



# Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

*For office use only:*

Project name: Whakatane Commercial Boat Harbour Project  
Application number: PJ-0000713  
Date received: 21/09/2020

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Whakatane District Council

Contact person: Philip Wardale

Job title: Project Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

Private Bag 1002, Whakatane, NZ

### Address for service (if different from above)

Organisation:

Contact person:

Job title:

Phone:

Email:

Email address for service:

Postal address:

## Part II: Project location

The application: relates partly to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

2 Keepa Road, Coastlands, Bay of Plenty, 3191, New Zealand

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

485420 Part Rangitaiki Lot 28B No 22 Block [Title is attached to Application]

Registered legal land owner(s):

Brian Simpson, Charles Alexander Tamati Bluett, Jackeline Hiraina Wharewera, Lon'aine Frances Te Arani Barrett and Shaneen Simpson-Almond as Responsible Trustees jointly, no survivorship.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

As joint co-funder with the applicant and the Provincial Growth Fund in the Boat Harbour development. Attachments:

1. Letter Te Rahui Lands Trust confirming Land Availability.
2. Heads of Agreement which includes all co-funding and partners in the development
3. Letter confirming Whakatane District Council's co-funding contribution

## Part III: Project details

### Description

Project name: Whakatane Commercial Boat Harbour Project

Project description:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

A transformational partnership has been established between Te Rahui Lands Trust, Te Runanga o Ngati Awa, Ngati Awa Group Holdings Limited, Whakatane District Council, and the Provincial Growth Fund Limited. The partnership seeks to develop a fit for purpose Boat Harbour on Maori freehold land that will address the existing demand for additional commercial berthage and will offer vessels protection from the dynamic river environment while at the same time providing long-term and holistic benefits to the land, the beneficiaries of the Trust, Ngati Awa and the Whakatane District.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

The Boat Harbour is expected to be completed in two stages with the first PGF co-funded stage (costing \$29.6m) starting construction in early 2021.

The first stage will include the establishment of the Boat Harbour including its channel entrance and the first berths focused on the commercial industry (tourism, fishing and aquaculture).

The first stage will include the Marine Technical Training Centre facility along with the commercial hardstand maintenance facility.

The first stage includes the remediation of the entire property to remove historic timber mill timber peelings that were consented and placed during the 1980's.

All stage one works are focused on the components of the project that will deliver and support new and retraining employment outcomes for the region. Construction for the second stage is forecast to commence soon after the completion of the first stage in late 2022.

The second stage includes additional berthage and recreational and community facilities.

### Consents / approvals required

Relevant local authorities: Bay of Plenty Regional Council, Whakatane District Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Discharge permit, Coastal permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Part Rangitaiki Lot 28B No 22 Block	n/a	Rural Plains Zone	n/a	n/a
Part Rangitaiki Lot 28B No 22 Block	Regional Coastal Environment Plan	Coastal Environment	n/a	n/a
River areas potentially required for dredging including Crown riverbed and sections	Regional Coastal Environment Plan and Bay of Plenty Regional Natural Resources Plan	River and Coastal Marine Area Coastal Marine Area – the 'river mouth',	Indigenous Biological Diversity Area – A: (Whakatane Estuary - A 44)	Statutory Acknowledgement / Deed of Recognition – Ngati Awa has a

Legal description(s)	Relevant plan	Zone	Overlays	Other features
10-11 Block II Whakatane Survey District & Rangitaiki Parish Lot 19/20 Block		delineating the up-river extent of the CMA, is approximately 650m downstream of the Landing Road Bridge. This is close to the northern half of the Boat Harbour project.		Statutory Acknowledgement over the Whakatane River. Ngati Awa is a partner in the Boat Harbour development.
Section 1 SO 477337	Regional Coastal Environment & Whakatane District Plans	Coastal Environment & Protection Zone	Indigenous Biological Diversity Area – A: (Whakatane Estuary – A 44) & Significant Indigenous Biodiversity Site (#BS138 A), more relevant if a northern vessel access channel is selected in the detailed design and final consent application.	Flood control structures, requiring BOPRC Bylaw approval to work within the vicinity of.

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Operative Regional Natural Resources Plan (RNRP)	LM R4 (Rule 1C)	Earthworks / land disturbance to construct to the Facility (landward side of the Stopbank)	Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	LM R10 (Rule 2C)	Land and soil disturbance by vegetation clearance (landward side of the Stopbank)	Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	DW R25 (Rule 35)	Remediation / disturbance of contaminated land to construct the Facility (landward side of the Stopbank)	Restricted Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	DW R8 (Rule 37)	Discharges to Water or Land – sediment laden discharges from construction / earthworks activities	Discretionary	Site

