

FTC #7: Application for referral of a project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decision on an application within the Coastal Marine Area

Date Submitted:	27 August 2020	Tracking: MfE#: 2020-B-07114 DOC#: 20-B-0654
Security Level	In-Confidence	MfE Priority: Urgent DOC Priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision	2 September 2020
To Hon Eugenie Sage, Minister of Conservation	Decision	2 September 2020

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

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Rachel Ducker	s9(2)(a)	
Responsible Manager	Sara Clarke	s9(2)(a)	✓
Director	Liz Moncrieff	s9(2)(a)	

Ministry of Conservation contacts

Position	Name	Cell phone	1 st contact
Principal Author	Manu Graham	s9(2)(a)	
Responsible Manager	Amy Robinson	s9(2)(a)	✓
Director	Natasha Hayward	s9(2)(a)	

FTC #7: Application for referral of a project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Joint Stage 1 decision on an application within the Coastal Marine Area


Key Messages

1. We are seeking your joint decision on an application for referral of a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. The project is for the extension of an existing wharf, Ariki Tahi (Sugarloaf Wharf), in Te Kouma, Coromandel to service the aquaculture industry and includes a separate recreational boat launching facility and carpark.
3. We have undertaken an initial (Stage 1) analysis of the application. A summary of the analysis and our recommendations for the application is provided in Table A. This application requires a joint decision as it is in the Coastal Marine Area.
4. We recommend that you decline the application on the basis that it is more appropriate that it go through a full Resource Management Act process. Under section 23 of the Act you can decline an application prior to inviting comments from local authorities and Ministers.


Action sought

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

Signatures



Sara Clarke
Manager – Fast Track Consenting
Ministry for the Environment



Amy Robinson
RMA Manager
Department of Conservation

NOTE: Table A was revised to correct a factual error. This revised Table was considered by Ministers.

We have included the revised Table with track changes on the 2 sections that were updated.

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

Project details	Project description and location	Project Funding	Project eligibility criteria met [s18 (3)]	Assessment against the purpose of the Act					Any other matters [s19(f)] and s23 (5)(c)]	Recommendation	Decision
				Economic benefits and costs [s19(a)]	Effect on social and cultural wellbeing [s19(b)]	Likelihood project will progress faster under the Act [s19(c)]	Public benefit [s19(d)]	Potential for significant adverse effects [s19(e)]			
<p>Application name</p> <p>Ariki Tahī (Sugarloaf Wharf) Expansion</p> <p>Applicant</p> <p>Ariki Tahī Sugarloaf Wharf Limited</p> <p>Background</p> <p>The wharf was originally consented in 1993 following a Planning Tribunal appeal and consent order on the coastal permit decision. The Environment Court Waikato Regional Council Hearings Committee and the Waikato Regional Council Restricted Coastal Activity Committee decision noted this location as not being highly suitable for a commercial wharf servicing the aquaculture industry and being a short-term solution.</p>	<p>Extension of the existing Ariki Tahī (Sugarloaf Wharf) to service the aquaculture industry and a separate recreational boat launching facility and carpark.</p> <p>The project involves:</p> <ul style="list-style-type: none"> capital dredging the approach channel to the wharf, and ongoing maintenance dredging; reclamation of the seabed in the Coastal Marine Area; establishing four berths for commercial vessels (90m of usable continuous wharf edge); rock revetment and a separate recreational boat launching facility (including up to 15 car / trailer parking bays); installation of a fence and gates surrounding the commercial wharf facilities and basic amenities; and development of a boat maintenance grid. 	<p>The project is funded by Ariki Tahī Sugarloaf Wharf Ltd (1/3), Thames Coromandel District Council (1/3) and the Ministry of Business Innovation and Employment under the Provisional Growth Fund (1/3).</p>	<p>Yes.</p> <p>The project meets the eligibility criteria in s18(3)(a) to s18(3)(d) in the Act.</p>	<p>The application refers to the wharf upgrade facilitating the investment of approximately \$126M and creating approximately \$822M of district and regional benefits. The value of the ongoing economic impact is \$696M.</p> <p>While the economic assessment is not provided to support this claim, it appears likely that the economic benefit of the project would be significant.</p> <p>The economic impacts would also assist in achieving the purpose of the Act, particularly economic recovery and employment within the Thames-Coromandel, Waikato, and Bay of Plenty area.</p>	<p>Limited information has been provided in the application regarding effects on social cultural well-being. However, a cultural impact assessment is currently being prepared.</p> <p>It is considered likely that the social benefits of the project on iwi will be beneficial due to the level of iwi investment in aquaculture.</p> <p>The effects on the social well-being of current and future generations is not well documented in the application and given the known community concern (eg. landscape, noise, lighting/glare, amenity, odour, conflict with recreational users of the facility, traffic safety and roading effects) it is uncertain whether these benefits are positive or are able to be mitigated.</p>	<p>We agree that the application would progress faster by using the fast-track consenting process as there would be no public notification and limited appeal rights.</p>	<p>Public benefits, such as separating public from commercial infrastructure and improving safety are considered to be positive. However, some public disbenefits such as reduced public access to the CMA and construction and operational noise are also likely.</p>	<p>When considering whether a project will help to achieve the Act's purpose, the Ministers' may have regard to whether the project has the potential to have significant adverse effects. Sufficient evidence has not been provided with the application to enable us to determine whether the project will have significant adverse environmental effects and therefore whether it will help to achieve the Act's purpose.</p> <p>While the Ministers' do not require a full Assessment of Environmental Effects to make a referral decision, we are unconvinced that a project of this nature, given its history including public interest and the previous comments of the Environment Court, Waikato Regional Council Hearings Committee and the Waikato Regional Council Restricted Coastal Activity Committee would not have the potential for significant effects on the environment.</p> <p>As this is a matter for the Ministers to have regard to, we consider it appropriate to maintain a neutral position about the significance of the effects rather than adopt a specific position at this point.</p>	<p>The wharf expansion has been awarded \$19.95M funding through the Provincial Growth Fund. Due to this funding there may be an expectation of wider Government support for this application. However, Provincial Growth Funding terms are contingent on resource consents and there is no certainty consents will be granted.</p> <p>Based on the information provided, the project is generally consistent with the New Zealand Coastal Policy Statement.</p> <p>However, there is not adequate information to make an assessment on potential effects on indigenous biodiversity, noise effects on for marine mammals, sediment management, and environmental impacts on the Hauraki Gulf.</p> <p>We are aware that there continues to be, a high level of public interest in this project and that it would be difficult for all of the relevant parties to be identified for the expert consenting panel. Therefore, we consider it more appropriate for the standard RMA consent processes to be used.</p>	<p>a. Decline to refer the project for Ariki Tahī (Sugarloaf Wharf) under section 23(5)(b) of the Act as it would be more appropriate for the project to go through standard consenting processes under the Resource Management Act 1991 given:</p> <ul style="list-style-type: none"> The previous consent history of the wharf. Public interest in the project. <p>b. Note that you will need to issue a letter of your decision to decline the application to the applicant.</p> <p>c. Sign the letter to the applicant notifying them of your decision to decline (attached in Appendix 1).</p>	<p>Yes/No</p>

Signed:

Hon David Parker
Minister for the Environment

Date:

Hon Eugenie Sage
Minister of Conservation

Date: