section 19, including the Project's economic benefits and costs, and effects on social and cultural well-being; whether it may result in a public benefit including generating employment and providing infrastructure to improve economic outcomes, and whether it could have significant adverse effects.
- c. **Note** that if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the Project to an expert consenting panel (a panel)
 - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
- d. **Note** that if you do refer all or part of the Project you may:
 - i. specify restrictions that apply to the Project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
- e. **Note** that before deciding to accept a referral application under section 24(1) of the FTCA you must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments received
 - iv. any further information requested and provided within the required timeframe.
- f. **Agree** that the Project meets the referral criteria in section 18(3) of the FTCA.

Yes/No
- g. **Agree** that the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. generate employment by providing up to 78 new direct full-time equivalent (FTE) jobs during design and construction and approximately 30 indirect FTE jobs in marine servicing
 - ii. provide infrastructure to improve economic outcomes for the marine farming industry (including productive potential and economy of the Kōpū industrial area and the wider marine servicing industry) that was affected by COVID-19 due to difficulties in factory processing and exporting, particularly for the majority of mussel products that are exported overseas

- iii. have positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users
- iv. progress faster than would otherwise be the case under standard Resource Management Act 1991 processes.

Yes/No

h. **Agree** to refer all of the Project to a panel.

Yes/No

- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicants must submit with any consent application lodged with the Environmental Protection Authority:
 - i. an integrated transport assessment
 - ii. a landscape and visual assessment
 - iii. a soil investigation report on land contamination
 - iv. an assessment of the effects on coastal processes and the integrity and performance of the Waikato Regional Council Waihou flood protection scheme, including:
 - an assessment of hydrological impacts of the structures and the risk of blockage of the flood protection scheme
 - an assessment of safety risks to Hauraki Rail trail users and occupiers and users of adjacent areas
 - v. an assessment of any future effects resulting from climate change and sea-level rise, including consideration of the Waikato Regional Council Infrastructure Strategy and Sustainable Infrastructure Decision Making Framework
 - vi. a Biosecurity report
 - vii. an ecological assessment, including an assessment of effects on avifauna
 - viii. independent peer reviews, by suitably qualified and experienced persons, of the technical assessments referred to in (iv) to (vii) above.

Yes/No

j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:

- i. Representatives of Matai Whetū Marae
- ii. Waka Kotahi New Zealand Transport Agency

Yes/No

k. **Agree** to provide notice of the decision to refer the Project to the following additional party:

- i. Matai Whetū Marae

Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the Project to a panel in accordance with your decisions recorded herein.

Yes/No

- m. **Sign the attached (Appendix 4)** notice of decisions to Thames-Coromandel District Council with copies to be provided as noted.

Yes/No

- n. **Note** that the Ministry for the Environment is required to publish the decision, the reasons, and the Section 17 Report on the Ministry for the Environment's website as required by section 25(3) of the FTCA.

Signatures

Madeleine Berry
Responsible Manager – Fast Track Consenting
Ministry for the Environment


