

Referral application form to use for the fast-track process

Under the Fast-track Approvals Act 2024

About this referral application

This referral application form has been approved by the Secretary for the Environment in accordance with the fast-track approvals process of the Fast-track Approvals Act 2024 (the Act). All referral applications under the Act must be submitted using this form.

We recommend you discuss your referral application and the information requirements with us before you lodge the referral application. Please contact the Fast-track support team on 0800 327 875 or email info@fasttrack.govt.nz

Please provide a general level of detail in your application; sufficient to inform the Minister's decision on the referral application.

You must use this form to apply for referral applications and complete all relevant fields, even where you provide supporting attachments that are more detailed. Include attachment or appendix numbers in the relevant fields and list the attachments in section 5 of this form.

If the required information and relevant supporting material is not provided, the application will be returned to you as incomplete.

If your application is determined to be complete, and the Ministry for the Environment (MfE) considers that your project may be capable of satisfying the assessment criteria and does not appear to involve an ineligible activity, and you have paid all related fees, charges and/or levies, then we will provide it to the Minister for Infrastructure (the Minister).

Unless the Minister decides to decline the application before doing so, the Minister will invite comments on the application from relevant local authorities, Ministers, administering agencies, identified Māori groups, owners of Māori land in the project area and any other person the Minister decides is appropriate. The Minister may also request further information from you, the relevant local authorities, or relevant administering agencies before making a decision on the referral application.

If the Minister accepts your referral application, then you may lodge a substantive application with the EPA and the substantive application may be considered by a decision-making panel.

Application fees and Cost recovery

Under the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations), applicants lodging a referral application are required to pay a fee (deposit) of \$12,000 (plus GST), and a levy of \$6,700 (plus GST) to the Environmental Protection Authority (EPA). The fees are set in

Schedule 1 of the Regulations. These fees must be paid before lodgement of your referral application. If the required amount is not paid the application will be returned as incomplete.

Please note the final costs payable at the referral stage may exceed the referral application fee (deposit) paid. More information about cost recovery under the Fast-track Approvals Act 2024 is available from [Fast-track approvals cost recovery process](#).

Submitting your application

You will need to submit this form through our digital Fast-track portal. You will need to receive a link to register/access the portal.

If you need any help with the form, you can call or email us:

- 0800 327 875 (0800 FASTRK) (from within New Zealand)
- email: info@fasttrack.govt.nz

How to send your completed form to us

Use the application portal – you will need to receive a link to register/access: [Fast-track website](#)

Your personal information

The Ministry for the Environment (MfE) is collecting your personal information for the purpose of administering your referral application under the Fast-track Approvals Act 2024. We will only use the information for the purposes of contacting you in relation to this application.

MfE may provide your application, or details from your application to other agencies or local authorities for the purpose of administering your referral application. If your application is accepted as complete and progresses through the referral process, the Minister may consult with other agencies and groups on your application. This will require the Minister to share the details of your application with the EPA, the Panel Convener, and those groups.

We will store your personal information securely. You have the right to access the personal information we hold about you and to ask for it to be corrected if it is wrong. If you would like to access your personal information, or have it corrected, please contact us at referrals@fasttrack.govt.nz

Official information

All information you provide with this application is subject to the Official Information Act 1982 and may be released in accordance with that Act.

Publishing your application

We intend to publish your referral application on the Fast-track Approvals website.

Any personal contact details in application documents will not be made publicly available. Please provide a copy of the application with all personal contact details redacted.

MfE may also redact certain information from publication in accordance with the Official Information Act 1992. If you think your application contains information which should be withheld, please clearly identify it and provide an explanation as to why it should be withheld.

Section 1: Applicant details

A person or persons may apply to use the fast-track process for a project. Where there is more than one person, the referral application must be lodged jointly by all of the persons who are proposed to be authorised persons for the project.

If the referral application is accepted and referred by the Minister, the person or persons who lodged the referral application will be specified as the person who is, or the persons who are, authorised to lodge a substantive application for the project.

1.1 Applicant(s) – repeat for all applicants

1.1.1 Organisation name: Azuma Property Limited and Hopper Developments Limited Partnership

1.1.2 NZBN (optional):

1.1.3 Contact name: Kallam Brown

1.1.4 Phone: s 9(2)(a)

1.1.5 Email address: s 9(2)(a)

1.1.6 Postal address (if preferred method of contact):

1.2 Agent acting on behalf of applicant (if applicable)

1.2.1 Organisation name:

1.2.2 Contact name:

1.2.3 Phone:

1.2.4 Email address:

1.2.5 Postal address (if preferred method of contact):

1.3 Finance – Agent acting on behalf of applicant (if applicable)

1.3.1 Organisation name:

1.3.2 Contact name:

1.3.3 Phone:

1.3.4 Email address:

1.3.5 Postal address (if preferred method of contact):

If you are making this application on behalf of the applicant, please attach evidence that you are authorised to make this application.

1.3.6 Please direct all correspondence relating to this application (including correspondence from MfE) to:

☒ Applicant(s) Kallam Brown

If selecting Applicant and there is more than 1 person who lodged the referral application, please identify 1 person to receive all correspondence on behalf of all applicants.

☐ Agent for applicant

1.4.1 Compliance and enforcement history – repeat for all applicants

1.4.1 Have there been any compliance or enforcement actions taken against the applicant (or if the referral application is lodged by more than one person, any of those persons) under a specified Act definition for either ‘compliance’ or ‘enforcement’?

☐ Yes – see below ☒ No – proceed next

1.4.2 If you answered yes above, please provide a summary of the relevant legislation and provisions, and any compliance or enforcement actions, and the outcome of those actions taken under the specified Act against the applicant or applicants, if the referral is being lodged jointly.

Section 2: Referral application summary

2.1 Project name

This is the name by which the project will be known publicly. For example - avoid using street addresses, place names, company names.

2.2 Project description and location

2.2.1 Provide a description of the project and the activities it involves

The project description helps us with inviting comments from relevant parties on the application, and publishing information about the application.

The project is located in Waipiro Bay, the Bay of Islands, Northland, as illustrated in Annexure 01 – Location Maps.

This project is located predominantly within the coastal marine area and accessed via the property at 285 Manawaora Road that is controlled by an entity related to the Applicant.

The project will create a commercial marina, offering berthage for 200-250 pleasure craft depending on their size. A public boat launching ramp will be established adjacent to the marina and parking for the marina will be provided as well as additional boat and trailer parking adjacent to the proposed boat ramp.

A variety of complementary services will be available on the marina including fuelling services, hospitality venues, along with retail outlets catering to nautical enthusiasts.

It will also include space for emergency services facilities such as Coastguard and rescue helicopter services.

The activities involved in the construction and establishment of the marina are set out in Annexure 02 - Preliminary Design Report and illustrated in Annexure 03 – General Arrangement Plan. These include the following:

- formation of road access including the upgrading of 285 Manawaora Road entrance road to provide for construction traffic;
- limited clearance of mangroves in the intertidal area;
- dredging of the western part of Waipiro Bay to provide sufficient navigation depth (draught) as indicated in Annexure 02 – Preliminary Design Report;
- reclamation to provide for parking and services;
- disposal of excess dredged material not used for reclamation to approved disposal sites elsewhere in the Bay of Islands;
- formation of parking and a proposed boat ramp;
- installation of piles and marina piers;
- construction of buildings suitable to accommodate retail and hospitality facilities;
- landscaping around the periphery of the site and within the parking areas; and
- provision of associated services (fuel, water supply, power etc).

A series of preliminary technical and ecological assessments are attached as Annexures 01-15 which identify the extent and values of benthic and terrestrial habitat and identify methods to appropriately manage adverse effects associated with the project – including, for example, estimated design heights necessary to accommodate coastal processes, sea level rise and predicted coastal hazards.

Following the successful referral of the project, further detailed technical assessments will be completed to inform the final detailed design; and detailed environmental assessments will establish steps necessary to appropriately manage adverse ecological effects.

2.2.2 Provide a description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application.

For example, site address(es), certificate of title(s), shape files

As illustrated in the attached general arrangement plan, Waipiro Bay forms an enclosed and sheltered arm of Parekura Bay in the eastern Bay of Islands. Waipiro Bay is marked by low headlands at either side, with the majority of the bay having three or four metres of water above chart datum. The proposed marina will occupy the upper reaches of the bay, with the majority of the site of the proposed marina occupying an extensive area of mudflats which form the intertidal margin of the bay.

Manawaora Road skirts the southeastern margin of Waipiro Bay and a scattering of dwellings are located on the north facing slopes between the road and the waters of the bay.

A private road (Omarino entrance way) extends northward from Manawaora Road along the western margin of Waipiro Bay and adjacent to the site of the proposed marina.

Beyond the riparian margins of Waipiro Bay to the north and west the land slopes upward to the hilly interior of the adjacent Omarino community. This land comprises a large lot subdivision established in 2010 and is now covered in regenerating native bush established in accordance with the subdivision consent.

The northern shores of Waipiro Bay are occupied by buildings associated with the Omarino community and two substantial jetties associated with this estate extend into the bay from these shores.

The southeastern part of Waipiro Bay is occupied by a number of moored boats within that part of the bay zoned for this purpose under the Proposed Regional Plan for Northland.

2.3 Ineligible activity

Your referral application must demonstrate that the project does not involve any ineligible activities as defined in Section 5 of the Act. Please consider each ineligible activity below and where relevant, provide the requested details.

*When providing your response below, where possible, **provide details of any parties involved, the extent of their holding and the activity relevant to their area.***

Where a project involves an activity that may be the subject of a determination under sections 23 or 24, and you are intending to seek a Ministerial determination for that activity under either section, you must still complete this section in full. Determinations under, and information required in respect of, sections 23 and 24 are covered further under 2.5 Ministerial determinations under sections 23 and 24.

If your application relates to certain mining activities below the surface of the land and meets the other relevant criteria under section 5(2) of the Act then an agreement under section 5(1)(a), (b), (j) or (k) may not be required. This should be identified under the relevant questions below, and you must provide the additional information required in respect of section 5(2) under 2.3 Ineligible activity.

2.3.1 Does the project include an activity that would occur on identified Māori land as defined in section 4 of the Act?

☐ Yes – see below ☒ No – proceed to next

a. If yes, please address the following:

i. identify the land involved and the owner(s) of the land.

ii. Confirm that the activity on the land has been agreed with the owners of

the land and provide evidence of the written agreement; or

- A. advise whether it is proposed to seek a determination under section 23 and provide the information under 2.5 Ministerial determinations under sections 23 and 24 below; or
- B. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

2.3.2 Does the project involve an activity that would occur in a customary marine title area?

☐ Yes – see below ☒ No – proceed next

a. Address the following:

- i. Identify the relevant customary marine title area, who the customary marine title group is;
- ii. Provide evidence that written agreement has been obtained from the customary marine title group and provide a copy of the same; **or**
 - A. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

2.3.3 Does the project involve an activity that would occur in a protected customary rights area?

☐ Yes – see below ☒ No – proceed next

a. Address the following:

- i. Identify the protected customary rights area, the group who holds these rights and the nature of the protected customary right(s)
- ii. Explain your proposed activity and identify whether you consider that it would have a less than minor adverse effect on the exercise of the protected customary right(s), and briefly explain why; **or**
- iii. Advise whether you consider that your proposed activity would have a more than minor effect on the exercise of the protected customary right(s), and if so, confirm that the activity has been agreed to in writing by the protected customary rights group and provide a copy of that agreement.

2.3.4 Does the project involve an activity that would occur on:
Māori customary land; OR land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Māori Act 1993.

☐ Yes – see below ☒ No – proceed next

- 2.3.5** Does the project involve an aquaculture activity or an activity that is incompatible with aquaculture activities that would occur within an aquaculture settlement area (under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004); or an area reserved under another Treaty settlement for the aquaculture activities of a particular group?

