

In Confidence

Office of the Minister for the Environment

Chair, Cabinet Legislative Committee

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020

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. 3) 2020 (the No. 3 Amendment Order).
- 2 The No.3 Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include as projects referred to an expert consenting panel:
 - 2.1 Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's, Dominion Road Mixed Use Development (Schedule 7)
 - 2.2 Ambury Properties Limited's, Ohinewai Foam Factory (Schedule 8)
 - 2.3 Jason and Angela Mudgway's, The Vines Affordable Subdivision (Schedule 6).

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 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 Environmental Protection Authority (EPA), a resource consent or notice of requirement for a designation with an expert consenting panel (Panel) for consideration.
- 4 This paper seeks agreement to three fast-track projects from Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited (the joint applicants), Ambury Properties Limited and Jason and Angela Mudgway and refer them to a Panel.
- 5 I have considered whether these projects help achieve the purpose of the FTCA, relevant Treaty of Waitangi considerations, and sought written comments from relevant Ministers, local authorities and other persons. I have also requested and considered further information from the applicants.
- 6 I have accepted the joint applicants' Dominion Road Mixed Use Development for referral as it has the potential to:

- 6.1 provide local employment opportunities for construction jobs and ongoing additional permanent jobs
- 6.2 contribute to a well-functioning urban environment.
- 7 I have accepted Ambury Properties Limited's Ohinewai Foam Factory for referral as it has the potential to:
- 7.1 provide short and long term employment opportunities for Huntly and north Waikato
- 7.2 enable construction to start sooner than if application was sought through standard RMA processes
- 7.3 act as a catalyst for economic development in the region.
- 8 I have accepted Jason and Angela Mudgway's The Vines Affordable Subdivision for referral as it has the potential to:
- 8.1 provide employment opportunities during the project's one-year construction period
- 8.2 develop sections for affordable housing in an area that has significant housing demand.
- 9 I consider that all three projects will help to achieve the purpose of the FTCA and any adverse effects and mitigation measures can be considered and determined by a Panel having regard to Part 2 of the RMA and the purpose of the FTCA.
- 10 I now seek authorisation for submission to the Executive Council of the No. 3 Amendment Order.

Background

- 11 The FTCA enables any person to apply to the Minister for the Environment (the Minister) to fast-track a resource consent or designation for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge a resource consent or notice of requirement for a designation with a Panel for consideration.
- 12 As of 19 November 2020, I have received 30 applications for projects to be considered for referral to a Panel through an Order in Council, of which:
- 12.1 four applications have been referred and Order in Councils gazetted. The consents for Transpower New Zealand Limited's Clutha Upper Waitaki Lines Project – Works and Workers' Village and Winton Property Limited's Northbrook Wanaka Retirement Village are expected to be lodged with the EPA before the end of the year
- 12.2 three applications that are the subject of this cabinet paper have been approved for referral (Dominion Road Mixed Use Development, Ohinewai Foam Factory and The Vines Affordable Subdivision)
- 12.3 eight 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 Resource Management Act (RMA)
- 12.4 two applications have been withdrawn

12.5 I am still considering 13 applications.

Project for referral: Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited, Dominion Road Mixed Use Development

- 13 Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited (the joint applicants) have applied to use the fast-track consenting process for the Dominion Road Mixed Use Development. This application includes the demolition of buildings in the Eden Valley Special Character Overlay and the construction of a multi storey building ranging from 2-6 storeys, a supermarket, retail tenancies, offices, commercial businesses, approximately 117 residential units and associated carparking at 360 Dominion Road, 88 Prospect Terrace and 113 Grange Road, Mt Eden, Auckland.
- 14 Under standard RMA processes this project would require land use consents from Auckland Council. To better understand the environmental effects and job creation potential of this project, I sought further information from the joint applicants under section 22 of the FTCA.

Comments received

- 15 In accordance with section 21 of the FTCA, I sought written comments on this application from relevant Ministers and the local authority.
- 16 s 9(2)(g)(i), s 9(2)(f)(ii)
- 17 Auckland Council indicated a preference for using standard RMA processes to better enable consideration of transport effects on Dominion Road, infrastructure impacts, flooding and capacity of the wastewater network, urban design, residential amenity and allow engagement with affected parties¹. Auckland Council noted that while from a planning perspective, the project is not considered to be contrary to the high-level policy framework promoted by the Auckland Plan, Auckland Unitary Plan and National Policy Statement on Urban Development 2020, more detail is required to better understand the potential adverse environmental effects of the project.

