



15 MAR 2021

2021-B-07532

Vanessa Hamm
Partner
Holland Beckett Law
s 9(2)(a)

Dear Vanessa Hamm

**COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decision (Section 25)
– Port of Tauranga Stella Passage Wharves and Dredging Project**

Thank you for your application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking that Port of Tauranga Stella Passage Wharves & Dredging Project] (the Project) be referred to an expert consenting panel (panel) for consideration under the FTCA. I am writing to you on behalf of Hon Kiri Allan, the Minister of Conservation, and myself as the Project is in the Coastal Marine Area.

The purpose of the FTCA is to urgently 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 a project to a panel for consideration under the FTCA, if the Project meets the referral criteria in section 18 of the FTCA which includes us being satisfied the Project will help achieve the FTCA's purpose. Further, we are able to decline to refer a Project for any reason, under section 23(2) of the FTCA.

We have considered whether the Project meets the referral criteria in section 18 of the FTCA, irrespective of this we have decided to decline your application for referral under section 23(2) of the FTCA. We consider that it is more appropriate for the Project to go through a standard consenting process under the Resource Management Act 1991 (RMA), as there is a fair expectation that there will be the opportunity for submitters to be involved in consenting decisions on the Project (section 23(5)(b)) as some activities involved will occur in the public domain.

I note other RMA processes include a request for the application to go directly to the Environment Court under section 87D of the RMA, which could be an appropriate process in this case. Also, given the significance of this Project you could consider requesting that it be called in to the Environment Court or a Board of Inquiry under section 142 of the RMA.

The FTCA requires that:

1. I provide a copy of this decision to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. the decision, the reasons for the decision and the section 17 report be published on the Ministry for the Environment's website under section 25(3) of the FTCA.

Please contact officials 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 Ministers of/for:

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

Bay of Plenty Regional Council

Tauranga City Council

Ngā Hapū o Ngāti Ranginui Settlement Trust

Ngāti Pūkenga Iwi ki Tauranga Trust

Ngāti Ranginui Fisheries Trust

Ngāti Ranginui Iwi Society

Te Kapu o Waitaha Trust

Te Kohitanga o Te Arawa Waka Fisheries Trust Board

Te Runanga o Ngāi Te Rangi Iwi Trust

Environmental Protection Authority

The Panel Convener