

FTC #52 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decisions

Application 2020-039 – Oruku Landing

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| Date Submitted: | 22 April 2021 | Tracking: MfE#: 2021-B-07853 DOC#: 21-B-0311 |
| 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 in Table A | TBA |
| To Hon Dr Ayesha Verrall, Acting Minister of Conservation | Decisions on recommendations in Table A | TBA |

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|-------------------------------------|--|
| Actions for Ministers' Office Staff | <p>Return the signed briefing to MfE and DOC.</p> <p>Send attached letters (if agreed and signed).</p> |
| Number of attachments: 2 | <p>Attachments:</p> <ol style="list-style-type: none"> Letters from the Minister for the Environment and Minister of Conservation to relevant Ministers of the Crown, relevant Councils and to the applicant. Copy of application and supporting information – to send with letters to Ministers |

Ministry for the Environment contacts

| Position | Name | Cell phone | 1 st contact |
|---------------------|--------------------------|------------|-------------------------|
| Principal Author | Max Gander-Cooper | | |
| Responsible Manager | Rebecca Perrett (Acting) | s 9(2)(a) | ✓ |
| Director | Sara Clarke | 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 #52: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decisions

Key Messages

1. We seek your joint initial decisions on an application for referral of the Oruku Landing project (the Project) to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA), from Northland Development Corporation Limited.
2. The Project is located at 44 Riverside Drive, Riverside, Whangārei. Parts of the Project will occur in the coastal marine area (CMA).
3. The Project is to construct and operate a hotel and entertainment precinct in central Whangārei including:
 - a. a multi-purpose conference and events centre incorporating a main hall/theatre, back of house facilities, cafe, meeting rooms and other associated facilities. The building will have a footprint of approximately 2946 square metres and a height of approximately 16.5 metres
 - b. a hotel containing approximately 132 guest rooms, a restaurant, a bar and a swimming pool. The building will be approximately 22 metres high and will have a footprint of approximately 1621 square metres. At its southern end the building will be cantilevered over the CMA which requires coastal occupation rights.
 - c. a mixed-use building approximately 18.5 metres high, incorporating approximately 17 residential apartments, retail/commercial tenancies and a car park for approximately 190 cars. The building footprint will be approximately 2966 square metres.
 - d. a marina in the Hātea River on the southern side of the site, which will provide for approximately 29 new berths and a ferry terminal. The works associated with the marina will require approximately 25,000 cubic metres of initial dredging to prepare the site.
 - e. a wider section of the existing Hātea Loop walkway boardwalk, to be formed by partially cantilevering it over the CMA.
4. The Project will involve activities such as the following:
 - a. vegetation clearance, including removal of mangroves
 - b. earthworks, including on contaminated land
 - c. dredging in the CMA
 - d. disposal of dredged material on land
 - e. disturbance of the CMA associated with establishment of marina
 - f. demolition of existing buildings and structures on land
 - g. construction of buildings and structures on land and in the CMA
 - h. occupation of the CMA with a marina
 - i. discharge of stormwater and contaminants to the CMA
 - j. construction of roading and walkway upgrades, parking facilities and signage.
5. The Project will require land use consents, discharge and coastal permits under the Operative Whangarei District Plan, Decisions Version of the Whangarei District Plan,

Operative Northland Regional Coastal Plan, Operative Northland Regional Soil and Water Plan and Proposed Northland Regional Plan.

6. We have undertaken an initial (Stage 1) analysis of the application, and this is presented along with our recommendations in Table A.
7. The Project meets all the eligibility criteria in section 18 of the FTCA, but more analysis is needed to confirm if it meets the purpose of the FTCA and to provide you with advice on the matters in section 23(5) which may influence your referral decision.
8. We recommend you progress the application to the next stage of analysis (Stage 2) and invite comments from:
 - a. Whangarei District Council and Northland Regional Council
 - b. Ministers listed in section 21(6) of the FTCA
 - c. Minister of Tourism
 - d. Minister for Economic and Regional Development.

Statutory Framework Summary

9. You must make decisions on the referral of this Project jointly as parts of the Project will occur in the CMA.
10. You may decline a referral application 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 sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).
11. If you do not decline an application at this stage, section 21 of the FTCA:
 - a. requires you to provide the application to, and invite comments from, the relevant local authorities and any relevant Ministers
 - b. permits you to provide the application to, and invite comments, from any other person.
12. 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 a referral application (see section 22 of the FTCA).

