

**In Confidence**

**Office of the Minister for the Environment**

**Chair, Cabinet**

**COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021**

**Proposal**

- 1 This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 (the Amendment Order).
- 2 The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include as projects referred to an expert consenting panel (panel):
  - 2.1 Te Tai Tokerau Water Trust's Otawere Water Storage Reservoir project (Schedule 24)
  - 2.2 KiwiRail Holdings Limited's Drury Central and Paerata Stations project (Schedule 25).

**Executive Summary**

- 3 The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to me, in my role as the Minister for the Environment, to fast-track certain approvals required under the Resource Management Act 1991 (RMA) for their project.
- 4 Projects that I accept are referred to a panel by an amendment to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (Order in Council), subject to Cabinet's agreement. This allows an applicant to lodge applications for resource consents and/or notices of requirement for a designation with the Environmental Protection Authority (EPA) for consideration by a panel.
- 5 I received applications to fast-track projects from:
  - 5.1 Te Tai Tokerau Water Trust
  - 5.2 KiwiRail Holdings Limited.
- 6 I am satisfied as to the projects' eligibility for referral and have considered whether they help achieve the purpose of the FTCA. I sought written comments from relevant Ministers and local authorities, and I have considered the replies received. I considered the reports prepared under section 17 of the FTCA and I have also requested and considered further information from the applicants.

- 7 For the Otawere Water Storage Reservoir project I also invited and considered comments from the Minister for Economic and Regional Development, the Minister for Māori Development, and Te Runanga-Ā-Iwi-O-Ngāpuhi (TRAION).
- 8 For Drury Central and Paerata Stations project I also invited and considered comments from the Associate Minister for the Environment (Urban Development), Auckland Council, Auckland Transport, Watercare Services Limited (Watercare) and Waka Kotahi NZ Transport Agency (Waka Kotahi).
- 9 I have accepted Te Tai Tokerau Water Trust's Otawere Water Storage project for referral as it has the potential to:
- 9.1 have positive effects on social well-being by providing increased opportunities for employment
  - 9.2 generate employment by providing up to 31 full-time equivalent (FTE) jobs during construction
  - 9.3 result in a public benefit by contributing to a municipal water supply and water supply for civil defence and other emergency purposes
  - 9.4 progress faster using the processes provided by the FTCA than if consents were sought through standard RMA processes, provided that the applicants lodge their applications for resource consent with the EPA in a timely manner following referral.
- 10 I have accepted KiwiRail Holdings Limited's Drury Central and Paerata Stations project for referral as it has the potential to:
- 10.1 have positive effects on the social well-being of current and future generations by providing improved access to rail services, reducing road safety risks and saving travel time
  - 10.2 generate employment by providing 27-40 full-time equivalent (FTE) jobs in 2021 in the planning, engineering, and design phase, and 200-332 FTE jobs in construction and construction management between 2021 and 2024
  - 10.3 provide infrastructure to improve economic, employment, and environmental outcomes and increase productivity by reducing congestion and supporting growth in the southern growth area of Auckland as identified in the Auckland Unitary Plan and relevant structure plans
  - 10.4 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy by reducing reliance on cars.
- 11 I consider that both projects will help to achieve the purpose of the FTCA, and any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate adverse effects, can be considered and determined by a panel subject to Part 2 of the Resource Management Act 1991 (RMA) and the purpose of the FTCA.
- 12 I now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables Te Tai Tokerau Water Trust and KiwiRail Holdings Limited to apply via the EPA to a panel for the relevant approvals needed under the RMA for the project, in accordance with the process in the FTCA.

## Background

- 13 The FTCA is one of the Government's actions to support New Zealand's economic recovery from COVID-19, by promoting employment and supporting on-going investment. The FTCA enables any person to apply to the Minister for the Environment to access the fast-track process for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge, via the EPA, a resource consent application or notice of requirement for a designation with a panel for consideration.
- 14 As of Wednesday 11 August 2021, 59 applications have been received for projects to be considered for referral to a panel through an Order in Council, of which:
  - 14.1 17 applications are being processed and are awaiting a referral decision
  - 14.2 six projects have been approved for referral and are awaiting Orders in Council. This includes the two projects that are the subject of this cabinet paper. The Rangitane Maritime Development, Brickfields Scott Road Development, Tauranga Innovative Courthouse and Melia Place projects are the subject of subsequent cabinet papers.
  - 14.3 22 projects have been referred and Orders in Council gazetted, and two of these have been granted RMA approvals by a panel. A list of the projects is in Appendix one
  - 14.4 10 referral applications have been declined for a range of reasons including that they do not meet the purpose of the FTCA and it would be more appropriate for them to go through the standard consenting process under the RMA
  - 14.5 four referral applications have been withdrawn by the applicants.
- 15 An update on the status of projects that are listed in Schedule 2 of the FTCA is in Appendix two.