Operative Regional Natural Resources Plan (RNRP)	Rule 43	Take of Water and Discharge of Sediment Contaminated Water from the Dewatering of Building and Construction Sites	Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	BW R36 (Rule 71)	Disturbance of the bed of a river not otherwise provided for – Any dredging of the Whakatane River to create the required depth for the access channel	Discretionary	Site
Operative Regional Coastal Environment Plan (RCEP)	SO 12 or SO 13	Navigation aids install within river inside the Coastal Marine Area	Discretionary	CMA
Whakatane District Plan	3.4.1.1.47	Marine precinct activities in the Rural Plains Zone	Discretionary	Site
Whakatane District Plan	3.4.1.1.47	Marine precinct activities in the Coastal Protection Zone	Non-complying	Site
Whakatane District Plan	3.4.1.43	Temporary Activities: Building or construction projects for a period not exceeding 12 months where the activity is not provided for elsewhere in the plan or where construction effects have been consented to as part (in Coastal Protection Zone)	Non-complying	Site
Whakatane District Plan	7.2.3.1	Distance to boundaries in Rural Plains Zone	Restricted Discretionary	Site
Whakatane District Plan	11.2.3.2	Earthworks to construct the access channel in the Coastal Protection Zone	Restricted Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	BW R36 (Rule 71)	Disturbance of the bed of a river not otherwise provided for – modification of the bed of the Whakatane River to create the opening of the access channel (southern access channel)	Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	WQ R21 (Rule 48)	Damming and diversion of surface water to flood the	Discretionary	Site

		Facility (southern access channel)		
Operative Regional Natural Resources Plan (RNRP)	DW R21 (Rule 30A)	Discharge of stormwater to surface water (if Facility is located within the freshwater)	Restricted Discretionary	Site
Operative Regional Natural Resources Plan (RNRP)	BW R36 (Rule 71)	Disturbance of the bed of a river not otherwise provided for – Maintenance dredging of the Whakatane River within the IBDA-A to the required depth for the boat access channel	Discretionary	Site
Operative Regional Coastal Environment Plan (RCEP)	DD 15	Dredging and disturbance of an existing artificial watercourse in an IBDA-A within the CMA associated with the formation of the northern access channel in the existing modified watercourse associated with the operation of regionally significant infrastructure	Discretionary	CMA
Operative Regional Coastal Environment Plan (RCEP)	CD 9	The discharge of sediment contaminated water to coastal water associated with the construction of the northern access channel	Discretionary	CMA
Operative Regional Coastal Environment Plan (RCEP)	SO 14	Foreshore / seabed disturbance associated with the widening, clearing, dredging or maintenance of existing artificial watercourses or modified watercourses in an IBDA-A	Discretionary	CMA
Operative Regional Coastal Environment Plan (RCEP)	CD 7	Discharge of stormwater to CMA (if Facility is located within the CMA)	Restricted Discretionary	CMA
Note: Appendix includes a small number of other rules (5) which are only relevant if a decision is	left blank	left blank	left blank	left blank

made to advance an application with a vessel channel at the northern end of the boat harbour.				
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Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

n/a

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

n/a

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

Land adjacent to Boat Harbour (Section 1 SO 477337) is held as scenic reserve under s 19(1)(a) Reserves Act 1977. Authorisation under the Reserves Act will be required for any activities on this land. This authorisation is not required to begin the Project because it only affects the Boat Harbour access channel. Bay of Plenty Floodway and Drainage Bylaw 2008 approval is required for works within the zone of the neighbouring stop bank.

### Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

Based upon Fast Track approval and receipt of a consent through this process in early 2021, it is anticipated that the construction will be underway within one/two months of the consent award, as the contractor procurement and remaining detailed design will be completed concurrent to the fast track consenting process. It is anticipated that the first stage of the Boat Harbour will be operational 18 months later in late 2022 including the Marine Technical Training Centre.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

Ministry of Business, Innovation and Employment – The agency has been heavily involved in the Project since late 2018 when the agency co-funded the initial provincial growth fund feasibility investigations. The project partners submitted their funding application along with the full business case and feasibility study to MBIE on schedule in September 2019. MBIE (through the PGF) assessed the Project and its funding application, announcing their \$19.8m



co-funding and support in late March 2020. Many individuals within the agency have been involved in the assessment of the Project from the CEO Robert Pigou to the various investment advisors and regional officers.

Ministry for the Environment – Staff within the ministry were introduced to the Boat Harbour project in May 2020. At that time, an application was submitted to request inclusion of the project in the Schedule of Listed Projects.

Department of Conservation – The Department of Conservation have been advised of the Project. Further discussions will take place once further more detailed technical assessments are available in respect to activities within their areas of interest adjoining the Boat Harbour site.

### **Local authorities**

Detail all consultation undertaken with relevant local authorities:

Whakatane District Council – The Whakatane District Council is a co-funding partner on the Project. The Council was also the recipient of the feasibility funding from the Provincial Growth Fund, accordingly they have been fully engaged in discussions regarding all aspects of the Project with multiple teams within the organisation participating in the development of the project. Consultation has also occurred with regulatory staff at the Whakatane District Council regarding the consenting process, some of which has guided the final location and design of the facility.

