

Version
as at 8 July 2023



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

(LI 2021/230)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 30th day of August 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry for the Environment.

Schedule
New Schedules 24 and 25 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021.

2 Commencement

This order comes into force on 3 September 2021.

3 Principal order

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

4 New Schedules 24 and 25 inserted

After Schedule 23, insert the Schedules 24 and 25 set out in the Schedule of this order.

Schedule
New Schedules 24 and 25 inserted

cl 4

Schedule 24
Otawere Water Storage Reservoir

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Otawere Water Storage Reservoir (the **project**).

2 Authorised person

The authorised person for the project is Te Tai Tokerau Water Trust.

3 Description of project

- (1) The scope of the project is to construct and operate a water storage reservoir and associated dams in the upper catchment of an unnamed tributary of the Waitangi River in Waimate North, Northland.
- (2) The water taken and stored in the reservoir will be used for horticultural supply, municipal water supply, and for civil defence and emergency purposes.

4 Description of activities involved in project

The project may involve the following activities:

- (a) clearing vegetation:
- (b) carrying out earthworks (including bulk earthworks) and disturbing land, including within—
 - (i) a significant wetland; and
 - (ii) a significant wetland setback; and
 - (iii) land adjacent to the bed of a river or wetland:
- (c) constructing a main dam that is approximately 16 m high:
- (d) constructing a saddle dam that is approximately 10 m high:
- (e) constructing a reservoir:
- (f) constructing primary and auxiliary spillways:
- (g) installing 1 or more culverts, a temporary dam, and other structures necessary to control and divert water during construction:
- (h) carrying out activities in riverbeds, including—
 - (i) reclaiming riverbeds; and

- (ii) temporarily diverting rivers; and
- (iii) disturbing riverbeds; and
- (iv) depositing material in rivers; and
- (v) other associated activities:
 - (i) drilling bores;
 - (j) taking, diverting, and discharging surface water, groundwater, and stormwater onto land, surface water, and groundwater;
 - (k) damming, diverting, and taking water from catchment inflows above the dams and storing the water in a reservoir formed behind the dams;
 - (l) flooding approximately 56 hectares of land, including approximately 5 hectares of significant wetland, with a reservoir;
 - (m) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (l); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project will occur at Lot 2 Deposited Plan 479002 (held on Record of Title 678203) and Lot 2 Deposited Plan 208031 (held on Record of Title NA135D/350), which is the legal description of the land near Te Ahu Ahu Road, Wai-mate North, Northland.

6 Further information to be submitted

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) a geotechnical assessment; and
- (b) an assessment of the hydrological and hydraulic effects of the proposed damming, diversions, water takes, and discharges on—
 - (i) bodies of surface water; and
 - (ii) groundwater and wider catchments; and
 - (iii) water allocation limits; and
 - (iv) operating in drought conditions; and
 - (v) projected climate change scenarios; and
- (c) an ecological assessment that includes an assessment of the effects of the project on avifauna, terrestrial fauna, aquatic fauna and ecology, lizards, vegetation, wetlands (including gum wetlands), and biodiversity; and

- (d) a landscape and visual assessment of the proposed reservoir and dams; and
- (e) an assessment of the economic effects of the reservoir on the local economy, including for Māori; and
- (f) a construction management plan for the proposed activities that includes construction methodology and staging, construction traffic, and dust and noise management; and
- (g) an erosion and sediment control plan for the project site that includes the reservoir and the impact of the water takes; and
- (h) an assessment of the risks of dam failure and proposed mitigation measures that is prepared by a suitably qualified person; and
- (i) an assessment of reservoir operations, including dam safety, that is prepared by a suitably qualified person.

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application relating to the project from the following persons in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

- (a) the Minister for Economic and Regional Development; and
- (b) the Minister for Māori Development; and
- (c) representatives from the following Ngāpuhi Marae:
 - (i) Tauwhara:
 - (ii) Oromāhoe:
 - (iii) Parawhenua:
 - (iv) Rāwhitiroa:
 - (v) Ngāwhā:
 - (vi) Te Kotahitanga:
 - (vii) Kohewhata:
 - (viii) Te Tii Waitangi; and
- (d) representatives from the following Ngāpuhi Takiwā:
 - (i) Taiāmai ki te Marangai:
 - (ii) Hokianga ki te Raki:
 - (iii) Hauāuru; and
- (e) Taiāmai ki te Takutai Moana Trust.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

The Minister for the Environment has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from the relevant Ministers, the Far North District Council, and the Northland Regional Council. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will have positive effects on social well-being by providing more employment opportunities; and
- the project will generate employment by providing up to 31 full-time equivalent jobs during the construction stage; and
- the project will result in a public benefit by contributing to a municipal water supply and supplying water for civil defence and other emergency purposes; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects arising from the application and mitigation measures can be tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 25

Drury Central and Paerata Stations

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Drury Central and Paerata Stations (the **project**).

2 Authorised person

The authorised person for the project is KiwiRail Holdings Limited.