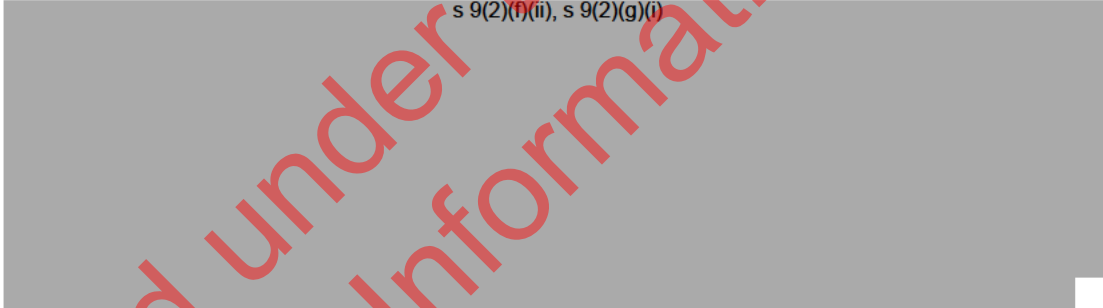
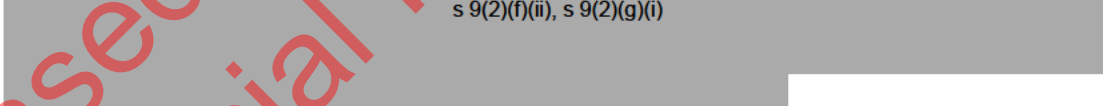
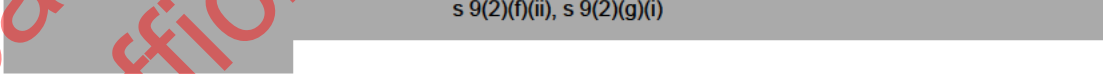
### **Project for referral: Te Tai Tokerau Water Trust's Otawere Water Storage Reservoir project**

- 16 Te Tai Tokerau Water Trust has applied to use the fast-track consenting process for the Otawere Water Storage Reservoir project. The project is to construct and operate a water storage reservoir and associated dams, and to take and store approximately four million cubic metres of water for horticultural supply, municipal water supply and for civil defence and emergency purposes, in the upper catchment of an unnamed tributary of the Waitangi River.
- 17 The project site is located on privately owned land accessed from Te Ahu Ahu Road, in the upper catchment of an unnamed tributary of the Waitangi River, Waimate North, Northland.
- 18 The project requires the following resource consents:
  - 18.1 land use consents for vegetation clearance, earthworks and dam construction under the Far North District Plan
  - 18.2 land use, water takes, damming and diverting rivers, disturbing and depositing material on riverbeds, discharging water and contaminants to land, surface

water and groundwater, and taking stored water for horticultural and municipal use and for civil defence and emergency purposes under the Proposed Regional Plan for Northland and the Operative Regional Water and Soil Plan for Northland

- 18.3 land use consents and permits to dam and divert water and reclaim land under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
- 19 To better understand the project scope, the environmental effects, job creation potential and investment certainty, I sought further information from the applicant, Far North District Council (FNDC) and Northland Regional Council (NRC) under section 22 of the FTCA.
- 20 I also sought written comments on the application from relevant Ministers, FNDC, NRC, the Minister for Economic and Regional Development, the Minister for Māori Development and TRAION, in accordance with section 21 of the FTCA.