☐ Yes – see below ☒ No – proceed next

- 2.3.6** Provide details of the aquaculture activity or the activity that is incompatible with aquaculture and the location.

- 2.3.7** Provide details of the relevant aquaculture settlement area or Treaty settlement legislation reserving space for aquaculture and include details of the impacted parties or particular group.

- 2.3.8** Provide details on whether or not the applicant is authorised to apply for a coastal permit within the aquaculture settlement area, or area reserved under another Treaty settlement for aquaculture activities, including a copy of any such authorisation.

- 2.3.9** Does the project include an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991?

☐ Yes – see below ☒ No – proceed next

a. Provide the following information:

- i. what is the activity that would require the access arrangement; and
- ii. does the project include an activity that would occur on Crown owned land or internal waters and land of the common marine and coastal area described in Schedule 4 of that Act and provide details of the same.
- iii. If so describe how the activity meets the criteria in section 61(1A)(a-e) of the Crown Minerals Act 1991; **or**
- iv. Confirm and provide evidence that the project would not occur in an area for which a permit cannot be granted under that Act:

- 2.3.10** Does the project include an activity that would be prevented under any of sections 165J, 165M, 165Q, 165ZC, or 165ZDB (regarding the management of occupation in common marine and coastal area) of the Resource Management Act 1991?

☐ Yes – see below ☒ No – proceed next

2.3.11 Provide details about which section the project does not comply with and, if relevant, the provisions of the regional coastal plan that are applicable.

2.3.12 Does the project include an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that would occur on land that is listed in Schedule 4 of this Act?

☐ Yes – see below ☒ No – proceed next

a. Provide the following:

- i. identify the activity and which clause under Schedule 4 is applicable; and
- ii. confirm whether you are seeking that the Minister make a determination under section 24, and if so, whether the determination sought relates to existing electricity infrastructure or new electricity lines and provide the information under 2.5 Ministerial determinations under sections 23 and 24 below.

2.3.13 Does the project involve an activity that would occur on a national reserve held under the Reserves Act 1977 and requires approval under that Act?

☐ Yes – see below ☒ No – proceed next

a. Address the following:

- i. identify the activity and type of national reserve under the Reserves Act
- ii. identify what approval(s) would be required under the Reserves Act.
- iii. Confirm whether you are seeking that the Minister make a determination under section 24 and if so whether the determination sought relates to existing electricity infrastructure or new electricity lines.? If so, provide the information under 2.5 Ministerial determinations under sections 23 and 24 below

2.3.14 Does the project involve an activity that would occur on a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority?

☐ Yes – see below ☒ No – proceed next

a. Address the following:

- i. identify the activity, the reserve type under the Reserves Act, and the person in whom it is vested.
- ii. provide evidence that written agreement has been obtained from the person in whom the reserve is vested and provide a copy of the same; or
- iii. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

2.3.15 Does the project involve an activity that would occur on a reserve held under the Reserves Act 1977 that is managed by someone other than the Department of Conservation or a local authority?

☐ Yes – see below ☒ No – proceed next

a. Address the following:

- i. identify the activity, the reserve type under the Reserves Act, and the person or body who manages the reserve.
- ii. Provide evidence that written agreement has been obtained from the person or body responsible for managing the reserve and provide a copy of the same; **or**
- iii. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below; **or**
- iv. advise whether you consider the activity falls within the scope of section 5(5) of the Act, and provide the information under 2.3 Ineligible activity below.

2.3.16 Does the project involve an activity that is:

a. a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act?

☐ Yes – please explain ☒ No – proceed next

b. described in section 15B (Discharge of harmful substances from ships or offshore installations) of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it;

☐ Yes – please explain ☒ No – proceed next

c. prohibited by section 15C (Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area) of the Resource Management Act 1991

☐ Yes – please explain ☒ No – proceed next

2.3.17 Does the project involve a decommissioning-related activity as described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:

☐ Yes – please explain ☒ No – proceed next

2.3.18 Does the project involve an activity undertaken for the purposes of an offshore renewable energy project?

☐ Yes – please explain ☒ No – proceed next

2.4 Exemptions from requirement to provide agreement

2.4.1 Mining activities under section 5(2)

The agreement of the relevant groups referred to under 3.5 Persons affected is not required for certain mining activities under section 5(2). If you think this might apply to your application, answer the questions below.

2.4.1.2 Is your application for an activity that is prospecting, exploration, mining or mining operations of Crown-owned minerals undertaken below the surface of any land or area?

☐ Yes –see below ☒ No – proceed next

2.4.1.3 Provide details of the activity and identify the owner and occupier of the land and any relevant details concerning the land or area (such as whether it is identified Māori land)

2.4.1.4 Explain the extent, if any to which your activity may be likely to cause any damage to the surface of the land or any loss or damage to the owner or occupier of the land.

2.4.1.5 Explain the extent, if any to which your activity will be likely to have any prejudicial effect in respect of the use and enjoyment of the land by the owner or occupier of the land.

2.4.1.6 Explain the extent, if any to which your activity will be likely to have any prejudicial effect in respect of any possible future use of the surface of the land, and if no such effects are anticipated, please explain why.

2.4.2 Activities on land proposed to be the subject of a land exchange

The agreement of relevant groups referred to in (subsection 5(1)(a) of the Act) is not required if section 5(5) applies. If you consider this section may be relevant to your application, complete the below.

2.4.2.1 Is the reserve on which the activity is to occur proposed to be the subject of a land exchange?

☐ Yes ☐ No

2.4.2.2 Is the reserve a Crown-owned reserve?

☐ Yes ☐ No

2.4.2.3 Are the person or persons responsible for managing the reserve in place because of a Treaty settlement?

☐ Yes ☐ No

2.4.2.4 Provide any supporting details which may be relevant for your responses to the above questions.

2.5 Ministerial determinations under sections 23 and 24

Complete this section if you wish to seek a ministerial determination under section 23 or section 24 that your project is not an ineligible activity.

2.5.1 Determination in relation to linear infrastructure on Māori land under section 23

2.5.1.1 Is your application seeking a determination under section 23 (linear infrastructure on certain identified Māori land)

☐ Yes – see below ☒ No – proceed next

Provide the following information:

2.5.1.2 Confirmation that the activity is the construction of electricity lines or land transport infrastructure (and identify which it is)

2.5.1.3 Confirmation that the above construction (or operation of) will be undertaken by a network utility operator that is a requiring authority, and that that same party is the applicant for the necessary approvals, providing details of the same.

2.5.1.4 Confirmation that the activity would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land (and identify that land)

2.5.1.5 Provide information on the rights and interests of Māori in that land

- 2.5.1.6** Provide an assessment of the effects of the activity on those Māori rights and interests and on the relevant land.

2.5.2 Determination in relation to existing electricity infrastructure under section 24(2)

- 2.5.2.1** Is your application seeking a Ministerial determination under section 24(2) (in relation to maintenance, upgrading, or continued operation of existing electricity infrastructure on certain Schedule 4 land or in a national reserve)

☐ Yes – see below ☒ No – proceed next

Provide the following information:

- 2.5.2.2** Confirmation that the activity is the maintenance, upgrading, or continued operation of existing electricity infrastructure.

- 2.5.2.3** Confirmation that the activity would occur on eligible land, as defined in section 24(3).

- 2.5.2.4** Advise whether the activity would materially increase the scale or adverse effects of the existing electricity infrastructure and provide an explanation of the same.

2.5.3 Determination in relation to new electricity lines under section 24(4)

- 2.5.3.1** Is your application seeking a determination under section 24 (the construction and operation of new electricity lines on eligible land (as defined in schedule 4 excluding land classified as a national park or listed in subsections 2, 4, 5(a), 7 or 8 of that schedule)?

☐ Yes – see below ☒ No – proceed next

Provide the following information:

- 2.5.3.2** Is the activity the construction and operation of new electricity lines? (provide any necessary details)

Would the activity occur on eligible land (and identify which category of eligible land);

- 2.5.3.3** Provide the requested information for each alternative site considered for the construction and operation of the new electricity lines:

2.5.3.4 A description of the alternative site.

2.5.3.5 A statement of the anticipated and known financial cost of undertaking the activity on the alternative site.

2.5.3.6 A description of the anticipated and known adverse effects of undertaking the activity on the alternative site.

2.5.3.7 A description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity on the alternative site.

2.5.3.8 A description of any issues (including financial cost) that would make it impractical to undertake the activity on the alternative site.

2.5.3.9 An assessment of whether it would be reasonable and practical to undertake the activity on the alternative site, considering the matters referred to above.

2.6 Appropriateness for fast-track approvals process

Here you must explain how the project meets the referral application criteria ([section 22](#)). Please consider and respond where relevant, to each question.

If the project is planned to proceed in stages, you must explain how each stage meets the referral application criteria.

If a part of the project is proposed as an alternative project, you must explain how each stage meets the referral application criteria,

2.6.1 The criteria for accepting a referral application is that the project is an infrastructure or development project that would have significant regional or national benefits. Explain how this project satisfies the criteria:

Project will have significant regional benefits

The project is anticipated to have significant regional benefits. These are detailed in Annexure 07 - Economic Assessment report, and in the responses to questions below, and in summary include the following:

- Significant economic benefits: the Waipiro Marina has been assessed to have a total economic impact of \$177.9-\$218.8 million in value-added GDP and support approximately 137-148 FTE jobs over a 30-year period. This includes jobs required for the construction and operation of the marina but also to the trades and other services required to maintain the

boats that occupy the marina.

- Significant tourism benefits: the Northland region benefits greatly from domestic and international tourism. The expansion of high-quality marine infrastructure enables growth of tourism in the region via increased amenity for people wanting access to marine tourism activities such as guided tours, diving etc. It also enables growth of recreational boating and associated tourism through more accessibility to the Bay of Islands for people travelling from Whangarei and Auckland
- Significant environmental benefits: reduction of demand for swing moorings and ad-hoc anchorage in the wider Bay of Islands, creation of new marine environments, and improved ability to monitor and manage international and domestic boats that could be carrying foreign invasive species.
- Significant social and public benefits: via increased employment and business opportunities directly and indirectly from more investment and tourism spend in Northland and the immediate area. Vastly improved access to the coast and wider Bay of Islands for a large number of recreational boaties and non-boating people alike.
- The marina and boat ramp will benefit recreational and local small-scale fishing operations and better enable the exercise of customary fishing rights.
- The eastern Bay of Islands is identified as an area of rural deprivation. Aside from expanded opportunities for direct employment in the construction and operation of the marina, there will be opportunities to grow small to medium locally based businesses in the tourism and services sectors that will derive downstream benefits from the location of the marina. In this regard the project will provide ready access for local operators to the outer islands of the Bay of Islands and the publicly accessible land administered by DOC on nearby Urupukapuka, Moturua and Motuarohia Islands.

Context

As important context, the Bay of Islands is recognised, both nationally and internationally, as a mecca for recreational boating. This is evidenced by the large (and growing) number of recreational vessels that congregate in the waters of the bay year-round and more intensely over the summer period. Many overseas vessels remain in the Bay of Islands to avoid the tropical cyclone season. As a consequence, demand for moorings and marinas - and provision of ancillary/supporting infrastructure and services - has become an increasingly acute issue. The project will materially address this identified shortage, whilst also enabling economic and social benefits to accrue to Northland.

The project will assist in delivering much-needed infrastructure for recreational boating in the Bay of Islands and will assist in protecting and enhancing the region's image as the premier boating and tourism destination in New Zealand.

Current shortfall in availability

The Bay of Islands is widely acknowledged as a premier destination for marine-based tourism. However, there is a well-documented shortfall in the availability of berthage for recreational vessels in the area. This is currently seen as a limiting factor to the level of recreational tourism and the associated economic and social benefits that attach to it.

