



MFE BRF-1047

DOC 21-B-1042

Andrew Stevens
c/- Richard Turner
Director
Mitchell Daysh Limited
s 9(2)(a)

Dear Richard Turner

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Ariki Tahī Sugarloaf Wharf Upgrade

Thank you for Ariki Tahī Sugarloaf Wharf Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Ariki Tahī Sugarloaf Wharf Upgrade project to an expert consenting panel (a panel) for consideration under the FTCA. I am writing to you on behalf of both myself and Hon Kiritapu Allan, Minister of Conservation, as the project is partly within the Coastal Marine Area (CMA).

The Project is to upgrade the existing wharf facilities at Ariki Tahī (Sugarloaf Wharf) including:

- a. disturbing the coastal marine area, including by excavating and dredging approximately 29,000 cubic metres of the seabed to construct a new access channel
- b. draining and reclaiming approximately 6000 square metres from the marine and coastal area
- c. depositing fill in the coastal marine area
- d. constructing a seawall in the coastal marine area
- e. establishing a wharf facility for commercial users, providing up to five vessel berths, storage areas for vehicles and equipment, a boat ramp and parking areas for vehicles and boat trailers
- f. establishing a separate wharf facility for recreational users that includes a 25-metre-long rock groyne and dual boat ramp, and parking for vehicles and boat trailers
- g. relocating the existing boat maintenance grid facility to the eastern side of the new recreational wharf area, and provision of a single lane boat ramp for access to this facility
- h. upgrading vehicle access to the site from Te Kouma Road
- i. constructing and installing ancillary infrastructure including for three-waters services, security, lighting, signage, and facilities such as a kiosk and toilets.

We can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes our being satisfied the project will help achieve the FTCA's purpose.

We have decided the project meets the referral criteria in section 18 of the FTCA and we consider it will help to achieve the FTCA's purpose as it has the potential to:

- a. generate approximately 95 direct full-time equivalent (FTE) jobs over the 18-month construction period and enable approximately 367 indirect FTE jobs once complete
- b. provide infrastructure to improve employment and economic outcomes in the aquaculture industry, and support on-going investment in, and development of, commercial aquaculture in the Waikato-East Region
- c. enhance social well-being by improving access to the coastal marine area for recreational use and providing infrastructure that is safer to use, better caters to the needs of users, and is more resilient to natural hazards and the effects of climate change
- d. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, we have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, we have also decided that you must provide the following information with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6:

1. an ecological assessment including analysis of the effects of the Project on benthic values, coastal birds and biosecurity
2. a water quality assessment including analysis of the effects of the Project on water quality due to sedimentation and discharge of heavy metals from seabed disturbance, ongoing stormwater discharges and discharges from the maintenance grid
3. a coastal processes assessment
4. an assessment of the Project against the Waikato Regional Council Climate Change Guideline: Integrated Catchment Management
5. information regarding their legal right to access and use the existing reclaimed land at Ariki Tahī and any procedural or legal matters under the RMA and the MACAA that are outstanding or may need to be addressed pursuant to this
6. an acoustic assessment, including of the noise from operation of the commercial wharf and its effects on nearby residents

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, we have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from Waikato Regional Harbourmaster and the Waipapa Bay Protection Society additional to groups those specified in clause 17 Schedule 6 of the FTCA.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

We will progress an Order in Council through the Executive Council for the project. The wording of the referral order may vary slightly from the statements and directions included in this letter, due to legal drafting requirements.

Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take our decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, our decision does not in any way endorse any related planning decisions that may affect the project.

Please do not publicly release our decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. We provide a copy of our decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. Our decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Relevant Ministers of/for portfolios specified in section 21(6)(a)-(m) FTCA:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; and Climate Change

Local Authorities:

Thames Coromandel District Council
Waikato Regional Council

Other parties:

Waikato Regional Harbourmaster
Waipapa Bay Protection Society

Relevant iwi authorities

Hauraki Māori Trust Board
Ngaati Whanaunga Incorporated Society
Ngāi Tai ki Tāmaki Tribal Trust
Ngāti Maru Rūnanga Trust
Ngāti Paoa Iwi Trust
Ngāti Paoa Trust Board
Ngāti Pūkenga ki Manaia Management Committee
Ngāti Tamaterā Treaty Settlement Trust
Ngāti Tumutumu Trust
Te Kupenga o Ngāti Hako Incorporated
Te Patukirikiri Iwi Trust

Treaty settlement entities:

Te Tāwharau o Ngāti Pūkenga
Ngāi Tai ki Tāmaki Trust
Hako Tūpuna Trust
Te Patukirikiri Iwi Trust
Ngāti Maru Rūnanga Trust
Ngāti Tamaterā Treaty Settlement Trust
Ngāti Tumutumu Trust
Ngaati Whanaunga Ruunanga Trust
Pare Hauraki Fishing Trust (Hauraki Māori Trust Board)

Environmental Protection Authority

The Panel Convener