#### *Overview of comments*

- 21  s 9(2)(f)(ii), s 9(2)(g)(i)
- 22  s 9(2)(f)(ii), s 9(2)(g)(i)
- 23  s 9(2)(f)(ii), s 9(2)(g)(i)
- 24  s 9(2)(f)(ii), s 9(2)(g)(i)
- 25  s 9(2)(f)(ii), s 9(2)(g)(i)

s 9(2)(f)(ii), s 9(2)(g)(i)

26

s 9(2)(f)(ii), s 9(2)(g)(i)

27

s 9(2)(f)(ii), s 9(2)(g)(i)

28 FNDC would prefer to process a consent application for this project in house but considered the fast-track process to be appropriate due to the project scale provided that local views and knowledge are considered as part of the decision-making process. FNDC identified potential positive benefits of the project including opening up land for horticulture, increased employment during construction and in the longer term. FNDC also noted the potential for adverse effects and questioned how water flow and dam levels will be maintained in a drought, how the reservoir will support community drinking water needs, and sought more information about the project's effects on wetlands and social benefits.

29 FNDC identified a wide range of technical assessments typically required for similar consent applications relating to ecology, landscape, economic, cultural, and traffic effects; design and operation of the reservoir; hydrology and hydraulic effects; geotechnical matters and site suitability. It also identified the need for management plans for construction environment; erosion and sediment; operations, offset and compensation; freshwater fauna relocation; fauna and avifauna; kiwi; flora disease and pests; and water supply.

30 NRC considered the fast-track consent process to be appropriate given the significant benefits for horticultural development. NRC identified additional information requirements for a resource consent application including clarification of proposed water take volumes, a hydrological report and effects assessment of groundwater and surface water and an offset for the loss of gumland wetland. NRC also questioned whether any proposed water takes are prohibited due to exceeding water allocation limits and whether the proposed earthworks within a natural wetland are a prohibited activity under clause 53 of the NES-F.

31 TRAION opposed fast tracking and preferred standard RMA processes due to the potential for significant adverse effects. TRAION commented that hapū and iwi will need to be satisfied that the principles of Te Tiriti o Waitangi are recognised and taken into account.



## Decision

- 32 In making my decision I considered: the application and further information received; comments received from relevant Ministers, the Minister for Economic and Regional Development, FNDC, NRC, and TRAION; and the eligibility criteria in section 18 of the FTCA<sup>1</sup>. I also considered the report prepared under section 17 of the FTCA.
- 33 I am satisfied that the project does not include any prohibited activity based on: consideration of further information from the applicant; NRC's advice provided subsequently to their initial comments that the project does not trigger any prohibited activity rules in any regional plan or the NES-F; the applicant's commitment for the water take to remain within regional allocation limits; and use of the reservoir to store water for municipal water supply and for emergency situations including fire-fighting and civil defence purposes.
- 34 I have decided to accept Te Tai Tokerau Water Trust's application for referral of the Otawere Water Storage Reservoir project to a panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by having the potential to:
- 34.1 have positive effects on social well-being by providing increased opportunities for employment
  - 34.2 generate employment by providing up to 31 full-time equivalent (FTE) jobs during construction
  - 34.3 result in a public benefit by contributing to a municipal water supply and water supply for civil defence and other emergency purposes
  - 34.4 progress faster by using the processes provided by the FTCA than would otherwise be the case, provided that the applicants lodge their applications for resource consent with the Environmental Protection Authority in a timely manner following referral.
- 35 To address site-specific matters raised by the [redacted] s 9(2)(f)(ii), s 9(2)(g)(i) [redacted] I have decided to require the applicant to provide the following information with resource consent applications submitted to a panel<sup>2</sup>: further information regarding the project's benefits for Māori; consistency with the NPS-FM; and potential for adverse effects on wetlands, habitat loss, terrestrial biodiversity, landscape and indigenous fauna. The full details of this information are in Appendix three.
- 36 The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, and specific non-governmental organisations and other groups listed in the FTCA<sup>3</sup>. In addition to these requirements and to address site specific matters raised, I have decided to require a panel to seek comment on any resource consent application before it from parties listed in Appendix three.
- 37 I provided these parties and the relevant MACAA applicants with a copy of my referral decision [redacted] s 9(2)(f)(ii), s 9(2)(g)(i) [redacted] I did not

<sup>1</sup> In accordance with section 24 of the FTCA - Decision to accept application for referral.

<sup>2</sup> Section 24(2)(d) of the FTCA.

