

Response ID ANON-URZ4-5FQJ-B

Submitted to Fast-track approval applications
Submitted on 2024-05-03 15:31:30

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Omakiwi Limited

2 Contact person

Contact person name:
William Goodfellow

3 What is your job title

Job title:
Managing Director

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
s 9(2)(a)

7 Is your address for service different from your postal address?

Yes

Organisation:
Green Group Ltd

Contact person:
Owen Burn

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Director

Please enter your service address:

P O Box 28407
Auckland 1541

Section 1: Project location

Site address or location

Add the address or describe the location:

The project is located in the Bay of Islands, specifically within Omakiwi Cove in the Eastern Bay of Islands.(see appended location map and plan)

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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Who are the registered legal land owner(s)?

Please write your answer here:

T and M Goodfellow

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The proposed jetty is located in the coastal marine area and the adjacent land is owned by the applicant

Section 2: Project details

What is the project name?

Please write your answer here:

Project Name: Omakiwi Jetty;

What is the project summary?

Please write your answer here:

The project proposal is for the construction and operation of a jetty and associated hard stand area at Omakiwi Cove in the Eastern Bay of Islands to support the operations of the Explore Group.

What are the project details?

Please write your answer here:

The primary purpose of the project is to extend maritime tourism operations in the outer Bay of Islands. The applicant, Omakiwi Limited is a wholly owned subsidiary of Explore Limited, owners of the Explore Group including Fullers Great Sights, the major operator of tourist vessels in the Bay of Islands and major operations in the Hauraki Gulf Auckland. Currently Explore and Fullers Great Sights provide a range of marine tourist services in the Bay of Islands including regular services to Urupukapuka Island and cruises throughout the Bay of Islands, with the longer term intention to expand operations as tourism numbers and demand grows

Explore anticipates growth in visitors to the Bay of Islands wishing to experience the landscape and cultural history of the outer Bay of Islands The proposal has also been designed to accommodate anticipated growth in demand for water based tourism in this part of the Bay of Islands and to facilitate access for tourists to the more remote, and hitherto inaccessible parts of the Eastern Bay of Islands.

In the immediate future the jetty proposal is to provide additional berthing capacity in the outer Bay of Islands for Explore's tourist vessels. The jetty will also be used to load provisions onto vessels and to service the café facility operated by the Applicant on Urupukapuka Island. This requires the jetty to be of sufficient length to accommodate Explore's vessels. Accordingly the jetty been designed to allow space for passenger access and for a small service vehicle to deliver provisions and other goods to vessels.

This application does not seek exclusive occupation of the coastal marine area and accordingly the jetty will be available for use by others, provided that this does not impinge on the applicant's ability to use the jetty to carry out its business operations.

As the appended plans illustrate the proposal comprises a jetty extending from the shore at the southern end of the bay some 124 metres beyond MHWS with a 14 metre long articulated aluminium mesh gangway extends from the end of the jetty to a pontoon 12 metres long and 4.3 metres wide with a 3 metre long aluminium ramp at its outer end. The final configuration will provide berthage for a range of vessels operated by the applicant, and also accommodate a range of small craft.. Berthage for visiting vessels will be provided alongside the northern side of the pontoons.

Appropriate finishing materials will be used to mitigate the visual impact of the extended jetty including timber decking on the pontoons, and matt black finishing sleeves over the pontoon piles and berthing dolphins.

It is envisaged that the wharf project will be completed in one stage with the ability to supplement this in the future with complementary small-scale land based commercial facilities.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Detailed design would commence after consent is granted - estimated time 2 months

Letting of construction contract - estimated time 2 week

Mobilisation of contractor - within 3 months

Construction - 9 months

What are the details of the regime under which approval is being sought?

Please write your answer here:

It is anticipated that the consenting regime for the proposal under the RMA includes the following:

- Coastal consents are required pursuant to section 12 of the Resource Management Act (RMA) from the Northland Regional Council (NRC) under the Operative Regional Plan for Northland activities within the coastal marine area.
- Land use consents pursuant to section 9 of the RMA from the NRC for formation of access to the site for transfer of goods and passengers and any consequential earthworks and discharges under the Operative Regional Water and Soil Plan for Northland.
- Land use consents pursuant to section 9 of the RMA from Far North District Council (FNDC) for earthworks and vehicular access to the transfer site.
- Notification to and recording of the views of applicants pursuant to section 64A of the Marine and Coastal Areas (Takutai Moana) Act. (see appended list))

In addition, the project may trigger approvals under other statutory instruments including approvals under the Wildlife Act from DoC for the relocation of lizards (if necessary)

The site is currently within a part of the Bay of Islands subject to the Te Rawhiti Caulerpa Controlled Area Notice. While this notice is scheduled to expire in June of this year, the project will observe an appropriate biosecurity regime that is consistent with the requirements of the Notice.

