

Memorandum on Compliance

File	FTC 000015 – Papakura to Drury South State Highway 1 improvements
To:	Sandra Balcombe, Manager Land and Oceans Applications
Copy to:	
From:	Gen Hewett, Senior Advisor
Date:	1 July 2021
Subject:	LP 15 Papakura to Drury South State Highway 1 improvements Stage 1B1 resource consent applications and notices of requirement: Assessment whether the applications complies with clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020

Purpose

1. The purpose of this memo is to assist you in making your decision on whether the Papakura to Drury South State Highway 1 improvements – Stage 1B1 resource consent applications and notices of requirement, received by the Environmental Protection Authority (**EPA**) on 24 July 2021 lodged by New Zealand Transport Agency (known as Waka Kotahi)(**Waka Kotahi**) and Transpower New Zealand Limited (**Transpower**), complies with the requirements of clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**the Act**).

Conflict of interest

2. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.
3. Prior to joining the EPA in May 2014, I worked as a consultant planner at MWH New Zealand Limited (now Stantec) and URS New Zealand. In these roles I prepared resource consent applications and other planning documents for Waka Kotahi and Transpower (the applicants). I also worked as a consultant in the Waka Kotahi Wellington region office.
4. I confirm that I do not have any current connections with any Waka Kotahi or Transpower employees or the consultants involved with the LP 15: Papakura to Drury South State Highway 1 improvements Stage 1B1 resource consent applications and notices of requirement.

The applications and notices of requirement

5. Projects listed in Schedule 2 (listed projects) are eligible to be considered by an expert consenting panel. Schedule 2 states that Papakura to Drury South State Highway 1 improvements is a listed project under the Act, and the authorised persons who may apply under the Act is New Zealand Transport Agency and Transpower.

6. Waka Kotahi (the applicant and requiring authority) and Transpower (the applicant) applied for consents and lodged the notices of requirement relating to Papakura to Drury South State Highway 1 improvements for Stage 1B1 on 24 June 2021.
7. The EPA must either provide the consent applications and notices of requirement to the expert consenting panel (if complete) or return it to the person who lodged it (if incomplete), as set out in paragraphs 19 – 25 below.

Project

8. The Act describes the Papakura to Drury South State Highway 1 improvements as an upgrade of SH1 between Papakura and Drury South to improve travel reliability, access and safety, including providing new walking and cycling facilities and allowing for planned rail improvements at Drury. It also includes works on assets owned and operated by Transpower necessary for the above works to be carried out.
9. Waka Kotahi has divided the listed project up into four sections referred to as Stage 1A, Stage 1B2, Stage 1B1 and Stage 2. These resource consent applications and notices of requirement are for a section of the project referred to by Waka Kotahi as Stage 1B1.
10. Transpower assets (BOB-OTA-A and the Huntly-Otahuhu A 220kV transmission line) traverse the Stage 1B1 project area at the Drury interchange. The BOB-OTA-A line is directly affected by the interchange upgrade works and in particular, existing Tower 74 is located within the proposed footprint of the southbound lane of SH1 within the upgraded interchange alignment and the conductors (the wires) span between Towers 73 and 75 cross SH1. It is proposed to replace Tower 74 with two new monopoles on either side of Tower 74 and then remove the existing tower and undertake associated work. Resource consent is required under the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009.
11. It is understood that separate applications will be made by Waka Kotahi (and Transpower if required) under the Act for sections referred to by the applicant as Stage 1B2 and Stage 2. It is noted that Stage 1A has already been consented under the Resource Management Act 1991.

Fast-track consenting application process

Legislative context

12. Clause 2(1), Schedule 6 of the Act states that a person authorised in accordance with section 15 may apply for a resource consent that would otherwise be required under section 88 of the Resource Management Act 1991 (RMA).
13. Clause 2(2), Schedule 6 of the Act states that a requiring authority authorised in accordance with section 15 may, in respect of a listed project or referred project, as the case may require, lodge—
 - a notice of requirement for a designation:
 - a notice of requirement to alter a designation.
14. Clause 3(1), Schedule 6 of the Act states that “*within 5 working days of receiving a consent application or notice of requirement, the EPA must determine whether the application or notice—*
 - (a) *relates solely to 1 or more of the listed projects or referred projects; and*
 - (b) *does not breach clause 2(3)(c) or (4); and*

(c) contains all the information required under clauses 9 to 13.”