Annexure 04 - Northland Regional Council Moorings and Marinas Strategy for Northland 2014 (NRC marina strategy) identifies a shortage of accommodation (moorings and marinas) for recreational vessels throughout the Bay of Islands. Two observations associated with this identified shortfall are recorded in the NRC marina strategy, which the Applicant endorses:

- Of the international yachts arriving in New Zealand each year which clear New Zealand Customs at Ōpua, it is estimated that around 150 yachts do not stay to be serviced at Ōpua or Whāngārei. One reason is because of the limited capacity in the marina and surrounding mooring area to accommodate them. This is a significant lost opportunity cost as each international yacht serviced in Ōpua is estimated to spend \$21,000 on maintenance and \$16,000 on living expenses while staying in Northland: a total lost opportunity cost of \$5.55 million annually. [Refer Appendix 4 of the NRC marina strategy 'Applying the decision making guide to the Bay of Islands']. This does not account for money spent by persons living on, or visiting the yachts over that time.
- Facilitating delivery of new marinas will have the added benefit of reducing for demand for moorings in the bays and inlets of the wider Bay of Islands, and the inefficiency and adverse effects that are associated with widespread use of moorings. [Refer section 5 of the NRC marina strategy 'Why do we need a strategy?'].

Additionally, Annexure 05 - Far North Boat Ramp Study, conducted on behalf of the Far North District Council and MBIE, identifies a widespread lack of trailer boat launching and associated parking infrastructure generally throughout the district and particularly in the eastern Bay of Islands.

The project will meet demand

Annexure 06 - Waipiro Marina Boat Ramp Memorandum evaluates demand for recreational boat launching and parking facilities in the locality of Waipiro Bay. Given the growth of trailer boating as a recreational activity in the Bay of Islands, the provision of an all-tides boat ramp and associated parking as part of the marina development will assist in addressing the growing regional demand for trailer boating facilities.

Additionally it is worth recording that the NRC marina strategy found that approximately "50% of Ōpua marina berths are owned by Northlanders and 25% are owned by Aucklanders" [refer page 54 of the NRC marina strategy]. The remaining 25% are owned by people living in the balance of New Zealand or overseas. This composition closely reflects the owner profile for the project as anticipated in Annexure 07 – Economic Assessment .

Policy support

Policy recognition of the importance of infrastructure with a functional need to locate in the coastal marine area, and support for development of infrastructure such as marinas and facilities is contained in the New Zealand Coastal Policy Statement, Northland Regional Policy Statement and proposed Northland Regional Plan.

There is further policy support for the Waipiro Marina, specifically the NRC marina strategy was developed by the Northland Regional Council in response to the impetus for the provision and expansion of facilities for recreational boating in the Bay of Islands. The NRC

marina strategy specifically identifies Waipiro Bay as a potential location for a marina serving the eastern Bay of Islands (see maps at section 11.4 of the NRC marina strategy, 'Changes for mooring and marina management in the Bay of Islands 2014-2034').

Previous MfE assessment

The project was assessed by MfE representatives, when an application for listing in (then) Schedule 2B of the Fast-track Approvals Bill was being considered, as having significant regional or national benefits. In particular, MfE representatives recorded in Table A to that assessment [FTA#229] that:

"Based on the information provided by the Applicant, the project will:

- deliver regionally significant infrastructure
- will deliver significant economic benefits
- will support climate change mitigation, including the reduction or removal of greenhouse gas emissions
- will support adaptation resilience, and recovery from natural hazards,
- is consistent with local or regional planning documents, including spatial strategies

While the previous Schedule 2B listing application was ultimately unsuccessful, the project scope is materially the same as described in that application for listing, such that the conclusions reached on this issue by MfE representatives should be afforded material weight.

2.6.2 Explain how referring the project to the fast-track approvals process:

- 2.6.2.1** Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and

Like many infrastructure projects, particularly those located wholly or partly within the coastal like many infrastructure projects, particularly those located wholly or partly within the coastal environment, consenting of marina proposals is inevitably costly and time consuming both for the applicant, the relevant regional and district councils, and for third parties. This is for a combination of reasons, including that the traditional process can involve considerable inefficiency, including due to duplication of processes between first instance (council) hearings and appeals heard by the Environment Court.

The Applicant has extensive coastal development experience throughout the Northland region, including of marina construction/development and operation. A summary of the projects successfully completed by the Applicant is set out in Annexure 08 – Summary of Applicant Project Experience.

The Applicant's experience, and that of their expert advisors, is that having to secure the necessary authorisations for the project through the traditional Resource Management Act 1991, Wildlife Act 1953 and Heritage New Zealand Pouhere Taonga Act 2014 processes is likely to take several years, include uncertainty associated with appeals to the Environment Court, and incur consenting costs exceeding \$1.5 million.

In contrast, the fast-track process offers the opportunity for a project - including one that has (as here) been identified as having merit by a strategy study undertaken at a regional scale as having measurable economic benefits and supported by policy in the regional planning instrument - to be determined more efficiently.

While containing process efficiencies, the fast-track process provides for important safeguards, including expert evaluation and timely input from stakeholders and consent authorities. The FTA regime thus ensures that adverse effects will be identified and appropriate measures to manage those effects incorporated into the design of the project or addressed through conditions of consent.

2.6.2.2 Is unlikely to materially affect the efficient operation of the fast-track approvals process

It is not anticipated that the project will have any material effect on the operation of the fast-track approval process. Rather, referral of the project is an example of the efficient operation of the fast-track approval process as it aligns with the Act's purpose to facilitate the delivery of infrastructure and development projects with significant regional benefits.

The suite of consents and approvals required for the project are largely confined to those required in accordance with the RMA and the statutory instruments prepared pursuant to that statute, being principally the New Zealand Coastal Policy Statement; National Policy Statement on Indigenous Biodiversity; the National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater; and the operative and proposed Northland Regional Plan and Far North District Plan. Accordingly, the matters for consent and the related statutory tests are well documented and settled.

Additionally, there is existing support for the project in the regional documents (as

detailed below) including in the NRC marina strategy.

The Applicant has experience with developments in the coastal marine area and a proven record of delivering such projects. It is familiar with the relevant consenting and policy framework and the potential challenges associated with projects of this nature, including potential effects, and has the necessary experience to efficiently and appropriately address these challenges.

Overall, enabling the project to proceed under the accelerated process provided through the Act closely aligns with the purpose and efficient operation of the fast-track process.

- 2.6.2.3** Has the project been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list?

For example – a sector plan that specifically identifies the project including details such as location.

☒ Yes – see below ☐ No – proceed next

- a. Identify the plan, strategy or list (or any other relevant document).

Regional policy statement

In a wider context, support for infrastructure development in Northland is set out in the Northland Regional Policy Statement - refer for example, Objective 3.8 'Efficient and effective infrastructure', and Policy 5.2.3 'Infrastructure, growth and economic development'.

Proposed regional plan

Recognition of the benefits of development of marinas is found in the Proposed Regional Plan for Northland. By way of example, Policy D.5.16 reads:

D.5.16 Marinas – recognising the benefits of marina development

Recognise that benefits of marina development include:

- 1) efficient use of water space for boat storage, and
- 2) responding to demand for boat storage and associated services, and
- 3) opportunities to enhance public facilities and access to the coastal marine area, and
- 4) socio-economic opportunities through construction and on-going operation.

Moorings and Marinas Strategy for Northland 2014 (NRC marina strategy)

More specifically, the NRC marina strategy identified the practical need for a marina in eastern Bay of Islands. The intent of the NRC marina strategy was to inform the Council's decision making when allocating coastal water space for moorings and marinas. The NRC marina strategy recognised the need for more intensive means of accommodating boats in the Bay of Islands and the advantage that marinas offered in this regard. It specifically identifies Waipiro Bay as a potential location for a marina serving the Eastern Bay of Islands (see map at section 11.4 of the NRC marina strategy 'Changes for mooring and marina management in the Bay of Islands 2014-2034').

2.6.2.4 Will the project deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure?

☒ Yes – see below ☐ No – proceed next

a. Explain how the project will deliver this.

The project will deliver a new commercial marina in an area of Northland which currently has a

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2.6.2.5 Will the project increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020). If yes, explain how the project will achieve this.

N/A

2.6.2.6 Will the project deliver significant economic benefits, and if so, how?

Economic benefits calculated for the project

Annexure 07 - Economic Assessment assesses the contemporary contribution to GDP (both direct and indirect) from construction of the project as \$14.4m. This report estimates the on-going economic benefits resulting from the operation of the project as between \$10.1m to \$12.7m annually.

Expressed another way, the project will provide 89 FTE jobs during the construction period and 47-58 FTE jobs as a result of ongoing management and associated industry.

Given the intention is to primarily engage local staff in construction of the project and on-going operation of the marina, it is considered that the project will deliver significant economic and social benefits to the eastern Bay of Islands. This locality is an area currently characterised by rural deprivation.

The Applicant is currently closely integrated with the immediate locality, and the Northland region through a development portfolio, requiring active management of real estate assets. The Applicant therefore has existing relationships with local contractors and local employment channels that can be utilised and further developed for the project and on-going asset management.

In addition, numerous indirect benefits will accrue to the Bay of Islands from the development of the project. These include:

- Increased marine tourism opportunities such as game fishing and sight-seeing in the outer Bay of Islands which are major contributors to the local economy
- Business opportunities, and staffing of, facilities to cater to persons utilising the marina and boat launching facility
- Accommodation for persons using and visiting the yachts berthing at the marina
- A range of general marine tourism that stems from maintenance, servicing, provision, and support for high value yachts

Objective support for the benefits calculated

The calculated benefits of the project, as noted above, are supported by a range of objective sources. These include:

- The NRC marina strategy, which include analysis undertaken by the Northland Regional Council. This identifies the positive economic impacts of marinas as follows:
 - o One-off construction impacts:
 - Direct employment of 53 full time equivalent (FTE) persons.
 - Increase of Northland's gross domestic product by \$4.3 million and household income by \$3.4 million.

- Including the flow on effects (induced and indirect) increases the GDP impact to \$9.7 million and creates 115 full time equivalent (FTE) jobs.

o Significant on-going economic impacts that would derive from increased expenditure by owners of marina berths and on boat maintenance and boat use.

- A recent review of the contribution marinas make to the broader national economy was undertaken in 2023, this is provided as Annexure 09 – Report on the Health of the New Zealand Marina Industry: Economic, Social and Environmental Performance. This review was intended to provide science-based estimates of the performance and various contributions of the New Zealand marina industry to the general economy, and estimated that the average marina makes a contribution of \$9.3 million to the national economy.

- A recent Social Impact Assessment for Northland infrastructure projects observed that major infrastructure projects have the potential to generate local wealth and many positive social and health outcomes, particularly when projects employ local staff. Refer Annexure 10 - Social Impact Assessment of Northland's pipeline of major infrastructure report. Based on the insights from the Annexure 10 - SIA, the proposed marina is poised to deliver significant economic benefits to Northland, particularly in the Far North District. The SIA demonstrates that infrastructure projects can substantially enhance local economies through direct and indirect employment, business growth, and community wealth creation (Pages 9, 11-13, 63-66), and the marina aligns seamlessly with these mechanisms. Specifically, it will generate economic value by creating an estimated 50-150 construction jobs and 20-50 permanent operational roles, alongside numerous indirect positions in tourism, marine services, and hospitality, leveraging the Bay of Islands' status as a premier tourism destination. These employment opportunities will boost household incomes, particularly for underutilized workers in a region with high unemployment and deprivation (Pages 8, 70), while reducing poverty and enhancing living standards (Page 65). Furthermore, the SIA outlines that the marina can drive growth for local businesses, including the 230 Māori enterprises in Amotai's Northland database (Page 77) and emerging Pacific firms, by prioritizing local procurement and subcontracting, as advocated by the SIA's Te Tai Tokerau Model (Page 13). This aligns with the government's 5% Māori business spend target (Page 74) and could be amplified by adopting a % local hire weighting, a practice proven effective elsewhere in New Zealand (Page 67). Beyond construction, the marina will stimulate the marine economy and tourism, attracting boaters and visitors whose spending will ripple through local commerce, potentially generating millions annually in berthing fees, fuel sales, and related services.

