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10 May 2021

Whakatāne Commercial Boat Harbour Project applicants

C/- Philip Wardale

Project Director

Whakatāne District Council

s 9(2)(a)

Dear Philip Wardale

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Whakatāne Commercial Boat Harbour

Thank you for the application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Whakatāne Commercial Boat Harbour project (the Project) to an expert consenting panel (a panel) for consideration under the FTCA, from the following applicants:

- Whakatāne District Council (WDC)
- Te Rāhui Lands Trust
- Te Rūnanga o Ngāti Awa
- Ngāti Awa Group Holdings Limited
- Te Rāhui Lands General Partner Limited
- Te Rāhui Herenga Waka Whakatāne Limited
- Provincial Growth Fund Limited.

I am writing to you on behalf of both myself and Hon Dr Ayesha Verrall, Acting Minister of Conservation, as the Project is partly within the Coastal Marine Area (CMA).

The Project is to construct and operate a boat harbour on Māori freehold land close to the left bank of the Whakatāne River, immediately downstream of the State Highway 30 bridge at Whakatāne. The Project includes two alternatives for a vessel access channel approximately 50 metres wide, that will cross land in the CMA, the public reserve and/or the scenic reserve, depending on the final design of the boat harbour facility and the final resource consent application.

The Project involves activities such as vegetation clearance; earthworks; excavation of soil, rock and other material; deposition to land; disturbance and remediation of contaminated land (including removal of historic timber mill peelings); take of water; discharge of water and contaminants to water and land; damming and diversion of the Whakatāne River (CMA); disturbance and dredging of the Whakatāne River within the CMA; installation of navigation aids in the CMA; construction of moorings and associated infrastructure within the boat harbour, including parking areas; construction of a technical training centre, maintenance facilities and other buildings, and associated works. It may also involve disturbance of a

wetland and restoration of degraded wetlands, subject to the final location for the boat harbour channel entrance.

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 the Project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes our being satisfied the Project will help achieve the FTCA's purpose.

We have decided the Project meets the referral criteria in section 18 of the FTCA and we consider it will help to achieve the FTCA's purpose as it has the potential to:

1. Generate employment by providing up to 30 direct full-time equivalent (FTE) jobs during the civil works and approximately 30 indirect FTE's in marine servicing. Generate estimated longer-term new employment of 229 indirect jobs from the on-water development, 373 boat building jobs, 230 new tourism-centred jobs, and new jobs in mussel harvesting and processing. These jobs are in sectors impacted by COVID-19.
2. Provide infrastructure to improve economic outcomes for the marine farming, boat building and tourism industries.
3. Provide infrastructure by converting the site, which is currently in agricultural use of marginal economic benefit, into a commercial and community asset.
4. Have positive effects on social wellbeing via the provision of employment, economic benefits and fit-for purpose facilities for commercial and recreational users, and reskilling and upskilling opportunities via the proposed training facility.
5. Progress faster than would otherwise be the case under standard Resource Management Act 1991 (RMA) processes.

Any potential adverse effects arising from the Project, and proposed mitigation measures, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, we have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the Project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, we have also decided that you must provide the information listed in Appendix A of this letter, additional to the requirements of clause 9 Schedule 6 of the FTCA, with any resource consent application for the Project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, we have also decided that a panel must invite comments on any resource consent application for the Project lodged with the EPA from the following persons or groups additional to those specified in clause 17 Schedule 6 of the FTCA:

1. Whakatāne Volunteer Coastguard Association Incorporated
2. Whakatāne Harbour Care Group
3. Waka Kotahi New Zealand Transport Agency.

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

The FTCA requires that:

1. We provide a copy of our decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. Our decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, we have also decided to provide a copy of this decision to relevant applicants for marine customary title and protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (as specified in the Section 17 Report).

We will progress an Order in Council through the Executive Council for the Project. Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take our decision to refer the Project as an indication or direction that the determination of those approvals will be successful. Additionally, our decision does not in any way endorse any related planning decisions that may affect the Project.

Please do not publicly release our decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Other Applicants:

Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited and Provincial Growth Fund Limited

Ministers of/for:

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

Local Authorities: Whakatāne District Council, Bay of Plenty Regional Council

Other Parties: Relevant applicants for customary marine title and/or protected customary rights, under the Marine and Coastal Area (Takutai Moana) Act 2011 (as specified in the Section 17 Report).

Relevant iwi authorities and treaty settlement entities: Te Rūnanga o Ngāti Awa

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to applications lodged by Whakatāne District Council and other applicants for Whakatāne Commercial Boat Harbour

Information required to be submitted with your application

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

1. An ecological assessment
2. A river flood protection assessment, including –
 - a. adverse effects on the Whakatāne River stopbanks
 - b. adverse effects of erosion and scour from dredging on the stopbanks and flood protection structures
3. A freshwater management assessment including –
 - a. adverse effects on the disturbance of a natural wetland
 - b. adverse effects on freshwater ecology and water quality due to dredging of the river
4. An integrated transport assessment including, but not limited to, modelling and analysis that covers the effects on the surrounding road network.