Action Sought

13. Please indicate your decisions on the recommendations in Table A.

Signatures



Rebecca Perrett
Acting Manager – Fast Track Consenting
Ministry for the Environment



Geoff Deavoll
RMA Manager
Department of Conservation

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the Official Information Act 1982

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 eligible for referral? [s18(3)] | Will the Project help to achieve the purpose of the FTCA? [section 18(2)] | | | | | Any other relevant matters [section 19(f)] | Conservation analysis | Recommendations | Ministers' decisions |
|---|--|--|--|--|--|--|---|---|--|---|---|-----------------------------|
| | | | | Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)] | Effect on social and cultural wellbeing of current and future generations [section 19(b)] | Likelihood the project will progress faster under the FTCA than would otherwise be the case [section 19(c)] | Public benefit [section 19(d)] | Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)] | | | | |
| <p>Project name Oruku Landing</p> <p>Applicant Northland Development Corporation Limited</p> <p>Project location 44 Riverside Drive, Riverside, Whangārei</p> <p>Parts of the Project will occur in the Coastal Marine Area (CMA).</p> | <p>The Project is to establish and operate a hotel and entertainment precinct including:</p> <ul style="list-style-type: none"> a multi-purpose conference and events centre incorporating a main hall/theatre, back of house facilities, cafe, meeting rooms and other associated facilities. The building will have a footprint of approximately 2946 square metres and a height of approximately 16.5 metres a hotel containing approximately 132 guest rooms, a restaurant, a bar and a swimming pool. The building will be approximately 22 metres high and will have a footprint of approximately 1621 square metres. At its southern end the building will be cantilevered over the CMA which requires coastal occupation rights. a mixed-use building approximately 18.5 metres high, incorporating approximately 17 residential apartments, retail/commercial tenancies and a car park for approximately 190 cars. The building footprint will be approximately 2966 square metres. a marina in the Hātea River on the southern side of the site, which will provide for approximately 29 new berths and a ferry terminal. The works associated with the marina will require approximately 25,000m³ of initial dredging to prepare the site. a wider section of the existing Hātea Loop walkway boardwalk, to be formed by partially cantilevering it over the CMA. The Project involves works such as the following: <ol style="list-style-type: none"> vegetation clearance, including removal of mangroves | <p>The applicant has advised that the Project will be funded by a Provincial Growth Fund (PGF) grant of approximately s 9(2)(b)(ii) and by a contribution of approximately s 9(2)(b)(ii) from Whangārei District Council (WDC).</p> <p>The applicant states that WDC has indicated support for the Project but funding is subject to a public consultation process expected to be completed by the end of June 2021, and subsequent council approval.</p> <p>The applicant has advised that the PGF funding is subject to approval of the WDC funding. We are not certain how critical these funding sources are for the delivery of the Project, as we understand that the applicant has contingency funding options.</p> | <p>Based on available information, we consider 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>The applicant estimates that the Project will provide:</p> <ul style="list-style-type: none"> approximately 250 construction-related jobs over a 2 to 3-year planning and construction period approximately 113 direct Full-time Equivalent (FTE) jobs to service the hotel and conference centre by 2023, rising to 124 by 2027 <p>The application does not specify if the construction-related jobs will be FTE jobs. This information may be relevant to your decision making at Stage 2.</p> <p>The applicant also advises that the Project will add \$376.9 million into the local construction and tourism and hospitality industries which have been affected by COVID-19.</p> | <p>The Project has the potential for positive effects on social wellbeing by:</p> <ul style="list-style-type: none"> providing a range of employment opportunities and flow-on economic benefits which are expected to promote social well-being in the community. maintaining and enhancing public access to the CMA providing a new conference centre that may facilitate social engagement in the local community <p>With respect to cultural wellbeing, the applicant has advised that the local Ngāpuhi hapū Ngāi Kahu o Torongare have been involved as part of the Project Governance Group and this has included contributing to the cultural elements of the development design.</p> | <p>The applicant considers that the fast-track process will allow the Project to progress at least 6 months faster than under standard Resource Management Act (RMA) processes.</p> <p>We recommend seeking feedback from relevant local authorities on the appropriateness of using the FTCA or standard RMA processes.</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 through the construction period and during operation of the hotel and conference and events centre facilities increasing housing supply providing facilities to support community connection and recreational opportunities | <p>The Project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> dust, traffic and other temporary construction effects ecological effects effects on capacity of three waters services noise and lighting effects landscape and visual effects effects related to natural hazards effects on hydrology and coastal processes <p>The applicant has provided details of mitigation measures to address potential adverse effects and has confirmed that technical experts have been engaged to complete a range of assessments. The applicant considers that the Project will not result in significant adverse environmental effects.</p> <p>The application states that the activity will occur partially within a Significant Marine Mammal and Seabird Area as identified in the Proposed Northland Regional Plan and</p> | <p>The applicant has advised that community groups have been consulted on the Project. We recommend that further details on these groups and the extent of their involvement in the Project to date is requested from the applicant. This information may be relevant to your decision making at Stage 2.</p> <p>The applicant has not provided an assessment against the objectives and policies of the National Policy Statement for Urban Development (NPS-UD). This information may be relevant to your decision making on whether the application should be declined under s23(5)(c) of the FTCA.</p> | <p>Given the area is already highly modified; the low number of mangroves to be removed; the negligible biosecurity risk; and that no significant or notable habitat and biota will be impacted from the dredging it is considered that there are no impacts to DOCs conservation values or interests</p> | <ol style="list-style-type: none"> 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. 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. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. 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. Agree to progress the Oruku Landing project to our Stage 2 analysis. The Project warrants further analysis because it has potential to achieve the purpose of the FTCA. Agree to provide the application to, and invite comments from: <ul style="list-style-type: none"> the Ministers listed in section 21(6) of the FTCA the Minister of | <p>Yes/No</p> <p>Yes/No</p> |

