

30 September 2022
Job No: 1017720.1000

Hon David Parker
via email

Attention: David Parker

Dear David

Covid-19 Recovery (Fast-Track Consenting) Act 2020 - Kahui Kupenga Marine Access Facility, Te Araroa - Response to request for further information

Thank you for your letter dated 13 September 2022 requesting further information in relation to the above application. We have responded to the items you have requested below. The bold italics comprise your requested item, and the applicant's response is located below this.

1 *Project scope*

The application states that "a walkway/cycleway is planned to connect the facility to the settlement of Te Araroa". Please confirm whether this is intended to be included within the scope of the project. If so, whether the description of the project location will need to be amended to include this walkway/cycleway.

There is an existing walking/four-wheel drive track which connects the Te Rimu Trust ("TRT") land parcel to Te Araroa. The informal track is partially located within Moana Parade and Te Arawapia Road and comprises a sand surface from the insitu material. Based on our observations, this existing track is utilised predominantly by four wheel-drive vehicles to access the Karakatūwhero River outlet through the backdune. The river outlet and its associated estuary, as well as the back dune are sensitive ecological areas. The Kāhui Kupenga Marine Access Facility ("marine access facility") will create new recreational opportunities for people to walk to from Te Araroa and use. This includes the walkway to be created along the breakwater, fishing from the breakwater, a new sheltered beach, a surf break along the breakwater edge, a place for waka ama/sports and craft launching facilities and a general gathering place. The marine access facility will also result in the current inappropriate transiting of sensitive ecological areas ceasing, due to the fact its presence will prevent uncontrolled access to the west. TRT do not own or control Moana Parade or Te Arawapia Road (they are public roads) and so have no ability to upgrade the existing track into a cycleway. However, TRT will advocate to Gisborne District Council and the Government to secure funding to form the existing track into a formal walkway and cycleway within Moana Parade and Te Arawapia Road. The segment of walkway in the TRT land parcel will be formed with an aggregate or similar stabilised surface.

Given the above, the description of the project location does not need to be amended.

2 Project benefits

The application states the project is expected to remove the need for, and as a result reduce, the number of logging trucks on public roads. Please comment on whether this will result in any direct job losses to the region in the logging sector, as well as any indirect jobs supporting the logging sector (i.e. mechanical servicing/repairs). Please provide net job creation figures (numbers of new jobs created minus numbers of job losses in the logging sector)

Based on advice from a logistics expert, we understand that the proposal will result in logging trucks being redirected from public roads e.g. SH 35 on their way to export ports, and onto secondary roads connected to forestry blocks. This shift in routes is not expected to result in any direct or indirect job losses. In fact, forestry work is likely to increase due to currently uneconomic forestry blocks becoming economic to harvest. This is because of shorter road transport distances and costs making the total supply chain costs lower for the regional forest blocks.

There are other well established and understood forestry supply chains that have benefitted from shorter, higher frequency log truck movements e.g. Waingawa log yard in Masterton. The establishment of this rail aggregation point at Waingawa removed over 28,000 truck movements off the Rimutaka Hill road. Log trucks increased their daily loads from one/two to three/four per shift. Direct and indirect jobs associated with trucking did not change as a result of the establishment of Waingawa, but additional jobs were created at the rail yard. The yard currently has throughput of ~600,000 tons (equivalent to the base case for Te Araroa Marine Access Facility) and employs 21 Full Time Equivalent (FTE) staff. Indirect jobs to service the equipment at the Waingawa log yard are additional to the 21 FTE staff.

As outlined within the fast track referral application, there are also likely to be further jobs created through the unlocking of the land potential and potential to supply other products related to other land based sectors, as well as aquaculture. This is in addition to those jobs created directly related to forestry operations.

3 Potential for adverse environmental effects (section 19(d)(v)&(e))

The application states the project will result in potentially more than minor adverse effects on coastal wetlands, dunelands and habitats for threatened species, and does not provide sufficient detail to give confidence that the effects of the project can be adequately offset.

Please provide:

- *an assessment of whether the adverse effects of the project on ecological values and landscape values will be significant.*
- *examples of successful offsetting of adverse effects on landscape values, in a New Zealand context.*

Ecological effects

Section 6 of the preliminary ecological assessment provides certainty that the effects of the gravel dune wetlands directly affected by the proposed marine access facility (approx. 2030 m² in area - where excavation is planned within a wetland) will be able to be offset. The preliminary ecological assessment states:

There are several degraded gravel dune wetland sites which would be suitable as offset sites for the loss of wetland habitat and disturbance. Based on the offset accepted by Environment Court decisions in recent years for other infrastructure projects where areas of wetlands were removed, the loss of 2030 m² of wetland is likely to require an offset area of up to 1.2 ha. Considerably more than 1.2 ha of remnant wetland areas exist on Te Rimu Trust land that would benefit from and be suitable for offset restoration.

There are also suitable terrestrial (non-wetland sites) to offset the potential impact of the project on terrestrial flora and fauna.

Since the preliminary ecological assessment was completed, T+T have undertaken further field work to understand the groundwater hydrology at the site. The purpose of this hydrology work is to provide an indication as to whether the dune wetlands surrounding the proposed mooring basin may be at risk from water level draw down due to excavation downgradient of them. This hydrology work has concluded that the wetlands are groundwater fed, and that if a 5 to 8 m deep excavation took place downgradient of them with no mitigation, then the wetland water levels are likely to be lowered to the extent that the wetlands are significantly altered or lost altogether. We have worked with HEB Construction Limited to confirm an engineered solution, in the form of a low permeable barrier to be constructed around the periphery of the proposed mooring basis to limit groundwater flowing from the wetlands into the basin. The basin would also be excavated under water to retain the groundwater level close to current levels. This engineered solution is currently at concept stage and will be subject to a future detailed design process. However, there is confidence the concept will effectively mitigate any potential drawdown effects on the wetlands.