Geoff Deavoll
RMA Manager
Department of Conservation

Date

Date: 15 April 2021

Hon David Parker
Minister for the Environment

Hon Dr Ayesha Verrall
Acting Minister of Conservation

Date

Date

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a-d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
Project name Kōpū Marine Precinct Applicants Thames-Coromandel District Council Location The Project is located within and on: <ul style="list-style-type: none"> road reserve between Quay Street in the south and the presently unformed King Street to the north accretion land between this road reserve and the Waihou River freehold land (and the coastal water above it) within the coastal marine area, that is not part of the common marine & coastal area parts of the Waihou River and riverbed lying in both the coastal marine area and the common marine and coastal area. 	To develop a marine precinct at the existing Kōpū boat ramp, that includes the following facilities: an upgraded commercial slipway, a new commercial wharf and pontoon, a new recreational boat ramp, an unsealed recreational car park area, and an unsealed road (King Street) linking Queen St and Kopu Quay. The Project includes construction of: <ul style="list-style-type: none"> A fixed-pile wharf and floating pontoon, to provide for in-water servicing and loading and unloading of commercial vessels. The wharf will be approximately 82 metres long, with a 36 metre long T-shaped head. The floating pontoon will be 20 metres long and accessed from the wharf head An upgraded 12 metre wide commercial slipway, to allow access for vessels up to a 150 tonne A commercial operating area of approximately 7000 square metres A two-lane boat ramp and parking area for recreational users King Street as a formed and paved road, to provide public access to the recreational boat ramp and carpark An additional gravel area at the northern end of the site, that may provide additional parking for recreational users as demand increases A new rock armoured revetment wall approximately 1 metre high and 2 metres wide along the existing riverbank (and between 	<p>The Project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> based on reasonable information provided by the applicant, it does not include any prohibited activities it does not include activities on land returned under a Treaty settlement it does not include activities in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 	<p>Economic benefits for people or industries affected by COVID-19 (19(a)):</p> <p>The applicants estimate that the Project will provide up to 78 new direct full-time equivalent (FTE) jobs during design and construction and approximately 30 indirect FTE jobs in marine servicing</p> <p>Economic costs for people or industries affected by COVID-19 (19(a)):</p> <p>N/a</p> <p>Effect on the social and cultural well-being of current and future generations (19(b)):</p> <p>The Project will have positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users.</p> <p>The Project will separate commercial and recreational users and provide fit-for-purpose facilities to enable safe practices. This will have positive effects on the wellbeing of users of the wharf.</p> <p>The applicant has not directly considered the effects of the Project on cultural wellbeing. It is however noted that the applicant has initiated consultation with six iwi identified as potentially having an interest in the area including Ngāi Maru Runanga who have prepared a cultural values assessment for the Project (submitted as further information to the referral application).</p> <p>Is the Project likely to progress faster by using the FTCA (19(c))?</p> <p>The applicant considers that the fast-track process is likely to be faster than standard RMA processes given the potential for public notification and appeal/s under standard processes.</p> <p>Will the Project result in a public benefit (19(d))?</p> <p>Based on the information provided we consider the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment (19(d)(i)) provide infrastructure to improve economic outcomes for the marine 	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p> <p>Thames-Coromandel District Council (TCDC) considers the fast-track process is appropriate as the Project is consistent with the structure plan for the area and will contribute to the success of marine based industry in Kōpū and the wider District. TCDC advises that there are no significant issues, and no issues in terms of environmental compliance.</p> <p>Waikato Regional Council (WRC) considers a fast-track process is likely to be appropriate, given the community benefits and the general consistency of the project with the relevant statutory documents, particularly the New Zealand Coastal Policy Statement (NZCPS).</p> <p>WRC advises that the marine and aquaculture industries are identified as key regional activators for economic stimulus, and the Kōpū Marine Precinct project has the potential to provide short- and long-term jobs in an area of declining productivity. WRC advises that it provided a letter of support in principle to the proposal in December 2020.</p> <p>WRC advised that consideration of the Project in respect to the NCPS, WRC's integrated catchment management (in relation to the flood protection scheme within the</p>	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</p> <p>The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA.</p> <p>More appropriate to go through standard RMA process (23(5)(b))</p> <p>In agreement with the comments received we do not consider it would be more appropriate for all or part of the Project to proceed through the standard consenting process under the RMA.</p> <p>Inconsistent with a relevant national policy statement (23(5)(c))</p> <p>We do not consider that the Project is inconsistent with a relevant national policy statement.</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The Project does not directly affect any Treaty settlement redress.</p> <p>Involves an activity on land needed for Treaty settlement purposes (23(5)(e))</p> <p>The Project site does not include land needed for Treaty settlement purposes.</p> <p>Applicant has poor history of environmental regulatory compliance (23(5)(f))</p> <p>WRC has advised that the applicant holds 302 current resource consents with WRC. These range from large scale consents such as wastewater treatment plants to small scale consents including local jetties and wharves. There are times that WRC has needed to address environmental compliance matters with TCDC as a consent holder. WRC has not undertaken a prosecution against TCDC for consents where they are the consent holder. We consider that the application for referral should not be declined on the basis of section 23(5)(f) of the FTCA.</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>In response to Waikato Regional Council's comments, we advise as follows:</p> <ul style="list-style-type: none"> a panel can assess the merits of an application against the NZCPS, relevant National Environmental Standards and Regional Plans. a panel can consider the potential ecological effects, coastal processes, biosecurity effects and contaminated soils. We note that a panel's assessment will be informed by comments received from WRC. the comments raise relevant matters requiring further assessment, including hydrological impacts, assessment of safety risks to other users of the area, impacts of climate change and biosecurity effects. Provision of this information would inform the panel's assessment of actual and potential effects of the development and assist a panel to identify any other parties from whom comments should be invited. <p>In response to Waka Kotahi's comments, we support the request for the applicant to submit to a panel an integrated transport assessment, and for a panel to invite comments from Waka Kotahi to inform the panel's assessment of actual and potential effects of the development.</p> <p>Recommendations</p> <p>There are no reasons to decline to refer the Project. We recommend that you accept the</p>