Bay of Plenty Regional Council – The project team has been fully engaged with the Bay of Plenty Regional Council as the feasibility of the project was refined in 2019, and all through 2020 the project team have been meeting regularly with various teams within the BOPRC. The focus has included consenting and natural hazards matters, such as the adjustments to the existing flood protection structures adjacent to the Boat Harbour location. The BOPRC has been a strong supporter of the Project being developed outside of the main Whakatane River environment in a location that has broad regional benefits and one which has they support.

### **Other persons/parties**

Detail all other persons or parties you consider are likely to be affected by the project:

The other persons or parties considered to be potentially affected by the project are largely considered to be limited to surrounding landowners, hapu, existing river and harbour users and special interest groups. In this regard, the following persons or parties have been identified:

- Harbour master (already consulted via the BOPRC)
- Neighbouring landowners (Hapu. The majority of the owners of the Te Rahui Lands Trust (1,191 beneficiaries) who own the Boat Harbour land affiliate to Ngati Hokopu, a hapu of Ngati Awa. Te Hokowhitu a Tu Marae is sited across the Road from the project.
- ENGOS with an interest in this region
- Harbour and River users, including existing Town wharf berth licence holders in addition to the rowing club, waka ama clubs, Whakatane Sports Fishing Club Inc, Whakatane Yacht Club to name a few
- Mooring holders
- Boat ramp users
- Waka Kotahi / New Zealand Transport Agency

Detail all consultation undertaken with the above persons or parties:

Five duly notified meetings have been held in the past year at Hokowhitu Marae where there has been unanimous support from owners to progress the application.

Significant engagement and discussions have been held with Harbour Users including the Whakatane Sports Fishing Club Inc, Whakatane Yacht Club, Coast Guard, Rowing Club, Waka ama clubs, mooring holders, and adjacent landowners.

Engagement has continued since the announcement of the PGF co-funding for the Project, with regular meetings now held between the Project Steering Group and agencies like Waka Kotahi, MBIE, the PDU along with the BOPRC and staff within the Whakatane District Council.



Further consultation with those groups and engagement with ENGOS, Hapu, the Harbour Master and NZTA will occur as part of the development of the resource consent application.

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ngati Awa	The Boat Harbour is located in the rohe of Ngati Awa, who also hold a Statutory Acknowledgement over the Whakatane River and who are partners in the Project. Consultation has been occurring with Ngati Awa regarding the project since 2019. With Te Runanga o Ngati Awa supporting the Project and signing a Heads of Agreement to signify their support for this development within Whakatane.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Ngati Awa	As discussed above, Ngati Awa is a project partner, and has a representative on the Project's Governance Group as well as the Project Steering Group.

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

n/a

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

n/a

### Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

n/a

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

### 1. Anticipated and known adverse effects of the Project on the Environment, including Greenhouse Gas Emissions

The applicant has underway a number of environmental / technical assessments to inform the Assessment of Environmental Effects for the final consent applications. These assessments, include the following:

- Construction activities – traffic, noise and earthworks;
- Wetlands and terrestrial ecology;
- Freshwater ecology;
- Coastal / marine ecology;
- Coastal processes / natural hazards;
- Hydrology;
- Water quality – fresh and coastal water;
- Contaminated land;
- Navigational safety;
- Biosecurity;
- Stormwater management and discharges;
- Operational noise; and
- Building form and amenity.

In addition to the above, the sub-headings below provide a summary of what is known with respect to the actual and potential effects of the Project based on the Boat Harbour concept. The selected location of the boat harbour in a green fields site provides Whakatane the greatest opportunity to manage and mitigate the effects through consent conditions.

In addition a range of offset and enhancement measures are proposed as part of the application. These will be fully scoped as part of the technical assessment work to be undertaken and included in the final application. Any such measures will be proffered by the Applicant as part of the proposed consent conditions.

### 2. Construction Effects

- The construction works for Stage 1 of the Project are expected to take approximately 18 months. During this time, it is expected that there will be temporary land disturbance, noise, dust, traffic and discharge effects associated with various construction activities. All of which will be managed through consent conditions.
- Construction effects will primarily be managed through the provision of activity specific management plans and in accordance with standard construction practices, and the BOPRC Erosion and Sediment Control Guidelines for Land Disturbing Activities. These will include, managing construction noise to meet the NZS6803:1999 – Construction Noise standards, implementation of site specific controls to capture, treat and control run off and discharges, and managing dust emissions so there are no objectionable discharges beyond the construction site.

- The construction footprint for establishing the Boat Harbour will be restricted to the smallest area possible to ensure to minimise the area of land disturbed.
- The preliminary design also requires dredging and the associated disposal of dredged material, to achieve the depths required to access the Boat Harbour. The concept design minimises the potential dredging required and subsequent disposal of material. The location for the disposal of dredged material will be identified and developed with iwi and WDC as the project partners.

