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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Thames-Coromandel District Council	
Contact person (if follow-up is required)	Rob Williams	Tamil Dyer
	Chief Executive	Development Planning Manager
	s 9(2)(a)	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kopu Marine precinct
General comment – potential benefits	The proposal is consistent with the structure plan for the area and will contribute to the success of Marine Based Industry in Kopu and the wider District.
General comment – significant issues	As noted above the proposal is consistent with structure planning in the area, which identifies the adjacent land for Marine Industry. As such, there are no significant issues.
Is Fast-track appropriate?	Yes, we believe the fast track process is appropriate
Environmental compliance history	This is not relevant as the applicant is the Local Territorial Authority. However, our Area Managers often obtain consents for works within the district and we have had no issues in terms of environmental compliance.
Iwi and iwi authorities	All iwi that are listed in the application
Relationship agreements under the RMA	There are no formal iwi co-management or JMA's in the Thames-Coromandel District, whilst politically we are working hard to lay the foundations to provide for such agreements in the future.
Insert responses to other specific requests in the Minister's letter (if applicable)	1. The project is appropriate for the fast track process since it forms part of a Structure Plan, which has already been through public consultation process. Specific consultation on the design and layout of the project has also occurred with all relevant stakeholders. 2. For a project of this nature, TCDC would expect reports relating to landscape and visual effects, traffic effects and terrestrial ecology. 3. The Applicant is the Council and to date there has been no issues with compliance on granted resource consents.
Other considerations	You have also asked what reports and assessments would normally be required by the Council for a project of this nature? After reviewing the

	application, it appears to be comprehensive and the assessment is supported by appropriate specialist reports. Beyond this matter, I do not consider there are any other considerations.
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Local authority providing comment	Waikato Regional Council (WRC)
Contact person (if follow-up is required)	Suzanne O'Rourke
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kopu Marine Precinct
General comment – potential benefits	<p>The marine and aquaculture industries are identified as key regional activators for economic stimulus, and the Kopu Marine Precinct has the potential to provide short and long term jobs in an area of declining productivity. WRC provided a letter of support in principle to the proposal in December 2020.</p> <p>Other benefits include:</p> <ul style="list-style-type: none"> • reduced need for large boats to be taken elsewhere for servicing; • potential for additional water transport reducing need road transport; • increasing resilience by providing alternative transport connections; and • improved safety for community users of the boat ramp through separation from commercial activities.
General comment – significant issues	<p><u>NZ Coastal Policy Statement</u></p> <p>An assessment has been provided against the NZCPS objectives 1 - 6. We recommend that the proposal be assessed against NZCPS policies 1 - 27 which provides a more comprehensive schedule of items to consider in the Coastal Marine Area (CMA).</p> <p><u>WRC (Integrated Catchment Management) as Flood Scheme Administer</u></p> <p>Waikato Regional Council is responsible for flood protection under the Soil Conservation and Flood Protection Act 1941 and the Public Works Act 1981. WRC's flood protection assets and systems include stopbanks, floodgates, pump stations, spillways and channels, all linked and managed by computer monitoring of river levels and flows.</p> <p>The proposed development is located within the Waihou flood protection scheme, within an area of land designated for Soil and River Control Purposes containing a stopbank and other flood scheme assets.</p>

There are likely to be structural design and construction issues that arise during the detailed design stage. It is expected that conditions would be imposed requiring the applicant to address all such issues to the satisfaction of WRC, and so as to ensure the proposal will not compromise the integrity and performance of the flood protection scheme. These conditions should be based around protection of the flood protection assets in the area and include:

- No increased risk to communities via construction or blockage and impacts to hydrology in this area. To achieve this an assessment with regards to the hydrological impacts of the structure and the risk of blockage is required.
- A requirement that no works are to commence within the River Control Zone on any WRC assets without engineering sign off from the Chief Executive of Waikato Regional Council.
- WRC need to review the design drawings to assess suitability and risks to our structures. The most recent design had unacceptable uncontrolled risks to community and scheme that would put the flood protection scheme and Kopu industrial area at risk.
- An ability to close the area with appropriate notification or in emergency to allow flood protection or river control works.
- Maintenance of the structure and any subsequent damage caused by such to be the responsibility of the structure owner.
- Consideration of the safety risks to Hauraki Rail trail users and current licence holders for usage of the areas adjacent (Kopu Marine and HG Leach)

We note that WRC are working with TCDC to enter a formal land licence agreement to ensure that WRC can continue to maintain the scheme for which is the primary purpose of this land.

