

In Confidence

Office of the Minister for the Environment

Office of the Minister of Conservation

Chair, Cabinet

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021

Proposal

1. This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 (the Amendment Order).
2. The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include projects referred to an expert consenting panel (panel):
 - 2.1 Thames-Coromandel District Council's Kōpū Marine Precinct project (Schedule 19)
 - 2.2 Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited's Whakatāne Commercial Boat Harbour project (Schedule 20)

Executive Summary

3. The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to the Minister for the Environment to access the fast-track process for their project. Where projects are located either fully or partly within the Coastal Marine Area (CMA), the Minister of Conservation is a joint decision-maker on the referral application. If the Minister for the Environment and the Minister of Conservation (the Ministers) accept an application, the associated project is referred by Order in Council allowing an applicant to lodge applications for resource consents with a panel for consideration.
4. This paper seeks authorisation to fast-track two projects, both located partly in the CMA, by referring them to a panel. The projects are from:
 - 4.1 Thames-Coromandel District Council (TCDC)
 - 4.2 Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited (joint applicants).
5. We are satisfied as to the projects' eligibility for referral and have considered whether they help achieve the purpose of the FTCA. We have also considered the reports prepared under

section 17 of the FTCA and we have sought and considered written comments from relevant s 9(2)(f)(ii), s 9(2)(g)(i), local authorities, Te Rāhui Lands Trust and Waka Kotahi New Zealand Transport Agency (Waka Kotahi). We have also requested and considered further information from both TCDC and the joint applicants.

6. We have accepted TCDC's Kōpū Marine Precinct project for referral as it has the potential to:
 - 6.1 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
 - 6.2 provide infrastructure to improve economic outcomes for the marine farming industry and provide for longer term economic productivity of both the Kōpū industrial area and wider region that was affected by COVID-19 (due to difficulties in factory processing and exporting, particularly for mussel products, the majority of which are exported overseas)
 - 6.3 have positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users.
7. We have accepted the joint applicants' Whakatāne Commercial Boat Harbour project for referral as it has the potential to:
 - 7.1 generate employment by providing up to 30 direct full-time equivalent (FTE) jobs during the civil works and approximately 30 indirect FTE jobs in marine servicing
 - 7.2 generate employment by providing longer-term new employment of approximately 229 indirect FTE jobs from the on-water development, 373 boat building jobs, 230 new tourism-centred jobs, and new jobs in mussel harvesting and processing. These jobs are in sectors impacted by COVID-19
 - 7.3 provide infrastructure to improve economic outcomes for the marine farming, boat building and tourism industries
 - 7.4 provide infrastructure by converting the site, which is currently in agricultural use of marginal economic benefit, into a commercial and community asset
 - 7.5 have positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users, and reskilling and upskilling opportunities via the proposed training facility.
8. We consider that both projects will help to achieve the purpose of the FTCA, and any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate adverse effects, can be considered and determined by a panel having regard to Part 2 of the Resource Management Act 1991 (RMA) and the purpose of the FTCA.
9. Both projects will be able to progress faster using the processes provided by the FTCA than if consents were sought through standard RMA processes, provided that the applicants lodge their applications for resource consent with the EPA in a timely manner following referral.
10. We now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables both TCDC and the joint applicants to apply via the EPA to a panel for the relevant approvals needed under the RMA for the project, in accordance with the process in the FTCA.

Background

11. The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's actions to support New Zealand's economic recovery from COVID-19, by boosting employment and supporting on-going investment. The FTCA enables any person to apply to the Minister for the Environment to fast-track a resource consent application or notice of requirement for their project. For projects located fully or partly within the CMA, the Minister of Conservation is a joint decision-maker in accordance with section 16 of the FTCA. If the Ministers accept a referral application, the associated project is referred by Order in Council allowing an applicant to lodge, via the Environmental Protection Authority (EPA), applications for resource consents and/or notices of requirement for a designation with a panel for consideration.
12. As of 9 June 2021, 53 applications have been received for projects to be considered for referral to a panel through an Order in Council, of which:
 - 12.1 19 applications are being processed and are awaiting a referral decision
 - 12.2 3 projects have been approved for referral and are awaiting Orders in Council. This includes the Kōpū Marine Precinct and Whakatāne Commercial Boat Harbour projects that are the subject of this cabinet paper and are the first projects in the CMA to be referred. Karaka North Village is the subject of a subsequent cabinet paper
 - 12.3 17 projects have been referred and Orders in Council gazetted. One referred project has been granted RMA approvals by a panel. A list of the referred projects is in Appendix one
 - 12.4 10 referral applications have been declined for a range of reasons, including that they do not meet the purpose of the FTCA and it would be more appropriate for them to go through the standard consenting process under the RMA
 - 12.5 4 referral applications have been withdrawn.
13. An update on the status of specific projects that are listed under the FTCA is in Appendix two.