15. Clause 3(2), Schedule 6 of the Act states that “if the EPA is satisfied that a consent application or notice of requirement complies with the matters listed in subclause (1), the EPA must provide the application or notice to the panel appointed to determine that application or notice.”
16. Clause 4(1), Schedule 6 of the Act states that “if the EPA determines that a consent application or notice of requirement does not comply with the requirements of clause 3(1), it must return the application or notice immediately to the person who lodged it, with written reasons for the EPA’s determination”.

Prerequisites for the applications and notices of requirement

17. There are a number of prerequisites for an application to be lodged as set out in this table.

This table considers both the application and notices of requirement by Waka Kotahi and the application by Transpower

Reference to clause in Schedule 6	Preliminary Matter	Comment	Accept/reject
Clause 2(1) or 2(2)	Application is made by authorised person or requiring authority	Yes The applications and notices of requirement are made by Waka Kotahi and Transpower	Accept both the Waka Kotahi and Transpower applications.
Clause 2(3)(b)	Application is in approved form and manner	Yes The application and notices of requirement by Waka Kotahi are in the approved form and manner The application by Transpower is in the approved form and manner	Accept both the Waka Kotahi and Transpower applications
Clause 2(3)(c)	Application complies with any restrictions and obligations in either:		
	(i) Schedule 2; or	There are no restrictions or obligations, including requirements for LP15 in Schedule 2. The following project is listed in Schedule 2 LP15 Papakura to Drury South State Highway 1 improvements.	Accept both the Waka Kotahi and Transpower applications

		<p>Description: Upgrade of SH1 between Papakura and Drury South to improve travel reliability, access and safety, including providing new walking and cycling facilities and allowing for planned rail improvements at Drury.</p> <p>Works on assets owned and operated by Transpower necessary for the above works to be carried out.</p> <p>Approximate geographical area:</p> <p>This project will occur on SH1 and land adjacent to SH1-</p> <p>To the north, to connect with the improvements recently completed on SH1 between Manukau and Papakura Interchanges (the Southern Corridor improvements)</p> <p>To the south, to a new Drury South interchange which will connect SH1 to a new Mill Road corridor. The southern boundary is approximately in a line drawn perpendicular across SH1 in line with the southernmost end of Harrison Road.</p> <p>Works on the transmission assets can occur-</p>	
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		<p>Along the Bombay to Otahuhu Transmission Line</p> <p>Along the Huntly to Otahuhu Transmission Line</p> <p>At the Drury and Bombay substations</p> <p>At the points needed to move the above transmission lines and substations.</p>	
	(ii) Schedule 3 and referral order	N/A	N/A
Clause2(4)(a)	Applications must not relate to an activity that is classified as a prohibited activity in a:		
	(i) Relevant plan or proposed plan	The activities which the Waka Kotahi application and Transpower application relate to are not classified as prohibited activities	Accept both the Waka Kotahi and Transpower applications
	(ii) RMA regulations (including any NES)	The activities which the Waka Kotahi application and Transpower application relate to are not classified as prohibited activities	Accept both the Waka Kotahi and Transpower applications
Clause 2(4)(b)	Applications must not relate to an activity that is to occur within a customary marine title area unless agreed by the appropriate customary marine title group	<p>Section 8.6 of the Waka Kotahi Assessment of Environmental Effects states that the applications do not relate to an activity that is to occur within a customary marine title area.</p> <p>Section 3.1 of the Transpower application states the activity does not occur within a</p>	Accept both the Waka Kotahi and Transpower applications

		customary marine title area	
Clause 3(1)(a)	Relates solely to 1 or more of the listed projects or referred projects	LP15 is listed in Schedule 2 of the Act – Papakura to Drury South State Highway 1 improvements	Accept both the Waka Kotahi and Transpower applications

Conclusions on preliminary matters

18. The application and notices of requirement by Waka Kotahi and the application by Transpower can proceed to an assessment of whether the applications contain all the information required under clauses 9 to 13 of Schedule 6 of the Act.