| Project details | Project description | Project funding | Is the Project eligible for referral? [s18(3)] | Will the Project help to achieve the purpose of the FTCA? [section 18(2)] | | | | | Any other relevant matters [section 19(f)] | Conservation analysis | Recommendations | Ministers' decisions |
|-----------------|--|--|--|---|---|---|--------------------------------|---|--|---|-----------------|----------------------|
| | | | | Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)] | Effect on social and cultural wellbeing of current and future generations [section 19(b)] | Likelihood the project will progress faster under the FTCA than would otherwise be the case [section 19(c)] | Public benefit [section 19(d)] | Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)] | | | | |
| | <p>b. earthworks, including on contaminated land</p> <p>c. dredging in the CMA</p> <p>d. disposal of dredged material on land</p> <p>e. disturbance of the CMA associated with establishment of marina</p> <p>f. demolition of existing buildings and structures on land</p> <p>g. construction of buildings and structures on land and in the CMA</p> <p>h. Occupation of the CMA with a marina</p> <p>i. discharge of stormwater and contaminants to the CMA</p> <p>j. construction of roading and walkway upgrades, parking facilities and signage</p> <p>The application notes that the site will be subdivided into separate titles. However, the applicant has confirmed that this is not included in the Project scope and that WDC are currently processing the subdivision application. As the reason for the subdivision is to allow the hotel and conference centre to be located on separate titles the applicant considers that the subdivision is not critical for Project delivery.</p> | We therefore recommend requesting further information from the applicant, on Project funding and investment certainty. | | | | | | <p>this is not addressed in the effects assessment provided. The Minister does not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and a panel will consider the significance of effects and appropriate mitigation should the Project be referred.</p> | | <p>Tourism</p> <ul style="list-style-type: none"> the Minister for Economic and Regional Development relevant local authorities <p>g. Agree to seek further information from the applicant on:</p> <ul style="list-style-type: none"> Project funding arrangements consistency with the NPS-UD community consultation construction job details. <p>h. Sign the attached letters to Ministers listed in section 21(6) of the FTCA, the Minister of Tourism and the Minister for Economic and Regional Development</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 – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p> | Yes/No | |

Released under the provisions of the Official Information Act 1982

Signed:

Hon David Parker
Minister for the Environment

Date

Signed:

Hon Dr Ayesha Verrall
Acting Minister of Conservation

Date