Project for referral: Thames-Coromandel District Council's, Kōpū Marine Precinct project

14. TCDC has applied to use the fast-track consenting process for the Kōpū Marine Precinct project. This project is to construct and develop a marine precinct at the existing Kōpū boat ramp, including a commercial wharf and pontoon, an upgraded commercial slipway to facilitate boat handling and servicing, the construction of a commercial haulage access area, a public recreational boat ramp and parking area, the widening of an existing road over the stopbank, and formation of a new access road.
15. The project works will occur within and on:
 - 15.1 road reserve adjacent to the Waihou River, extending between, and north of, Quay Street, Kōpū and an unformed road (King Street)
 - 15.2 accretion land between the road reserve and the Waihou River
 - 15.3 freehold land (and the coastal water above it) within the CMA, that is not part of the common marine and coastal area

- 15.4 parts of the Waihou River and riverbed lying in both the CMA and the common marine and coastal area.
16. Under standard RMA processes the project would require land use consents and coastal permits from TCDC and Waikato Regional Council (WRC).
17. To better understand the environmental effects, job creation potential and investment certainty of this project, we sought further information from TCDC (as the applicant) under section 22 of the FTCA.

Comments received

18. s 9(2)(f)(ii), s 9(2)(g)(i)
- 19.
- 20.
- 21.
- 22.
23. TCDC, in its capacity as a consent authority, considered the fast-track process was appropriate, noting that the project is consistent with the structure plan for the area and that it would contribute to the success of marine-based industry in Kōpū and the wider district. TCDC advised that it considered that there were no significant issues, and no issues in terms of environmental compliance.
24. WRC considered that the fast-track process was likely to be appropriate, noting that the marine and aquaculture industries are 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 assessment of the project in respect of the New Zealand Coastal Policy Statement, WRC's integrated catchment management (in relation to the flood protection scheme within a designation in the project site), ecology and biodiversity, coastal processes, climate change and natural hazards, contaminated soils and transport effects. WRC also recommended that the technical assessment reports be independently peer reviewed and the peer reviews be made available to WRC prior to, or at the time of, any request for comment from a panel.
25. Waka Kotahi considered that the project was unlikely to have significant adverse traffic or road safety effects. However, if the project was referred, Waka Kotahi requested the

opportunity to review any assessment of transport effects and to provide feedback to the panel.

Decision

26. In making our decision we considered the application and further information received; comments received from relevant s 9(2)(f)(ii), s 9(2)(g)(i) TCDC, WRC, Waka Kotahi; and the eligibility criteria in section 18 of the FTCA¹. We also considered the report prepared under section 17 of the FTCA.
27. We have decided to accept TCDC's application for referral of the Kōpū Marine Precinct project to a panel. We consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by:
- 27.1 generating 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
 - 27.2 providing infrastructure to improve economic outcomes for the marine farming industry and provide for longer term economic productivity of both the Kōpū industrial area and wider region that was affected by COVID-19 (due to difficulties in factory processing and exporting, particularly for mussel products, the majority of which are exported overseas)
 - 27.3 having positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users
 - 27.4 being likely to progress faster than would otherwise be the case under the standard processes of the RMA, provided that the applicant lodges their applications for resource consents with the EPA in a timely manner following project referral.
28. To address site-specific matters raised by the s 9(2)(f)(ii), s 9(2)(g)(i), TCDC, WRC, and Waka Kotahi, we have decided to direct the applicant to provide the following information with their applications for resource consents submitted to a panel²: transport, landscape and visual, biosecurity and ecological assessments, along with assessments on land contamination, effects on coastal processes, climate change and sea-level rise, and the integrity and performance of the WRC's Waihou flood protection scheme. We have also decided to direct the applicant to provide independent peer reviews of these technical assessments to a panel. The full list of information we have decided to direct the applicant to provide to a panel is in Appendix three.
29. The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific s 9(2)(f)(ii), s 9(2)(g)(i) owners and occupiers of adjacent land, and specific non-governmental organisations and other groups listed in the FTCA³. In addition to these requirements and to address site specific matters raised, we have decided to direct a panel to seek comment on any consent application before it from representatives of Matai Whetū Marae and Waka Kotahi⁴, as listed in Appendix three.