### 3. Wetland / Terrestrial Ecology Effects

- The key potential wetland / terrestrial ecology effects relate to the potential for disturbance of a natural wetland within an Indigenous Biological Diversity Area – A (RCEP) and Significant Biological Diversity Site (Whakatane District Plan), associated with the formation of the access channel to the Boat Harbour. The southern access channel allows the project to avoid wetland areas, with the northern access channel option explored prior to application submission. One option being investigated is the use of an existing modified watercourse (which would require widening at the northern end of the development). It is expected that mitigation planting / restoration and biodiversity offset will be proposed to address any residual adverse ecological effects. The potential for an access channel to be developed without significant adverse effects is supported by a preliminary ecological report prepared by Wildlands Ltd (2019). The extent of disturbance and any offset proposed, will be confirmed through the detailed design phase and ahead of the lodgement of any application.
- Potential effects on wetland hydrology are unlikely to be significant due to the proximity of the river to the wetland. This will be confirmed as part of further technical assessments and detailed design.

### 4. Freshwater Ecology Effects

- The key potential freshwater ecology effects relate to the dredging of the river above the existing port dredging areas. Any potential effects will be managed as they are with the existing dredging through monitoring consent conditions.
- Dredging would primarily be confined to the main channel of the river, therefore, occurring in areas of the river which are constantly changing due to deposition of sediments from the upper river and contributing catchments and changes in the bed form as a result of river flows.
- The Whakatane River is identified in Schedule 1A - 1D of the BOPRC RNRP as having a range of habitats, and pathways for indigenous species. The extent of works to be undertaken in the river itself is limited to a small area of disturbance for the creation of the access channel and for ongoing maintenance dredging. Given the small area of 'affected' river, the short-term nature of any works and subsequent effects (which are primarily disturbance of the bed and the associated sedimentation), it is not expected that the project will adversely impact on any of the species or habitats.
- Once operational, any stormwater run-off from the Boat Harbour to the freshwater environment will undergo a higher level of treatment, through the proposed water treatment and recycling system. The system will be designed to treat discharges to a high quality and be deployed to manage the land-based discharges from the site before being recycled, with any surpluses used on site for irrigation before any discharges from the site occur. Therefore, any run off / stormwater contributions from the site will not impact the water quality of the Boat Harbour nor the river.
- As there will be refuelling facilities provided, spill management plans will be developed and spill kits provided on site to ensure that impacts from any accidental spills will be minimised.

### 5. Marine Ecology Effects

- As with freshwater ecology, the key potential effects on marine ecology relate to the dredging of the river which is noted above.

### 6. Landscape and Visual Effects

- The site is not located in an outstanding natural landscape / feature in any of the relevant statutory planning documents (e.g. the Bay of Plenty Regional Policy Statement and the Whakatane District Plan), nor is it

identified as an amenity landscape. As such, the site is not considered to be overly sensitive to the type of development that is proposed.

- The coastal and river side environment is synonymous with Whakatane and the presence of boats and commercial marine activities within the river, and along the margins, is typical of the existing environment. Consolidating these marine activities within one area will enable landscaping and amenity plantings that reflect the crossover of the marine, freshwater and land environments.
- The Boat Harbour is not expected to have notable adverse effects on the landscape and the visual catchment of Whakatane River or surrounding land. The Whakatane District Plan provides for Marine Precinct activities within the Rural Plains and Coastal Protection Zones where the Boat Harbour and access channel are to be located. In this regard, the area is already utilised for recreational and commercial activities and there will not be a change in the type of activities occurring at the site.
- There is a functional need to locate the Boat Harbour within this location / environment as it provides both safe berthing and access but also accommodates the complimentary marine-related industrial and commercial activities to service the needs of the users.

#### 7. Natural Character Effects

- The site is not located in an identified area of outstanding natural character in any of the relevant statutory planning documents as such, the site is not considered to be overly sensitive to the type of development that is proposed.
- Adverse effects on natural character of the river and coast are avoided by locating the Boat Harbour out of the river in an area that is presently land. The natural character of the river mouth is likely to be enhanced by a transition away from in-river mooring towards use of the Boat Harbour.
- The construction and operation of the Boat Harbour will not materially impact on coastal processes that contribute to natural character as the majority of the activities, both construction related and operational, are located outside of the coastal marine area.
- Natural character effects on the coastal environment will be principally limited to the any maintenance dredging of the river above the existing Port dredging area to provide access to the site. As discussed above, any effects will be short-term, irregular activities with only temporary effects which will be managed by consent conditions as with the existing river dredging, occurring in an area of the coastal environment that already experiences significant disturbance and sedimentation as a result river flows and floods.