The site is within the waters covered by the Marine Mammals (Te Pewhairangi (Bay of Islands) Marine Mammals Sanctuary) Notice 2021. The requirements of that notice will also be incorporated in a biosecurity management regime for construction and operation of the jetty.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Northland Regional Council
Far North District Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Applications to Northland Regional Council for coastal resource consents

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

applicant is the sole entity who will give effect to necessary consents

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

See staging above

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Consultation has taken place with officers of the Northland Regional Council and with local hapu. The two local hapu considered to have mana whenua being Ngati Kuta and Patukeha have indicated support for the project (see appended correspondence).

All applicant groups to the waters of Omakiwi Cover under the Marine and Coastal (Takutai Moana) Act 2011 have been notified of the project as per the appended list supplied by the NRC Aside from Ngati Kuta and and Patukeha no applicants have responded to the notification.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Email correspondence with iwi below

----- Forwarded message -----

From: Peter Witehira s 9(2)(a)

Date: Mon, 9 Oct 2023 at 23:21

Subject: Re: Resource Consent Omakiwi

To: Andy Mitchell s 9(2)(a)

Cc: Jacqueline Rewha-Clendon s 9(2)(a) Lamorna Rogers s 9(2)(a) Louise Clarke s 9(2)(a)

Nana Liz s 9(2)(a) natashaclarke s 9(2)(a)

Kia Ora Andy,

I have discussed this matter further with Jaci Rewha who has been assigned to prepare the Culture Impact Report for Patukeha in respect to a jetty at Omakiwi.

Jaci has agreed to have me respond to the concept of a jetty to service the residential properties under development along the ridge above Omakiwi Bay.

Omakiwi is an historic area particularly in respect to the leading Ngapuhi Chiefs who before and after the ongoing interaction with British explores, settlers, and church missionaries, after the signing of the Declaration of Independence and then the Treaty of Waitangi.

The Maori families who live in the South Eastern Bay of Islands are the children of those chiefs.

Following the signing of the Treaty of Waitangi, large tracks of land from South and Eastern Bay of Islands, was lost in land transactions that remain contentious today. Those transactions were in breach of the principal intent outlined in the Treaty of Waitangi in respect to the sale and purchase of Maori Freehold Land.

Whilst these matters can be difficult for current land owners to appreciate, the truth is that the loss of land under the weight of incoming settlers, political swing, and some fraudulent transactions, the descendants of the chiefs who allowed the treaty, were left poor.

It is of course too late to reverse the damage done to the welfare and aspersions of these families. Some of whom did make bad choices when dealing with land leasing and sales.

I recommend therefore that:

1. The high sections with the now associated jetty proposal development be sensitive and appropriate in order to protect and preserve the historical significance of Omakiwi.
2. That a business plan be provided to the community in order to show a positive guide and targets to follow for the future of the area.
3. A commitment to contribute financially to the upgrade of the unsealed road. Including sealing, safety barriers and drainage. This together with neighboring high value properties as promised. (I note that your employer has signed the online petition to upgrade and seal Rawhiti Road) Obviously the road will come under additional pressure during and following construction stages and ongoing use in any case.
4. Include a landscape and planting scheme for the swampy area between the beach and road in order to inspire respectful use and allow pedestrian access to the beach.
5. Show alternatives for the bay and other economic advantages that can and will be provided to the wider community.

I realize this may not be a typical impact assessment, however the concept of engagement is in line with an approach being promoted by Great Sights Ltd to support their Urupukapuka business developments to help secure public support.

Note: The history of this area is well documented particularly in transcripts held by various organizations and government agencies. These can be referenced should it be called for.

Personally, I prefer joint cooperation between Maori families and their Pakeha neighbors with respect.

Nga mihi
Peter (Pita) Witehira
Patukeha Trustee.
s 9(2)(a)

On Fri, 6 Oct 2023, 6:46 am Andy Mitchell s 9(2)(a) wrote:
Kia Ora and good morning Peter

I appreciate the update and look forward to hearing from you Monday.

Kind regards

Andy

On Fri, 6 Oct 2023 at 4:16 AM, Peter Witehira s 9(2)(a) wrote:

Hi Andy,

I apologize for the drawn-out response to your request in respect to an application for a jetty at Omakiwi.