2.6.2.7 Will the project support primary industries, including aquaculture, and if so, how?

N/A

2.6.2.8 Will the project support development of natural resources, including minerals and petroleum, and if so, how?

N/A

2.6.2.9 Will the project support climate change mitigation, including the reduction or

removal of greenhouse gas emissions, and if so, how?

The new marina development will support climate change mitigation by reducing greenhouse gas emissions, primarily due to its strategic location. Positioned closer to the main boating playground in the Bay of Islands (less than 3kms as opposed to more than 15kms from Opuia) and nearby islands—it shortens the distance boats travel to their destinations compared to regional and national storage facilities like Whangarei and Auckland, but also local marina facilities such as Opuia and Kerikeri. This reduces fuel consumption and emissions from gasoline or diesel-powered boats. Additionally, it offsets driving-related emissions by cutting road travel for boaters towing trailers from further away, saving CO2 per trip. As an extra launch site, it also eases pressure on existing ramps, reducing longer drives to alternatives like Opuia, further lowering vehicle emissions. Overall, its proximity delivers a clear reduction in the carbon footprint of boating activities.

2.6.2.10 Will the project support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards, and if so, how?

The proposed marina in Waipiro Bay offers multiple benefits that align with climate change adaptation, risk reduction from natural hazards, and recovery support following such events. Modern marina design and strategic placement can enhance resilience and sustainability in several key ways, while also contributing to broader environmental and community goals.

Firstly, by providing a centralized, well-situated docking facility, the marina reduces the distance boats need to travel to reach their final destinations on the water. This shorter travel distance translates to lower fuel consumption for vessels, directly reducing greenhouse gas emissions associated with boating activities. Additionally, a local marina decreases the need for boat owners to trailer their vessels over long distances by road to access the Bay of Islands. Fewer boat trailer miles not only ease congestion on Northland's road network but also cut emissions from vehicles, further contributing to climate change mitigation efforts. For a marina of this size—approximately 250 berths—the cumulative impact of these reductions is significant, supporting New Zealand's broader carbon reduction goals.

Secondly, the marina will play a critical role in reducing risks arising from natural hazards, such as storms, flooding, or sea-level rise, which are becoming more frequent and severe due to climate change. Modern marina designs incorporate advanced engineering solutions, such as floating docks that adapt to changing water levels, reinforced breakwaters to mitigate wave surge, and environmentally sensitive construction techniques that preserve coastal ecosystems. These features enhance the marina's resilience to natural hazards while protecting berthed vessels from damage during extreme weather events. By offering a safe haven for boats, the marina reduces the risk of vessels being caught in hazardous conditions at sea or left vulnerable at less secure moorings, thereby minimizing economic losses and environmental harm, such as fuel spills from damaged boats.

Thirdly, the marina will serve as a vital asset for recovery efforts following natural hazard events, both on land and at sea. Post-disaster, coastal communities often face disrupted access to resources and emergency services. A 250-berth marina, strategically located in the eastern Bay of Islands, provides the option to act as a staging point for emergency response operations. For instance, it could provide a base for maritime rescue teams, supply vessels, or environmental cleanup crews responding to incidents like oil spills or debris removal after storms. Coastguard and Rescue helicopter services can also make use of the facilities. The marina's infrastructure—such as fuel stations, water supplies, and shore power—could support these operations, ensuring rapid and effective recovery. Additionally, its capacity to accommodate a sizable fleet means it could facilitate the evacuation or relocation of people and assets during emergencies, enhancing community resilience.

Beyond these points, the marina will incorporate sustainable features to further bolster its climate adaptation credentials. For example, integrating solar panels or wind energy to power facilities would reduce reliance on fossil fuels, while rainwater harvesting systems could improve water security during droughts. The marina could also support ecological restoration projects, such as reef creation or mangrove planting along its perimeter, which act as natural buffers against erosion and storm surges while sequestering carbon.

In summary, the proposed 250-berth marina in Waipiro Bay supports climate change adaptation by reducing emissions through shorter boat trips and fewer road miles, mitigates risks from natural hazards with resilient design, and enhances recovery by serving as an emergency hub. These benefits, combined with sustainable design options, position the marina as a forward-thinking development that strengthens both environmental and community resilience in Northland. Many of these features are detailed further in Annexure 02 -Preliminary Design Report.

2.6.2.11 Will the project address significant environmental issues, and if so, how?

Management of invasive marine species including Caulerpa

The vulnerability of the Bay of Islands to invasion by marine weed species such as Caulerpa and Fan Worm is recognised.

The site is located within the footprint of the Te Rawhiti Exotic Caulerpa High Risk Zone identified in the Caulerpa Controlled Area Notice 2024 (the CAN). This notice sets out restrictions that apply within this zone, which include:

- no person shall remove any sea organisms from the zone;
- no person may move craft (such as boat) or equipment (such as crayfish pots/SCUBA) into the zone for the purposes of seafood gathering or diving activities;
- equipment used for water-based activities, and any craft must not be moved out of the zone unless specified cleaning requirements have been complied with; and
- permits are required to anchor craft in the zone.

To ensure that the effects of invasive species are avoided during the construction and operation of the marina the Applicant proposes appropriate conditions requiring it to adhere to the restrictions in the CAN for as long as it remains in force [Noting that the CAN is currently due to expire on 30 September 2025] or to apply for the necessary permits under the Biosecurity Act 1993 required to undertake activities restricted by the CAN (including permits for anchoring activities or other permits for activities otherwise restricted by the CAN).

Beyond this, the project will involve extensive work to ensure that Waipiro Marina is the leading example of monitoring and management of invasive foreign species in New Zealand waters. As the Bay of Islands is the primary destination for international vessels entering NZ waters, ensuring early detection and treatment of biosecurity issues is vitally important. Waipiro Marina will enable the latest technologies to be implemented that will vastly improve the ability to counter foreign invasive species of all kinds. In this respect, it will assist to address this significant environmental issue.

Reduced demand for moorings

As briefly traversed earlier, the NRC marina strategy recognises the need for more efficient means of accommodating boats in the Bay of Islands and the advantage that marinas offer in this regard.

Put simply, there is a proliferation of swing moorings in the Bay of Islands. These moorings have a range of adverse effects, including visual amenity, natural character, and navigation safety. They are considerably less efficient in the space and occupation of the CMA required, when compared to a marina.

The project will facilitate between 200-250 vessels to be berthed in a confined area, while also providing a range of ancillary/support services. This will reduce the need for an equivalent number of moorings dispersed through the Bay of Islands, addressing the significant environmental issues associated with the proliferation of moorings and ad-hoc anchoring that occurs due to the lack of berthage options currently available in the region.

2.6.2.12 Is the project consistent with local or regional planning documents, including spatial strategies, and if so, how?

The project is consistent with regional and local planning documents, including as described below:

- The Northland Regional Policy Statement provides broad objective and policy support for effective and efficient infrastructure, including where it stimulates opportunities for growth and economic development [Refer for example Objective 3.5 'Enabling economic wellbeing', Objective 3.8 'Efficient and effective infrastructure', and Policy 5.2.3 'Infrastructure, growth and economic development'].
- The proposed Northland Regional Plan provides policy support recognising the demand for on-water boat storage; and the benefits of marina development generally [Refer for example Policy D.5.16 'Marinas – recognising the benefits of marina development', and D.5.19 'Marinas and moorings in high demand areas']. More specifically, part of the project location is denoted as a Mooring Zone in the plan.
- The NRC marina strategy generally seeks to provide for a range of boat storage to address demand in Northland and specifically the Bay of Islands, and: (i) identifies potential mooring areas at Waipiro Bay; (i) provides for investigation into the demand for marina berths at Waipiro Bay [Refer Part B, Section 11 – Bay of Islands, and Section 21.1].

Section 3: Project details

Remember: at this stage only a general level of detail is required, enough to inform eligibility to use the fast-track approvals process.

For construction activities, please state the anticipated commencement and completion dates.

The current timing for the project is commencement of construction in Q3 2026, with completion in Q3 2028.

Prior to commencing works on the project, there is additional detailed design and assessment required, and the necessary approvals process to work through.

Refer Annexure 11 – Construction Programme for a detailed view of anticipated timing for the design, approvals, and construction of the proposed Waipiro Marina. Based on the Applicant's experience in delivering complex and large-scale marine infrastructure and other coastal mixed-use developments, we see the Waipiro Marina being a 24 month physical construction period.

3.1 Approvals required

Applications must specify all of the proposed approvals sought but only need to provide a general level of detail about each proposed approval, sufficient to inform the Minister's decision on the referral application.

For each proposed approval an applicant must be eligible to apply for any corresponding approval under a specified Act. For example, if an approval is for a notice of requirement under the RMA, the applicant for that approval would need to be a requiring authority.

Applications for approvals under a specified Act, as required by in [section 13\(4\)\(y\)](#), are covered below in 3.8 Specific proposed approvals.

3.1.1 Outline the approvals sought under the Resource Management Act 1991.

The Applicant seeks all necessary RMA approvals to construct and operate the project, being a commercial marina and public boat launching ramp, with associated car parking, complementary services including fuelling services, provision of hospitality and retail outlets, and space for emergency services facilities.

It is anticipated that the necessary RMA approvals include the following:

1) Coastal consents pursuant to section 12 and 15 of the RMA pursuant to the following provisions of the Proposed Regional Plan for Northland:

- i) Mangrove removal – discretionary activity under rule C.1.4.7.
- ii) Dredging within a significant area – non-complying activity under rule C.1.5.16.
- iii) Reclamation within a significant area – non-complying activity under rule C.1.6.6
- iv) Structures within a significant area – non-complying activity under rule C.1.1.30.
- v) Hard protection structures in a significant area - non-complying activity under rule C.1.1.27.
- vi) Maintenance dredging – controlled activity under rule C.1.5.10.

It is noted that the proposed Northland Regional Plan identifies a Significant Bird Area (SBA), including as critical habitat for Australasian Bittern adjacent to/partially within the proposal site. Annexure 12 – Preliminary Ecological Assessment has been undertaken and includes recommendations to manage effects on several identified threatened or at-risk avifauna that may be present in the area. Further detailed assessment in relation to ecological (including avifauna) effects of the project, including in relation to the SBA, will be incorporated in the substantive application.

2) Land use consents pursuant to section 9 of the RMA under the following provisions of the Proposed Regional Plan for Northland:

- i) Earthworks in the coastal riparian area – discretionary activity under rule C.8.3.4.
- ii) Vegetation clearance in the coastal riparian area – discretionary activity under rule C.8.4.3.

3) Consent pursuant to regulation 52 of the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may be required for earthworks within 100 metres of a natural inland wetland (non-complying activity).

4) Land use consents pursuant to section 9 of the RMA under the Operative Far North District Plan

for:

- i) Activities within General Coastal Zone that exceed permitted activity standards – discretionary activity under rule 10.6.5.4
- ii) Excavation and/or filling within an Outstanding Landscape –discretionary activity under rule 12.1.6.3
- iii) traffic generation in the General Coastal Zone – non-complying activity under rule 15.1.6A

The Operative Far North District Plan identifies the landward side of the project as an Outstanding Natural Landscape (ONL). It is noted that the Far North District Council is currently undertaking a review of its District Plan. The proposed Far North District Plan identifies a smaller, reduced area as ONL. A comprehensive assessment of actual and potential landscape and visual effects will be undertaken as part of a substantial application for the project, including effects on the ONL (based on the extent of any ONLs in each of the operative and proposed plans, as appropriate).

