

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

Whakatane Commercial Boat Harbour by Te Rāhui Herenga Waka Whakatāne

M-7	Minute of the Whakatāne Commercial Boat Harbour Expert Consenting Panel – 21 July 2022
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1. On 22 June 2022, the Whakatāne Commercial Boat Harbour Expert Consenting Panel (the Panel) issued its final decision on the application for resource consents for the Whakatāne Commercial Boat Harbour in accordance with clause 37 of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act). 2.
2. The Panel had granted the consents subject to conditions.

Minor Corrections

3. On 1 July 2022, the Environmental Protection Authority (EPA) received correspondence from Whakatane Yacht Club (WYC) identifying what they believed to be minor errors in consent conditions.
4. Then, on 7 July 2022, the EPA received correspondence from Bay of Plenty Regional Council, (BoPRC) offering corrections to minor omissions and errors contained within consent conditions.
5. On 21 July 2022, the EPA received correspondence from Te Rāhui Herenga Waka Whakatāne, the Applicant, addressing corrections sought by BoPRC and WYC, as well as requesting the Panel consider minor corrections to the decision.
6. The requests can be viewed on the EPA website here:
[The decision | EPA](#)
7. Clause 40(1) of Schedule 6 of the Act enables a panel, at any time during its term of appointment to issue an amendment to a decision, or an amended direction, correcting minor omissions, errors, or other defects in a decision of the panel.
8. Clause 40(2) of Schedule 6 of the Act allows for a panel to, within 20 working days of granting a resource consent, correct a resource consent as if it were a consent authority acting under section 133A of the Resource Management Act 1991 (RMA).
9. Section 133A of the RMA provides that a consent authority that grants a resource consent may, within 20 working days of the grant, issue an amended consent that corrects minor mistakes or defects in the consent.
10. The Panel has reviewed the minor errors identified by WYC, BoPRC, and the Applicant and considers there to be minor mistakes or defects in conditions of consent for the dredging monitoring conditions 5.6.1 – 5.6.5 and as such, has corrected those minor mistakes or defects. The reference in condition 1.5.5.1 b. has been corrected.
11. The Panel have reviewed the comments from the Applicant regarding the decision and while it agrees with Comment 1 (References to offset/compensation) any amendments will not materially change the decision. The Panel does not agree with the Applicant's Comments 2 and 3 and does not see a need to include an extra footnote for the Plan at para [166] as identified in Comment 4.

12. The Panel now issues a corrected conditions of consent in accordance with clauses 40(2) of Schedule 6 of the Act.

13. The corrected conditions of consent can be viewed on the EPA website here:

[The decision | EPA](#)

14. These consents supersede and replace the consents granted and issued on 22 June 2022.



Graeme Mathias (Chair)

On behalf of the Whakatāne Commercial Boat Harbour Expert Consenting Panel