

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2020

(LI 2020/298)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2020: 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 7th day of December 2020

Present:

Her Excellency the Governor-General 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 New Schedule 9 inserted	2

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	3
New Schedule 9 inserted	

Order

- 1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2020.
- 2 Commencement**

This order comes into force on 18 December 2020.
- 3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (the **principal order**).
- 4 New Schedule 9 inserted**

After Schedule 8, insert the Schedule 9 set out in the Schedule of this order.

Schedule
New Schedule 9 inserted

cl 4

Schedule 9
Eastern Porirua Regeneration Project—Infrastructure Works

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Eastern Porirua Regeneration Project—Infrastructure Works (the **project**).

2 Authorised persons

The authorised persons for the project are—

- (a) Kāinga Ora—Homes and Communities; and
- (b) Porirua City Council.

3 Description of project

The scope of the project is—

- (a) to replace an existing wastewater main that extends from Bothamley Park, Porirua to State Highway 1; and
- (b) to construct and operate a water reservoir near the existing reservoir on Stemhead Lane, Porirua; and
- (c) to construct and operate a wetland for flood risk and stormwater management in Cannons Creek Park, Porirua.

4 Description of activities involved in project

(1) The project involves the following:

- (a) earthworks (including bulk earthworks):
- (b) discharges associated with earthworks:
- (c) works to trim or remove vegetation:
- (d) landscaping, including planting:
- (e) dewatering and discharge of the water onto land or into freshwater:
- (f) works to construct stormwater infrastructure:
- (g) works to discharge stormwater and wastewater onto land or into freshwater:

- (h) works to construct pipes, culverts, and associated reticulation infrastructure:
 - (i) works to construct or disestablish crossings of the Kenepuru Stream:
 - (j) works to construct a water storage reservoir and associated reticulation infrastructure:
 - (k) any other works that are—
 - (i) associated with the works described in paragraphs (a) to (j); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.
- (2) In this clause, **freshwater** has the meaning given in section 2(1) of the Resource Management Act 1991.

5 **Approximate geographical location**

The project's works will occur at the following locations:

Narrative description of location	Legal description of location
Works to replace the existing wastewater main that extends from Bothamley Park, Porirua to State Highway 1 will occur alongside that existing wastewater main	Lot 276 DP 512438 Lot 277 DP 512438 Lot 273 DP 498135 Lot 1 DP 74452 Lot 1 DP 53734 Lot 113 DP 20024 Lot 1 DP 53735 Sec 1 SO 485063 Sec 2 SO 485063 Lot 2 DP 53736 Lot 1 DP 35097 Lot 232 DP 31478
Works to construct and operate a water reservoir near the existing reservoir on Stemhead Lane, Porirua will occur near that existing reservoir	Sec 20 SO 473623 Lot 4 DP 48340 Lot 7 DP 47873
Works to construct and operate a wetland in Cannons Creek Park, Porirua will occur in Cannons Creek Park	Lot 1 DP 26267

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 ecological assessment, which must cover—
 - (i) the short- and long-term effects of the project on the Porirua Stream, the Kenepuru Stream, and the significant natural areas within Bothamley Park and Cannons Creek Park; and
 - (ii) the downstream effects of the project on the Porirua Harbour:
- (b) a contaminated sites assessment:
- (c) a traffic impact assessment, which must include a traffic management plan:
- (d) a cultural impact assessment by an author approved by the mana whenua of the Kenepuru Stream:
- (e) an assessment of whether the proposed infrastructure will meet current demand and future demand arising from urban growth:
- (f) an assessment of the project's likely effects on the hydrology of the Kenepuru Stream and the Porirua Stream, including flooding, erosion, and scour:
- (g) an assessment of the project's positive effects on the environment, supported by appropriate technical information, including any net benefits to water quality from the proposed wetland in Cannons Creek Park:
- (h) an assessment of any adverse effects from dewatering:
- (i) a landscape and visual assessment of the proposed reservoir:
- (j) a construction management plan for the proposed works:
- (k) an erosion and sediment control plan, which must—
 - (i) outline the measures that will be taken to avoid or mitigate adverse effects on significant natural areas and any natural wetlands, including the discharge of sediment to Kenepuru Stream, Porirua Stream, and Porirua Harbour; and
 - (ii) be prepared in consultation with Ngāti Toa:
- (l) a master plan of Bothamley Park and Cannons Creek Park, which must—
 - (i) show how the wastewater trunk main upgrade and the proposed wetland integrate with the wider improvements being considered for the parks; and
 - (ii) have regard to cycleways, recreation areas and facilities, crime prevention through environmental design, safety upgrades, and public access.

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) Aotea Residents Association Incorporated:
- (b) Creeksiders (Cannons Creek) Residents Association:
- (c) Porirua Harbour and Catchment Community Trust:
- (d) Ranui Resident's Association Incorporated:
- (e) Te Runanga o Toa Rangatira Incorporated.

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

Having considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and having sought and considered written comments from the relevant Ministers, local authorities, Te Runanga o Toa Rangatira Incorporated, Wellington Water Limited, and the New Zealand Transport Agency, the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will help to achieve the Act's purpose; and
- the project will provide 55 to 110 jobs in the first 2 years of construction and up to 260 jobs in the third and fourth years of construction; and
- the project will increase the capacity of three waters services in eastern Porirua, enabling future urban growth in Porirua and addressing existing capacity and performance issues for infrastructure; and
- the project is likely to improve environmental outcomes for freshwater quality in the long term as it will reduce wastewater overflows and may improve stormwater quality; and
- any adverse effects arising from the application (and proposed mitigation measures) can be tested by an expert consenting panel, having regard to 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 18 December 2020, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 9*.

The effect of the referral is to authorise Kāinga Ora–Homes and Communities and Porirua City Council—

- to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 9*; and
- to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations or to alter designations relating to the project.

The expert consenting panel 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*: 10 December 2020.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 4) 2020 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)