Decision

- 18 In making my decision I considered the application and further information received, comments received from relevant Ministers, Auckland Council, and the eligibility criteria in section 18 of the FTCA². I also considered the report prepared under section 17 of the FTCA, which did not identify any Treaty of Waitangi considerations that would preclude this application.
- 19 I have decided to accept the joint applicants' Dominion Road Mixed Use Development for referral to a Panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the Act by:
- 19.1 benefiting the public by providing approximately 220 construction jobs and an ongoing additional 150-185 FTE permanent jobs in the supermarket and associated

¹ Comments from Auckland Council included feedback from Auckland Transport, Healthy Waters, Watercare and the Albert-Eden Local Board.

² In accordance with section 24, Decision to accept application for referral, of the FTCA.

retail and commercial tenancies. These jobs will be in the construction and retail sectors which have been impacted by COVID-19

- 19.2 contributing to a well-functioning urban environment by redeveloping a large site for a mixed-use development comprising retail, residential development and office spaces in an area of Auckland well serviced by public transport
- 19.3 allowing potential adverse effects arising from the application and proposed mitigation measures to be tested through a Panel having regard to Part 2 of the RMA and the purpose of the FTCA.
- 20 To address site specific matters raised by Auckland Council I have decided to request the applicant provide to the Panel³ additional transport, urban design, and flooding assessments as outlined in Appendix one. I consider that this information will inform a Panel's assessment of the application's effects and whether to invite comment from persons or groups in addition to those specified in the FTCA.
- 21 The FTCA requires that a Panel invite comments from the relevant local authorities, relevant iwi authorities, Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land and specific NGOs and other groups listed in the FTCA including Infrastructure NZ and the Property Council⁴. In addition to these requirements of the Act, I have decided to request the Panel seek comment from Auckland Transport, Watercare and the Dominion Road Business Association⁵.
- 22 I consider there are no other reasons under section 24(2) of the FTCA to:
- 22.1 limit the scope of the project by referring it only in part
- 22.2 refer the application in stages
- 22.3 place any restrictions on the project
- 22.4 impose specific timeframes for panel consideration.

Project for referral: Ambury Properties Limited, Ohinewai Foam Factory

- 23 Ambury Properties Limited have applied to refer to a Panel the Ohinewai Foam Factory located at 88 Lumsden Road, 109 Tahuna Road and 52 Lumsden Road, Ohinewai, Waikato. The application is to construct and operate a foam factory and rail siding that will connect to the North Island Main Trunk Railway. The proposed factory will consolidate a number of existing Auckland based operations.
- 24 This project represents the first stage of the applicant's intended wider development at Ohinewai. Subsequent stages involve further development of the factory, construction of up to 2,000 residential properties, supporting infrastructure, businesses and amenities. The wider development is not within the scope of this fast track application.
- 25 The Waikato District Council is currently reviewing the Waikato District Plan and considering a private plan change request by the applicant to create a structure plan for Ohinewai to rezone the area from rural to urban. The industrial zoning proposed by the plan change would enable the applicant to more easily consent and construct the foam factory. Submissions were received on the rezoning proposal and hearings commenced in

³ Section 24(2)(d) of the FTCA.

⁴ Clause 17(6) of Schedule 6, FTCA.

⁵ Section 24(2)(e) and Clause 17(7) of Schedule 6, FTCA.

September 2020. The construction and operation of the foam factory subject to this application was discussed in Council hearings as it makes up a significant portion of the requested industrial zone. Waikato District Council is supportive of the land being zoned industrial as its effects can be managed through zone rules and this rezoning would meet a demand for industrial land in Waikato. The Council was not supportive of residential and other zoning changes also requested by the applicant through the plan change process.

- 26 Under standard RMA processes this project would require land use consents from Waikato District Council and discharge consents from Waikato Regional Council. To better understand the environmental effects and job creation potential of this project, I sought further information from Ambury Properties Limited under section 22 of the FTCA.
- 27 A Tangata Whenua Governance Group (TWGG) consisting of the Waahi Whaanui Trust, Nga Muka Development Trust, the Waikato-Tainui executive and Te Riu o Waikato (the Waikato-Tainui development arm) was established to work with the applicant on the wider development project. A memorandum of understanding was signed with the applicant in November 2019. The applicant is in the process of implementing the actions in this memorandum.

Comments received

- 28 In accordance with section 21 of the FTCA, I sought written comments on this application from relevant Ministers, local authorities, KiwiRail, Waka Kotahi (New Zealand Transport Agency) and Waikato-Tainui iwi authority.

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

- 30 Currently, the RMA does not allow consent authorities to consider the effects of greenhouse gas emissions on climate change. This section of the RMA will be repealed on 31 December 2021 when section 35 of the Resource Management Amendment Act 2020 comes into force. However, greenhouse gas emissions are a relevant consideration for the Minister for the Environment's referral decisions under section 19 of the FTCA.