Assessment of compliance table

19. An assessment table for the Waka Kotahi resource consent application and notices of requirement against Clauses 9-13, Schedule 6 of the Act is included in Appendix 1.
20. An assessment table for the Transpower resource consent application against Clauses 9-11, Schedule 6 of the Act is included in Appendix 2.
21. The information provided must be in sufficient detail to correspond to the scale and significance of the effects that the activity is anticipated to have on the environment, taking into account any proposal by a consent applicant or requiring authority to manage adverse effects through conditions, including requiring the preparation of a management plan (Clauses 13(3) and 14 of Schedule 6).
22. The information in the application and notices of requirement by Waka Kotahi has been assessed on the basis that the scale of the activity is moderate, and potentially low effects on the environment after taking into account mitigation measures and conditions.
23. The information in the application by Transpower has been assessed on the basis that the scale of the activity is low, and potentially negligible effects on the environment after taking into account mitigation measures and conditions.
24. My view is that the application and notices of requirement by Waka Kotahi complies with clause 3(1) and can be provided to the Panel.
25. My view is that the application by Transpower complies with clause 3(1) and can be provided to the Panel.

Appendix 1: Application and notices of requirement by Waka Kotahi assessment under clauses 9-13

Resource consents and two notices of requirement for Stage 1B1 of the Papakura to Drury South State Highway 1 improvements. One notice of requirement is to alter the existing designation 6706 boundary to provide for the project works. The other notice of requirement seeks to establish a new designation for the purposes of a shared use path for pedestrians and cyclists.

Table 1: Checklist of completeness requirements in Clauses 9-13 of Schedule 6 of the Act

