

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021

(LI 2021/152)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of June 2021

Present:

Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the joint recommendation of the Minister for the Environment and the Acting Minister of Conservation.

Contents

	Page
1 Title	2
2 Commencement	2

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry for the Environment.

3	Principal order	2
4	New Schedules 19 and 20 inserted	2
	Schedule	3
	New Schedules 19 and 20 inserted	

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021.

2 Commencement

This order comes into force on 18 June 2021.

3 Principal order

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

4 New Schedules 19 and 20 inserted

After Schedule 18, insert the Schedules 19 and 20 set out in the Schedule of this order.

Schedule
New Schedules 19 and 20 inserted

cl 4

Schedule 19
Kōpū Marine Precinct

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Kōpū Marine Precinct (the **project**).

2 Authorised person

The authorised person for the project is Thames-Coromandel District Council.

3 Description of project

- (1) The scope of the project is to develop a marine precinct at the existing boat ramp at Kōpū, Thames.
- (2) The development will include—
 - (a) a commercial wharf and pontoon; and
 - (b) a commercial slipway; and
 - (c) a commercial haulage access area; and
 - (d) a public recreational boat ramp and parking area; and
 - (e) a wider road over the stopbank at the southern end of Quay Street, Thames; and
 - (f) a new access road (an extension of King Street, Thames).

4 Description of activities involved in project

- (1) The project involves works such as the following:
 - (a) works to clear exotic and indigenous vegetation from land and from the coastal marine area:
 - (b) earthworks on land, including works in an area that has a high risk of erosion:
 - (c) works that will disturb contaminated soils:
 - (d) works that will deposit material on land and in a modified water course:
 - (e) works that will deposit clean fill—
 - (i) in an area that has a high risk of erosion:
 - (ii) in the flood-plain of a river:

- (f) works to upgrade or replace existing facilities and structures in the project area, including within the coastal marine area:
 - (g) works to construct new structures on, and to remove old piles from, land and the coastal marine area:
 - (h) works to form a new road, parking areas, and associated infrastructure:
 - (i) works to divert and discharge stormwater and contaminants onto land:
 - (j) any other works that are—
 - (i) associated with the works described in paragraphs (a) to (i); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.
- (2) In this schedule,—
- coastal marine area** has the meaning given in section 2(1) of the Resource Management Act 1991
- common marine and coastal area** has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011
- erosion** has the meaning given in section 2(1) of the Earthquake Commission Act 1993.
- 5 Approximate geographical location**
- (1) The project's works will occur on—
- (a) Part Section 3, Block VIII, Thames Survey District on SO 45311 and SP Plan 46978; and
 - (b) Part Section 3, Block VII, Thames Survey District, below the mean high water springs in the coastal marine area; and
 - (c) the following unformed legal roads shown on SO plan 45311:
 - (i) Kōpū Quay, Thames:
 - (ii) King Street, Thames between Queen St and Kōpū Quay:
 - (iii) Quay Street, Thames (also known as Kōpū Road); and
 - (d) parts of the Waihou River and riverbed that lie in both the coastal marine area and the common marine and coastal area.
- (2) That land includes—
- (a) accretion land between the unformed road (Kōpū Quay) and the Waihou River (as shown on SO 45311); and
 - (b) freehold land, and the coastal water above it, in the coastal marine area that is not part of the common marine and coastal area.

6 Further information to be submitted

The following information must be submitted to the panel with any consent application or notice of requirement relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) an integrated transport assessment of the impact of the project on the project area and the surrounding transport network; and
- (b) an assessment of the impact of the project on the landscape and visual values in the project area; and
- (c) a soil investigation that reports on the impact of the project on any land contamination within the project area; and
- (d) an assessment of—
 - (i) the effect of the project on coastal processes; and
 - (ii) the integrity and performance of the Waikato Regional Council’s Waihou flood protection scheme, which must include an assessment of—
 - (A) the hydrological impact of the project and the associated risk of blocking the flood protection scheme; and
 - (B) the safety risks to the users of the Hauraki Rail Trail and occupiers and users of areas adjacent to the project area; and
- (e) an assessment of any effects that could in future result from climate change and sea-level rise, including consideration of the Waikato Regional Council’s Infrastructure Strategy 2018–2067 (June 2018) and the Sustainable infrastructure decision making framework (30 September 2020); and
- (f) a biosecurity report for the project; and
- (g) an ecological assessment, including an assessment of the effects of the project on avifauna; and
- (h) independent peer reviews by suitably qualified and experienced persons of the information described in paragraphs (d) to (g).

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application or notice of requirement relating to the project from the following persons in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

- (a) representatives of Matai Whetū Marae; and
- (b) the New Zealand Transport Agency; and
- (c) the Hauraki Gulf Forum established under section 16 of the Hauraki Gulf Marine Park Act 2000.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister for the Environment and the Acting Minister of Conservation under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

The Minister for the Environment and the Acting Minister of Conservation have jointly accepted this application for referral. The Ministers considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the relevant Ministers, local authorities, and the New Zealand Transport Agency. The Ministers accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will generate employment by providing—
 - up to 78 new direct full-time equivalent (**FTE**) jobs during the design and construction stages of the project; and
 - approximately 30 indirect FTE jobs in marine servicing; and
- the project will provide infrastructure to improve economic outcomes for the marine farming industry (including the productive potential and economy of the Kōpū industrial area and the wider marine servicing industry), which was affected by COVID-19 due to difficulties in factory processing and exporting, particularly for mussel products, the majority of which are exported overseas; and
- the project will have a positive effect on social well-being by providing employment, economic benefits, and fit-for-purpose facilities for commercial and recreational users of the marine precinct; and
- the project will progress faster under the Act than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects that arise from the application, and any mitigation measures, can be tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 20

Whakatāne Commercial Boat Harbour

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Whakatāne Commercial Boat Harbour (the **project**).