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

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

- 33 Waikato Regional Council does not oppose the application being fast tracked and Waikato District Council supports the application being fast tracked noting it would have a significant economic benefit. Both councils noted the project does not fully align with the district plan and other strategic documents for the area.

- 34 Waikato Regional Council and Waikato District Council indicated information they would require to be lodged with the application, matters that should be considered by the Panel and persons who should be asked for comment. I am recommending that the applicant be

directed to provide this information and that the Panel seek comment from people that submitted on the rezoning, under section 24 of the FTCA.

35 KiwiRail supports the use of the rail siding to connect the site with the North Island Main Trunk. Waka Kotahi expressed concern for the potential impact of the wider development on the transport system. They consider fast tracking could be viewed negatively by those who submitted on the rezoning at Ohinewai.

36 I did not receive comments from the Waikato-Tainui iwi authority.

Decision

37 In making my decision I considered the application and further information received, comments received from relevant Ministers, Waikato Regional Council, Waikato District Council, Waka Kotahi NZ Transport Agency and KiwiRail and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA, which did not identify any Treaty of Waitangi considerations that would preclude this application being referred to a Panel.

38 I have decided to accept Ambury Properties Limited's Ohinewai Foam Factory for referral to a Panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and will help to achieve the purpose of the Act by:

38.1 providing up to 2,100 jobs in Waikato during the two-year construction phase and up to 50 factory operating jobs in Huntly being an area affected by Covid-19

38.2 bringing forward construction by 5-15 months (compared to standard consenting timeframes)

38.3 generating economic benefits for people or industries affected by Covid-19 including through:

a. diversifying Waikato region's economy

b. possibly encouraging further industrial development in the area

c. creating a potential pipeline of skill development and employment

38.4 allowing potential adverse effects arising from the application and mitigation measures to be tested through an expert consenting panel having regard to Part 2 of the RMA and the purpose of the FTCA.

39 To address site specific matters raised by Waikato Regional Council, Waikato District Council [redacted] s 9(2)(f)(ii), s 9(2)(g)(i), I have decided to request the applicant to provide to a Panel additional information as outlined in Appendix two.

40 The FTCA requires that the Panel invite comments from the relevant local authorities, relevant iwi authorities, Treaty settlement entities and owners and occupiers of adjacent land. The FTCA requires that a Panel invite comments from the relevant local authorities, relevant iwi authorities, Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land and specific NGOs and other groups listed in the FTCA. In addition to the requirements of the FTCA, I have decided to request a Panel invite comments from the people, organisations and groups who submitted on the industrial components of the applicant's rezoning request to Waikato District Council as listed in Appendix two.

41 There are no other reasons under section 24(2) of the FTCA to:

41.1 limit the scope of the project by referring it only in part

41.2 refer the application in stages

41.3 place any restrictions on the project

41.4 require the applicant to provide any specific information to the Panel

41.5 impose specific timeframes for panel consideration.

Project for referral: Jason and Angela Mudgway, The Vines Affordable Subdivision

42 Jason and Angela Mudgway have applied to refer to a Panel The Vines Affordable Subdivision, located at 115 Main Road Hope (State Highway 6), Richmond, Tasman District. The application is to develop 48 residential allotments and construct the supporting roading, three waters and reserves infrastructure.

43 Under standard RMA processes this housing development would require land use and subdivision consents from Tasman District Council. This specific application does not seek consent to construct the houses. These will be constructed by the people who purchase the properties. To better understand the environmental effects and job creation potential of this project, I sought further information from Jason and Angela Mudgway under section 22 of the FTCA.

Comments received

44 In accordance with section 21 of the FTCA, I sought written comments on this application from relevant Ministers and Tasman District Council.

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

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

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

48 Tasman District Council was neutral about this project and noted there is high demand for housing in the district and that similar developments are occurring in the area. The site is zoned rural and on highly productive land and is earmarked for urban growth from 2038 under the Nelson Tasman Future Development Strategy. They also noted that three waters servicing needs to be resolved and the applicant will have to pay for the provision of the infrastructure required.

Decision

49 In making my decision I considered the application and further information received, comments received from relevant Ministers, Tasman District Council, and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of

the FTCA, which did not identify any Treaty of Waitangi considerations that would preclude this application being referred to a Panel.

