

Version  
as at 8 July 2023



## **COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2022**

(SL 2022/88)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2022: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

### **Order in Council**

At Wellington this 28th day of March 2022

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 Minister of Conservation.

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#### **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.**

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## Order

- 1 Title**  
This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2022.
- 2 Commencement**  
This order comes into force on 1 April 2022.
- 3 Principal order**  
This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
- 4 New Schedule 47 inserted**  
After Schedule 46 (as inserted by the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 2022), insert the Schedule 47 set out in the Schedule of this order.

**Schedule**  
**New Schedule 47 inserted**

cl 4

**Schedule 47**  
**Te Ariki Tahī/Sugarloaf Wharf upgrade**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Te Ariki Tahī/Sugarloaf Wharf upgrade (the **project**).

**2 Authorised person**

The authorised person for the project is Ariki Tahī Sugarloaf Wharf Limited.

**3 Description of project**

The scope of the project is to upgrade the existing wharf facilities at Te Ariki Tahī/Sugarloaf Wharf, including by—

- (a) disturbing the coastal marine area by excavating and dredging approximately 29,000 cubic metres of the seabed to construct a new access channel; and
- (b) draining and reclaiming approximately 6,000 square metres from parts of the coastal marine area; and
- (c) depositing fill (including dredged material) in the coastal marine area; and
- (d) constructing a seawall in the coastal marine area; and
- (e) constructing and operating a wharf facility for commercial users that will provide—
  - (i) up to 5 berths; and
  - (ii) storage areas for vehicles and other equipment; and
  - (iii) a boat ramp; and
  - (iv) parking areas for vehicles and boat trailers; and
- (f) constructing and operating a separate wharf facility for recreational users that will include—
  - (i) a rock groyne approximately 25 metres long; and
  - (ii) a dual boat ramp; and
  - (iii) parking for vehicles and boat trailers; and

- (g) relocating the existing boat maintenance grid facility from its current location to the eastern side of the new recreational wharf; and
- (h) providing a single-lane boat ramp as access to the relocated boat maintenance grid facility; and
- (i) upgrading the provision for vehicle access to the project site from Te Kouma Road; and
- (j) constructing and installing ancillary infrastructure, including for three waters services, security, lighting, signage, and facilities such as a kiosk and toilets.

#### **4 Description of activities involved in project**

The project may involve the following activities:

- (a) draining or reclaiming parts of the coastal marine area:
- (b) disturbing the coastal marine area, including by excavating and dredging the seabed for the purpose of constructing an access channel:
- (c) periodically removing dredged material from the coastal marine area, including after the project is completed:
- (d) periodically depositing dredged material in the coastal marine area, including after the project is completed:
- (e) erecting and placing structures on or in, or above the water of, the coastal marine area, including the following:
  - (i) a seawall; and
  - (ii) a rock revetment; and
  - (iii) a piled rock groyne structure; and
  - (iv) access ramps; and
  - (v) structures for boat maintenance:
- (f) carrying out earthworks on land:
- (g) constructing and operating wharf facilities:
- (h) constructing the following infrastructure:
  - (i) infrastructure for the berthing and maintenance of boats; and
  - (ii) infrastructure for the storage of vehicles and other equipment; and
  - (iii) infrastructure for three waters services; and
  - (iv) infrastructure for site security, and
  - (v) infrastructure for amenities such as signage, a kiosk, and toilets:
- (i) constructing vehicle access and parking areas:
- (j) discharging stormwater run-off and contaminants into the coastal marine area:
- (k) occupying the coastal marine area:

- (l) carrying out any other activities that are—
  - (i) associated with the activities described in paragraphs (a) to (k); and
  - (ii) within the scope of the project as described in clause 3 of this schedule.

**5 Approximate geographical location**

The project will occur—

- (a) within parts of the coastal marine area at Waipapa Bay, south of Coromandel Harbour; and
- (b) on reclaimed land at 260 Te Kouma Road, Coromandel that is vested in the Crown under the Marine and Coastal Area (Takutai Moana) Act 2011.

**6 Further information to be submitted**

- (1) The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):
  - (a) an assessment of the effects of the project on the ecology of the area within and near the project site, including an assessment of—
    - (i) the effects of the project on the benthic ecology and coastal birds within and near to the project site; and
    - (ii) the biosecurity risks arising from the project; and
  - (b) an assessment of the effects of the project on coastal processes; and
  - (c) an assessment of the effects of the project on water quality due to sedimentation and the discharge of heavy metals from—
    - (i) seabed disturbance;
    - (ii) ongoing stormwater discharges;
    - (iii) discharges from the boat maintenance grid facility; and
  - (d) an assessment of how the project aligns with the Waikato Regional Council's *Climate Change Guideline: Integrated Catchment Management* (September 2017); and
  - (e) an acoustic assessment of the project, including an assessment of the effects on the people in the neighbourhood of operational noise from the proposed commercial wharf.
- (2) Information is also required on the applicant's legal right to access and use existing reclaimed land at Te Ariki Tahī/Sugarloaf Wharf, including any relevant procedural or legal requirements under the Resource Management Act 1991 or the Marine and Coastal Area (Takutai Moana) Act 2011.

**7 Persons who must be invited to comment on project**

An expert consenting panel must invite comments on any consent application 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) the harbourmaster, Waikato Regional Council; and
- (b) the Waipapa Bay Protection Society.

**9 No further provision required**

No further provision is necessary to give effect to decisions made by the Minister 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 Minister of Conservation have 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, Pare Hauraki Kaimoana, and the Coromandel Marine Farmers Association. The Ministers have accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will generate employment by providing approximately 95 direct full-time equivalent jobs over the 18-month construction period and enable approximately 367 indirect full-time equivalent jobs once the project is complete:
- the project will provide infrastructure to improve employment and economic outcomes in the aquaculture industry, and support ongoing investment in, and development of, commercial aquaculture in the Waikato-East region:
- the project will enhance social well-being in the region—
  - (a) by improving access to the coastal marine area for recreational use; and
  - (b) by providing infrastructure that is safe to use, caters for the needs of users, and is resilient to natural hazards and the effects of climate change:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed mitigation measures, can be appropriately 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 1 April 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 47*.

The effect of the referral is to authorise Ariki Tahi Sugarloaf Wharf Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 47*.

The expert consenting panel 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*: 31 March 2022.

## Notes

### **1     *General***

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 6) 2022 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)