



MFE BRF-427
DOC 21-B-0647

8 September 2021

Ben Tomason
Director
Northland Development Corporation
s 9(2)(a)

Dear Ben Tomason

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Oruku Landing

Thank you for your application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Oruku Landing 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 construct and operate a hotel and entertainment precinct at 44 Riverside Drive, Whangārei. The project will consist of two stages which may progress concurrently.

Stage One will consist of: a hotel approximately 22 metres high containing 132 rooms, a restaurant, bar and a swimming pool; a mixed-use building approximately 18.5 metres high, incorporating approximately 17 residential units, retail/commercial tenancies and a carpark for approximately 190 cars; a marina in the CMA which will provide for approximately 29 berths and a ferry terminal; widening a section of the existing Hātea Loop walkway boardwalk to be formed by partially cantilevering it over the CMA; and associated upgrades to roading and three waters infrastructure.

Stage Two will consist of: a multi-purpose conference and events centre approximately 16.5 metres high incorporating a hall/theatre, back of house facilities, café, meeting rooms and other associated facilities; and a public plaza between the convention centre and the hotel.

The purpose of the FTCA is to promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

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:

1. have positive effects on social wellbeing by providing a range of employment opportunities and flow-on economic benefits, and by maintaining and enhancing public access to and enjoyment of the CMA
2. generate employment by providing:
 - a. up to 220 direct full-time equivalent (FTE) jobs per year and 145 part-time equivalent (PTE) jobs per year for Stage One across the three years of construction
 - b. up to 175 FTE and 78 PTE jobs per year for Stage Two across the three years of construction
 - c. up to 65 direct FTE ongoing operational jobs per year for Stage One
 - d. up to 58 direct FTE ongoing operational jobs per year for Stage Two
3. increase housing supply through the construction of approximately 17 residential units
4. have positive effects on the local economy by bringing approximately § 9(2)(b)(ii) into the local construction, tourism and hospitality industries which have been affected by COVID-19
5. progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA processes provided that the applicant lodges their applications for resource consent in a timely manner following project referral.

Any potential adverse effects arising from the project, and proposed mitigation measures, 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 information listed in Appendix A of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA which 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.

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 the persons or groups, additional to those specified in clause 17 Schedule 6 of the FTCA, who are listed in Appendix A of this letter. This will allow those parties the opportunity to have input into the consideration of the application and enable them to inform a panel of the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on, or from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

We will progress an Order in Council through the Executive Council for the project. 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.

In addition, we have also decided to provide a copy of this decision to the following parties:

1. The parties listed in Appendix A of this letter
2. The relevant applicant for customary marine title and/or protected customary rights in the project are, under the Marine and Coastal Area (Takutai Moana) Act 2011, identified in the Section 17 Report.

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

A handwritten signature in blue ink, appearing to read 'David Parker', is positioned above the printed name of the Minister for the Environment.

Hon David Parker
Minister for the Environment

cc Ministers of/for:

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

Local Authorities:

Whangarei District Council
Northland Regional Council

Relevant iwi authorities:

Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Ngātiwai Trust Board

Other parties:

Representatives of Terenga Parāoa Marae
Representatives of Ngāraratunua Marae
Representatives of Takahiwai Marae
Representatives of Pehiāweri Marae
Representatives of Toetoe Marae
Te Rūnanga o Ngāti Whātua
The Ngāti Kahu o Torongare Hapū and Hāpu Cultural Design representatives from Oruku Landing governance committee (Major Richard Shepherd and Jade Kake)

Applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 named in the Section 17 report:

Whānau of Ohawini
Ngā hapū o Ngātiwai Iwi
Ngā Hapū o Tangaroa ke Te Ihu o Manaia tae atu ki Mangawhai
Ngāpuhi Nui Tono-Kota-toka-tutaha-moana o whaingaroa
Ngāti Hau
Ngāti Kawau and Te Waiariki Korora
Ngāti Rēhua – Ngātiwai ki Aotea
Ngāti Wai
Te Hikutu whānau and hapū
Iwi, whānau and hapū of Nātiwai
Te Parawhau Hapū
Te Rūnanga o Ngāti Whātua
Tamihana Akitai Paki (Te Parawhau ki Tai)
Te Whānau o Hōne Papita Rāua ko Rewa Ataria Pāma

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application lodged by Northland Development Corporation Limited for Oruku Landing

Information required to be submitted with your application

In accordance with section 24(2)(d) of the FTCA, we have also decided that you must provide the following information with any application:

- a planning assessment including, but not limited to, specific consideration (with supporting information) of the New Zealand Coastal Policy Statement 2010 (including Policies 6, 24 and 26)
- a coastal hazard assessment which must include:
 - information on how the climate change scenario (RCP4.5) used for determining appropriate finished floor levels aligns with the Ministry for the Environment's Coastal Hazards and Climate Change guidance, as it relates to proposals involving intensification of existing development or a change in land use
 - information on the effects of the Project on natural hazards
 - consideration of the Northland Regional Council's Coastal Flood Hazard Zone 3 scenario (representing a 100-year rapid sea level rise projection)
- a greenhouse gas emissions (GHG) assessment that must include:
 - information on the GHG emissions created as part of construction and operation of the proposed development
 - options to reduce, mitigate and avoid GHG emissions (in addition to the solar panels already included in the design)
 - information on GHG emissions from travel as a result of the development and how these emissions could be mitigated, reduced or avoided
- an integrated transport assessment which includes, but is not limited to:
 - assessment of how the Project will support public and active transport
 - details of end-of-trip facilities for staff and customers
 - modelling to determine delay and queuing effects downstream of the proposed signalised intersection
- an assessment of the capacity of existing three waters infrastructure that must include consideration of the demand for land-based water and wastewater services associated with the proposed marina
- evidence of access arrangements and/or easements relating to Part Lot 3 DP50078 confirming Northland Development Corporation Limited's right to access this land.

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 consent application for the project from the following additional persons or groups:

- Representatives of Terenga Parāoa Marae
- Representatives of Ngāraratunua Marae
- Representatives of Takahiwai Marae
- Representatives of Pehiāweri Marae
- Representatives of Toetoe Marae
- Te Rūnanga o Ngāti Whātua
- Ngāti Kahu o Torongare Hapū and Hāpu Cultural Design representative from Oruku Landing governance committee