- 50 I have decided to accept Jason and Angela Mudgway's The Vines Affordable Subdivision project for referral to a Panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and will help to achieve the purpose of the Act by:
- 50.1 providing an equivalent of 28 FTEs during the project's one-year construction period and developing sections on which affordable housing can be constructed in Richmond, an area that has significant housing demand
 - 50.2 allowing potential adverse effects arising from the application and mitigation measures to be tested through an expert consenting panel having regard to Part 2 of the RMA and the purpose of the FTCA.
- 51 Under the FTCA, the Panel is required to invite comments on consent applications from the relevant local authorities, relevant iwi authorities, Treaty settlement entities, owners and occupiers of adjacent land, Ministers and NGOs and other groups specified in the FTCA . This process will allow Tasman District Council the opportunity to raise its concerns directly with the Panel.
- 52 There are no other reasons under section 24(2) of the FTCA to:
- 52.1 limit the scope of the project by referring it only in part
 - 52.2 refer the application in stages
 - 52.3 place any restrictions on the project
 - 52.4 require the applicant to provide any specific information to the Panel
 - 52.5 impose specific timeframes for panel consideration.
- 53 I now seek authorisation for submission to the Executive Council of the No.3 Amendment Order. The No.3 Amendment Order enables Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited (as joint applicants), Ambury Properties Limited, and Jason and Angela Mudgway to apply via the Environmental Protection Authority to a Panel for the relevant resource consents.

Timing and 28-day rule

- 54 Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a Panel⁶. Therefore, the No. 3 Amendment Order will come into force as soon as it is notified in the New Zealand Gazette. This will enable applications for resource consents to be lodged with the Environmental Protection Authority, for consideration by a Panel, once the Order has been gazetted, for:
- 54.1 Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's, Dominion Road Mixed Use Development
 - 54.2 Ambury Properties Limited's, Ohinewai Foam Factory
 - 54.3 Jason and Angela Mudgway's, The Vines Affordable Subdivision.

⁶ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

Compliance

55 The proposed Amendment Order complies with:

55.1 the principles of the Treaty of Waitangi

55.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993

55.3 the principles and guidelines set out in the Privacy Act 1993

55.4 relevant international standards and obligations

55.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

56 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

57 The No. 3 Amendment Order has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission.

Impact Analysis

Regulatory Impact Assessment

58 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 an expert consenting panel⁷.

Climate Implications of Policy Assessment

59 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements do not apply to these proposals.

60 The decision to refer the Dominion Road Mixed Use Development, Ohinewai Foam Factory and The Vines Affordable Subdivision projects to a Panel will not have direct emissions impacts. Likely emissions implications 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 applications.

Publicity

61 The No.3 Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.

62 As required under section 25 of the FTCA, my decision to refer the applications to a Panel for consideration, the reasons for this decision, and the Treaty of Waitangi report obtained

⁷ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

under section 17 will be made available to the public on the Ministry for the Environment's website.

Proactive Release

- 63 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

- 64 I have considered the matters raised by the relevant Ministers, local authorities and other persons invited to comment and 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.
- 65 The Ministry for the Environment sought comment on this paper from the Department of Conservation, Ministry for 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 Te Arawhiti.

Recommendations

I recommend that Cabinet:

- 1 **note** that the Minister for the Environment has decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the following applications for referral to an expert consenting panel:
 - 1.1 Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's Dominion Road Mixed Use Development
 - 1.2 Ambury Properties Limited's Ohinewai Foam Factory
 - 1.3 Jason and Angela Mudgway's The Vines Affordable Subdivision
- 2 **note** that Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's, Dominion Road Mixed Use Development application meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the Act by:
 - 2.1 benefiting the public by providing approximately 220 construction jobs and an ongoing additional 150-185 FTE permanent jobs in the supermarket and associated retail and commercial tenancies. These jobs will be in the construction and retail sectors which have been impacted by COVID-19
 - 2.2 contributing to a well-functioning urban environment by redeveloping a large site for a mixed-use development comprising retail, residential development and office spaces in an area of Auckland well serviced by public transport
 - 2.3 allowing potential adverse effects arising from the application and proposed mitigation measures to be tested through a Panel having regard to Part 2 of the RMA and the purpose of the FTCA