#### 8. Natural Hazard Effects

- The Boat Harbour is located adjacent to the Whakatane River which is subject to regular flooding and also the site of permanent flood hazard mitigation structures in the form of stop banks and erosion protection structures. To complement this and ensure that the asset performance is not compromised, the Boat Harbour has been designed to provide an elevated boundary around the site to match the existing height of the flood stopbanks.
- The works related to the stopbank will also be subject to an authority under the BOPRC Floodway and Drainage Bylaw 2008 as noted earlier in the application.
- Additionally, the access channel and surrounding river edge will be stabilised with rock revetments to provide long-term protection and stabilisation of the river bank and channel.
- In addition to the above, the potential for sea level rise has been a significant driver in the selection of this site and the design of what will be a world class Boat Harbour. The opportunity to develop the Boat Harbour in a green fields site provides the opportunity to create a design that protects the new infrastructure from any eventualities sea level rise scenarios (modelled by the Ministry for the Environment) should they eventuate.

#### 9. Navigational Safety

- The main navigational safety consideration is related to the use of the Whakatane River as the primary access to the Boat Harbour. Given the dynamic nature of the river environment in its lower reaches, the river depth and main channel are always in a state of flux. The Applicant will be required to undertake maintenance dredging in areas of the river that are not already subject to such activities, noting that the downstream river

environment undergoes infrequent maintenance dredging by WDC and BOPRC to provide safe navigation for existing vessel traffic to the town wharves.

- Other navigational safety effects are linked to the users of the Boat Harbour being able to identify the access channel from the Whakatane River and navigation within the Boat Harbour. Navigational aids will be provided in these areas and a no wake/5 knot speed restrictions will be in place.
- Additionally, as with any navigable fresh / coastal body in the region, anyone using the Boat Harbour and Whakatane River must also comply with the requirements of Bay of Plenty Regional Navigation Safety Bylaw 2017.

#### 10. Traffic Effects

- A transportation assessment of the Boat Harbour will form part of the final application for resource consent. However, through the detailed design phase the Boat Harbour will take into account any site safety or traffic effects through refinement of the design e.g. multiple access points to the site and separating entry / exit points for commercial and recreational traffic off Keepa Road; and provision of separating parking bays for cars and trailers and cars only.
- The location of the Boat Harbour, adjacent to State Highway 30 (SH30) and Keepa Road, is considered to be complimentary to the traffic environment as SH30 is a 'Regional Arterial Road' and Keepa Road is a 'District Local Road' under the Whakatane District Plan. Therefore, the increase in traffic numbers will be easily accommodated and the roads are sufficiently designed in their current state.

#### 11. Amenity Effects

- The key potential amenity effects from the operation at the Boat Harbour are noise and lighting, both of which are expected as with other marinas in the country to be managed and mitigated by consent conditions.
- A noise assessment will be prepared to support the application, but the intention is for noise at the Boat Harbour to comply with the relevant standards in the Whakatane District Plan for the Rural Plains zone.
- The site is located more than 300 m from any sensitive noise receptors (including residential dwellings and including Te Hokowhitu-A-Tu Marae), therefore, given the nature of activities proposed for the Boat Harbour, it is considered that any noise effects resulting from the ongoing operations of the Boat Harbour will be no more than minor.
- Any lighting to be provided at the Boat Harbour will also be controlled in accordance with the relevant standards in the Whakatane District Plan.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

The New Zealand Coastal Policy Statement ("NZCPS") recognises the importance of the use and development of the coastal environment, and seeks to enable people and communities to provide for their social and economic wellbeing through its use and development recognising that:

- The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; and
- Functionally some uses and developments can only be located on the coast or in the CMA and these activities should be provided for in appropriate places.

The Boat Harbour site is located on land partially within the 'coastal environment' under the RCEP but outside of the coastal marine area. However, subject to confirmation of the final location of the access channel, there may be some minor and insignificant works occurring within the CMA and also within an indigenous biological diversity area being the Whakatane Estuary (IBDA A44 under the RCEP).



The Boat Harbour site was identified as the ideal location due to its functional need to be located adjacent to, or within, the coastal environment as the main function of the Boat Harbour is to provide Whakatane, and the wider Eastern Bay of Plenty region, with a specifically designed, safe and functioning marina / berthing facility along with supporting facilities associated with the commercial and recreational marine industry.

Additionally, the Boat Harbour will also provide for an upgraded recreational boat ramp and parking facilities (outside the coastal marine area) and a continuation of the open space and walking areas that are already provided for along the margins of the river which fall within the coastal environment. Therefore, the Project is consistent with the direction in the NZCPS to maintain and enhance the public open space qualities and recreation opportunities of the coastal environment.

Regarding the implications on the Project of the NZCPS policy direction to protect indigenous biological diversity in the coastal environment, there is strong direction that any adverse effects on the criteria set out in Policy 11(a)(i) – (vi) are avoided. The RCEP sets out which of the Policy 11(a) criteria relate to the Whakatane Estuary (IBDA-A A44) of which three ((i), (ii), (iii) and (vi)) are identified.

