

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

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

M-6 Minute of the Rangitane Maritime Development Expert Consenting Panel – 7 March February 2022

1. Far North Holdings Limited and Far North District Council (the applicant) lodged the application for the Rangitane Maritime Development (the application) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) on 21 September 2021.

Additional comment

2. On 19 October 2021, the Rangitane Maritime Development Expert Consenting Panel (the Panel) invited comment on the application in accordance with clause 17(2) of Schedule 6 of the Act.
3. Clause 17(7) of Schedule 6 of the Act requires that a panel must also invite comments on a referred project from any person listed in a referral order.
4. Clause 7(d) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (the referral order) required that a panel must invite comment from the representatives of several Marae of the Taiāmai ki te Marangai takiwā, including Wharengaere.
5. A comment was received from Hugh Rihari on behalf of the representatives of Wharengaere Marae within the time period specified in the invitation.
6. On 20 February 2022, the EPA received correspondence from Mr Rihari requesting that EPA and the Panel consider further information, being a Cultural Impact Assessment (CIA) prepared for Ngati Rangi, Ngati Mau, and Ngati Torehina. The EPA and Mr Rihari had several email exchanges to enable the EPA to clarify the nature of Mr Rihari's request.
7. Clause 9(5) of Schedule 6 of the Act requires that an application must include a cultural impact assessment prepared by, or on behalf of, the relevant iwi authority, or a statement of reasons given by the relevant iwi authority as to why one is not to be provided.
8. Te Rūnanga A Iwi Ō Ngāpuhi (TRAION) is the sole relevant iwi authority in respect of the application and a CIA has now been received by TRAION.
9. Pursuant to clause 18(6) of Schedule 6 of the Act the Panel may, in its discretion, consider any comments received from persons entitled to comment under clause 17(7) after the time specified in the invitation, as long as the Panel has not issued its decision.
10. Given that the representatives of Wharengaere Marae are entitled to comment, the Panel has exercised its discretion to consider the information provided by Mr Rihari in addition to the comments on the application previously provided by the representatives of Wharengaere Marae. This is on the provision that the additional information is received by the EPA no later than **7 March 2022**. For the avoidance of doubt, this information is being considered as a comment on the application, and is not the Cultural Impact Assessment required to be provided pursuant to Clause 9(5) of Schedule 6 of the Act.
11. Where comments are provided on an application pursuant to clause 18, an applicant is entitled to provide a response within 5 working days after that date those comments fell due pursuant to clause 19 of Schedule 6 of the Act.

12. To avoid any prejudice to the applicant, the Panel will provide the applicant an opportunity to respond to the additional comment provided by the representatives of Wharengaere Marae. If the applicant wishes to provide a response to the additional comment, the response must be received by the EPA no later than **14 March 2022**.

Timeframes

13. Clause 37(2)(b)(i) of Schedule 6 of the Act requires that a Panel must issue its final decision, for a referred project (of which the Rangitane Maritime Development is), not later than 25 working days after the date specified for receiving comments under clause 18 of Schedule 6 of the Act if the referral order is silent on the matter.
14. Given the referral order is silent on the matter, the Panel must issue its final decision no later than **17 March 2022**, unless extended in accordance with clause 37(3)(b)(i) of Schedule 6 of the Act.
15. If the scale or nature of the proposal that is the subject of a consent application is such that the panel is unable to complete its decision within the time specified, the panel may extend the period for issuing its final decision, by up to a further 25 working days for a referred project, if the referral order is silent on the matter (as in this case), in accordance with clause 37(3)(b)(i) of Schedule 6 of the Act.
16. As per Minute 5, the Panel has appointed a Special Advisor to provide ecological advice. The Special Advisor's current brief relates to whether or not the site of the proposed mangrove removal constitutes a "*natural wetland*" as per the definition under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW).
17. Once the Panel receives the advice from the ecologist, it will require additional time to consider the advice together with and the information provided by the applicant's ecologist on the same issue, and (depending on the ecological advice) potentially obtain legal and / or planning advice.
18. As such, further time will be required before a decision on the application can be made. Accordingly, in accordance with clause 37(3)(b)(i) of Schedule 6 of the Act, the Panel extends the timeframe by which it must issue its final decision by a further 25 working days.
19. The Panel must now issue its final decision no later than **26 April 2022**.



Mary Hill

On behalf of the Rangitane Maritime Development Expert Consenting Panel.