¹ In accordance with section 24, Decision to accept application for referral, of the FTCA.

² Section 24(2)(d) of the FTCA.

³ Clause 17(6) of Schedule 6, FTCA.

⁴ Section 24(2)(e) and Clause 17(7) of Schedule 6, FTCA.

30. As the project site is within the Hauraki Gulf Marine Park we have also decided to direct a panel to seek comment on any consent application before it from the Hauraki Gulf Forum⁵.
31. We consider that any adverse effects arising from the project, together with any proposed mitigation, offsetting or compensation, can be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA. We consider that the requirements for additional material noted in paragraph 28 that must be submitted to a panel will assist with this.
32. We consider there are no reasons for us to decide under section 24(2) of the FTCA to:
- 32.1 limit the scope of the project by referring it only in part
 - 32.2 refer the project in stages
 - 32.3 place any restrictions on the project
 - 32.4 impose specific timeframes for panel consideration.

Project for referral: Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited's – Whakatāne Commercial Boat Harbour

33. The joint applicants have applied to use the fast-track consenting process for the Whakatāne Commercial Boat Harbour project. This project is to construct and operate a boat harbour on Māori freehold land close to the left bank of the Whakatāne River, immediately downstream of the State Highway 30 bridge. The project includes two alternatives for a vessel access channel (approximately 50 metres wide), that will cross land in the CMA, public reserve land, and possibly also scenic reserve depending on the final design of the boat harbour facility.
34. The project includes berths for the commercial industry (tourism, fishing and aquaculture) as well as berths for recreation use and community facilities. The project also includes a Marine Technical Training Centre facility, a commercial hardstand maintenance facility, a commercial slipway, public boat ramp, commercial wharf/pontoon, parking and access areas, the widening of an existing road and formation of a new road.
35. The project works will occur within and on:
- 35.1 Māori freehold land at 2 Keepa Road, Coastlands, Whakatāne
 - 35.2 public reserve land vested in the Bay of Plenty Regional Council (BOPRC) and managed for soil and water conservation purposes (including stopbanks)
 - 35.3 Crown-owned Keepa Road Scenic Reserve managed by the Department of Conservation (DOC)
 - 35.4 land with no title on the true left of the Whakatāne River which lies in the CMA
 - 35.5 freehold land owned by Whakatāne District Council (WDC) partly in the river and CMA, downstream of the harbour area on the true left bank (possibly needed for dredging)

⁵ The Hauraki Gulf Forum established under the Hauraki Gulf Marine Park Act 2000

- 35.6 potential sites outside of the boat harbour site for disposal of material from excavation of the boat harbour.
36. The applicant has stated that the main function of the boat harbour is to provide Whakatāne and the wider eastern Bay of Plenty region with a specifically designed, safe and functioning marina/berthing facility, along with supporting facilities associated with the commercial and recreational marine industry. They note that the project will also provide for an upgraded recreational/public boat ramp and parking facilities and a continuation of the open space and walking areas that are currently provided for along the margins of the river and within the coastal environment.
37. Under standard RMA processes the project would require land use consents, water permits, discharge permits and coastal permits from WDC and BOPRC.
38. To better understand the environmental effects, scope, job creation potential and investment certainty of this project, we sought further information from the joint applicants under section 22 of the FTCA.