- 3 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020 directs Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited to provide to the expert consenting panel additional transport, urban design/character, and flooding information as detailed in Appendix one
- 4 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020 directs the expert consenting panel appointed to consider Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's, Dominion Road Mixed Use Development to seek comments from Auckland Transport, Watercare and the Dominion Road Business Association
- 5 **note** that Ambury Properties Limited's, Ohinewai Foam Factory meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the Act by:
- 5.1 providing up to 2,100 jobs in Waikato during the two-year construction phase and up to 50 factory operating jobs in Huntly being an area affected by Covid-19
 - 5.2 bringing forward construction by 5-15 months (compared to standard consenting timeframes)
 - 5.3 generating economic benefits for people or industries affected by Covid-19 including through:
 - a. diversifying Waikato region's economy
 - b. possibly encouraging further industrial development in the area
 - c. creating a potential pipeline of skill development and employment
 - 5.4 allowing potential adverse effects arising from the application and mitigation measures to be tested through an expert consenting panel having regard to Part 2 of the Resource Management Act and the purpose of the FTCA
- 6 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020 directs Ambury Properties Limited to provide to the expert consenting panel additional information as detailed in Appendix two
- 7 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020 directs the expert consenting panel appointed to consider Ambury Properties Limited's, Ohinewai Foam Factory to seek comment from all those who submitted on the industrial components of the applicant's rezoning request to Waikato District Council as listed in Appendix two
- 8 **note** that Jason and Angela Mudgway, The Vines Affordable Subdivision, meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the Act by:
- 8.1 providing an equivalent of 28 FTEs during the project's one-year construction period and developing sections on which affordable housing can be constructed in Richmond, an area that has significant housing demand

- 8.2 allowing potential adverse effects arising from the application and mitigation measures to be tested through an expert consenting panel having regard to Part 2 of the RMA and the purpose of the FTCA
- 9 **authorise** the submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020
- 10 **note** that on 27 July 2020, Cabinet agreed [CAB-20-MIN-0353 refers] 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
- 11 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No. 3) 2020 will come into force when notified in the New Zealand Gazette.

Authorised for lodgement

Hon David Parker
Minister for the Environment

Released under the provisions of
the Official Information Act 1982

Appendix one – Additional requirements: Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's, Dominion Road Mixed Use Development application

Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited are directed to provide to the expert consenting panel:

1. An integrated transport assessment including modelling and analysis addressing effects and mitigation measures related to:
 - a. vehicle generation and parking on Dominion Road and the local road network;
 - b. public transport services including infrastructure and service reliability on Dominion Road;
 - c. effects on urban motorcycle safety; and
 - d. effects on the strategic role and mode priorities of public transport and pedestrian use on Dominion Road.
2. An urban design/character assessment including diagrams, visualisations and 3D simulations addressing effects and mitigation measures related to:
 - a. height exceedance on neighbouring residential amenity;
 - b. visual dominance particularly in views from Grange Road and south from Dominion Road;
 - c. building demolition and new built form on the Eden Valley Special Character Overlay;
 - d. volcanic viewshaft; and
 - e. overshadowing.
3. A flooding assessment addressing effects and mitigation measures related to:
 - a. pre and post development effects on the upstream and downstream catchment; and flood storage.

The expert consenting panel appointed to consider Pudong Housing Development Company Limited, Foodstuffs North Island Limited and Silk Road Management Limited's, Dominion Road Mixed Use Development must seek comments from the following additional persons/organisations:

1. Auckland Transport
2. Watercare
3. Dominion Road Business Association.

Appendix two – Additional requirements: Ambury Properties Limited's, Ohinewai Foam Factory application

Ambury Properties Limited are directed to provide to the expert consenting panel:

1. an assessment of the risks posed by the hazardous substances used onsite and the measures that will be adopted to manage these risks
2. an integrated traffic assessment
3. a geotechnical assessment
4. an ecological report
5. an archaeological report
6. an earthworks methodology report
7. a noise and vibration assessment
8. a draft construction traffic management plan
9. a landscape and visual assessment
10. an emergency plan
11. an air quality report
12. impacts the development will have on flood flows and the proposed mitigation measures
13. an assessment of any greenhouse gases emitted during the foam production process
14. impacts of the development on the Waikato River and its catchment and the proposed mitigation measures
15. an assessment of the proposed project against the concerns raised by submitters in the Ohinewai zoning hearings, and the proposed measures to address these concerns.

The expert consenting panel appointed to consider Ambury Properties Limited's, Ohinewai Foam Factory must seek comments from the following additional persons/organisations:

1. Nga Muka Development Trust
2. Waahi Whaanui Trust
3. Te Riu o Waikato Limited
4. Ohinewai Area Committee
5. Shand Properties Limited
6. Mercury NZ Limited
7. Iain and Luressa Macdonald
8. Konini Farms Limited

9. The Ralph Estates Incorporated
10. Suzanne Stow
11. David and Tiffany Whyte
12. Richard and Shanette Marsh
13. Bruce Holmes
14. Daniel and Rebekah Holmes
15. Auckland/Waikato Fish and Game Council
16. Future Proof Implementation Committee.

Released under the provision of
the Official Information Act 1982