Ecology/Biodiversity

The application advises that "Overall, the previous report concludes that there are no significant ecological values or constraints to the proposal, either within or outside the CMA, and effects are considered likely to be less than minor. A full, up to date ecological report is currently being prepared and will accompany an application to the Panel in the event this application is referred".

WRC technical experts have not viewed the report so we cannot comment on the scale or nature of the effects. The works are partly located within an area identified in the Waikato Coastal Plan as an 'Area of Significant Conservation Value (ASCV)' area with value for bird species. Accordingly, the proposal would need to avoid adverse effects on threatened species such as birds and diadromous fish species. There may be greater ecological effects due to the sensitivity of the area and so future consents and conditions should address this matter.

Coastal processes

The application advises that "A previous report notes no significant issues. A full, up to date Coastal Process and Impact Assessment is currently being prepared and will support an application to the Panel in the event this application is referred".

WRC technical experts have not viewed the report so we cannot comment on the scale or nature of the effects. However, based on the plan submitted with the application the works appear to primarily be above MHWS and so outside the CMA. Future considerations for consents should include any impacts on coastal processes particularly for those structures protruding into the CMA.

	<p><u>Climate change/natural hazards</u></p> <p>It is recognised that as the effects of sea-level rise are realised, the usability of the facility may decrease. The design has the ability to be adjusted over time to allow for increases in height of the wharf deck and paving areas. This will account for the predicted increases in water levels associated with sea-level rise and climate change. The performance of the area will be monitored over time and triggers established for future changes to the structure to ensure its usability is maintained.</p> <p>Climate change and sea-level rise may impact on future WRC flood management and require changes to the drainage infrastructure and/or existing stopbank. Such decisions would be guided by the WRC Infrastructure Strategy and the Sustainable Infrastructure Decision Making Framework.</p> <p>These matters should be addressed through the consenting process and conditions.</p> <p><u>HAIL/Contaminated Soils</u></p> <p>WRC technical experts have not viewed the technical report prepared to address this matter. Based on the expert's assessment that it is unlikely the material is 'hazardous' under the Waikato Regional Coastal Plan this matter may be low risk. Future consenting and conditions should address this matter.</p> <p><u>Transport</u></p> <p>Consideration of future transport requirements is important, both to enable the facility to evolve and respond to demand over time for:</p> <ul style="list-style-type: none"> • increased private/recreational boat launching; • through-traffic (Hauraki Rail-Trail runs along the stopbank); • for general movement of goods (incl bulk) in and out of coromandel providing an alternative to road transport, and • resilience to SH25 closure.
Is Fast-track appropriate?	<p>WRC has not reviewed any of the technical documents that support the proposal such as those relating to coastal processes and ecology.</p> <p>This makes it difficult to provide a definitive view on whether a fast track application is appropriate. Notwithstanding this qualification, given the community benefits and the general consistency of the project with the relevant statutory documents, particularly the NZCPS, a fast-track process is likely to be appropriate. WRC has been actively involved in the project, with a WRC staff member participating in Kopu Marine Precinct project team meetings. We are of the view that in general issues can be mitigated or managed through the consenting process, particularly conditions of consent.</p>
Environmental compliance history	<p>TCDC are a local authority and hold 302 current resource consents with Waikato Regional Council. These range from large scale consents such as wastewater treatment plants to small scale consents including local jetties and wharves. There are times that WRC has needed to address environmental compliance matters with TCDC as a consent holder. WRC has not undertaken a prosecution against TCDC for consents where they are the consent holder. The activities proposed as part of the Kopu Marine Precinct are consistent with those activities TCDC hold consent for with WRC.</p>