<sup>3</sup> Clause 17(6) of Schedule 6, FTCA.

consider it appropriate to specifically notify the Oromāhoe Marae, which occupies some of the land which could be affected by dam failure, of the potential risks associated with dam failure. This is a matter yet to be addressed in a resource consent application. A panel will be better placed to consider this matter, including any notification of affected parties, with the benefit of technical assessment reports including dam safety risks.

- 38 I consider that any adverse effects arising from the project, together with any proposed mitigation, offsetting or compensation, can be appropriately tested by a panel against Part 2 of the RMA and the purpose of the FTCA. I consider that the requirements for additional material listed in Appendix three that must be submitted to a panel will assist with this.
- 39 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 39.1 limit the scope of the project by referring it only in part
  - 39.2 refer the project in stages
  - 39.3 place any restrictions on the project
  - 39.4 impose specific timeframes for panel consideration.

**Project for referral: KiwiRail Holdings Limited's Drury Central and Paerata Stations project**

- 40 KiwiRail Holdings Limited has applied to use the fast-track consenting process for the Drury Central and Paerata Stations project. The project is to develop new railway stations and associated transport interchange facilities at two separate sites in south Auckland.
- 41 The Drury Central Station site is located to the southeast of Drury township on multiple landholdings accessed off Great South Road, Flanagan Road and Waihoehoe Road. The Paerata Station site is located at Paerata (approximately 3 kilometres north of Pukekohe) on multiple landholdings accessed off State Highway 22 (Paerata Road) and Sim Road.
- 42 The project requires the following resource consents:
- 42.1 land use consent, water and discharge permits under the Auckland Unitary Plan
  - 42.2 land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS)
  - 42.3 land use consent, water and discharge permits under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
- 43 The applicant also seeks to lodge notices of requirement for four designations for the project (two at each station location, to differentiate between the railway facilities and the interchange facilities).

44 To better understand the project scope, the environmental effects, job creation potential and the implications of overlapping designations, I sought further information from the applicant and the relevant local authority under section 22 of the FTCA.

45 I also sought written comments on this application from relevant Ministers, the Associate Minister for the Environment (Urban Development), Auckland Council, Auckland Transport, Watercare and Waka Kotahi.

#### *Overview of comments*

46 s 9(2)(f)(ii), s 9(2)(g)(i)

47 s 9(2)(f)(ii), s 9(2)(g)(i)

48 s 9(2)(f)(ii), s 9(2)(g)(i)

49 s 9(2)(f)(ii), s 9(2)(g)(i)

50 s 9(2)(f)(ii), s 9(2)(g)(i)



s 9(2)(f)  
(ii), s  
9(2)(g)(i)

- 51 Auckland Council noted that fast-tracking the project could be acceptable, however matters related to flooding and stormwater management, stream and wetland works, public open space, connections to the wider transport network and active transport modes need to be addressed further. Auckland Council also identified a range of information and technical reports that should accompany consent applications and notices of requirement to a panel.
- 52 Watercare noted that the area proposed for the train station within the Drury Central Station site includes Watercare's critical infrastructure (including the Waikato No.1 Pipeline and Flanagan Road Pump Stations) and that the station design cannot interfere with or limit access to this infrastructure or to the newly constructed Drury South wastewater pipe and the Waikato No.1 Pipeline (which are located partially within the proposed Drury Central designation). In addition, Watercare does not support having a rail platform constructed directly above the pipelines or future restriction of vehicular access because Watercare requires full-time unrestricted access to the infrastructure for operational reasons.
- 53 Auckland Transport supported project referral and noted that the project will help to achieve the purpose of the FTCA. They also noted that the project comprises part of the broader Te Tupu Ngātahi Supporting Growth Programme of works (a collaboration between Auckland Transport, Waka Kotahi and its project partners: KiwiRail, Auckland Council and mana whenua), and that they support KiwiRail's work to obtain a designation and consents for the project. Auckland Transport does not envisage any issues with granting of approvals or reaching agreement in relation to their existing assets or designations.
- 54 Waka Kotahi noted that it is working closely with the applicant on the project and that it is comfortable with project referral subject to provision of a detailed design, and safety audits. Waka Kotahi also noted that workshops and discussions have taken place regarding overlapping of the proposed designation for the Paerata Station site with the State Highway 22 road corridor, and Waka Kotahi supports the applicant's approach. Waka Kotahi's view is that approvals required from them under section 177 of the RMA would come at the detailed design phase and they will continue to work with the applicant to ensure a timely agreement.