Of the matters in Policy 11(b), Schedule 1A - 1D of the RNRP identifies a number of habitats and species which meet the criteria. While the extent of any effects will be confirmed by the technical assessments ahead of lodgement of any application, given the size of the neighbouring IBDA-A and the relatively limited extent of disturbance of the coastal environment within the IBDA-A, it is not considered that there will be an any more than minor adverse effect the criteria identified in Policy 11(a), or significant adverse effects on the criteria in Policy 11(b). Additionally, through specific management and mitigation measures, adverse effects can be avoided, remedied and / or mitigated.

The NZCPS sets out to preserve the natural character of the coastal environment and protect natural features and landscape values. However, as discussed previously, the site is not located in an outstanding natural or amenity landscape or feature/ area of outstanding natural character. Further, the Boat Harbour is to be located within the Rural Plains and Coastal Protection Zone under the Whakatane District Plan. Accordingly, no significant adverse effects on the natural character or landscape values of the site area are anticipated.

The NZCPS also seeks that management of the coastal environment take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment. Through their role as Project partners the landowners, and through their continued consultation with Ngati Awa Iwi and Te Runanga o Ngati Awa, it is considered that the proposed activity sits comfortably with the NZCPS provisions addressing tangata whenua matters.

The Adverse Effects section of this application concludes those expected effects on the environment will be appropriately avoided, remedied, or mitigated. For this reason, it is considered that the proposal aligns comfortably with the direction of the NZCPS and is appropriate development at the site.

## 2. National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS FW 2020) is relevant to the Project due to the Boat Harbour facility being constructed adjacent to the Whakatane River, and as it will form part of the river once the boat harbour site is flooded.

The NPS FW 2020 sets the fundamental concept of Te Mana o te Wai as the guiding principle for managing activities impacting freshwater environments and recognises a hierarchy of obligations which prioritises the health and well-being of water bodies and ecosystems, followed by the health needs of people, and lastly the ability of people and communities to provide for their social, economic and cultural well-being. While this provides a clear 'protection-focussed' approach, it recognises the ability for activities to occur within such environments where appropriately designed.

The NPS FW 2020 identifies that tangata whenua are fundamental in determining how Te Mana o te Wai applies to waterbodies and freshwater environments and directs both Councils and applicants to engage with and work alongside tangata whenua to give effect to Te Mana o te Wai. Given that Ngati Awa are a partner in the Project, they have been fundamental in guiding the Project concept design and outcomes, and recognising the need for an integrated approach. This includes identifying key project objectives relating to the freshwater environment and setting expectations that any discharges into the freshwater environment do not have an adverse effect on water quality of the receiving environments.



Further, the expectation is that, where practicable, any discharge control and treatment measures are innovative and industry leading, enabling the Project to be exemplar and setting new benchmarks with respect to water quality discharges.

The NPS FW 2020, also sets out the process the local authorities must go through for identifying Freshwater Management Units, the values for the units and environmental outcomes, etc. While this is an ongoing process for Councils, the Project has taken a proactive approach and the concept design has been developed to minimise any potential impacts on freshwater and ecosystems to ensure that the Project, to the extent practicable, is consistent with the hierarchy of obligations set out in Objective 2.1 and does not impact any of the 'Compulsory Values' or 'Other Values' identified in Appendix 1A and Appendix 1B of the NPS FW 2020.

While generally described in the commentary on freshwater ecology effects, the specific controls, management and mitigation measures will be developed as part of the technical assessments through the detailed design phase of the Boat Harbour Project.

The Boat Harbour is considered to be consistent with the above as:

- It is likely that the loss of any wetland extent will be avoided, and that wetland values will be protected as it is envisaged that the Project will involve restoration / enhancement of degraded parts of the wetland environment;
- To the extent that there are any adverse effects on the wetland, the Boat Harbour meets the definition of 'specific infrastructure' in the NPS FW 2020 as it is consistent with the definition of 'Regionally Significant Infrastructure' in the RCEP and is also supported by the description in Policy CE 15 in the Bay of Plenty RPS;
- Any effects on the wetland will be a result of the works associated with 'specified infrastructure' and 'restoration'; and
- While the extent of effects needs to be fully understood, the effects will be managed in a manner consistent with the 'effects hierarchy' as set out in Section 3.21 of the NPS FW 2020, and any application will detail how each step of the effects management hierarchy has been applied to any loss of extent or value of the wetland.

### 3. Resource Management (National Environmental Standards For Freshwater) Regulations 2020

The overarching purpose of the Resource Management (National Environmental Standards For Freshwater) Regulations 2020 (NES FW) is to regulate activities that pose risks to the health of freshwater and freshwater ecosystems. To achieve its purpose, the document sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The regulations are made under the RMA and prescribe national environmental standards in relation to freshwater.

The activity status identified in the NES FW, which has legal effect from 3 September 2020, overrides those which are identified in the Regional Plans for the respective activity (unless the Regional Plan has greater stringency).