3.1.2 Outline the approvals sought under the Conservation Act 1987

No work is required on Public Conservation land therefore no approvals are required under this Act

3.1.3 Outline the approvals sought under the Reserves Act 1977

N/A

3.1.4 Outline the approvals sought under the Wildlife Act 1953

Based on an initial ecological assessment of the terrestrial aspects of the project, it may be necessary to capture and relocate (i.e. trap and transfer) indigenous lizard species. Accordingly, a wildlife approval will be sought as described in clause 2 of Schedule 7 to the Fast-track Approvals Act.

We note that the Applicant has extensive experience in the identification, capture and release of such creatures in the Bay of Islands under approvals granted pursuant to the Wildlife Act.

The Applicant has engaged with the Department of Conservation regarding the necessary Wildlife Act approvals.

3.1.5 Outline the approvals sought under the National Parks Act 1980

N/A

3.1.6 Outline the approvals sought under the Heritage New Zealand Pouhere Taonga Act 2014

An archaeological investigation of the site will be undertaken prior to commencement of the project. While it is not anticipated that this will reveal any artifacts or koiwi, an application for an archaeological authority will be made, on the basis that it may be required.

The Applicant has engaged with Heritage NZ regarding the potential need for an archaeological approval for the project. Heritage NZ has provided a response outlining the likely need for an archaeological assessment. Depending on the results of this assessment following the detailed design phase, an archaeological authority from Heritage NZ may be required. The Applicant has extensive experience in liaising with Heritage NZ and independent archaeologists to ensure the appropriate review and monitoring takes place during project works on land and in the coastal marine area. Many of these project experiences are from the immediate area surrounding Waipiro Bay. This past work has highlighted the unlikely nature of any further sites of significance being identified in the proposed marina area, however vigilance will still be required and a close working relationship with Heritage NZ will be maintained.

3.1.7 Outline the approvals sought under the Freshwater Fisheries Regulations 1983

N/A

3.1.8 Outline the approvals sought under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

N/A

3.1.9 Outline the approvals sought under the Crown Minerals Act 1991

N/A

3.1.10 Outline the approvals sought under the Public Works Act 1981

N/A

3.1.11 *Only applicable if more than one applicant:* Provide a statement of which approvals are proposed to be held by which applicant.

N/A

3.1.12 Where there are any particular eligibility requirements to apply for an above approval; identify what they are, who the relevant applicant is, and confirm that the relevant applicant meets those requirements (including providing any necessary supporting information or documentation to evidence this).

There are no specific eligibility requirements to apply for the above approvals.

- 3.1.13** Are there any other types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) and you consider are needed to authorise the project (including any that may be needed by someone other than you as the applicant(s)). Provide details on whether these have been obtained.

As stated prior, if a Caulerpa CAN notice applies to Waipiro Bay at the time of construction and operation of the proposal, then the necessary permits under the Biosecurity Act 1993 will be obtained as necessary.

3.2 Project stages

- 3.2.1** If the project is planned to proceed in stages, provide:

1. A statement of whether the project is planned to proceed in stages, including:
 - a. an outline of the nature, scale and timing of the stages; and
 - b. a statement of whether you intend to lodge a separate substantive application for each of the stages.
 - i. If a substantive application is intended to be lodged for each stage, address the questions under the section (Appropriateness for fast-track approvals process) for each stage of the project

The project is not planned to proceed in stages.

3.3 Alternative project

3.3.1 If the project is proposed as an alternative project, provide:

1. A statement of whether a part of the project is proposed as an alternative project in itself; and
 - a. Describe that part of the project; and
 - b. Explain how that part of the project proposed as an alternative project meets the referral assessment criteria in section 22 of the Act.

The project is not an alternative project.

3.4 Adverse effects

3.4.1 Describe any anticipated and known adverse effects of the project on the environment.

The anticipated and known adverse effects of the project have been broadly characterised in the various studies undertaken by suitably qualified and experienced independent experts on behalf of the Applicant to date. These are described in the reports attached as Annexures 02, 03, 06, 07, 12, 13, 14, 16 which describe the existing environment against which the project is to be assessed, the actual and potential effects of the project, and any measures proposed or necessary to manage (i.e. avoid, remedy, mitigate, offset, or compensate) those effects.

A summary of adverse effects is set out below. For convenience, these are grouped initially by activity and then identified by topic/discipline.

Effects associated with dredging and spoil disposal

Dredging is required to provide safe navigation to and from the marina, and to provide for berth pockets at all tides. The majority of the dredged material will be used to form the reclamation. Any excess material is expected to be uncontaminated. It will be removed and disposed of to an approved location.

Water quality

As detailed in Annexure 02 – Preliminary Design Report the effects of dredging on water quality will be managed by conventional techniques such as deployment of silt curtains and sediment monitoring of turbidity levels during dredging and construction activity.

Removal of avian and benthic habitat and effects on terrestrial habitat

Of necessity dredging and reclamation will remove areas of benthic habitat. Annexure 12 – Preliminary Ecological Assessment provides a preliminary expert assessment of the potential effects on marine ecology from these activities. As suggested in the report, habitat values will be more comprehensively

assessed prior to the preparation of a substantive application and appropriate effects management measures will be incorporated into the final design and secured by consent conditions. These measures could include timing works to avoid the main bird breeding and fish breeding seasons (or successive breeding seasons), buffer planting, remediation with native planting, containment of the works area, and observation for marine mammals, potentially offsetting and/or compensation measures, such as shellfish or seagrass reseeded/restoration.

Effects on bird habitat

Annexure 12 – Preliminary Ecological Assessment identifies the potential for dredging and reclamation to affect the habitat values for avian species. The ecological assessment also indicates how potential adverse effects may be mitigated, avoided, or remedied by adjustments to the design and consent conditions. These will be determined once the necessary detailed assessments for the substantive application have been carried out. Measures could include timing works to avoid breeding seasons, buffer planting, remediation with native planting, and/or containment of the works area. Further, it is acknowledged that, because the footprint of the reclamation extends into recognised bird habitat, it may be necessary to employ measures to offset or compensate for any identified adverse effects. Again, these will be determined following substantive assessments for the substantive application but are anticipated to include measures such as: improved predator control to boost breeding success in potentially affected species, creation or enhancement of roosting / foraging areas, and/or contribution to DoC programmes for collaborative research and/or recovery. These will be designed and implemented by appropriately qualified and approved experts in consultation with the Department of Conservation and local iwi/hapū.

Adverse effects on these values will be further quantified in an effects assessment undertaken for the substantive application for the project.

Based on the Applicant's experience with similar development projects in the coastal marine areas in Northland, including in Waipiro Bay and nearby, there is a high level of confidence that any adverse effects on avifauna can be appropriately managed, consistent with the requirements of the Fast-track Approvals Act and the relevant policy and plan direction.

Installation of breakwaters, piers and piles and reclamation material

Construction activities for the marina, including the breakwaters, reclamation, and piers will require appropriate management of effects – including noise effects, and effects associated with the generation of discharges to air and water.

Silt and sediment

Discharges of contaminants during construction, including silt and sediment, will be appropriately managed by silt curtains and sediment monitoring as described in Annexure 02 - Preliminary Design Report.

Noise effects

As is accepted practice in many recent coastal development projects, including in the eastern Bay of Islands, noise effects associated with pile driving will be managed through a management regime, whereby piling activities cease when cetaceans are observed within an established safe buffer distance.

Local residences are predominantly located some distance (>350m) from the site. Notwithstanding, construction noise will be managed by limiting the hours of operation.

Effects on Cetaceans

The site is located within the Te Pewhairangi (Bay of Islands) Marine Mammals Sanctuary. The Marine Mammals Protection Regulations 1992 apply to the Sanctuary. The place limitations on activities undertaken in proximity to whales and dolphins including operation of recreational and commercial

boats. The intent of the regulations is to ensure that marine mammals are protected from disturbance by marine activities including the operation of boats within the Sanctuary.

The waters of Waipiro Bay will be monitored and the operators of all vessels involved in the construction or operation of the marina will be issued with copies of these regulations.

In addition, as noted above, to ensure that cetaceans are not inappropriately adversely affected by noise from construction activities such as pile driving, the surrounding waters will be monitored during construction. If cetaceans are identified within an established safe buffer distance, construction activities will cease until they leave.

As part of a substantive application, it is anticipated that an independent expert will provide a detailed acoustic assessment, and that management steps will be detailed in a draft construction management plan.

Coastal processes

Annexure 02 – Preliminary Design Report notes that the marina piles will not modify the movement of water within the bay and thus will have less than minor effects. This report also notes that while the reclamation will modify the movement of water within the shallow areas of the bay, the effects of this will be offset by dredging at the marina entrance and consequently any effects on coastal processes will be localised and no more than minor. These effects will be quantified at the detailed design stage.

Wastewater and stormwater disposal

Annexure 02 – Preliminary Design Report sets out that wastewater will be generated at the site from bathroom facilities in the proposed reclamation buildings; marina facilities including bathrooms, showers and laundry in the marina building; and wastewater tank pump out facilities for the marina vessels.

All wastewater and stormwater generated by marina activities will be treated according to accepted standards via management systems to be installed during construction. These include:

- Wastewater will be collected into a common wastewater tanks and pumped to a disposal field on land. Where possible, grey water will be separated for reuse on the site.
- Stormwater will be collected for reuse where possible, and will be filtered and managed through rain gardens or stormwater filters.

The discharge of wastewater directly from vessels in the marina will be prohibited.

Terrestrial effects

Effects on terrestrial habitats

Annexure 12 – Preliminary Ecological Assessment identifies potential effects on terrestrial habitats, including with respect to avifauna and herpetofauna. The report recommends that these potential effects may be managed through a series of measures, including through detailed design of the project, avoiding breeding seasons and by drafting and implementing appropriate management plans, which will likely contain a range of responses including potentially offsetting and/or compensation. These will be designed and implemented by appropriately qualified and approved experts in consultation with the Department of Conservation and local iwi/hapū.

The Applicant has experience successfully utilising such measures on previous projects in the Bay of Islands and more widely around New Zealand in complex coastal situations.

Traffic effects

Annexure 13 – Preliminary Traffic Assessment provides a high-level analysis of the potential traffic impacts associated with the proposal. It does not raise any significant concerns in relation to traffic effects and concludes that the proposed parking and entrance design for the proposal is adequate.

Natural character, visual amenity and landscape values

Effects on visual amenity and landscape values are assessed in Annexure 14 – Landscape Statement. It concludes that the proposal will result in a perceptible change to its immediate environs.

The Landscape Statement concludes that these effects are capable of being mitigated and makes several recommendations for mitigation, including through building size and design (single level where possible, utilising natural finishes), landscape design, and the use of appropriate planting in and around the reclamation.

Cultural effects

The project site is not recorded in the relevant district or regional plan as being of cultural significance. For instance, it is not within the Te Hā o Tangaroa Protection Areas/Marine Protected Areas, which were the subject of recent litigation in the Environment Court. Notwithstanding, it is acknowledged that the land around Waipiro Bay has a long history of occupation. This is evidenced by a number of archaeological sites identified on the adjacent (terrestrial) land.

The Applicant has had positive engagement with iwi/hapū in consenting processes for other coastal developments in the vicinity of the project site. That previous engagement has afforded the Applicant a good understanding of the likely issues and potential cultural effects associated with the project.

The Applicant acknowledges the need to consult closely with iwi/hapū to ensure that the project recognises and responds to cultural issues, such that cultural effects are appropriately avoided or otherwise managed.

The engagement process undertaken by the Applicant includes acknowledging the:

- Draft Moana Management Plan (Te Kupenga o Ngati Kuta me Patukeha ki Te Rawhiti Hapu Moana Management Plan) prepared to assist manage activities. The draft Moana Management Plan asserts Kaitiaki status over the waters around Rawhiti, including the waters of Waipiro Bay; and adopts the principles of kaitiakitanga to maintain sustainable levels of fish stocks to support traditional fishing practices, while recognising the benefits to the community provided by well managed commercial operations. As far as can be determined, this document has remained in draft form since its initial preparation in 2007.