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9			
Clause 9(1)(a)	A description of the proposed activity	Section 2 of the AEE	Yes
Clause 9(1)(b)	A description and map of the site at which the activity is to occur	Section 1 of the AEE Section 4 of the AEE Appendix F, D, N	Yes
Clause 9(1)(c)	Confirmation that the consent application complies with clause 3(1)	Section 1.3.1.2 of the AEE provides a statement in relation to clause 3(1)(a) and (c) of the Act. The statement does not address 3(1) (b) however this information is provided in other parts of the application documents	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(1)(d)	The full name and address of:	Appendix O of the AEE	Yes
	i. Each owner of the site and of land adjacent to the site	Section 5 of the AEE	
	ii. Each occupier of the site and of land adjacent to the site who, after reasonable enquiry, is able to be identified by the applicant	Appendix O of the AEE Section 5 of the AEE	Yes
	Were reasonable inquiries made?	Appendix O of the AEE	Yes
Clause 9(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Section 2 of the AEE	Yes
Clause 9(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the proposal to which the consent application relates	Section 3 of the AEE	Yes
Clause 9(1)(g)	An assessment of the activity against—	Section 8 of the AEE	Yes
	(i) Part 2 of the RMA		
	(ii) the purpose of this Act	Section 8 of the AEE	Yes
Section 19	(iii) the following matters (set out in section 19 of the Act - whether project helps to achieve purpose of Act):	Section 8 of the AEE	Yes
	(a) the project's economic benefits and costs for people or industries affected by COVID-19		
	(b) the project's effect on the social and cultural well-being of current and future generations	Section 8 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(c) whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case	Section 8 of the AEE	Yes
	(d) whether the project may result in a public benefit by, for example: generating employment; increasing housing supply; contributing to well-functioning urban environments; providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity; improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity; minimising waste; contributing to New Zealand's efforts to mitigate climate change; and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases); promoting the protection of historic heritage; strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change; or any other benefit(s) identified.	Section 8 of the AEE	Yes
	(e) whether there is potential for the project to have significant adverse environmental effects, including greenhouse gas emissions:	Section 8 of the AEE	Yes
	(f) for referred projects only, any other matter that the Minister considers relevant.	N/A – This application is for a listed project	N/A
Clause 9(1)(h)	An assessment of the activity against -- (a) any relevant provisions in a national environmental standard, including:	Section 8 of the AEE Appendix M	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	i. Any relevant objectives, policies or rules	Section 8 of the AEE Appendix M	Yes
	ii. Any requirement, condition, or permission in any rules	Section 8 of the AEE Appendix M	Yes
	iii. Any other requirements	Section 8 of the AEE Appendix M	Yes
	(b) Any relevant provisions in any other regulations made under the RMA, including: i. Any relevant objectives, policies or rules	Section 8 of the AEE Appendix M	Yes
	ii. Any requirement, condition, or permission in any rules	Section 8 of the AEE	Yes
	iii. Any other requirements	Section 8 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Appendix M	
	(c) Any relevant provisions in any national policy statement, including:	Section 8 of the AEE	Yes
	i. Any relevant objectives, policies or rules		
	ii. Any requirement, condition, or permission in any rules	Section 8 of the AEE	Yes
	iii. Any other requirements	Section 8 of the AEE	Yes
	iv. Any requirement, condition, or permission in any rules	Section 8 of the AEE	Yes
	v. Any other requirements	Section 8 of the AEE	Yes
	(d) Any relevant provisions in any regional policy statement or proposed regional policy statement, including:	Section 8 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Appendix M Appendix W	
	ii. Any requirement, condition, or permission in any rules	Section 8 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Appendix M Appendix W	
	iii. Any other requirements	Section 8 of the AEE Appendix M Appendix W	Yes
	iv. Any requirement, condition, or permission in any rules	Section 4 of the AEE Section 8 of the AEE Appendix M	Yes
	v. Any other requirements	Section 4 of the AEE Section 8 of the AEE	Yes
	(e) Any relevant provision in any planning document recognised by a relevant iwi authority and lodged with a local authority, including:	Section 8 of the AEE Section 5 of the AEE	Yes
	i. Any relevant objectives, policies or rules		
	ii. Any requirement, condition, or permission in any rules	Section 8 of the AEE Section 5 of the AEE	Yes
	iii. Any other requirements	Section 8 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Section 5 of the AEE	
Clause 9(1)(i)	<p>Information about any Treaty settlements that apply in the project area, including—</p> <p>(i) the identification of the relevant provisions in those Treaty settlements</p>	<p>Section 8 of the AEE</p> <p>Identifies the following Treaty settlements</p> <p>Te Kawerau ā Maki Claims Settlement Act 2015</p> <p>Ngāti Tamaoho Claims Settlement Act 2018</p> <p>Ngāi Tai ki Tāmaki Claims Settlement Act 2018.</p> <p>Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.</p> <p>Ngāti Paoa Iwi (Deed of Settlement signed with the Crown on 20 March 2021).</p>	Yes
	<p>(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area</p>	Section 8 of the AEE	Yes
Clause 9(1)(j)	The conditions that the applicant proposes for the resource consent	Appendix W of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(4)(a)	An assessment of the activity's effects on the environment that includes the following information (set out in clause 10 Schedule 6 of the Act): ¹	Section 6 and 7 of the AEE	Yes
	(a) an assessment of the actual or potential effects on the environment		
	(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use	Section 6 and 7 of the AEE	Yes
	(c) if the activity includes the discharge of any contaminant, a description of—		Yes
	(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment	Section 6 and 7 of the AEE	
(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity	Section 6 and 7 of the AEE	Yes	
(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal	Section 6 and 7 of the AEE Appendix E Appendix V	Yes	

¹ The application does not need to include any additional information specified in a relevant regional policy statement or plan that that would be required in an assessment of environmental effects under Schedule 4 of the RMA.

