

COVID-19 Recovery (Fast-track Consenting) Act 2020

Rangitane Maritime Development by Far North Holdings Limited and Far North District Council

M-1 Minute of the Rangitane Maritime Development Expert Consenting Panel – 19 October 2021

1. On 21 September 2021, Far North Holdings Limited and Far North District Council lodged an application for resource consents with the Environmental Protection Authority (EPA), for the Rangitane Maritime Development (the Project), under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. The Rangitane Maritime Development Expert Consenting Panel (the Panel) was appointed on 18 October 2021 to determine the application for resource consents. The Panel is comprised of myself (as chairperson), Bill Smith and Juliane Chetham.
3. The Panel made decisions on 18 October 2021 in relation to which parties to invite comments from in relation to the Project. This Minute records those decisions.

Invitations to Comment

4. The Panel must invite written comments from the persons or groups listed in clauses 17(6) and 17(7) of Schedule 6 of the Act.
5. In addition to the requirements of clauses 17(6) and 17(7), the Panel may invite written comments from any other persons that the Panel considers appropriate in accordance with clause 17(8) of Schedule 6 of the Act.
6. The panel notes that clause 17(1) of Schedule 6 of the Act expressly prohibits them from giving limited or public notification of the application.
7. The parties that must be invited for comment in accordance with clause 17(7) of Schedule 6 of the Act are identified in clause 7 of Schedule 26 of the [COVID-19 Recovery \(Fast-track Consenting\) Referred Projects Order 2020](#).

Determination of owners and occupiers of land who must be invited for comment under clauses 17(6)(g) and 17(6)(h) of Schedule 6 of the Act.

8. The Panel has considered the application and the extent of land on which the project is undertaken and the land adjacent to that land. The Project is proposed to be undertaken on land which would be reclaimed from the coastal marine area (CMA) and on land currently within the CMA.
9. The Panel considers that the following types of land fall within the meaning of “*land adjacent to*” the land on which the project is proposed to be undertaken land parcels that:
 - share a common boundary with the part of the CMA within which the project is proposed to be undertaken;
 - are across the road from land on which the project is proposed to be undertaken;
 - are within close proximity to and overlooking the land on which the project is proposed to be undertaken, with no discernible feature separating it from land on which the project is proposed to be undertaken and considered to be within the context of the project site.

10. The Panel considers that the occupiers of the land on which the project is proposed to be undertaken and the owners and occupiers of the land adjacent to that land, being the land described in paragraph 8, must be invited to comment on the application in accordance with clauses 17(6)(g) and 17(6)(h) of Schedule 6 of the Act.
11. A list identifying these properties can be found on the EPA website here: <https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Rangitane/comments-received/Rangitane-invitee-list-for-website.pdf>
12. A map identifying these properties is appended to this Minute.
13. In addition to the person(s) that must be invited to comment under clauses 17(6) and 17(7) of Schedule 6 of the Act, in accordance with clause 17(8) of Schedule 6, the Panel may invite written comments from any other person the Panel considers appropriate.
14. For the reasons outlined below, the Panel considers that it is appropriate to invite written comment from the following persons:

Identified Persons	
Maritime New Zealand	Bay of Islands/Whangaroa Community Board
Kerikeri Cruising Club	Northland Harbourmaster

- Inviting comments from Maritime NZ is considered appropriate because the project is proposed to be undertaken in the CMA.
- Inviting comments from the other three persons identified above is considered appropriate because they were identified by the applicant as parties who may be affected by the activity pursuant to clause 10(1)(e) of Schedule 6 of the Act. The other parties identified by the applicant under this provision (listed at p154 of the AEE) are captured within other categories of parties who will be invited to provide written comments pursuant to this Minute.

Date determined for closing of comments

15. The decision on the persons who must be invited to comment and those that the Panel considers appropriate to invite comment from was made on 18 October 2021 and is recorded in this Minute.
16. The EPA is to issue invitations to comment on behalf of the Panel on **19 October 2021**.
17. Clause 18(1) of Schedule 6 of the Act specifies that written comments must be received by the EPA on behalf of the Panel on a specified date (which must be 10 working days after the date on which the invitation is given under clause 17(2)).
18. For the Rangitane Maritime Development there are a number of persons or groups the Panel must invite comment from that can only be contacted via postal addresses. To avoid any prejudice for postal (or non-electronic) recipients, the Panel considers it appropriate to allow a further reasonable period of time for the invitation to comment to be received, before the 10 working days by which written comments must be received by the EPA begins.

19. The Panel has therefore resolved to allow 5 working days for delivery of the invitations to comment to all persons invited to comment and has determined that the date by which written comments must be received by the EPA shall be no later than **10 November 2021**.
20. It is important to note that the Panel is not required to consider comments received by the EPA after 10 November 2021, but may do so, in its discretion, as long as the Panel has not issued its decision.
21. As public and limited notification is prohibited, only those persons or groups that have been invited to comment by the Panel can provide written comment on the application.
22. There is no right for any person to seek a waiver of the time limit.
23. As a hearing is not required under the Act and may not occur, if comments are to include expert consultant advice or legal submissions, these must be received by the EPA, together with written comments by the person whose comments have been invited by the Panel, no later than 10 November 2021.
24. Written comments can be emailed to the EPA at rangitane.fasttrack@epa.govt.nz no later than 10 November 2021 and may also be posted to the EPA at Attention: Alex Erceg Level 10, 215 Lambton Quay, Wellington City, Wellington 6011, provided they are received no later than 10 November 2021.

A handwritten signature in blue ink, appearing to be 'M Hill', written in a cursive style.

Mary Hill

On behalf of the Rangitane Maritime Development Expert Consenting Panel.

Rangitane Maritime Development