- Hapu management plan prepared by Ngati Kuta (Whakatakoto Kaupapa Mo Te Hapu o Ngati Kuta ki te rawhiti). The part of this plan dealing with the coastal marine area is concerned with the management of fish stocks within the rohe of the hapū.

Consultation on cultural matters is ongoing, although it is recorded that, to date, no concerns have been raised about the effects of the project on the management of fish stocks, nor on other matters recorded in the management plans described above.

Summary: Management of Effects

The Applicant has engaged a range of experts to provide preliminary advice regarding the potential adverse effects of the proposal and possible mitigation measures. These are detailed in the various expert reports attached to this referral application – refer Annexures 02, 03, 06, 07, 12, 13, 14, 16.

The substantive application for the project will incorporate detailed expert assessments including, where appropriate, recommendations for effects management and mitigation measures. As expected given the current (referral) stage of the project, further detailed analysis and detailed design will be undertaken to ensure that any actual and potential adverse effects of the proposal are appropriately identified, contextualised, and managed.

As is standard practice, construction activities will be subject to a series of management plans to establish clear operational and effects parameters, and to demonstrate how the project will keep within those parameters, and what will happen if it does not. This approach is well established as best practice, and consistent with the Supreme Court guidance [Refer Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board].

Following construction, the operation of the marina will also be managed in accordance with the Best Management Practices developed by the New Zealand Marina Operators Association (NZMOA). This will be secured by a suitable consent condition.

Also worth recording here is the Applicant's extensive experience in consenting and completing developments in New Zealand, including marina developments and the ongoing operation and management of such assets in the coastal environment. Put simply, the Applicant is industry leading in this field.

- 3.4.2** Provide a statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991, and identify the relevant prohibited activity provision.

N/A

3.5 Persons affected

- 3.5.1** Provide a list of the persons, groups and/or entities who you consider are likely to be affected by the project.

The list should include, as relevant, local authorities, relevant Māori groups (as set out at section 13(4)(j)(ii)-(vii) of the Fast-track Approvals Act 2024), persons with a registered interest in land that may need to be acquired under the Public Works Act 198; and if the project includes a land exchange, the holder of an interest in the land that is to be exchanged by the Crown (see Consultation requirements for referral application).

Please refer Annexure 15 – Stakeholder Engagement Register for the list of parties identified as likely to be affected by the project. This list has been compiled from the Applicant's extensive experience of development projects, both in the local area, and regionally/nationally on a large scale.

This list can be summarised in four broad categories for ease of discussion.

Firstly, the local and national authorities who set and oversee regulations and policy for such development, this includes the Far North District Council, Northland Regional Council, Department of Conservation, and other administering agencies. The Applicant has engaged to various degrees with these agencies to date and continues to do so - with the objectives of identifying any concerns or issues; and ensuring that the project aligns with policy and strategic direction (including national direction). Given the prominent role of the NRC in activities in the coastal environment, engagement with NRC has been multi-layered to ensure the best possible outcome, including one that aligns with the Regional Plan and their Moorings and Marinas Strategy (Annexure 04).

A second group of affected parties includes associates of these local and national authorities, including Northland Inc – the tourism advocacy arm for the entire Northland Region, Harbourmaster, Coastguard, Heritage NZ, and NZ Marina Operators Association. Engagement is ongoing with the organisations and there has been meaningful feedback and support for the project from many of these organisations.

Thirdly, the Applicant has engaged with tangata whenua and associated groups over the past 12 months, including MACA Act claimant groups. This has been a primary focus of the Applicant's engagement and discussion. Based on over two decades of development experience in this location by the Applicant, we understand the leading input from a tangata whenua perspective is provided by two local hapū: Patukeha and Ngāti Kuta, based out of Rawhiti in the eastern Bay of Islands. The Applicant therefore has endeavoured to engage closely with Patukeha and Ngāti Kuta and continues to work towards a shared position with them. Additionally, the Applicant has engaged with Ngāpuhi as the Northland iwi collective.

The fourth broadly defined group is the public that will or may be affected by the project. The Applicant identified the immediate neighbours to the project site and commenced direct engagement with these parties. Additionally, with input from the Harbourmaster, the Applicant has identified that there may be discussions required with swing mooring holders in the wider Parekura Bay/Waipiro Bay. The Applicant will initiate discussions with such parties, alongside the Harbourmaster and NRC who control these mooring licenses, as it moves into the substantive application phase of the project.

For completeness, the list of person, groups, and/or entities who the Applicant considers likely to be affected by the project is as follows:

- Northland Regional Council
- Far North District Council
- Department of Conservation
- Ministry for Primary Industries
- Heritage New Zealand Pouhere Taonga
- MACA Act claimant groups
- Local hapū – Ngati Kuta
- Local hapū – Patukeha
- Iwi – Ngapuhi
- Northland Inc
- NZ Marina Operators Association
- Local MP Grant McCallum
- Coastguard Tautiaki Moana
- Regional Harbourmaster

- Immediate neighbour – Cobblers Point
- Immediate neighbour – Omarino Residents Association Inc

- 3.5.2** Provide a summary of any consultation undertaken with the above persons and/or groups who you consider are likely to be affected by the project, and any other groups required to be consulted with under section 11 of the Act, and how the consultation has informed the project.

Annexure 15 – Stakeholder Engagement Register contains a detailed account of the consultation that has taken place.

In summary, consultation has been undertaken in a manner that aims to elicit a full range of perspectives on the project. The consultation undertaken is described in the response to the above question.

The project draws on, and benefits from, the large body of work previously completed by the Northland Regional Council [refer Annexure 04 - NRC mooring and marinas strategy], along with work undertaken by Far North District Council and MBIE [refer Annexure 05 - Far North Boat Ramp Study]. These documents have collected and synthesised extensive data and various perspectives from individuals, affected boating and marine organisations, and local authorities in relation to marina and boating facility requirements in the region. This information has been utilised in forming the design of the project. Furthermore, it has enabled a detailed understanding for the needs of the region when it comes to marine infrastructure and integration with policy, natural environment and associated stakeholders.

More specific engagement with tangata whenua and the Northland Regional Council has enabled a 'feedback loop' to inform the project, its design and relevant conditions. The Applicant has shared a number of the preliminary expert reports to allow conversation and dialogue with affected parties. This process is ongoing, as it will be throughout the design, construction and management of the project. By way of example, the project has evolved to include a well-serviced all-tide boat launching facility with associated boat trailer parking that complements the adjacent marina. The boat launching facility will also relieve pressure from boat launching facilities in the eastern Bay of Islands – which are drastically under supplied and of a low quality.

Feedback received in respect of the project has included comment that the provision of employment and associated economic opportunities is of the utmost importance. Particularly during the construction period, but also on an ongoing basis for the operational life of the assets, the project will provide additional services that generate the need for employment that is able to be filled by local personnel. An area where even larger prosperity for the local population will be generated is the creation of a new marine hub, that draws in people and vessels (both nationally and internationally) who will seek out services. This is capable of generating material opportunities for new enterprise, thereby providing economic and social benefits to the area.

- 3.5.3** List any Treaty settlements that apply to the project area and provide a summary of the relevant principles and provisions in those settlements.

N/A

- 3.5.4** If relevant, detail any principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 that would be invoked by the project and identify which aspects of the application trigger or otherwise invoke these requirements.

N/A

3.5.5 Will the project be located on land returned under a Treaty settlement?

☐ Yes – see below ☒ No – proceed next

3.5.6 Provide evidence of written agreement by the owners of the land returned.

N/A

3.5.7 Describe any processes already undertaken under the Public Works Act 1981 in relation to the project:

N/A

3.5.8 Provide information identifying any parcels of Māori land, marae, or identified wāhi tapu within the project area:

N/A

3.6 Legal interests

3.6.1 Provide a description of any legal interests you or any others applying, have in the land on which the project will occur, including a statement of how that affects your ability to undertake the work.

The seabed, as common marine and coastal area in the MACA Act, is accorded a special status whereby it is not owned by the Crown or anyone. The project is proposed to be predominantly within the coastal marine area, except for the entrance way for the marina that will utilise the adjacent privately owned terrestrial land at 285 Manawaora Road. This land is owned by the Omarino Residents Association Inc.

Please refer to Annexure 16 – Omarino Neighbours Letter of Approval, that outlines the discussion with Omarino Residents Association and their agreement that the proposed marina will require access via this land; and Annexure 17 – Omarino Title.

3.7 Other matters

3.7.1 Have any activities included in the project, or any that are substantially the same as those involved in the project, previously been the subject of an application or a decision under a specified Act?

Please note the term 'application' includes a notice of requirement and any other means by which a decision may be sought under a specified Act.

☐ Yes – see below ☒ No – proceed next

3.7.2 If an application has been made, provide details of the application.

3.7.3 If a decision has been made, also provide the outcome of the decision and the reasons for it.

3.7.4 Provide a description of whether and how the project would be affected by climate change and natural hazards:

Annexure 02 – Preliminary Design Report addresses potential climate change and natural hazard risks, including flood hazards; coastal erosion; coastal inundation; sea level rise; and tsunami risk.

The Preliminary Design Report in Annexure 02 assesses the project location including against the NRC coastal hazard maps, and notes that:

- The project site is not at risk of coastal erosion due to its sheltered location;
- The entry road is mapped as potentially subject to river flood hazards (River Flood Hazard Zone 2 (100 years) and River Flood Hazard Zone 3 (100 years + Rapid Sea Level Rise Scenario)), however, this road has been fully designed and reviewed as part of a previous subdivision process and is therefore unlikely to be affected; and
- Other areas mapped as subject to flood hazards are directly adjacent and directly draining to the CMA, and therefore may be inundated occasionally but are not flood prone.
- The project site is mapped as being within a tsunami evacuation zone area. In this respect, it is noted that the project site is within walking distance to elevated platforms, and it is anticipated that management practices for the marina will include provision of information regarding tsunami evacuation protocols.

Beyond these initial matters, a detailed assessment of the risks associated with climate change and natural hazards, and measures to manage/minimise those risks, will be undertaken as part of the detailed design of the proposal.

In a wider sense, it is noted that the Applicant has significant experience in development and long term ownership of marine and coastal assets across the country, including in the Northland region. Therefore the Applicant has the knowledge that is required to ensure that the practicalities of scientific reporting and forecasts are correctly managed and implemented during the design, construction, and operation of the asset to appropriately manage risk from climate change and natural hazards.

Provide the additional details requested below as relevant to your application.

3.8 Specific proposed approvals

3.8.1 Approvals under the Resource Management Act 1991

3.8.1.1 Resource consents

If your application is seeking a consent for an activity that would otherwise be applied for under the Resource Management Act 1991, including an activity that is prohibited under the Act, provide the information below:

- An assessment of the project against any relevant national policy statement, any relevant national environmental standards and, if relevant, the New Zealand Coastal Policy Statement.

The New Zealand Coastal Policy Statement 2010 (NZCPS)

An assessment of the project against the NZCPS is set out below. It is acknowledged at the outset that further detailed investigations and assessments in relation to the NZCPS will inform and contextualise the substantive application for the project.

Policy 6: Activities in the coastal environment

The NZCPS provides enabling support for the proposal. Policy 6(1)(a) recognises that the provision of infrastructure is important to the social, economic and cultural well-being of people and communities. The project will bring material social and economic benefits to the local Bay of Islands community and the Northland region, as detailed earlier.

As a marina and boat ramp facility, the project has a functional need to locate in the coastal marine area, consistent with Policy 6(2)(c). Beyond this, the project will enhance the recreation qualities and values of the coastal marine area, consistent with Policy 6(2)(b). It will do so by facilitating access for boat users, including the public, to safely and efficiently access the eastern Bay of Islands.