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	<p>the proposed wharf and boat ramps) to provide structural stability for the parking areas.</p> <p>The Project involves the following activities:</p> <ul style="list-style-type: none"> clearance of exotic and indigenous vegetation on land and in the CMA earthworks on land (including within a high-risk erosion area) disturbance of, and deposition of material on, the foreshore and seabed disturbance of contaminated soil deposition of material and works within a modified water course construction of new structures, and removal of old piles on land and in the CMA formation of a new road and parking areas, and associated infrastructure diversion and discharge of stormwater and contaminants all other works associated with the above activities. <p>The Project requires land use consents under the Thames-Coromandel District Plan, land use consents under the Waikato Regional Plan, coastal permits under the Waikato Regional Coastal Plan and land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>		<p>farming industry (including productive potential and economy of the Kōpū industrial area and the wider marine servicing industry) that was affected by COVID-19 due to difficulties in factory processing and exporting, particularly for the majority of mussel products that are exported overseas (19(d)(iv))</p> <p>Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e)):</p> <p>The Project has the potential for adverse environmental effects, including:</p> <ul style="list-style-type: none"> ecological effects effects on coastal processes effects on biosecurity visual and landscape effects disturbance of contaminated land archaeological the safety of other uses within and around the Project site impacts on the local and wider roading network from increased traffic temporary construction effects from traffic and earthworks, including noise, dust, stormwater runoff etc. <p>The applicant has provided details of mitigation measures to address potential adverse effects and have confirmed that technical experts have completed a range of supporting assessments. The applicant advises that subject to appropriate mitigation, the proposed activities will not result in significant adverse environmental effects.</p> <p>The applicant also intends to provide, in any application to a panel, if referred, details of greenhouse gas emission reductions resulting from the Project.</p> <p>We note that you do not require a full assessment of environmental effects and supporting evidence to make a referral decision, and that a panel will assess environmental effects and appropriate mitigation should you decide to refer the Project.</p> <p>Other relevant matters (19(f)):</p> <p>N/A</p>	<p>designation in the Project site), ecology and biodiversity, coastal processes, climate change and natural hazards, contaminated soils and transport effects should be included in any application to a panel for consents if the project is referred.</p> <p>WRC has identified a range of information and technical reports that should accompany consent applications to a panel and has provided a summary of regulatory compliance history of the applicant.</p> <p>Information the WRC has provided on iwi groups and authorities whom they consider relevant for the Project has been taken into account in preparation of the Section 17 Report.</p> <p>Other parties</p> <p>Waka Kotahi New Zealand Transport Agency is not opposed to the current proposal as it is unlikely to have a significant adverse traffic or road safety effect. Waka Kotahi noted that a full Integrated Traffic Assessment (ITA) is to be made available by the applicant to the expert consenting panel if the Minister was of a mind to progress the application to that stage. If the application were to be progressed Waka Kotahi would like the opportunity to review any assessment of transport effects and to provide feedback to a panel on the recommendations.</p> <p>All responses received by parties invited to comment are attached at Appendix 6.</p>	<p>Insufficient time for the Project to be referred and considered before the FTCA is repealed (23(5)(g))</p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p>	<p>application under section 24 of the FTCA and refer all of the Project to a panel.</p> <p>We recommend that you do not place any restrictions on the Project, nor impose any specific timeframes for panel consideration.</p> <p>We recommend you make the following directions to the panel:</p> <ul style="list-style-type: none"> to invite comments from Matai Whetū Marae and Waka Kotahi in addition to those parties specified in clause 17(6) of Schedule 6 of the FTCA. <p>We also recommend you require the applicant to submit the following information (in addition to the information specified in Schedule 6 of the FTCA) with any consent application lodged with the Environmental Protection Authority:</p> <ol style="list-style-type: none"> an integrated transport assessment a landscape and visual assessment a soil investigation report on land contamination an assessment of the effects on coastal processes and the integrity and performance of the Waikato Regional Council Waihou flood protection scheme, including: <ul style="list-style-type: none"> an assessment of hydrological impacts of the structures and the risk of blockage of the flood protection scheme an assessment of safety risks to Hauraki Rail trail users and occupiers and users of adjacent areas an assessment of any future effects resulting from climate change and sea-level rise, including consideration of the Waikato Regional Council Infrastructure Strategy and Sustainable Infrastructure Decision Making Framework a Biosecurity report an ecological assessment, including an assessment of effects on avifauna independent peer reviews, by suitably qualified and experienced persons, of the technical assessments referred to in (iv) to (vii) above.

Schedule of Appendices

Appendix 1 – Kōpū Marine Precinct – Application form and additional information received

Appendix 2 – 2020-B-07282 - FTC#40 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decision on Kōpū Marine Precinct application

Appendix 3 – Statutory framework for making decisions

Appendix 4 – Draft Notice of Decisions letter to Thames-Coromandel District Council, c/- 4Sight Consulting Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers, Thames Coromandel District Council, Waikato Regional Council and Waka Kotahi New Zealand Transport Agency

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