#### *Decision*

- 55 In making my decision I considered the application and further information received; comments received from relevant Ministers, the Associate Minister for the Environment (Urban Development), Auckland Council, AT, Watercare and Waka Kotahi and the eligibility criteria in section 18 of the FTCA<sup>4</sup>. I also considered the report prepared under section 17 of the FTCA, that indicates there are multiple iwi authorities and Treaty settlement entities relevant to each of the project sites.

<sup>4</sup> In accordance with section 24 of the FTCA - Decision to accept application for referral.

- 56 I have decided to accept KiwiRail Holdings Limited's application for referral of the Drury Central and Paerata Stations project to a panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by having the potential to:
- 56.1 have positive effects on the social wellbeing of current and future generations by providing improved access to rail services, reducing road safety risks and saving travel time
  - 56.2 generate employment by providing 27-40 full-time equivalent (FTE) jobs in 2021 in the planning, engineering, and design phase, and 200-332 FTE jobs in construction and construction management between 2021 and 2024
  - 56.3 provide infrastructure to improve economic, employment, and environmental outcomes and increase productivity by reducing congestion and supporting growth in the southern growth area of Auckland as identified in the Auckland Unitary Plan and associated structure plans
  - 56.4 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy by reducing the reliance on cars.
- 57 To address site-specific matters raised by [REDACTED] s 9(2)(f)(ii), s 9(2)(g)(i) Auckland Council, I have decided to direct the applicant to provide the following information with their notices of requirement and applications for resource consents submitted to a panel<sup>5</sup>: an assessment of the historic heritage values of the sites, clarification of iwi authorities and any other Māori groups representing tangata whenua views, methodology and assumptions used to estimate climate impacts/benefits and greenhouse gas (GHG) emissions savings/reductions, an analysis of GHG emissions impacts over time, a preliminary site investigation report and a flood-hazard assessment for the Drury Central site. The full details of this information are in Appendix four.
- 58 The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, and specific non-governmental organisations, and other groups listed in the FTCA<sup>6</sup>. In addition to these requirements and to address site specific matters raised, I have decided to direct a panel to seek comment on any consent application or notice of requirement before it from Auckland Transport, Watercare, Waka Kotahi and Ngāti Koheriki Claims Committee as listed in Appendix four.
- 59 I consider that any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA. I consider that the requirements for the additional material listed in Appendix four that must be submitted to a panel will assist with this.
- 60 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 60.1 limit the scope of the project by referring it only in part

<sup>5</sup> Section 24(2)(d) of the FTCA.

<sup>6</sup> Clause 17(6) of Schedule 6, FTCA.

- 60.2 refer the project in stages
- 60.3 place any restrictions on the project
- 60.4 impose specific timeframes for panel consideration.

### **Timing and 28-day rule**

61 Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel<sup>7</sup>. Therefore, the Amendment Order will come into force the day after publication in the New Zealand Gazette. This will enable applications for resource consents and notices of requirement for a designation to be lodged with the EPA, for consideration by a panel, the day after the Amendment Order is gazetted, for:

- 61.1 Te Tai Tokerau Water Trust's Otawere Water Storage Reservoir project
- 61.2 KiwiRail Holdings Limited's Drury Central and Paerata Stations project.

### **Compliance**

62 The Amendment Order complies with:

- 62.1 the principles of the Treaty of Waitangi
- 62.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
- 62.3 the principles and guidelines set out in the Privacy Act 1993
- 62.4 relevant international standards and obligations
- 62.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

### **Regulations Review Committee**

63 I do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

### **Certification by Parliamentary Counsel Office**

64 The Amendment Order has been certified by the Parliamentary Counsel Office as being in order for submission.

### **Impact Analysis**

#### *Regulatory Impact Assessment*

65 The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel<sup>8</sup>.

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<sup>7</sup> ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

<sup>8</sup> ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

### *Climate Implications of Policy Assessment*

- 66 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements<sup>9</sup> do not apply to these projects.
- 67 Likely emissions implications and intended emissions reductions of the projects have been considered at a high-level during the formal application process and are also expected to be considered by the panel in their assessment of any adverse effects arising from the projects.
- 68 The decision to refer the KiwiRail Holdings Limited's Drury Central and Paerata Stations project includes a requirement for the applicant to provide to a panel an assessment of the potential construction and operational related greenhouse gas emissions resulting from the proposed development.