Through careful design, the project will achieve this material enhancement of public access to the coastal marine area for boat users, including the public, whilst maintaining, and in some respects enhancing, amenity values.

The project promotes the efficient use of occupied space in the coastal marine area, including through making the boat ramp available for public use, consistent with Policy 6(2)(e). Here it is important to note, as acknowledged in the various attached documentation (refer Annexures 04, 05, 06, 07), that existing facilities for marinas and boat ramps in the eastern Bay of Islands do not adequately meet current demand.

Policy 10: Reclamation and de-reclamation

Policy 10(1) requires reclamation in the coastal marine area to be avoided unless:

- (a) land outside the coastal marine area is not available for the proposed activity;
- (b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;
- (c) there are no practicable alternative methods of providing the activity; and
- (d) the reclamation will provide significant regional or national benefit.

The Applicant has carefully considered Policy 10 in scoping and designing the project and considers that the project is consistent with its intent.

Waipiro Bay has been identified as a potential area for a marina, dating back to at least 2010 [refer the NRC marinas strategy, discussed earlier]. It is a sheltered area, popular with yacht owners as a safe mooring area, with relatively good road access.

There is established demand for a marina at this location. The eastern Bay of Islands has a current shortfall in marina berths. The need for on water boat storage is identified in the

NRC marinas strategy. The proposal will provide an additional 250 marina berths and will therefore contribute towards meeting the demand for additional marina berthage in Northland.

The breakwater, marina berths, boat ramp, and fuelling station can only locate in the coastal marine area.

The limited area of suitable level land outside the coastal marine area adjacent to the marina will be required to safely accommodate the access road. Due to the local topography, it is not practicable to create sufficient additional level land to accommodate other requisite aspects of the project, such as ancillary buildings and car parking.

Therefore, reclamation is necessary for the activities associated with the project, including access and parking. This is because, as required by Policy 10(1):

- Land outside the coastal marine area is not available due to the local topography, as discussed above.
- The activities can only occur in or adjacent to the coastal marine area. Here we record that, of necessity, car parking for the marina and boat ramp must be located adjacent, or at the very least proximate, to the marina berths and boat ramp. This is required to enable practical access to boats for the owners and their guests, and for servicing and victualling of vessels. In the case of the boat ramp, it is also necessary to have adjacent car and trailer parking to reduce the potential of conflict with other traffic. As explained in Annexure 05 – Far North Boat Ramp Study, the lack of appropriate off-street parking is a practical limitation to the viability of existing ramps.
- On this issue, the Project is readily distinguishable from another recent fast-track application in the Northland region. In the Rangitane Maritime Development application (refer record of decision of the Expert Consenting Panel, dated 29 January 2025, which was determined under the COVID-19 Recovery (Fast-track Consenting) Act 2020), consents were sought to upgrade a public boat ramp facility, including a reclamation to provide parking to service the boat ramp. In Rangitane, the application was declined, primarily on the basis that Policy 10(1) of the NZCPS would not be met. This was due to reasons including the presence of an adjacent reserve area of flat land that had existing pedestrian and vehicle access, and which was already being utilised for overflow parking for the existing boat ramp. In contrast, at Waipiro Bay there is no adjacent land suitable for use as car parking or other ancillary activities relating to the project.
- The Applicant has carefully considered potential alternative locations of providing the activity and has concluded that the project is the only viable option within the eastern Bay of Islands. This finding is consistent with the extensive task undertaken as part of the NRC marinas strategy more than a decade earlier. This is due to a range of factors/constraints, including:

☐ availability of a sheltered harbour which has been previously identified by NRC to have potential for use as a marina,

☐ topography of the adjacent land area, meaning that it is not suitable for locating ancillary activities including car parking, and

☐ the demand for serviced marina berths and for a safe, all-tides public boat launching facility, and the significant regional benefits that attach to this.

Notwithstanding the clear guidance outlined in the NRC marinas strategy that Waipiro Bay is a leading location for the development of additional marina infrastructure, the Applicant undertook investigation of numerous alternative locations within the Parekura Bay area. These alternative locations included inland of Manawaora Road from Waipiro Bay (300m from the proposed site), thus creating large logistical issues with crossing an important regional road. Also considered was further into Parekura Bay (3km from proposed site)

however this created removal of much larger natural environments and required crossing of Manawaora Road again. Preliminary design, costing and effects were completed for these locations, and they were subsequently ruled out in strong favour of the currently proposed site.

- The Applicant has also assessed alternative methods, including to minimise reclamation. Alternatives explored included:

- ☐ Elevated pile-supported structures: ruled out due to coastal hazard risk, longevity concerns, and high construction costs. As with a number of the options below, it would also mean that reuse of dredged material is not feasible.

- ☐ Floating structures: dismissed due to additional dredging requirements in a tidal site and inability to support heavy vehicles. Would require off-site disposal of dredged material.

- ☐ Inland relocation: impracticable due to site isolation, geology/topography, including safety issues crossing a major road. Would require off-site disposal of dredged material.

- ☐ Multi-storey parking: excluded due to geotechnical limits, high cost, visual impacts on the coastal landscape. Would require some off-site disposal of dredged material.

No viable alternative avoids reclamation entirely. Dredging the marina basin and fairways generates significant material, which we considered reusing in the project or disposing of off-site. Reusing dredged fill for reclamation is the most practical solution, aligning marina needs with efficient resource use, while delivering regional benefits like enhanced boating access and economic growth.

- The proposal will have significant regional benefits for Northland. The economic benefits of the proposal (including the reclamation) to the Bay of Islands, and the Northland region, are described above. The expert economic assessment undertaken for the project concludes that the proposal will have a total economic impact of \$177.9 - \$218.8 million in value added GDP and will support 137-148 full time equivalent jobs over a 30-year period. Beyond these direct economic benefits, the project will promote tourism in the region (including from both domestic and international visitors), support marine-related businesses in the region, and increase accessibility to the Bay of Islands. These factors will contribute to increased spending in the region; and further solidify the Bay of Islands as the premier sailing and cruising destination in New Zealand.

- Here we record a comment of the expert panel that determined the Rangitane decision cited above, where it stated [refer paragraph [20]]:

...The Panel accepts that encouraging people to the Far North for recreational boating and to enjoy the unique and wonderful environment that the Bay of Islands creates positive effects for wider communities, locally, nationally and internationally. The Panel therefore accepts the wider public benefit of providing modern, user friendly facilities for local people and visitors to access the CMA and to use and enjoy the marine environment.

Policy 10(2) sets out matters to which particular regard is required to be given in considering the form and design of the reclamation.

The matters in Policy 10(2) have been considered by the Applicant in its considerations for the project. The preliminary reports and assessments provide comment on these matters.

Annexure 02 – Preliminary Design Report sets out the initial proposed design parameters for the proposal, and provides a preliminary assessment of coastal hazards, sea level rise, wave environment and water levels and tsunami risk. The proposed reclamation area is approximately 3.5-4ha with an estimated fill volume of 250,000m³-350,000m³. The shape of the reclamation is, in part defined by practical imperatives such as the need for adequate parking. Where appropriate, the shape of the edge and material used to form

the revetments will comprise rocks compatible with the surrounding environment and appropriate native species will be used in the landscaping Indicated in the attached site plan. Reclamation fill is likely to be made up of the site dredgings, stabilised with cement, as well as some quarry run type hardfill materials.

Currently the landward margin of the proposal site enjoys riparian rights. It is intended that public access to the coastal marine area be made available over the part of the proposal site that will be subject of the reclamation.

There are no identified sites of cultural significance to Māori in the area of the proposal site. The Applicant is engaged in ongoing consultation with tangata whenua in relation to the proposal and this will cover the management of any cultural effects.

The matters in Policy 10(2) will form key considerations of the further assessments and investigations to be undertaken as part of the substantive application for the project. This will include geotechnical investigations to determine the design parameters for the reclamation, refer Annexure 18 – Preliminary Geotech Assessment.

Policy 10(3) provides:

In considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including...marinas...

The need for the reclamation is to provide for the establishment and efficient operation of a marina facility. It is squarely consistent with the direction in Policy 10(3) of the NZCPS.

Policy 11: Indigenous biological diversity

Policy 11 relates to the protection of indigenous biodiversity in the coastal environment. This policy seeks to avoid adverse effect on threatened or at-risk species (and their habitats); and to avoid significant adverse effects, and avoid, remedy, or mitigate other adverse effects on areas of predominant indigenous vegetation and habitats of indigenous species.

Relevant to Policy 11, the proposed Northland Regional Plan identifies a significant bird area (SBA) as critical habitat for Australasian Bittern adjacent to/partially within the project site. Annexure 12 – Preliminary Ecological Assessment provides an initial assessment of the ecology values and characteristics within and around the project site. This includes recommendations to manage effects on several identified threatened or at-risk species that may be present in the area, including to achieve the 'avoidance' requirements of Policy 11 of the NZCPS.

Further detailed assessments of the potential ecological effects of the project will be undertaken to inform the substantive application. These will include recommendations including as appropriate/necessary to achieve the 'avoidance' requirements of Policy 11.

Policy 13: Preservation of natural character and Policy 15: Natural features and natural landscapes

Policy 13 requires the preservation of natural character and its protection from inappropriate subdivision, use, and development, including by the avoidance of adverse effects on areas of the coastal environment with outstanding natural character, and the avoidance of significant adverse effects on all other areas.

Policy 15 provides for the protection of the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision use and

development. This includes requiring the avoidance of adverse effects on outstanding natural features (ONF) and outstanding natural landscapes (ONL) in the coastal environment, and avoidance of significant adverse effects, and avoidance, remedy, or mitigation of other adverse effects on other natural features and natural in the coastal environment.

Natural character

The independent expert statement attached as Annexure 14 – Landscape Statement commissioned by the Applicant notes that there are no areas of High or Outstanding Natural Character affecting the project site and assesses the character values of the marine portion of Waipiro Bay as moderate, and the natural character values of the terrestrial margins of Waipiro Bay as moderate or, in where there are areas of wetland, moderate to high. The Landscape Statement identifies the potential for effects on natural character within the project footprint, however, it is noted that detailed assessment will be required to determine the level of effect.

Natural features and landscapes

The independent expert Landscape Statement assesses the landscape values in the vicinity of the site. The Operative Far North District Plan identifies a terrestrial ONL adjacent to the project site. The proposed Far North District Plan also includes an ONL adjacent landward of the project site, albeit materially spatially reduced compared to that identified in the Operative Plan. The independent expert Landscape Statement sets out a high-level assessment of the landscape character and an evaluation of the values of the project site and its context, noting that the local coastal landscape is in part defined by multiple existing jetty and wharf structures and buildings in close proximity to the waters of Waipiro Bay and a number of boat moorings occupy the southern half of the Bay. The independent landscape expert recommends measures to manage effects on natural landscapes which the Applicant intends to include in its substantive application for the project, for example limiting buildings to a single level, use of natural materials, and landscape treatment. It is considered that, particularly when those management measures are included, the project will be integrated with the local coastal environment.

Policy 16: Surf breaks of national significance

There are no surf breaks of national significance that will be affected by the project.

National Policy Statement for indigenous Biodiversity (NPSIB)

The NPSIB provides direction to councils on how to identify significant natural areas (SNAs) and manage the adverse effects of new activities on them. There are currently no SNAs identified within the project footprint.

Beyond this, the NPSIB has requirements for development outside SNAs. Broadly, those requirements are that:

- significant adverse effects of the new subdivision, use, or development on indigenous biodiversity outside the SNA must be managed by applying the effects management hierarchy; and

- all other adverse effects of any activities that may adversely affect indigenous biodiversity that is outside an SNA must be managed to give effect to the objective and policies of the NPSIB.

The substantive application for the project will carefully demonstrate how these requirements are met, particularly with regards those avifauna, herpetofauna, and marine mammal species that have been identified earlier.

