

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2022

(SL 2022/11)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2022: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 8th day of February 2022

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—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the joint recommendation of the Minister for the Environment and the Minister of Conservation.

Contents

	Page
1 Title	2
2 Commencement	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.

3	Principal order	2
4	New Schedule 44 inserted	2
	Schedule	3
	New Schedule 44 inserted	

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2022.

2 Commencement

This order comes into force on 11 February 2022.

3 Principal order

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

4 New Schedule 44 inserted

After Schedule 43 (as inserted by the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2022), insert the Schedule 44 set out in the Schedule of this order.

Schedule
New Schedule 44 inserted

cl 4

Schedule 44
Kaiwharawhara Wellington Ferry Terminal Redevelopment

cl 5

Project referred to expert consenting panel

1 Kaiwharawhara Wellington Ferry Terminal Redevelopment

The name of the project is the Kaiwharawhara Wellington Ferry Terminal Redevelopment (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 redevelop and upgrade the Interislander facilities at Kaiwharawhara, Wellington by—

- (a) constructing and operating a wharf that is approximately—
 - (i) 250 metres long; and
 - (ii) 14 metres wide; and
- (b) constructing and operating a ferry terminal; and
- (c) constructing, upgrading, and operating structures and facilities for the purposes of the new wharf and ferry terminal; and
- (d) extending and reconfiguring the rail and road vehicle marshalling and loading areas; and
- (e) reclaiming parts of the coastal marine area for the purpose of extending the rail marshalling area to the north-east of Kaiwharawhara Point; and
- (f) upgrading the surfaces of rail and road bridges over the Kaiwharawhara Stream for the purpose of access to the rail and road vehicle marshalling areas; and
- (g) upgrading access from the existing rail and road networks to the site of the new ferry terminal; and
- (h) constructing a 2-level linkspan bridge, road vehicle ramps, an elevated walkway, and other structures to enable access onto and off berthed ferries; and
- (i) undertaking landscaping, planting, and other activities to enhance the natural environment (including habitats)—

- (i) at the mouth and estuary of the Kaiwharawhara Stream; and
- (ii) along the coastal margin of Kaiwharawhara Point.

4 Description of activities involved in project

Activities on or in, or above the water of, the coastal marine area

- (1) The project may involve the following activities on or in, or above the water of, the coastal marine area:
 - (a) disturbing the coastal marine area, including by excavating or drilling the seabed:
 - (b) erecting and placing structures on or in, or above the water of, the coastal marine area, including the following:
 - (i) a seawall:
 - (ii) erosion-protection structures:
 - (iii) a piled groyne structure:
 - (c) occupying the coastal marine area:
 - (d) constructing and operating a wharf to the east of the existing wharf:
 - (e) the following activities for the purpose of extending the rail marshalling area to the north-east of Kaiwharawhara Point:
 - (i) reclaiming parts of the coastal marine area:
 - (ii) upgrading and extending a rock revetment:
 - (iii) installing rail tracks and other infrastructure:
 - (f) upgrading the surfaces of rail and road bridges over the Kaiwharawhara Stream for the purpose of access to the rail and road vehicle marshalling areas:
 - (g) constructing a 2-level linkspan bridge, road vehicle ramps, and an elevated walkway to enable access between berthed ferries and the following:
 - (i) the ferry terminal:
 - (ii) the rail and road vehicle marshalling areas:
 - (h) undertaking landscaping, planting, and other activities to enhance the natural environment—
 - (i) in the bed and at the edges of the Kaiwharawhara Stream (at the river mouth and estuary); and
 - (ii) at the foreshore and in the seabed at Kaiwharawhara Point.

Activities not in the coastal marine area

- (2) The project may involve the following activities on land that is not in the coastal marine area:
 - (a) earthworks, including—
 - (i) disturbing contaminated land; and

- (ii) works to improve the geotechnical condition of land within the project site:
 - (b) altering the existing infrastructure, and installing new infrastructure, in the rail and road vehicle marshalling and loading areas:
 - (c) upgrading the access from Aotea Quay to provide multi-modal transport access to the ferry terminal:
 - (d) demolishing the existing ferry terminal, ancillary buildings, and other infrastructure:
 - (e) constructing and operating a ferry terminal and ancillary buildings (for facilities such as check-in kiosks, car rental facilities, and retail facilities):
 - (f) constructing and using temporary lay-down areas (for storing equipment and materials and for other operational activities) during the construction phase of the project:
 - (g) grading and resurfacing the site:
 - (h) installing—
 - (i) infrastructure for three waters services; and
 - (ii) infrastructure for electrical power and lighting; and
 - (iii) other infrastructure.
- Other activities*
- (3) The project may also include—
- (a) taking, diverting, and discharging water (including discharging storm-water and contaminants into the coastal marine area); and
 - (b) any other activities that are—
 - (i) associated with the activities described in subclauses (1) and (2); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