Iwi and iwi authorities	Ngāti HakoNgāti Maru (Hauraki) Ngāti Tamaterā Ngāi Tai ki Tāmaki Ngāti Rāhiri Tumutumu Ngāti Whanaunga
Relationship agreements under the RMA	Pare Hauraki have signed a Collective Redress Deed on 2 August 2018. WRC are working towards a joint management agreement with Pare Hauraki, however, there is not one in place at this point.
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>1. Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? <i>See above response.</i></p> <p>2. Are there any issues arising from the Project being located within the existing land designated for River Control Purposes? <i>See above response.</i></p> <p>3. What reports and assessments would normally be required by the Council for a project of this nature in this area?</p> <ul style="list-style-type: none"> • Ecological Report, including Avifanua, and assessment against ASCV • Coastal Processes Report • Biosecurity Report • Contaminated Soils (may be required) <p>4. Does the applicant have any environmental regulatory compliance history in your Region? <i>See above response.</i></p>
Other considerations	<p>Other matters:</p> <ol style="list-style-type: none"> 1. TCDC are currently preparing a Shoreline Management Plans for this area. This is a three-year project to define the flooding and erosion risks to people and the social, cultural, economic and natural environment the coastline over the next century and beyond. The approach TCDC have adopted is based on the Ministry for the Environment's 2017 Coastal hazards and climate change: Guidance for local government. The project should be considered in the context of this process. 2. Navigational considerations – we concur with the application that there are no significant navigational considerations. The proposal will provide dedicated facilities for recreational boating and should improve safety. 3. Dredging – we understand the proposal does not require dredging and so we have not commented on this matter. 4. Occupation of the CMA – the proposal will require resource consent to occupy the CMA. 5. Should this project be accepted as a fast-track project, WRC recommend that technical assessment reports are independently peer reviewed and that these peer reviews are made available to WRC prior to, or at the time of, any request for comment.

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Waka Kotahi NZ Transport Agency (Waka Kotahi)
Contact person (if follow-up is required)	Emily Hunt - Planner

Comment form

Please use the table below to comment on the application.

Project name	Kōpū Marine Precinct
General comment	<p><u>Background</u></p> <p>In 2019 Waka Kotahi provided comment to the Provincial Development Unit on the Provincial Growth Fund (PGF) application for Kōpū Marine Servicing and Business Precinct #1211. Waka Kotahi (identified as NZ Transport Agency at the time) provided the following comments on the proposal:</p> <ul style="list-style-type: none">- The Transport Agency has been supporting the Thames-Coromandel District Council in the development of their Productivity Plan Programme Business Case and is aware of this PGF application, related to the Productivity Plan work.- If this PGF application is successful, it is expected that the applicant will continue to liaise with the Transport Agency as activity progresses. We expect the relevant detailed assessment of transport effects, for example safety and access provisions, to follow as appropriate, as per any development application. <p><u>Current proposal</u></p> <p>It is acknowledged that the current application is not identical to the Kōpū Marine Servicing and Business Precinct PGF proposal, however it has similar outcomes and would have comparable effects on the transport network.</p> <p>Overall Waka Kotahi is not opposed to the current proposal as it is unlikely to have a significant adverse traffic or road safety effect. However, as noted in the application, a full Integrated Traffic Assessment (ITA) is to be made available to the expert consenting panel if the Minister was of a mind to progress the application to that stage. In keeping with the 2019 comment above, if the application were to be progressed Waka Kotahi would like the opportunity to review any assessment of transport effects and to provide feedback on the recommendations.</p>

	Of particular note, Waka Kotahi would want to ensure that any identified mitigation was appropriate and was to be provided as part of the development, including anything affecting the state highway.
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