Comments received

39. In accordance with section 21 of the FTCA, we sought written comments on this application from relevant ^{s 9(2)(f)(iii), s 9(2)(g)(i)}, the local authorities, ^{s 9(2)(f)(ii), s 9(2)(g)(i)}, and Te Rāhui Lands Trust (the owner of the boat harbour site).

40. ^{s 9(2)(f)(ii), s 9(2)(g)(i)}

41.

42.

43.

⁶ Re Edwards (Whakatōhea) (No 2) [2021] NZHC 1025

⁷ Sections 18(3)(c) and 18(3)(d) FTCA

44. s 9(2)(f)(ii), s 9(2)(g)(i)
- 45.

46. WDC, in its capacity as a consent authority, considered that the fast-track process would not lead to any diminishment of assessment and decision making for the project under the RMA, and would bring about significant economic, employment and other benefits in a more timely way. WDC advised the Rural Plains zoning of the boat harbour site broadly contemplates development of facilities of the type proposed. The policy framework recognises a fundamental need for some activities to be located where there is access to water. WDC advised that the most significant environmental issue was likely to be the impact of the development on ecological values alongside the Whakatāne River, and that some impact was unavoidable. WDC considered that restoration and rehabilitation of ecosystems and habitats, both on and off site, should be required where avoidance is not possible, and that this should achieve a net ecological gain. WDC recommended technical assessment reports for inclusion in any resource consent applications to a panel, including an ecological report and traffic assessment. WDC also nominated potentially affected parties from whom a panel should invite comments.
47. BOPRC considered that the fast-track process was likely to be appropriate, noting that no significant issues were identified by the applicant that would deem the project inappropriate. BOPRC noted that the project was likely to provide economic and social benefits to the community through the construction process and the long-term provision of moorings and port facilities. BOPRC recommended technical assessment report for inclusion in any resource consent applications to a panel, including river flood protection, ecological values, and freshwater management assessments. BOPRC also identified potentially affected parties from whom a panel should invite comments.

Decision

48. In making our decision we considered the application and further information received; comments received from relevant s 9(2)(f)(ii), s 9(2)(g)(i) WDC and BOPRC; and the eligibility criteria in section 18 of the FTCA. We also considered the report prepared under section 17 of the FTCA.
49. We have decided to accept the joint applicants' application for referral of the Whakatāne Commercial Boat Harbour project to a panel. We consider the project meets the eligibility criteria in section 18 of the FTCA and will help to achieve the purpose of the FTCA by:
- 49.1 generating employment by providing up to 30 direct full-time equivalent (FTE) jobs during the civil works and approximately 30 indirect FTE jobs in marine servicing
- 49.2 generating employment by providing longer-term new employment of approximately 229 indirect FTE jobs from the on-water development, 373 boat building jobs, 230 new tourism-centred jobs, and new jobs in mussel harvesting and processing. These jobs are in sectors impacted by COVID-19

- 49.3 providing infrastructure to improve economic outcomes for the marine farming, boat building and tourism industries
- 49.4 providing infrastructure by converting the site, which is currently in agricultural use of marginal economic benefit, into a commercial and community asset
- 49.5 having positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users, and reskilling and upskilling opportunities via the proposed training facility
- 49.6 being likely to progress faster than would otherwise be the case under the standard processes of the RMA, provided that the joint applicants lodge their applications for resource consents with the EPA in a timely manner following project referral.
50. To address site-specific matters raised by the WDC and BOPRC we have decided to direct the applicant to provide the following information with their applications for resource consents submitted to a panel: transport, ecological, river flood protection, and freshwater management assessments. The full list of information we have decided to direct the applicant to provide to a panel is in Appendix four.
51. The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific ^{s 9(2)(f)(ii), s 9(2)(g)(i)} owners and occupiers of adjacent land, and specific non-governmental organisations and other groups listed in the FTCA. In addition to these requirements and to address site specific matters raised by WDC and BOPRC, we have decided to direct a panel to seek comment on any consent application before it from Whakatāne Volunteer Coastguard Association Incorporated, Whakatāne Harbour Care Group and Waka Kotahi, as listed in Appendix four.
52. We consider that any adverse effects arising from the project, together with any proposed mitigation, offsetting or compensation, can be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA. We consider that the requirements for additional material noted in paragraph 50 that must be submitted to a panel will assist with this.
53. We consider there are no reasons for us to decide under section 24(2) of the FTCA to:
- 53.1 limit the scope of the project by referring it only in part
- 53.2 refer the project in stages
- 53.3 place any restrictions on the project
- 53.4 impose specific timeframes for panel consideration.