- (1) The project will occur on land at Kaiwharawhara, Wellington that is—
- (a) at or adjoining Wellington Harbour; and
 - (b) within the project footprint generally indicated in Attachment 3 of the report, on the application for referral of the project, that was obtained under section 17 of the Act.
- (2) That land includes—
- (a) land vested in the Crown; and
 - (b) privately owned land; and

- (c) land with no title; and
- (d) land within the coastal marine area.

6 Further information to be submitted

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

- (a) an assessment of coastal processes that—
 - (i) includes an analysis of the effects of the proposed activities in the coastal marine area on the natural processes of accretion and erosion; and
 - (ii) describes the proposed measures to mitigate those effects:
- (b) an assessment of the anticipated effects of climate change on the project that—
 - (i) includes modelling and analysis of the effects of sea-level rise, storm surge, wave heights, and fluvial flooding from the Kaiwharawhara Stream; and
 - (ii) describes the proposed measures to mitigate those effects; and
 - (iii) includes information on how the climate-change scenario used for the modelling aligns with guidance contained in Chapters 5 and 6 of Coastal Hazards and Climate Change: Guidance for Local Government (Ministry for the Environment, December 2017, ME1341):
- (c) an assessment of the risks associated with earthquakes, liquefaction, and coastal inundation caused by tsunamis, including a description of the proposed measures to mitigate those risks:
- (d) an ecological assessment that—
 - (i) includes surveys of benthic ecology and relevant fauna (that is, terrestrial fauna, coastal avifauna, and marine mammals); and
 - (ii) includes an assessment of the effects of the project on biodiversity and ecosystems (including on benthic ecology, relevant fauna, and the habitat of those fauna); and
 - (iii) describes the proposed measures to mitigate adverse effects:
- (e) an assessment of the visual amenity and natural character of the project site and surrounding landscape that—
 - (i) includes an analysis of the effects of the project on that amenity and character; and
 - (ii) describes the proposed measures to mitigate adverse effects:
- (f) a construction management plan that includes—

- (i) a description of proposed measures to manage and treat storm-water (during and after construction); and
- (ii) a description of proposed measures to control erosion and sedimentation:
- (g) an integrated transport assessment relating to all phases of the project (including its operation) that—
 - (i) includes modelling and analysis of the effects of the project on the adjoining road network and on traffic within the project site; and
 - (ii) describes the proposed measures to mitigate adverse effects; and
 - (iii) includes information about any discussions held, and any agreements made, with the New Zealand Transport Agency.

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application or notice of requirement relating to the project from Ngāti Tama ki Te Upoko o Te Ika (in addition to the persons listed in clause 17(6) of Schedule 6 of the Act).

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 and Minister of Conservation (the **Ministers**) have jointly accepted this application for referral. They 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 listed in section 21(6) of the Act as well as from the following:

- the Minister for Economic and Regional Development:
- Wellington City Council:
- Greater Wellington Regional Council:
- the New Zealand Transport Agency:
- CentrePort Limited.

The Ministers accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will generate approximately 400 full-time equivalent jobs over a 3-year design and construction period:

- the project will provide infrastructure that will increase the capacity of the Interislander ferries to service growth in rail and road freight and in tourism:
- the project will improve environmental outcomes (including habitat) at the Kaiwharawhara Stream estuary and shoreline:
- the project will support a transition to an economy of low greenhouse-gas emissions by—
 - enabling the use of new diesel-electric hybrid ferries; and
 - supporting an increased use of rail transport for freight:
- the project will strengthen the economic and social resilience of the Kaiwharawhara ferry terminal, particularly if there is a major seismic event:
- the project is likely to progress faster than would otherwise be the case under standard Resource Management Act 1991 consenting processes:
- any actual and potential effects on the environment, and proposed measures to mitigate any adverse effects, can be appropriately 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 11 February 2022, 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 44*.

The effect of the referral is 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 44*:
- 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.

Version as at
8 July 2023

**COVID-19 Recovery (Fast-track Consenting) Referred
Projects Amendment Order (No 3) 2022**

Explanatory note

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 10 February 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2022 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)