

Tuesday 31 January 2023

**OIA IRO-339**

Name: [REDACTED]  
Email: [REDACTED].co.nz

Kia ora [REDACTED]

**Official information request for any submissions made by Wellington Water on the consultation for resource consent application SR510418.**

Thank you for your official information request dated Monday 12 December 2023.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on your request no later than 20 working days after the day we received it. Unfortunately, we cannot meet the timeframe and must therefore extend the time to respond to Thursday 9 February 2023.

This extension is necessary because consultations with subject experts are necessary to make a decision on your request and a proper response cannot reasonably be made within the original time limit.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngā mihi

[REDACTED]  
**Team Lead, Communications and Engagement W**

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[www.wellingtonwater.co.nz](http://www.wellingtonwater.co.nz)

**Our water, our future**

Thursday 9 February 2023

**OIA IRO-339**

Name: [REDACTED]  
Email: [REDACTED].co.nz

Kia ora [REDACTED]

**Official information request for a copy of any submissions made by Wellington Water on the consultation for resource consent application SR510418.**

Thank you for your official information request dated Monday 12 December 2023.

We have considered your request in accordance with the Local Government Official Information and Meetings Act 1987 and determined that we are able to grant your request in full.

The information you have requested is enclosed in our email to you.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngā mihi

[REDACTED]  
**Team Lead, Communications and Engagement**

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**Our water, our future**



# Invitation to comment on applications for referral under the Covid-19 (Fast-track Consenting) Act 2020

You have been invited to provide comments to the Minister for the Environment (the Minister) on an application to refer a proposed project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020 (the Act).

The information below provides the context for this application, the reasons for the invitation to comment and information to assist you in responding. Please note that the Minister has requested that you reply within 10 working days from receipt of the application and invitation to comment. Under section 21(5) of the Act the Minister is not obliged to consider any comments provided after this time.

## Overview of the fast-track process

The Act introduces a short-term consenting process to fast track projects that can boost employment and economic recovery.

For a project to access the fast-track process, the Minister must first make a decision to refer the project to an expert consenting panel. The referral process involves seeking comment from local authorities and Ministers of the Crown. The Minister also has discretion to seek comment from any other person.

It is important to note that the Minister's role is not to undertake a detailed assessment of the merits or effects of the project at this stage.

The Minister's referral decision must be made in the context of the eligibility criteria in section 18 of the Act, and the matters in sections 19 and 23(5) of the Act. Specifically, section 18 requires the Minister to be satisfied that the proposed project:

- will help to achieve the purpose of the Act
- does not include an activity that is prohibited in the RMA, RMA regulations or a local authority plan or proposed plan
- does not occur on land returned under a Treaty settlement if the relevant landowners have not agreed in writing
- does not occur in a customary marine title area if the holder of the relevant customary marine title order has not agreed in writing

- does not occur in a protected customary rights area, and have a more than minor effect on the exercise of the protected customary right, if the holder of the relevant protected customary rights recognition order has not agreed in writing.

In considering whether a proposal would help achieve the purpose of the Act, section 19 of the Act specifies matters the Minister may consider. These include whether the project will give rise to economic costs and benefits for people or industries affected by COVID-19; whether the project will create a public benefit; the effect on social and cultural wellbeing of current and future generations, and whether there is potential for significant adverse effects.

Section 23(5) of the Act gives reasons why the Minister may decline to refer an application for fast-tracking, whether or not it meets the criteria in section 18. These include:

- the applicant has not provided enough information to determine whether the project meets the section 18 criteria
- it would be more appropriate for the proposed project, or part of the project, to go through standard consenting or designation processes under the RMA
- the proposed project is inconsistent with a relevant national policy statement
- directing the project to a panel would be inconsistent with a Treaty settlement
- the proposed project involves an activity that would occur on land that the Minister for Treaty of Waitangi negotiations considers necessary for Treaty settlement purposes
- the applicant has a poor history of environmental regulatory compliance
- there is insufficient time for the application to be referred and considered before the Act is repealed (ie, 8 July 2022).

Comments you choose to provide at this point will assist the Minister to determine whether a project will help to achieve the Act's purpose and should be referred. **Please note that your comments, including your name and contact details, will be made available on our website and to the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information.**

**Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.**

If the Minister decides to refer a project, it progresses to an expert consenting panel who makes a decision on whether to grant consents or notices of requirement. The decision will be made in accordance with the relevant decision-making considerations in the RMA and applying the purpose of the Act and section 6 of the Act (Treaty of Waitangi).

## Guidance on comments sought

The comments the Minister invites from you at this stage of the fast-track process are intended to be high level, and in the context of the matters in sections 18, 19 and 23 (outlined above).