### **Publicity**

- 69 The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.
- 70 As required under section 25 of the FTCA, my decision to refer the projects to a panel for consideration, the reasons for these decisions, and the reports obtained under section 17 will be made available to the public on the Ministry for the Environment's website.

### **Proactive release**

- 71 I intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

### **Consultation**

- 72 I have considered the matters raised by the relevant Ministers, local authorities and from TRAION (for the Otawere Water Storage Reservoir project) and from Waka Kotahi, Auckland Transport and Watercare (for the Drury Central and Paerata Stations project) and I am satisfied that the projects meet the purpose of the FTCA. Any specific issues raised can be addressed by the panels in their substantive decision-making role.
- 73 The Ministry for the Environment sought comment on this paper from the Ministry of Housing and Urban Development, Ministry for Culture and Heritage, Te Puni Kōkiri, Ministry of Education, Department of Corrections, Land Information New Zealand, Treasury, Ministry of Transport, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Department of Prime Minister and Cabinet, Ministry of Health, Ministry of Defence, Department of Internal Affairs and The Office for Māori Crown Relations – Te Arawhiti.

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<sup>9</sup> CO (20) 3 refers

## Recommendations

I recommend that Cabinet:

- 1 **note** that I have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the applications for referral of the following projects to a panel:
  - 1.1 Te Tai Tokerau Water Trust's Otawere Water Storage Reservoir project
  - 1.2 KiwiRail Holdings Limited's Drury Central and Paerata Stations project
- 2 **note** that Te Tai Tokerau Water Trust's Otawere Water Storage Reservoir project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the Act's purpose by having the potential to:
  - 2.1 have positive effects on social well-being by providing increased opportunities for employment
  - 2.2 generate employment by providing up to 31 full-time equivalent (FTE) jobs during construction
  - 2.3 result in a public benefit by contributing to a municipal water supply and water supply for civil defence and other emergency purposes
  - 2.4 progress faster by using the processes provided by the FTCA than would otherwise be the case, provided that the applicants lodge their applications for resource consent with the Environmental Protection Authority in a timely manner following referral
- 3 **note** that KiwiRail Holdings Limited's Drury Central and Paerata Stations project meets the eligibility criteria in section 18 of the FTCA and is considered to help achieve the purpose of the FTCA by having the potential to:
  - 3.1 have positive effects on the social wellbeing of current and future generations by providing improved access to rail services, reducing road safety risks and saving travel time
  - 3.2 generate employment by providing 27-40 full-time equivalent (FTE) jobs in 2021 in the planning, engineering, and design phase, and 200-332 FTE jobs in construction and construction management between 2021 and 2024
  - 3.3 provide infrastructure to improve economic, employment, and environmental outcomes and increase productivity by reducing congestion and supporting growth in the southern growth area of Auckland as identified in the Auckland Unitary Plan Operative in Part and associated structure plans
  - 3.4 contribute to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy by reducing reliance on cars



- 4 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 requires Te Tai Tokerau Water Trust to provide to an expert consenting panel: further information regarding the project's benefits for Māori; consistency with the NPS-FM; and potential for adverse effects on wetlands, habitat loss, terrestrial biodiversity, landscape and indigenous fauna, as detailed in Appendix three
- 5 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 requires an expert consenting panel appointed to consider Te Tai Tokerau Water Trust's Otawere Water Storage project to seek comments from parties nominated s 9(2)(f)(ii), s 9(2)(g)(i) as listed in Appendix three
- 6 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 requires KiwiRail Holdings Limited to provide to a panel: an assessment of the historic heritage values of the sites, a clarification of iwi authorities and any other Māori groups representing tangata whenua views, methodology and assumptions used to estimate climate impacts/benefits and GHG emissions savings/reductions, an analysis of GHG emissions impacts over time, a preliminary site investigation report, and a flood-hazard assessment for the Drury Central site, as detailed in Appendix four
- 7 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 requires a panel appointed to consider KiwiRail Holdings Limited's Drury Central and Paerata Stations project to seek comments from Watercare Services Limited, Auckland Transport, Waka Kotahi NZ Transport Agency, and Ngāti Koheriki Claims Committee, as listed in Appendix four
- 8 **authorise** submission of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 to the Executive Council
- 9 **note** that on 27 July 2020, Cabinet agreed to waive the 28-day rule so that Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 can come into force as soon as they are notified in the New Zealand Gazette [CAB-20-MIN-0353 refers]
- 10 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 will come into force the day after publication in the New Zealand Gazette.