Timing and 28-day rule

54. Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel⁸. Therefore, the Amendment Order will come into force the day after publication in the New Zealand Gazette. This will enable applications for resource consents and notices of requirement for a designation to be lodged with the EPA, for consideration by a panel, the day after the Amendment Order is gazetted, for:
- 54.1 Thames-Coromandel District Council's Kōpū Marine Precinct project

⁸ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

- 54.2 Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited's Whakatāne Commercial Boat Harbour project.

Compliance

55. The Amendment Order complies with:
- 55.1 the principles of the Treaty of Waitangi
 - 55.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 55.3 the principles and guidelines set out in the Privacy Act 1993
 - 55.4 relevant international standards and obligations
 - 55.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

56. We do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel Office

57. The Amendment Order has been certified by the Parliamentary Counsel Office as being in order for submission.

Impact Analysis

Regulatory Impact Assessment

58. The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel⁹.

Climate Implications of Policy Assessment

59. The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements do not apply to these projects.
60. Likely emissions implications and intended emissions reductions of the projects have been considered at a high-level during the formal application process and are also expected to be considered by the panels in their assessment of any adverse effects arising from the projects.
61. The decision to refer the Thames-Coromandel District Council's Kōpū Marine Precinct project includes direction for the applicant to provide to a panel 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

⁹ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

Making Framework. The decision to refer the joint applicants' Whakatāne Commercial Boat Harbour project includes direction for the applicant to provide to a panel a river flood protection assessment, including adverse effects on the Whakatāne River stopbanks.

Publicity

62. The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.
63. As required under section 25 of the FTCA, our decision to refer the projects to a panel for consideration, the reasons for these decisions, and the reports obtained under section 17 will be made available to the public on the Ministry for the Environment's website.

Proactive Release

64. We intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

Consultation

65. We have considered the matters raised by the relevant ^{s 9(2)(f)(ii), s 9(2)(g)(i)} local authorities, and s 9(2)(f)(ii), s 9(2)(g)(i) Te Rāhui Lands Trust and Waka Kotahi (other persons invited to comment) and are satisfied that the projects meet the purpose of the FTCA. Any specific issues raised can be addressed by the panels in their substantive decision-making role.

66. s 9(2)(f)(ii), s 9(2)(g)(i)

Recommendations

We recommend that Cabinet:

1. **note** that we have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the applications for referral of the following projects to a panel:
 - 1.1 Thames-Coromandel District Council's Kōpū Marine Precinct project
 - 1.2 Whakatāne District Council Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited's (joint applicants') Whakatāne Commercial Boat Harbour project
2. **note** that Thames-Coromandel District Council's Kōpū Marine Precinct project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the FTCA by:
 - 2.1 generating 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