Additionally, section 6 of the Act requires any person performing functions and exercising powers under this Act to act consistently with the principles of the Treaty of Waitangi and Treaty settlements, and this also provides relevant context for your comments.

**Please note you are not expected to undertake a detailed assessment of the effects of the proposal or provide any reports of that nature.** However, the Minister would like to understand whether there are any

significant matters you consider the Minister should be aware of when deciding whether a project should be referred to an expert consenting panel.

A template is attached for you to provide your comments on. Please use a separate form for each application.

If you wish to discuss this application, please contact Fast-track Consenting Team officials at [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz).

## Opportunities for further comment and involvement

You will have a further opportunity to provide comments for any projects that the Minister refers to an expert consenting panel.

At that stage of the fast-track process, the applicant is required to lodge a detailed application for resource consents and/or notices of requirement with the Environmental Protection Authority. An application must include an environmental assessment and cultural impact assessment.

An expert consenting panel will be appointed for each project by the panel convener, who is a retired Environment Court judge. The panel must include a chair and one person nominated by the relevant local authorities, and one person nominated by the relevant iwi authorities. Further panel members may be included, as outlined in clause 3 of Schedule 5 of the Act. The panel convener will therefore seek nominations from the relevant groups for these positions prior to making the panel appointments.

The panel is responsible for fully assessing the merits of the proposed project and deciding whether to grant the resource consents and/or notices of requirement. The panel will be given any comments you provided earlier to the Minister, and must also invite further comment from local authorities, relevant iwi authorities, Ministers of the Crown and other persons and groups referred to in clause 17 of Schedule 6 of the Act.

# Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

*This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

<b>Organisation providing comment</b>	Wellington Water Limited
<b>Contact person (if follow-up is required)</b>	██████████
	Manager Growth & Land Development
	Network Strategy and Planning

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Jervois Quay Project
<b>General comment</b>	<p>Wellington Water Limited makes this submission in its capacity as the existing network management and maintenance service provider to the Wellington City Council.</p> <p>Wellington Water has outstanding concerns regarding Jervois Quay Project’s potential impact on two significant water assets that are on the development site, specifically:</p> <ul style="list-style-type: none"> <li>- The Michael Fowler Centre (MFC) wastewater storage facility is a concrete storage tank with a capacity of around 850m<sup>3</sup>. The facility provides wastewater overflow storage and is a key network asset to manage potential wastewater discharges to the Wellington Harbour; and</li> <li>- A stormwater main that is ~100-year old ovoid brick pipe (1220mm by 2210mm) and serves a large stormwater catchment originating from the Aro Valley.</li> </ul> <p>The proposed building over these two assets will have implications for their ongoing and future operational management and replacement, and result in increased risk to the assets during construction.</p> <p>Wellington Water has reviewed of the proposed plans RC2.00- 2.03; 1.01; 0.02 dated 26 Feb 2022, and Landscape Plans L1.01 – L1.02. The proposed plans do not alleviate WWL’s concerns regarding the potential impact to the level of service the wastewater tank is designed to provide in this location in the city, and the challenges of suitable alternative land availability if a tank were to be replaced. Further, the proposed building on the site will result in restricted access to this facility for both maintenance and its future replacement. Wellington Water is also concerned with the operational impacts from this storage facility such as odour when in use or maintenance on the future residents of the proposed development/building</p> <p>This stormwater main is theoretically at the end of its useful life and its condition cannot be confidently determined from available techniques such as closed circuit television survey (CCTV). This is because the pipe is located in a potential fill area and therefore may not be fully supported insitu on competent ground/materials. The pipe is also likely to be vulnerable to movement and cracking in large earthquakes and any failure has the potential for liquefied materials to enter the</p>

	<p>pipe during earthquakes resulting in partial loss of service. If this stormwater pipe fails the repairs may become very difficult and costly.</p> <p>Wellington Water’s considers that effects to the stormwater pipe are able to be mitigated through either structurally lined or it is replaced along a new alignment outside the perimeter of the proposed building. Either option would result in a more resilient pipeline, reduce its failure risk and increase the asset life by around 50 years. These options are in accordance with the RSWS <i>Section 4.12 Building in close proximity to pipes</i>.</p> <p>In addition to the above matters, Wellington Water has wider interest in the proceedings to ensure that effects to the operational three water networks are appropriately avoided or mitigated, and that consent conditions for design, construction, and connection of new 3-W assets are included where relevant.</p>
<b>Other considerations</b>	<ol style="list-style-type: none"> <li>1. Wellington City Council has requested Wellington Water (7 April 2022) to undertake an assessment regarding the replacement of the wastewater tank – this has not been completed.</li> <li>2. The applicant is undertaking a DSA of the wastewater tank – this has not yet been completed.</li> </ol>
<b>[Insert specific requests for comment]</b>	No specific requests have been received from the Minister

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry’s proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.