Authorised for lodgement

Hon David Parker  
**Minister for the Environment**



**Appendix one – Referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020**

Referred projects granted RMA approvals by a panel		
Project	Location	Applicant
Kohimarama Comprehensive Care Retirement Village	Kohimarama, Auckland	Ryman Healthcare Limited
Northbrook Wanaka Retirement Village	Wanaka	Winton Property Limited
Referred projects with Orders in Council gazetted		
Clutha Upper Waitaki Lines Project - Works and Workers' Village	Clutha Upper Waitaki	Transpower New Zealand Limited
Kohimarama Comprehensive Care Retirement Village	Kohimarama, Auckland	Ryman Healthcare Limited
Molesworth Street Office Development	Thorndon, Wellington	Prime Property Group Limited
The Vines Affordable Subdivision	Richmond, Tasman	Jason and Angela Mudgway
Dominion Road Mixed-use Development	Mount Eden, Auckland	Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited
Ohinewai Foam Factory	Ohinewai, Waikato	Ambury Properties Limited
Eastern Porirua Regeneration Project - Infrastructure Works	Porirua	Kāinga Ora-Homes and Communities' and Porirua City Council
Silverlight Studios	Wanaka	Silverlight Studios Limited
Brennan winery, restaurant, education, and event complex	Gibbston Valley, Otago	Otago Viticulture and Oenology Limited's (trading as Brennan Wines)
Nola Estate	Glen Eden, Auckland	CPM 2019 Limited
Wooing Tree Estate	Cromwell	Wooing Tree Property Development LP
Kapuni Green Hydrogen	Kapuni, Taranaki	Hiringa Energy Limited's and Ballance Agri-Nutrients Limited
New Dunedin Hospital - Whakatuputupu	Dunedin	The Minister of Health's and the Ministry of Health
Faringdon South West and South East Development	Rolleston	Hughes Developments Limited's
Summerset Retirement Village -Waikanae	Waikanae	Summerset Villages (Waikanae) Limited
Beachlands Housing Development	Beachlands, Auckland	Neil Construction Limited and Fletcher Residential Limited
Kōpū Marine Precinct	Kōpū, Thames	Thames-Coromandel District Council

Whakatāne Commercial Boat Harbour project	Whakatāne	Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited
Karaka North Village	Karaka, Auckland	Cappella Group Limited and Karaka North Village Limited
George St Mixed Use Development	Newmarket, Auckland	Newmarket Holdings Development Limited Partnership
Ōmāhu Residential Development	Remuera, Auckland	Urban Resort Limited, Icon Co Pty (NZ) Limited

Released under the provisions of  
the Official Information Act 1982

**Appendix two – Status of projects listed under the COVID-19 Recovery (Fast-track Consenting) Act 2020**

Listed Project	Status (provided by the EPA, 11 August 2021)
Matawii Water Storage Reservoir Kaikohe	Consents have been approved.
Papakāinga Development – Rāpaki, Christchurch	Consents have been approved.
Te Ara Tupua – Ngā Ūranga to Pito-one shared path	Consents have been approved.
Waitohi Picton Ferry Precinct Redevelopment	Consents have been approved.
Queenstown Arterials Project	Consents have been approved.
Papakāinga Development - Kaitaia	Consents have been approved.
Papakura to Pukekōhe rail electrification	Package 1 - consents have been approved. Package 2 – minor consent still awaiting lodgement.
Papakura to Drury South State Highway 1 improvements	Package 1 - application lodged 24 June, awaiting panel appointment
Northern Pathway – Westhaven to Akoranga shared path	Lodgement anticipated in late 2021.
Papakāinga Development – Waitara, Taranaki	Lodgement anticipated in 2021.
Te Pā Tāhuna Residential Development	Unlikely to proceed under fast-track at this stage.
Unitec Residential Development	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Point Chevalier, Auckland	Unlikely to proceed under fast-track at this stage.
Papakāinga development – Whaingaroa, Raglan	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Chatham Islands	Unlikely to proceed under fast-track at this stage.
Wellington Metro Upgrade Programme	Unlikely to proceed under fast-track at this stage.
Britomart Station eastern end upgrade	Unlikely to proceed under fast-track at this stage.