3 Description of project

The scope of the project is to develop new railway stations and associated transport interchange facilities at 2 separate sites in South Auckland.

4 Description of activities involved in project

The project may involve the following activities:

- (a) clearing vegetation:
- (b) removing or demolishing structures or buildings:
- (c) carrying out earthworks (including bulk earthworks) and disturbing potentially contaminated soils:
- (d) carrying out activities near a wetland that may result in the wetland being modified or drained:
- (e) constructing temporary and permanent stormwater management and treatment facilities:
- (f) disturbing stream beds, including constructing structures such as bridges, culverts, and culvert extensions:
- (g) diverting and discharging groundwater and stormwater onto land (including a wetland) or into freshwater:
- (h) taking, using, and diverting groundwater:
- (i) reclaiming part of a stream bed in an unnamed tributary of Hingaia Stream:
- (j) constructing railway stations at Drury and Paerata on the North Island Main Trunk railway line, including rail platforms, buildings, and structures:
- (k) constructing transport interchange facilities at both railway stations that include—
 - (i) park-and-ride carparks; and
 - (ii) train and bus interchange and layover areas; and

- (iii) pedestrian and vehicle accessways and plazas; and
- (iv) cycle parking facilities:
- (l) landscaping the project sites, including planting and installing art:
- (m) constructing three waters services:
- (n) constructing pedestrian crossings and other roading infrastructure:
- (o) carrying out activities to—
 - (i) realign and upgrade Flanagan Road, Drury; and
 - (ii) upgrade Waihoehoe Road, Drury; and
 - (iii) upgrade State Highway 22:
- (p) constructing a new rail overbridge at Paerata:
- (q) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (p); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project will occur,—

- (a) for Drury Central Station, on a site located to the southeast of Drury township on multiple landholdings accessed off Great South Road, Flanagan Road, and Waihoehoe Road; and
- (b) for Paerata Station, on a site located at Paerata, approximately 3 km north of Pukekohe on multiple landholdings accessed off State Highway 22 (Paerata Road) and Sim Road.

6 Further information to be submitted

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) an assessment of the historic heritage values of the project sites and the impact of the development on those values; and
- (b) a report that describes any consultation undertaken with iwi authorities or other Māori groups representing tangata whenua in relation to the project, and the extent and outcomes of that consultation; and
- (c) the methodology and assumptions used in the application to calculate savings and reductions in greenhouse gas emissions; and
- (d) an analysis of the potential greenhouse gas emissions generated by the project over time, including—

- (i) the impact of greenhouse gas emissions under different future growth and land use scenarios; and
- (ii) the opportunities to further enhance connection to other modes and systems of transport; and
- (iii) the impact of delayed electrification of the rail network in the project area; and
- (e) the methodology or assumptions used to determine the potential economic benefits of the project, including carbon impacts and climate benefits, if any; and
- (f) if climate impacts or benefits are identified in the economic analysis, information on the estimated carbon prices or the discount rates applied; and
- (g) a preliminary site investigation report done in accordance with the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the NES), showing how compliance with the NES will be achieved; and
- (h) a flood-hazard assessment for the Drury Central site, including modelling to identify—
 - (i) impacts of the upstream catchment; and
 - (ii) if attenuation is necessary (including calculations and sizing).

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application relating to the project from the following persons in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

- (a) Watercare Services Limited; and
- (b) Auckland Transport; and
- (c) the New Zealand Transport Agency; and
- (d) Ngāti Koheriki Claims Committee.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

The Minister for the Environment has accepted this application for referral. The Minister considered the application against the criteria in the COVID-19 Recovery (Fast-

track Consenting) Act 2020 (the **Act**) and the Act's purpose, and sought and considered written comments from Ministers, including the Associate Minister for the Environment (Urban Development), as well as Auckland Council, Auckland Transport, Watercare Services Limited, and the New Zealand Transport Agency. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will have positive effects on social well-being by—
 - providing improved access to rail services; and
 - reducing the use of roads and the associated road safety risks by increasing the use of rail services; and
 - reducing travel time; and
- the project will generate employment by providing,—
 - in 2021, 27 to 40 full-time equivalent (**FTE**) jobs in the planning, engineering, and design phase; and
 - between 2021 and 2024, 200 to 332 FTE jobs in construction and construction management; and
- the project will provide infrastructure that will—
 - improve economic, employment, and environmental outcomes; and
 - increase productivity by reducing congestion on the roads; and
 - support growth in the southern growth area of Auckland as identified in the Auckland Unitary Plan and associated structure plans; and
- the project will contribute to New Zealand's efforts to mitigate climate change and transition faster to a low-emissions economy by reducing reliance on cars; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects arising from the application and mitigation measures can be tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 3 September 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the

amendment is to refer 2 projects to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred projects are the projects named and described in *new Schedules 24 and 25*.

The effect of the referral is—

- to authorise Te Tai Tokerau Water Trust to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 24*;
- to authorise KiwiRail Holdings Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 25*.

The expert consenting panels will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 2 September 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)