Of note to the Boat Harbour Project are the provisions which relate to natural wetlands and the Boat Harbour meets the definition of 'specified infrastructure' (as discussed in the commentary on the NPS FW 2020). Subject to the final location for the Boat harbour channel entrance the works may involve the disturbance of some area of wetland and potentially, the restoration of degraded areas of wetland.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that 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".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

Even before the effects of Covid-19, 39% of people living in the Whakatane district were in the most-deprived quintile of the census area units in New Zealand. Key drivers of that wellbeing status are high unemployment and relatively low average incomes. The economic impacts of Covid-19 are likely to have worsened that situation.

To address existing deprived economic wellbeing, the Eastern Bay of Plenty: Regional Development Project 2018 identified the value of focusing on two key industry sectors: marine and tourism. The Regional Development Project noted that these sectors could underpin economic resilience and growth opportunities in Whakatane by creating the opportunity for a substantial uplift in activity in the town centre, which can unlock and enable a wider range of investment in the wider District.

This will create new employment opportunities and attract new investment to the District, in sectors that provide for both entry-to-work level and high-value employment prospects. This range of direct and indirect employment opportunities provides significant opportunities to improve the employment outlook for those affected by the Covid-19-related economic downturn. The Boat Harbour Business Case identifies that it is an excellent fit with the Regional Development Project's sector focus and likely to make a significant contribution to its objectives.

#### Project's effects on the social and cultural wellbeing of current and future generations:

The project has incorporated Te Runanga o Ngati Awa (TRONA) values and objectives (cultural, social and economic) into the assessment of the regional Boat Harbour's benefit to the local community which has been significantly impacted by the Whakaari eruption, and now COVID-19. The Project has incorporated Te Runanga o Ngati Awa values and objectives (cultural, social and economic) into the assessment of the I Boat Harbour's benefit to the local community which has been significantly impacted by the Whakaari eruption, and now COVID-19.

The Project has significant community benefit due to the development delivering infrastructure that is lacking in the region with the Project enhancing economic development opportunities within Whakatane with the creation of new sustainable marine industry servicing jobs, including upskilling and the ability of lost jobs during COVID-19 to be pivoted into new skilled roles.

The Boat Harbour will assist Maori within the region to reach their full potential along with a transformation change to the use of the unproductive Maori Land block being developed. These social outcomes are expected both in the short and long term.

#### Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The Fast-track process will accelerate the consenting process by significantly reducing the estimated minimum 8-10 month consenting programme, at the same time as removing any subsequent uncertain appeal period.

The Project partnership has, since inception, generated significant local public support for the Boat Harbour which complements the fast track RMA process.

Combined, the Fast-track process will allow the Project construction commencement date (and in turn the opening of the completed development) to be brought forward considerably (commencing in early 2021 rather than late 2021), noting that any Environment Court appeal (under the traditional consenting process) could add further delays of up to 18 Months). The Fast-track process would provide the community with some welcome certainty.

#### Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

##### Employment/job creation:

The Project is one that provides employment for a variety of skillsets. Customised procurement principles for the Project have been developed to value contractors that strategically seek to employ locally based people where their procurement will include wider community outcomes.

The Boat Harbour is expected to involve a minimum of 30 new FTE's in the civil works development of the Project.

Reskilling and upskilling opportunities are included via training providers to support contractors who will be asked to focus on locally sourced employees. The development includes a training facility (co-funded by the PGF).

Regarding long-term employment, the table below sets out estimated direct and indirect jobs created by an operational Boat Harbour and associated marine activities it provides for

- 229 direct jobs from on-water boat harbour development.
  - Source: New Berths
  - Assumptions: Berths filled by predicted industries, assumes new mussel harvest jobs, and 241 new jobs are created
- 373 boat building jobs
  - Source: Growth in the marine industry due to access to berths, large vessel lifting and maintenance facilities and skills
  - Assumptions: Boat builders grow at expected rates if constraints removed.
- Accounts for all jobs, not just attributable 70 mussel harvesting and processing jobs
  - Source: In the short to medium term the new berths allow seafood processors and harvester to grow and employ more people
  - Assumptions: Mussel processor can't grow without access to more berths, 25% of processing jobs attributable to boat harbour until 2025, 100% of harvesting jobs till 2025
- 230 new attributable tourism jobs
  - Source: 10% of growth identified in Tourism Growth planning
  - Assumptions: assumes tourism job growth increases from 0% to 7% until 2023, and then 9% to 2025, before slowing to 4% ongoing. Riverfront regeneration and Boat Harbour contributes 10% of this.

Housing supply:

n/a

Contributing to well-functioning urban environments:

n/a

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

As previously identified, the Boat Harbour is considered to be Regionally Significant Infrastructure / specified infrastructure and, once constructed, it will provide an enduring legacy due to the degree and extent of positive cultural, economic, social and environmental outcomes. Support has been shown to this by a funding commitment from the Government's Provincial Growth Fund.