Landscape effects

Isthmus are currently responding to the landscape related matters. This will be provided to the minister separately.

4 *New Zealand Coastal Policy Statement 2010 (section 23(5)(c))*

The application includes an assessment of the project against the objectives and policies of the New Zealand Coastal Policy Statement 2010 (NZCPS). As the ecological assessment provided with the application identifies that threatened and at-risk indigenous species (including Australasian Bittern) may be present within the project site, we consider that an assessment against Policy 11 of the NZCPS is relevant to the project. We note that in order to achieve protection of biodiversity in the coastal environment, Policy 11 requires the avoidance of adverse effects on a range of significant values, a number of which will be present within and adjacent to the project site. Policy 11(b) also requires avoidance of significant adverse effects on a range of values and features including coastal wetlands and duneland habitats.

Please provide:

- *an assessment of the project against Policy 11 of the NZCPS, that identifies the values of the project site upon which the avoidance of adverse effects is required and how avoidance of effects can be achieved*
- *associated with information sought above, detail on how avoidance of adverse effects on outstanding natural landscapes can be achieved with reference to Policy 15 of the NZCPS.*

Policy 11(a)(i) of the NZCPS requires protection of indigenous biological diversity in the coastal environment and avoidance of adverse effects of activities on:

- indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists.

As outlined above, there is potential for threatened and at-risk indigenous species (including Australasian bittern) to be present within or adjacent to the project site, and T+T is currently undertaking field surveys to determine the likely presence/absence of such species.

Adverse effects on wetland fauna, such as Australasian bittern (if they are present), are likely to be avoided as the segments of wetland to be lost do not contain permanent standing water like the large and contiguous wetland to the west. Therefore, the segments of wetland to be lost will not sustain the range of species that the contiguous wetland to the west does. As outlined within Part

VII – Terrestrial ecology and freshwater wetlands section of the Fast Track Referral Application, indirect effects on wetland fauna due to the construction and operations of the barge facility will be managed and mitigated appropriately.

The response to section 5 below provides further commentary with respect to an assessment against objectives and policies and the gateway test. Complete avoidance of adverse effects on coastal wetlands under Policy 11(b) cannot be achieved, which is why offsetting through enhancement of other wetland areas is required, however the location of the proposed mooring basin site has been specifically chosen to avoid these effects to the best extent practicable.

As above, Isthmus are providing a response to the landscape related matters.

5 *Section 104D of the Resource Management Act 1991 (RMA) Clause 32 of Schedule 6 of the FTCA states that "Sections 104A to 104D, 105 to 107, and 138A(1), (2), (5), and (6) of the Resource Management Act 1991 apply to a panel's consideration of a consent application for a referred project". Given the potential for more than minor adverse environmental effects arising from the project, please provide a brief assessment of how you expect the project to pass the 'gateway tests' in RMA section 104D.*

In order to pass the second gateway test under section 104D(1)(b), the project must demonstrate that it is not contrary to the objectives and policies of relevant plans or proposed plans. The NZCPS is not a "plan" for the purposes of the s104D test. Rather, the relevant provisions of the NZCPS is one of the matters to which regard needs to be had under s104 when assessing the merits of the application (note that this a different and less onerous test than for a plan change in the CMA, which would need to "give effect" to the NZCPS). Accordingly, any inconsistency with an individual provision(s) of the NZCPS is not a matter that on its own can or should prevent the application passing the s104D gateway test.

Considering the application in respect of section 104D(1)(b) is a test of whether the application is "contrary" to relevant objectives and policies following a balanced assessment of the objectives and policies of a plan as a whole. The word "contrary" is understood as meaning opposed in nature, different, or opposite to. An absence of support is not sufficient to meet the test of "contrary" and therefore, an activity need not be consistent with every objective or policy.

An assessment of the proposal against the objectives and policies of the relevant plans finds the proposal to be consistent with the vast majority of the relevant objectives and policies in all of the plans assessed.

The project has been designed and is able to avoid, remedy or mitigate potential adverse effects in a manner that is consistent with the plans. The proposed offsetting of and compensation for residual adverse ecological effects will ensure that the project is able to achieve the policy direction regarding the protection and management of indigenous biodiversity and natural character.

The project falls squarely within the definition of specified infrastructure and thus qualifies for application of the effects management hierarchy. The Preliminary Assessment of Terrestrial and Wetland Ecological Values explains how the effects management hierarchy is being applied to the project to achieve positive ecological outcomes.

The project is consistent with the vast majority of the relevant objectives and policies of the Regional Policy Statement which seek the provision of safe, resilient and integrated transport networks, and in like manner to the relevant regional plans allow for adverse effects of such infrastructure to be avoided, remedied, mitigated or offset.

Therefore, the applications pass the section 104D(1)(b) "objectives and policy" test.

Applicability

This report has been prepared at the request of our client HEB Construction Limited, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that our client will submit this report as part of a fast track referral application and that the Minister will use this report for the purpose of assessing that application.

Tonkin & Taylor Ltd

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