- 2.2 providing infrastructure to improve economic outcomes for the marine farming industry and provide for longer term economic productivity of both the Kōpū industrial area and wider region that was affected by COVID-19 (due to difficulties in factory processing and exporting, particularly for mussel products, the majority of which are exported overseas)
- 2.3 having positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users
- 2.4 being likely to progress faster than would otherwise be the case under the standard processes of the RMA, provided that the applicant lodges their applications for resource consents with the EPA in a timely manner following project referral.
3. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 directs Thames-Coromandel District Council to provide to an expert consenting panel transport, landscape and visual, biosecurity and ecological assessments, assessments on land contamination, effects on coastal processes, climate change and sea-level rise, and the integrity and performance of the Waikato Regional Council's Waihou flood protection scheme, and independent peer reviews of these assessments, as detailed in Appendix three
4. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 directs an expert consenting panel appointed to consider Thames-Coromandel District Council's, Kōpū Marine Precinct project to seek comments from representatives of Matai Whetū Marae, Waka Kotahi New Zealand Transport Agency, and the Hauraki Gulf Forum, as listed in Appendix three
5. **note** that the joint applicants' Whakatāne Commercial Boat Harbour project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the FTCA by:
- 5.1 generating employment by providing up to 30 direct full-time equivalent (FTE) jobs during the civil works and approximately 30 indirect FTE jobs in marine servicing
- 5.2 generating employment by providing longer-term new employment of approximately 229 indirect FTE jobs from the on-water development, 373 boat building jobs, 230 new tourism-centred jobs, and new jobs in mussel harvesting and processing. These jobs are in sectors impacted by COVID-19
- 5.3 providing infrastructure to improve economic outcomes for the marine farming, boat building and tourism industries
- 5.4 providing infrastructure by converting the site, which is currently in agricultural use of marginal economic benefit, into a commercial and community asset
- 5.5 having positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users, and reskilling and upskilling opportunities via the proposed training facility
- 5.6 being likely to progress faster than would otherwise be the case under the standard processes of the RMA, provided that the joint applicants lodge their applications for resource consents with the EPA in a timely manner following referral
6. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 directs the joint applicants to provide to an expert consenting panel

transport, ecological, river flood protection, and freshwater management assessments as detailed in Appendix four

7. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 directs an expert consenting panel appointed to the joint applicants' Whakatāne Commercial Boat Harbour project to seek comments from Whakatāne Volunteer Coastguard Association Incorporated, Whakatāne Harbour Care Group, and Waka Kotahi New Zealand Transport Agency, as listed in Appendix four
8. **authorise** the submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021
9. **note** that on 27 July 2020, Cabinet agreed [CAB-20-MIN-0353 refers] to waive the 28-day rule so that Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 can come into force as soon as they are notified in the New Zealand Gazette
10. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 will come into force the day after publication in the New Zealand Gazette.

Authorised for lodgement

Hon David Parker
Minister for the Environment

Hon Dr Ayesha Verrall
Acting Minister of Conservation

Released under the provisions of
the Official Information Act 1982

Appendix one – Referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020

| Referred projects with Orders in Council gazetted | | |
|---|------------------------|---|
| Project | Location | Applicant |
| Clutha Upper Waitaki Lines Project - Works and Workers' Village | Clutha Upper Waitaki | Transpower New Zealand Limited |
| Northbrook Wanaka Retirement Village | Wanaka | Winton Property Limited |
| Kohimarama Comprehensive Care Retirement Village | Kohimarama, Auckland | Ryman Healthcare Limited |
| Molesworth Street Office Development | Thorndon, Wellington | Primeproperty Group Limited |
| The Vines Affordable Subdivision | Richmond, Tasman | Jason and Angela Mudgway |
| Dominion Road Mixed-use Development | Mount Eden, Auckland | Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited |
| Ohinewai Foam Factory | Ohinewai, Waikato | Ambury Properties Limited |
| Eastern Porirua Regeneration Project - Infrastructure Works | Porirua | Kāinga Ora-Homes and Communities' and Porirua City Council |
| Silverlight Studios | Wanaka | Silverlight Studios Limited |
| Brennan winery, restaurant, education, and event complex | Gibbston Valley, Otago | Otago Viticulture and Oenology Limited's (trading as Brennan Wines) |
| Nola Estate | Glen Eden, Auckland | CPM 2019 Limited |
| Wooing Tree Estate | Cromwell | Wooing Tree Property Development LP |
| Kapuni Green Hydrogen | Kapuni, Taranaki | Hiringa Energy Limited's and Ballance Agri-Nutrients Limited |
| New Dunedin Hospital - Whakatuputupu | Dunedin | The Minister of Health's and the Ministry of Health |
| Faringdon South West and South East Development | Rolleston | Hughes Developments Limited's |
| Summerset Retirement Village -Waikanae | Waikanae | Summerset Villages (Waikanae) Limited |
| Beachlands Housing Development | Beachlands, Auckland | Neil Construction Limited and Fletcher Residential Limited |
| Referred projects granted RMA approvals by a panel | | |
| Kohimarama Comprehensive Care Retirement Village | Kohimarama, Auckland | Ryman Healthcare Limited |