2 Authorised persons

The authorised persons for the project are—

- (a) Whakatane District Council; and
- (b) Te Rāhui Lands Trust; and
- (c) Te Rūnanga o Ngāti Awa; and
- (d) Ngati Awa Group Holdings Limited; and
- (e) Te Rāhui Herenga Waka Whakatāne Limited; and
- (f) Provincial Growth Fund Limited.

3 Description of project

- (1) The scope of the project is to develop a commercial boat harbour, associated facilities, and a channel to the Whakatāne River.
- (2) The development will include—
 - (a) a marina; and
 - (b) berthing infrastructure; and
 - (c) an access channel for vessels; and
 - (d) an upgraded boat ramp for commercial and recreational boats; and
 - (e) a training centre; and
 - (f) a commercial maintenance facility; and
 - (g) a parking area; and
 - (h) open space and walking areas.

4 Description of activities involved in project

The project may involve the following works:

- (a) works to clear vegetation;
- (b) earthworks, including—
 - (i) works to excavate soil, rock, and other material and deposit them on land:

- (ii) works to disturb and remediate contaminated land, including works to remove timber mill waste:
- (c) works to enable dewatering of building and construction sites:
- (d) works to discharge water and contaminants onto land:
- (e) works to dam and divert the Whakatāne River, including in the coastal marine area:
- (f) works to disturb and dredge the Whakatāne River, including in the coastal marine area:
- (g) works to disturb wetlands and restore degraded wetlands:
- (h) works to install navigational aids in the coastal marine area:
- (i) works to construct moorings and associated infrastructure within the boat harbour:
- (j) works to construct parking areas:
- (k) works to construct a technical training centre:
- (l) works to construct maintenance facilities and related buildings:
- (m) any other works that are—
 - (i) associated with the works described in paragraphs (a) to (l); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

- (1) The project's works will occur at 2 Keepa Road, Coastlands, Whakatāne.
- (2) The legal description of the site of the project is—
 - (a) Part Rangitaiki Lot 28B No 22 Block; and
 - (b) depending on the location of the access channel, parts of—
 - (i) Section 5 SO 477337; and
 - (ii) Section 1 SO 477337; and
 - (iii) Part Lot 3 DP 21268; and
 - (iv) Part Lot 4 DP 21268; and
 - (c) depending on the dredging needed to deepen the river channel,—
 - (i) Allotment 165 Rangitaiki Parish; and
 - (ii) Allotment 19 Rangitaiki Parish; and
 - (iii) Section 10 Block II Whakatāne Survey District; and
 - (iv) Section 11 Block II Whakatāne Survey District.
- (3) The site of the project also includes land within the coastal marine area adjacent to, and including, the bed of the Whakatāne River.

6 Further information to be submitted

The following information must be submitted to the panel with any consent application or notice of requirement relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) an ecological assessment; and
- (b) a river flood protection assessment that includes an assessment of—
 - (i) any adverse effects of the project on the Whakatāne River; and
 - (ii) any adverse effects of the project on the stopbanks and flood protection structures, including erosion and scouring from dredging; and
- (c) a freshwater management assessment that includes an assessment of—
 - (i) any adverse effects of the project on natural wetlands; and
 - (ii) any adverse effects of dredging the Whakatāne River on freshwater ecology and water quality; and
- (d) an integrated transport assessment, including modelling and analysis that covers the effects of the project on the surrounding road network.

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application or notice of requirement relating to the project from the following persons in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

- (a) Whakatane Volunteer Coastguard Association Incorporated; and
- (b) Whakatāne Harbour Care Group; and
- (c) New Zealand Transport Agency.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister for the Environment and the Acting Minister of Conservation under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

The Minister for the Environment and the Acting Minister of Conservation have jointly accepted this application for referral. The Ministers considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the relevant Ministers and Te Rāhui Lands Trust. The Ministers accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act; and

- the project will generate employment by providing—
 - up to 30 direct full-time equivalent (FTE) jobs during the engineering works; and
 - approximately 30 indirect FTE jobs in marine servicing; and
- the project will generate longer-term new employment, including—
 - approximately 229 indirect jobs from the on-water development; and
 - approximately 373 boat building jobs; and
 - approximately 230 new tourism-centred jobs; and
 - new jobs in harvesting and processing mussels; and
- the project will provide infrastructure to improve economic outcomes for the marine farming, boat building, and tourism industries, which have been affected by COVID-19; and
- the project will provide infrastructure by converting the site, which is currently in agricultural use of marginal economic benefit, into a commercial and community asset; and
- the project will have positive effects on social well-being by providing employment, economic benefits, and fit-for-purpose facilities for commercial and recreational users, and provide opportunities to retrain at the proposed training facility; and
- the project will progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects that arise from the application, and any mitigation measures, can be tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 18 June 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred projects are the projects named and described in *new Schedules 19 and 20*.

The effect of the referral is—

- to authorise Thames-Coromandel District Council—

- to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 19*; and
- to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations or to alter designations relating to the project; and
- to authorise—
 - Whakatane District Council and other authorised persons to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 20*; and
 - Whakatane District Council to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations or to alter designations relating to the project.

The expert consenting panels will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 17 June 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)