This file is with Jacci Rewha, however she has not been able to meet with me this s 9(2)(ba)(i)

I will get back to you on Monday as the Trust is meeting this weekend at Rawhiti Marae.

Nga Mihi
Pita Witehira

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

N/A

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

Ngati Kuta and Patukeha are hapu of Ngapuhi who currently have a claim before the Waitangi Tribunal. As far as the applicant is aware this claim does not include any land that is the subject of this application.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

N/A

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

Yes

If yes, what are they?:

An archaeological investigation was undertaken prior to the subdivision of land adjacent to the Cove. This investigation identified several archaeological sites which are identified on the survey plan at appendix. s 9(2)(ba)(i)

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

N/A

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

N/A

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

It is recognised that the construction of a jetty involves a number of activities which can have actual or potential adverse and/or positive effects only environment including:

- Construction activities.
- The provision of facilities for sewage and rubbish disposal, refuelling and water supply.
- Wastewater discharge.
- construction of stormwater management systems.
- development of land based car parking.
- Landscape and visual effects of the completed jetty.
- Effects of vessels manoeuvring in the Cove when berthing

The principal adverse effects are canvassed in the appended Assessment of Environmental Effects (AEE) document. being effects on the benthic ecology of the cove, visual and landscape effects and effects on the use of the cove for recreational boating activities. These are the subject of specialist assessments as appended.

With respect to visual and landscape effect the appended AEE and reports concludes that the proposal will not disrupt the values of the surrounding coastal landscape and will not result in adverse visual effects particularly considered in the context of the baseline of effects is established by the forestry activity on the adjacent land and the dwellings and other domestic infrastructure that may be established as permitted activities within the adjacent subdivided land.

The appended ecological assessment includes a survey of the benthic habitat within and around the footprint all the proposed jetty. This survey concluded that there were no at risk or endangered species within this footprint and that any effects on benthic ecology would be confined to the construction activities and accordingly would be short lived short lived.

It is noted that subsequent to the ecological investigation undertaken Omakiwi Cove has become infested with the marine weed species *Caulerpa* as is now the case elsewhere in the Bay of islands and in the Hauraki Gulf. Currently methods to clear this species are being trialed in the Cove, however it appears probable that, without the development of new technology to eliminate *Caulerpa*, that this infestation will remain within the Cove.

Accordingly the applicant proposes to develop appropriate biosecurity protocols to manage construction and operation of the jetty in consultation with experts from the Ministry of Primary Industries and the NRC.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

The appended AEE addresses these statutory instruments. In summary these include the following:

The National Coastal Policy Statement 2010 (NCPS)

The NZCPS contains a number of objectives and policies to guide decision making by consenting authorities. A brief commentary on the objectives of the NZCPS which have relevance to consideration of the proposal is set out below.

Objective 1 is: to safeguard the integrity form functioning in resilience of the coastal environment and sustain its ecosystems including marine and intertidal areas, estuaries, dunes and land.

Initial investigations indicate that there are no significant ecosystems that might be affected by the works and, aside from short term effects during the construction process, the project can be managed so that any ecological effects will be no more than minor.

in addition, any effects on coastal processes can be confined to the immediate vicinity of Omakiwi Cove Provided that these are carefully managed there will be no long term effect on coastal processes.

Objective 2 is: to preserve the natural character of the coastal environment and to protect natural features and landscape values

The jetty site is also well removed from any identified outstanding I landscapes. It is considered that with careful design the project can be integrated with the local marine landscape.

Objective 3 is: to take account of the principles of the Treaty of Waitangi, recognised the role of tangata as kaitiaki and provide for tangata whenua involvement in management of the coastal environment.

Patukeha Hapu and Ngati Kuta are recognised as tangata whenua. Consultation has been undertaken with these iwi, and plans and details of the proposal have been provided. Representatives of these hapu have indicated support for the project (see email communications at Appendix)

Objective 6 is: to enable people and communities to provide for their social, economics, and cultural well-being and their health and safety, through subdivision, use, and development In the coastal environment.

The project exemplifies the type of activity that functionally must occur within the coastal marine area. It is intended that the project will provide a berthing facility for vessels servicing the local tourism market which bring with them direct benefits to the Bay of Islands economy. Accordingly, it is considered that the project will assist in achieving this objective without compromising the values of the coastal environment.

The objectives of the NZ CPS are supported by a number of policies including those relevant to the proposal as follows:

Policy 1 recognises that the coastal environment includes physical resources and built facilities such as jetties.