Once completed, the Boat Harbour will provide significant infrastructure, which is currently lacking in the region. Its development will improve economic and employment opportunities as the infrastructure will enable a host of marine activities to be undertaken from fit for purpose facilities.

The Boat Harbour will replace and supplement the limited existing 'on river' berths, which will be a significantly improved environmental outcome, with safe, away from the river flow, berthage. Modern Boat Harbour features such as in berth sewerage disposal and ecological enhancements for run off and water treatment will benefit the area / river.

Currently, commercial vessels berthed in Whakatane have to travel out of the region for service and maintenance which when completed locally will increase productivity. Overall, the project will unlock economic activity, environmental outcomes and increase productivity of the Whakatane marine industry.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The Boat Harbour has been conceived with improved environmental outcomes at its heart. Developing the Boat Harbour and relocating the regional vessel fleet out of the main river flow will enhance the freshwater quality within the Whakatane river.

The Boat Harbour will include innovative stormwater treatment systems which not only use proprietary sites but natural systems to improve discharges. The Project includes a significant enabling sub-project to remediate land contamination, due to historic dumping of wood waste, within the site.

The Boat Harbour is unlocked by the creation of an access channel which will cross adjacent Crown land / scenic reserve which has neighbouring land areas of contamination which are being investigated for remediation and enhancement as a complementary sub-project of the Boat Harbour development.

#### Minimising waste:

The Boat Harbour project includes a significant amount of earth works with the project expected to recycle and reuse all base materials currently on the site with limited waste. Construction methodology is being developed to seek to source locally sourced and manufactured product (an example being a component manufactured in a neighboring region rather than imported). The project steering group is focused on the use of alternative materials such as local plants to border the Boat Harbour as compared hard rock systems.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

As mentioned above, the design of the Boat Harbour will consider and guarantee that the Boat Harbour will be protected from the effects of climate change, inclusive of sea level rise and increased frequency of weather-related flooding events. This can be exemplified by how the design of the Boat Harbour has been designed to develop berthage away from the main river flow, creating new land-based activities that are at a level well in excess of any sea level rise estimates. Materials and designs have been selected to protect and deliver NZ's most sustainable marine facility.

The Boat Harbour has been designed to achieve a high compliance with a number of environmental rating systems due to its focus on environmental solutions. These will include a focus on securing a Clean Marinas certification at level 4 plus Blue Flag certification, all of which are programmes focused on sustainable solutions for this type of infrastructure.

#### Promoting the protection of historic heritage:

The limited availability of existing vessel berthage in Whakatane is centred on the historic town wharf, which is being remediated and protected by a sister Whakatane Town Revitalisation project, which will return the 100 year old structure to close to its original state. The Boat Harbour project provides significant new berthage allowing the existing vessels to relocate leaving allowing the historic town wharf to be returned and enjoyed by the local community.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The Boat Harbour provides a resilient vessel berthing and maintenance facility in Whakatane. The new Boat Harbour has been designed to accommodate the local commercial fleet outside of the main Whakatane river, providing a more secure and resilient berthing option (the river has been seen to flood regularly due to climate change). Preliminary river flow and flood modelling has been completed as part of the feasibility study and has confirmed the 'out of river' Boat Harbour provides significant benefits.

#### Other public benefit:

Removal of recreational vessels on trailers from travelling through the central town area, and instead using the facilities at the proposed new Boat Harbour.

Whether there is potential for the project to have significant adverse environmental effects:

Adverse effects have been noted in section 3 of this application. The selection of this green field site in Keepa Rd has provided the project partners with a high level of certainty that the effects can all be managed or mitigated sufficiently through appropriate industry best practice consent conditions.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

**Sea level rise:** The Boat Harbour has been designed in a way that the new infrastructure will be protected from any and all effects of sea level rise as the greenfield location does not have constraints on the new building levels which will be created in excess of the highest projection of tides or surges.

**Floods:** The Boat Harbour location has been selected on the inside of a river bend well away from the main river flows. Although a small channel is cut through the neighbouring flood protection structure the remaining flood protection structure running along the entire boundary of the Boat Harbour provides a high level of protection for the new infrastructure. This compares to the existing vessel berths in the town where all are located in the main river flow and all are exposed to the natural river flood hazard.

**Climate change:** As noted above, the Te Rahui Lands Trust greenfield's location selected provides no constraints in being able to build this new infrastructure at levels that are well in excess of the highest sea level projections guaranteeing that the new structures and facilities are built to withstand any forecast concerns about the rise in sea level. The design life of the facility has been designed using a number of industry best practises including using standards like "AS 4997 – 2005 Guidelines for the Design of Maritime Structures" as a minimum design guideline.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
No details	

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application may be released if requested under the OIA.

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.

Philip Harry Wardale

08/09/2020

Signature of person or entity making the request

Date

### Important notes:

- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.



- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.