### **Appendix three – Additional requirements: Te Tai Tokerau Trust's Otawere Water Storage project**

Te Tai Tokerau Water Trust is required to provide with their applications to a panel for resource consents:

1. final versions of all draft technical reports or assessments including proposed mitigation and/or management approaches for all project works for:
  - a. geotechnical effects
  - b. hydrology and hydraulic effects of all damming, diversions, water takes and discharges on surface water bodies, groundwater and wider catchments, water allocation limits and operations in drought conditions and based on projected climate change scenarios
  - c. ecological effects including on avifauna, terrestrial fauna, aquatic fauna and ecology, lizards, vegetation, wetlands (including gumland wetlands) and biodiversity
  - d. landscape and visual effects
  - e. economic effects including assessment of any direct economic benefits for Māori
2. technical reports or assessments, including proposed mitigation and/or management approaches, prepared by suitably qualified persons for:
  - a. construction management including construction methodology and staging, construction traffic, dust and noise management and erosion and sediment control for all project works including the reservoir and water abstraction
  - b. dam failure risks
  - c. reservoir operations including dam safety
3. draft management plans for:
  - a. construction environmental management
  - b. erosion and sediment management

An expert consenting panel appointed to consider Te Tai Tokerau Water Trust's applications for resource consents for the Otawere Water Storage Reservoir project must seek comments from the following additional persons/organisations:

1. Minister for Economic and Regional Development
2. Minister for Māori Development
3. representatives of the four nearby marae: Tauwhara, Oromāhoe, Parawhenua and Rāwhitiroa
4. representatives of Ngāwhā Marae, Te Kotahitanga Marae, Kohewhata Marae and Te Tii Waitangi Marae
5. members of the Taiāmai ki te Marangai takiwā, Hokianga ki te Raki takiwā and Hauāuru takiwā
6. Taiāmai ki te Takutai Moana, a charitable trust that represents the RMA interests of the Taiāmai ki te Marangai hapū.

#### **Appendix four – Additional requirements: KiwiRail Holdings Limited's Drury Central and Paerata Stations project**

KiwiRail Holdings Limited is required to provide with their applications to an expert consenting panel for resource consents and notices of requirement:

1. an assessment of the historic heritage values of the project sites and the impacts of development on those values
2. clarification of which iwi authorities and any other Māori groups representing tangata whenua views have been engaged with to date in relation to the project, and the extent and outcomes of that engagement
3. the methodology and assumptions used to calculate greenhouse gas (GHG) emissions savings/reductions provided in Table 9-11 of the referral application supporting document titled 'South Auckland Drury Central and Paerata Stations – COVID-19 Recovery (Fast-Track) Consenting Act 2020 Referral Request, Version 1', dated April 2021
4. an analysis of GHG impacts over time, including:
  - a. GHG emissions impact under different future growth/land use scenarios
  - b. opportunities to further enhance connection to multi-modal infrastructure
  - c. impacts of delayed electrification of the rail network in the project area
5. the methodology and/or assumptions used by the applicant to determine economic benefits (including carbon impacts and climate benefits, if any) provided in Table 9-1 of the referral application supporting document titled 'South Auckland Drury Central and Paerata Stations – COVID-19 Recovery (Fast-Track) Consenting Act 2020 Referral Request, Version 1', dated April 2021. If climate impacts/benefits are determined in the economic analysis, provide any shadow carbon prices and/or discount rates used
6. a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
7. a flood-hazard assessment for the Drury Central site including modelling to identify impacts of the upstream catchment, and consideration of whether attenuation is necessary (including calculations and sizing).

An expert consenting panel appointed to consider KiwiRail Holdings Limited's application for resource consents and notices of requirement for the Drury Central and Paerata Stations project must seek comments from the following additional persons/organisations:

1. Watercare Services Limited
2. Auckland Transport
3. Waka Kotahi NZ Transport Agency
4. Ngāti Koheriki Claims Committee