Policy 6 recognises the contribution to the social, economic and cultural well-being of people and communities from development in the coastal marina area while ensuring public access is maintained.

Policy 11 is to protect indigenous biodiversity in the coastal environment.

Policy 15 seeks to protect the natural features and natural landscapes including seascapes of the coastal environment from inappropriate subdivision use and development.

The project will address these policy imperatives through the delivery of a facility that will provide measurable regional economic benefits, and identify and provide for the protection of environmental values as detailed in the AEE and technical assessments.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The fast track process will facilitate a consultation process which will allow input from affected persons and agencies in a structured and time-efficient manner. The history of significant jetty proposals is that they are often held up in the "conventional" consenting process by ill-informed and vexatious objections to council hearings and appeals to the Environment Court which ultimately fail. The fast-track process offers the opportunity for a project that has been subject to the rigorous environmental assessments and which will have measurable economic benefits to the Bay of Islands economy to proceed,

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The project has been fully documented with a comprehensive suite of technical assessments and record of consultation that address environmental effects. We are confident that the level of documentation will be such that the project can be referred directly to the ministers for their decision without the need to request supplementary assessments.

Has the project been identified as a priority project in a:

Not Answered

Please explain your answer here:

No specific reference has been made in these documents

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

The applicant is a major operator of tourist vessels in the Bay of Islands and the Hauraki Gulf. Currently Explore provides a range of marine tourist services in the Bay of Islands including regular services to Urupukapuka Island and cruises throughout the Bay of Islands, with the longer term intention to expand operations as tourism numbers and demand grows post-pandemic.

In the longer term Explore anticipates growth in visitors to the Bay of Islands wishing to experience the landscape and cultural history of the outer Bay of Islands. This part of the region, because of its relative inaccessibility, has not benefited from the growth of tourism enjoyed by the more well-known and accessible destinations in the Bay of Islands such as Paihia, Russell and Waitangi.

The proposal has been specifically designed to accommodate anticipated growth in demand for water based tourism in the Bay of Islands and in particular improving access to the eastern Bay of Islands and unlock commercial opportunities for the communities in this part of the region.

Currently the only access to this part of the Bay of Islands is via Rawhiti Road which currently is formed and maintained to a minimal standard such that it cannot support meaningful volumes of tourist traffic wishing to access the area by road.

It is considered that a commercial jetty at Omakiwi such as the one subject of this application will allow an easy connection of visitors from the main population centres of Paihia and Russell without requiring the significant investment in local roading infrastructure required to support tourist traffic to this part of the region.

Accordingly it is considered that the jetty would provide the catalyst for a significant increase in tourism and consequential expanded economic opportunities in the region. This will be achieved through facilitating access for tourist to attractions in the Eastern Bay of Islands such as Rawhiti, the Cape Brett Peninsula, Whangamumu and also potentially facilitate the ambition of the Ipipiri Conservancy Trust to establish a recognised 'Great Walk' and generate tourism based activity at Elliot Bay.

While there is currently limited availability for accommodation in the Eastern Bay of Islands regular ferry operations to the jetty would improve economic

opportunities for the existing small accommodation providers and encourage new ones to establish with the potential for the establishment of a significant accommodation provider ultimately locating in the area.

Importantly, local iwi recognise that the establishment of a regular ferry service to Omakiwi provides an opportunity for them offer, in conjunction with the applicant, a cultural experience to visitors to the Bay of Islands. In this way local iwi may derive a benefit from the flow of tourist to the Bay of Islands which is hitherto unavailable.

In summary it is considered that the proposal which, if it can be undertaken as a fast track project, will make a meaningful and immediate contribution to the Northland economy instead

Will the project:

Please explain your answer here:

N/A

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

See above

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The project will enable the development of activities that are reliant on the natural resource of the landscape of the Bay of Islands to the benefit of the regional economy without adversely affecting those resource.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

No

Please explain your answer here:

The project will be designed to accommodate sea level rise but will not mitigate its effects and will be neutral in terms of greenhouse gas emissions.

Will the project support adaptation, resilience, and recovery from natural hazards?

No

Please explain your answer here:

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The project will have a positive effect on the people and communities of the Bay of Islands being a component of the environment as defined in the RMA

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The project is anticipated by the Regional Plan, ie all elements are discretionary activities under this plan

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Track record

The applicant is scrupulous in its adherence to regulatory requirements and has had no compliance or enforcement actions taken against it.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

William Goodfellow

Important notes