National Policy Statement on Freshwater Management (NPS-FM); and
Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)

It is identified in Annexure 12 – Preliminary Ecological Assessment that there are two wetlands within 100m of earthworks proposed to be undertaken as part of the proposal. The preliminary assessment is that these wetlands are likely to meet the definition of ‘natural inland wetland’ (as set out in the NPS-FM).

Regulation 52 of the NES-F provides that earthworks within 100 meters of a natural inland wetland requires consent as a non-complying activity, if it will result in the complete or partial drainage of all or part of the wetlands.

Therefore, as part of the substantive application for the project, it will need to be determined whether:

- (a) The wetlands identified in the Preliminary Ecological Assessment meet the definition of ‘natural inland wetland’ contained in the NPS-FM, and if so, their exact extent; and
- (b) Potential effects of the project on those wetlands, including specifically whether the proposed earthworks will result in their complete or partial drainage.

Pending the outcome of these detailed investigations, approval may be required as a non-complying activity under the NES-F. In that situation, the Applicant will be expected to undertake a thorough assessment against the requirements of the NPS-FM and NES-F, and appropriate conditions would attach to any consents granted, including as required by condition 55 of the NES-F.

- Information on whether, to the best of your knowledge, there are any existing resource consents relevant to the project site to which RMA section 124C(1)(c) (existing consent would need to expire to enable the approval to be exercised) or RMA section 165Z1 (space already occupied by the holder of an aquaculture permit) would apply if the approval were to be applied for as a resource consent under that Act
N/A

3.8.1.2 Resource consents where the project includes standard freshwater fisheries activities

If your application is seeking a resource consent and your project includes a standard freshwater fisheries activity, provide the information requested below:

COMMERCIAL

- If an in-stream structure is proposed (including formal notification of any dam or diversion structure), provide a description of the extent to which this may impede fish passage.

N/A

- Indicate whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

N/A

3.8.1.3 Designations

If your application is seeking a designation or an alteration to an existing designation for which a notice of requirement would otherwise be lodged under the Resource Management Act 1991, provide the information below:

- An assessment of the project against any relevant national policy statement, any relevant national environmental standards, or, if relevant, the New Zealand Coastal Policy Statement.

N/A

3.8.1.4 Designations where the project includes a standard freshwater fisheries activity

If your application is seeking a designation or an alteration to an existing designation and your project includes a standard freshwater fisheries activity, provide the information requested below:

- If an in-stream structure is proposed (including formal notification of any dam or diversion structure), provide a description of the extent to which this may impede fish passage.

N/A

- Indicate whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

N/A

3.8.1.5 Change or cancellation of conditions

If your application is seeking a change of cancellation of resource consent condition that would otherwise be applied for under the Resource Management Act 1991, provide:

- Information about whether the change or cancellation of the condition is material to the implementation or delivery of the project.

N/A

3.8.1.6 Certificates of compliance

If your application is seeking a certificate of compliance that would otherwise be applied for under the Resource Management Act 1991, provide:

information that demonstrates the activity that the certificate of compliance is intended to cover can be done lawfully in the location without a resource consent.

N/A

3.8.2 Approvals relating to Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, and National Parks Act 1980

3.8.2.1 Concessions

For applications seeking a concession that include a lease, answer the following:

- Will the lease be for a term (including any renewals that will, or is likely to, be more than 50 years?)
☐ Yes – see below ☒ No – proceed next
- Will the granting of the lease trigger a right of first refusal or a right of offer or return?
☐ Yes – see below ☒ No – proceed next
 - If you answered yes to both a. and b. above, provide evidence that the applicant has written agreement from the holder(s) of the right of first refusal or right of offer or return to waive that right for the purposes of the proposed lease.

3.8.2.2 Land exchanges

For applications seeking an approval for a land exchange involving conservation land, provide the details below:

- A description of both land areas proposed for exchange (for example, maps showing areas and location, addresses and legal descriptions where possible)
- The financial value of the land proposed to be acquired by the Crown
- A brief description of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate.
- If the land exchange would trigger a right of first refusal or a right of offer or return, provide evidence that the applicant has written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange
- Provide sufficient detail in respect of both land areas to confirm that no part of any land to be exchanged by the Crown is land listed in Schedule 4 or a reserve declared to be a national reserve under section 13 of the Reserves Act 1977.

3.8.3 Approvals relating to complex Freshwater Fisheries activities

If your application is seeking an approval or dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity provide the information requested below:

- Whether an in-stream structure is proposed (including formal notification of any dam or diversion structure), and a description of the extent to which this may impede fish passage.
- Whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

3.8.4 Approvals relating to Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

If your application is seeking a marine consent that would otherwise be applied for under the Exclusive Economic Zone and Continental Shelf Act 2012, provide the information requested below:

- Any information relating to whether the Minister for Conservation is an affected person.
- If the applicant or the proposed holder of the marine consent has already applied for a consent under the EEZ Act in relation to the project, provide:
 - Details of any application made;
 - An explanation of any decisions made on that application; and
 - Any information that Minister may consider under section 22(6) (comparison of activity against current or likely use of the area).
- Additional information (in a summary form) about compliance or enforcement action taken against the applicant or the person who is identified in the application as the proposed holder of the marine consent by the EPA under the EEZ Act.

3.8.5 Approvals relating to Crown Minerals Act 1991

3.8.5.1 Access arrangements

For an approval for an access arrangement that would otherwise be applied for under section 61 or 61B of the Crown Minerals Act 1991, provide:

- Information that confirms the applicant or the person identified in the application as the proposed holder of the access arrangement complies with section 59(1) and (2) of the Crown Minerals Act 1991 (which applies as if a reference to an access arrangement under that Act were a reference to an access arrangement under this Act) including;
 - Evidence that the applicant or person has provided each owner and occupier of the relevant land a notice in writing of their intention to obtain an access arrangement; and

- Evidence that the notice complies with the requirements in section 59(2) of the Crown Minerals Act, and any matters required by regulations. =

3.8.5.2 Mining permits

For an approval for a mining permit that would otherwise be applied for under section 23A of the Crown Minerals Act 1991, provide the information requested below:

- A copy of the relevant exploration permit or existing privilege to be exchanged for a mining permit that entitles the holder to mine a Crown-owned mineral.
- The name and contact details of the proposed permit participants and the proposed permit operator.
- A proposed work programme for the proposed permit, which may comprise committed work, committed or contingent work, or both.
- Evidence of the technical or financial capability of the proposed permit holder to comply with and give proper effect to the work programme.
- Information about the proposed permit holder's history of compliance with mining or similar permits and their conditions.
- The proposed date on which the substantive application is intended to be lodged (if your referral application is accepted) in accordance with section 42(11).
- If the authorised person proposes to provide information under section 37 (to the relevant chief executive), the date on which the person intends to provide that information.
- The proposed duration of the permit.

3.8.5.3 Mining permits for petroleum

If the proposed approvals include a mining permit for petroleum, provide:

- A map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be the same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates.

- The resources and reserves relating to the project, estimated in accordance with the Petroleum Resources Management System.
- A high-level overview of the following:
 - the proposed field development plan;
 - the proposed date for the commencement of petroleum production;
 - the economic model for the project;
 - the proposed duration of the proposed mining permit and;
 - decommissioning plans.

3.8.5.4 Mining permits for minerals other than petroleum


If the proposed approvals include a mining permit for minerals other than petroleum, provide:

- A map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be the same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates.
- For minerals other than gold or silver, a report or statement confirming the ownership of the minerals targeted
- Information on whether the application will be for a Tier 1 or Tier 2 permit.
- An estimate of the mineral resources and reserves relating to the project, including a summary on acquisition of the data and the data underpinning the estimate (such as information on sample locations, grade, and geology). For a Tier 1 permit application the resources and reserves relating to the project are to be estimated in accordance with a recognised reporting code such as JORC or NI 43-101.
- An indicative mine plan.
- A high-level overview of the following:
 - the proposed mining method;
 - the proposed date for the commencement of mining and estimated annual production;
 - the economic model for the project;
 - the status of or anticipated timing for completing any pre-feasibility or feasibility studies;
 - the proposed methods for processing mined material and handling and treating waste and;
 - anticipated plans for mine closure and rehabilitation.

Section 4: Authorisation

To the best of my knowledge, the information contained in this application is true and correct.

- ☒ I confirm that I am authorised to make this application.
- ☒ I have provided a copy of the application with all contact details redacted.
- ☒ I understand that all actual and reasonable costs incurred in relation to this application by MfE, EPA and other central and local government agencies will be recovered from me in accordance with section 104 of the Act, and the Fast-track Approvals Cost Recovery Regulations 2025.

Signature: Kallam Brown  Digitally signed by Kallam Brown
Date: 2025.03.19 14:10:56 +13'00'

Date: 19/03/2025

Name: Kallam Brown

Section 5: Attachments

List any documents submitted with the application.

- Remember: include a copy of your application with all contact details redacted.

Attachment number	Document name	Author	Document version
1	Annexure 01 – Location Maps	Kallam Brown	1
2	Annexure 02 – Preliminary Design Report	Rob Brown	1
3	Annexure 03 – General Arrangement Plan	Kallam Brown	1
4	Annexure 04 – NRC Moorings and Marinas	NRC	1
5	Annexure 05 – Far North Boat Ramp Study	FNDC	1
6	Annexure 06 – Waipiro Marina Boat Ramp	Adam Thompson	1
7	Annexure 07 – Economic Assessment	Adam Thompson	1
8	Annexure 08 – Summary of Applicant's Project	Kallam Brown	1
9	Annexure 09 – Report on the Health of the New	Various	1
10	Annexure 10 – Social Impact Assessment of	Various	1
11	Annexure 11 – Construction Programme	Kallam Brown	1
12	Annexure 12 – Preliminary Ecological Assessment	Bioresearches	1
13	Annexure 13 – Preliminary Traffic Assessment	Leo Hills	1
14	Annexure 14 – Landscape Statement	Simon Cocker	1
15	Annexure 15 – Stakeholder Engagement Register	Kallam Brown	1
16	Annexure 16 – Omarino Neighbours Letter of	Craig Heatley	1
17	Annexure 17 – Omarino Title	LINZ	1
18	Annexure 18 – Preliminary Geotechnical	Matt Wansbone	1
19	Annexure 19 - Waipiro Marina - FTA Schedule 2B	Various	1

Referral application checklist

Use this checklist to confirm you have completed all sections of the referral application form.

Section 1: Applicant details	<input checked="" type="checkbox"/>
1.2 & 1.3 Agent's evidence of authority to represent the applicant(s) - if applicable	<input checked="" type="checkbox"/>
1.4 Compliance and enforcement history	<input checked="" type="checkbox"/>
Section 2: Referral application summary	<input checked="" type="checkbox"/>
2.1 Project name	<input checked="" type="checkbox"/>
2.2 Project description and location	<input checked="" type="checkbox"/>
2.3 Ineligible activity	<input checked="" type="checkbox"/>
2.4 Exemptions from requirement to provide agreement	<input checked="" type="checkbox"/>
2.5 Ministerial determinations under sections 23 and 24	<input checked="" type="checkbox"/>
2.6 Appropriateness for fast-track approvals process	<input checked="" type="checkbox"/>
Section 3: Project details	<input checked="" type="checkbox"/>
3.1 Approvals required	<input checked="" type="checkbox"/>
3.2 Project stages	<input checked="" type="checkbox"/>
3.3 Alternative project	<input checked="" type="checkbox"/>
3.4 Adverse effects	<input checked="" type="checkbox"/>
3.5 Persons affected	<input checked="" type="checkbox"/>
3.6 Legal interest	<input checked="" type="checkbox"/>
3.7 Other matters	<input checked="" type="checkbox"/>
3.8 Specific proposed approvals	<input checked="" type="checkbox"/>
Section 4: Authorisation	<input checked="" type="checkbox"/>
Section 5: Attachments	<input checked="" type="checkbox"/>