Appendix two – Status of projects listed under the COVID-19 Recovery (Fast-track Consenting) Act 2020

| Listed Project | Status (provided by the EPA, 8 June 2021) |
|---|---|
| Matawii Water Storage Reservoir Kaikohe | Consents have been approved. |
| Papakāinga Development – Rāpaki, Christchurch | Consents have been approved. |
| Te Ara Tupua – Ngā Ūranga to Pito-one shared path | Consents have been approved. |
| Waitohi Picton Ferry Precinct Redevelopment | Consents have been approved. |
| Queenstown Arterials Project | Consents have been approved. |
| Papakura to Drury South State Highway 1 improvements | Lodgement anticipated in June 2021. |
| Northern Pathway – Westhaven to Akoranga shared path | Lodgement anticipated in late 2021. |
| Papakura to Pukekōhe rail electrification | First consents lodged on 10 March 2021 and currently under consideration by Panel. |
| Papakāinga Development - Kaitiaia | Consents lodged on 13 April 2021 and currently under consideration by Panel. |
| Papakāinga Development – Waitara, Taranaki | Lodgement anticipated in 2021. |
| Te Pā Tāhuna Residential Development | Developer considering consenting routes which includes fast track consenting. |
| Unitec Residential Development | Developer considering consenting routes which includes fast track consenting. |
| Papakāinga Development - Point Chevalier, Auckland | Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted. |
| Papakāinga development – Whaingaroa, Raglan | Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted. |
| Papakāinga Development - Chatham Islands | Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted. |
| Wellington Metro Upgrade Programme | Not proceeding under fast-track at this stage. |
| Britomart Station eastern end upgrade | Not proceeding under fast-track at this stage. |

Appendix three – Additional requirements: Thames-Coromandel District Council's, Kōpū Marine Precinct project

Thames-Coromandel District Council is directed to provide with their applications to an expert consenting panel for resource consents:

1. an integrated transport assessment
2. a landscape and visual assessment
3. a soil investigation report on land contamination
4. an assessment of the proposal against the integrity and performance of the Waikato Regional Council's Waihou flood protection scheme, including:
 - a. an assessment of hydrological impacts of the structures and the risk of blockage of the flood protection scheme
 - b. consideration of the Waikato Regional Council Infrastructure Strategy and Sustainable Infrastructure Decision Making Framework
 - c. an assessment of safety risks to Hauraki Rail trail users and occupiers and users of adjacent areas
5. an assessment of the effects on coastal processes, including future effects resulting from climate change and sea-level rise
6. a marine biosecurity management plan
7. an ecological assessment, including an assessment of effects on avifauna
8. independent peer reviews, by suitably qualified and experienced persons, of the technical assessments referred to in (4) to (7) above.

An expert consenting panel appointed to consider Thames-Coromandel District Council's resource consent applications for the Kōpū Marine Precinct project must seek comments from the following additional persons/organisations:

1. representatives of Matai Whetū Marae
2. The Hauraki Gulf Forum established under the Hauraki Gulf Marine Part Act 2000
3. Waka Kotahi New Zealand Transport Agency

Appendix four – Additional requirements: Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited's – Whakatāne Commercial Boat Harbour project

Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited are directed to provide with their applications to an expert consenting panel for resource consents:

1. an ecological assessment
2. a river flood protection assessment, including:
 - a. adverse effects on the Whakatāne River stopbanks
 - b. adverse effects of erosion and scour from dredging on the stopbanks and flood protection structures
3. a freshwater management assessment including:
 - a. adverse effects on the disturbance of a natural wetland
 - b. adverse effects on freshwater ecology and water quality due to dredging of the river
4. an integrated transport assessment including, but not limited to, modelling and analysis that covers the effects on the surrounding road network

An expert consenting panel appointed to consider Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited's resource consent applications for the Whakatāne Commercial Boat Harbour project must seek comments from the following additional persons/organisations:

1. Whakatāne Volunteer Coastguard Association Incorporated
2. Whakatāne Harbour Care Group
3. Waka Kotahi New Zealand Transport Agency