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision	Section 6 and 7 of the AEE Appendix E	Yes
	(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved	Section 6 and 7 of the AEE	Yes
	(h) an assessment of any effects of the activity on the exercise of a protected customary right	Section 6 and 7 of the AEE	Yes
Clause 9(4)(b)	An assessment of the activity's effects that also covers the following matters (set out in clause 11 of Schedule 6 of the Act):	Section 6 of the AEE	Yes
	(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects		
	(b) any physical effect on the locality, including landscape and visual effects	Section 6 of the AEE	Yes
	(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity	Section 6 of the AEE	Yes
	(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations	Section 6 of the AEE	Yes
	(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants	Section 6 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(f) the unreasonable emission of noise	Section 6 of the AEE	Yes
	(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Section 6 of the AEE	Yes
Clause 9(5)	<p>Is there a cultural impact assessment?</p> <p>If a cultural impact assessment is provided, is it prepared by or on behalf of the relevant iwi authority?;</p> <p>OR</p> <p>If a cultural impact assessment is not provided, a statement of reasons given by the relevant iwi authority for not providing that assessment</p>	<p>Section 5</p> <p>Appendix E</p> <p>(including Cultural Impact Assessments (CIA) and responses from relevant iwi authorities declining to provide a CIA)</p>	Yes
Clause 9(6)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA)	Appendix M	Yes
Clause 9(6)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of clause 30(3))	Section 8	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(6)(c)	In the case of a referred project, all the additional information required by the relevant referral order.	N/A this application is for a listed project	N/A
Clause 13			
Clause 13(1)(a)	A description of the site to which the notice of requirement applies	Section 1 of the AEE Section 4 of the AEE Appendix F, D, N	Yes
Clause 13(1)(b)	Information on the effects of the proposed project or work on the environment, together with a description of how any adverse effects will be mitigated; and a description of how any adverse effects will be mitigated	Section 6 of the AEE Section 7 of the AEE	Yes
Clause 13(1)(c)	Confirmation that the notice of requirement: a. Relates solely to 1 or more of the listed projects or referred projects	Section 1.3.1.2 of the AEE provides a statement in relation to clause 3(1)(a) confirming this	Yes
	b. Does not breach 2(3)(c) or (4)	The statement does not address 3(1)(b) explicitly, however, this information is provided in other parts of the application documents	Yes
	c. Contains all information required under clauses 9-13	Section 1.3.1.2 of the AEE provides a statement in relation to clause 3(1)(c) confirming this	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 13(1)(d)	An assessment of the project or work against: i.Part 2 of the RMA and the purpose of this Act	Section 8 of the AEE	Yes
	ii.Any relevant provisions in any: - National policy statement	Section 8 of the AEE	Yes
	- New Zealand coastal policy statement	Section 8 of the AEE	Yes
	- Regional policy statement or proposed regional policy statement	Section 8 of the AEE Appendix M Appendix W	Yes
	- Plan or proposed plan	Section 4 of the AEE Section 8 of the AEE Appendix M Appendix W	Yes
	- Planning document recognised by a relevant iwi authority and lodged with a local authority	Section 5 of the AEE Section 8 of the AEE	Yes
	Information about any Treaty settlements that apply in the project area, including—	Section 8 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 13(1)(e)	(i) the identification of the relevant provisions	Identifies the following Treaty settlements Te Kawerau ā Maki Claims Settlement Act 2015 Ngāti Tamaoho Claims Settlement Act 2018 Ngāi Tai ki Tāmaki Claims Settlement Act 2018. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014. Ngāti Paoa Iwi (Deed of Settlement signed with the Crown on 20 March 2021).	
	(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	Section 8 of the AEE	Yes
Clause 13(1)(f)	The full name and address of:	Section 5 of the AEE	Yes
	(i) each owner of the land to which the notice of requirement relates and of the land adjacent to that land	Appendix O	
	(ii) each person who, after reasonable inquiry, is known by the requiring authority to be an occupier of the land to	Section 5 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	which the notice relates and of the land adjacent to that land	Appendix O	It is noted that not all occupiers are listed but the inquiries evidenced are considered sufficient.
Clause 13(1)(g)	An assessment of whether the project or work and the designation sought are reasonably necessary for achieving the objectives of the requiring authority	Section 8 of the AEE	Yes
Clause 13(1)(h)	Any consideration of alternative sites, routes, or methods of undertaking the project or work	Section 8 of the AEE Appendix X	Yes
Clause 13(1)(i)	A list of the resource consents needed for the project or work and whether these have been applied for	Section 3	Yes
Clause 13(1)(j)	A description of any consultation undertaken with parties likely to be affected by the project or work and the designation	Section 5 Appendix V	Yes
Clause 13(1)(k) and (l)	Is there a cultural impact assessment? If a cultural impact assessment is provided, is it prepared by or on behalf of the relevant iwi authority?; OR If a cultural impact assessment is not provided, a statement of reasons given by the relevant iwi authority for not providing that assessment	Section 5 Appendix E (including Cultural Impact Assessments (CIA)) and responses from relevant iwi authorities declining to provide a CIA or CVA)	Yes
Clause 13(1)(m)	Any conditions that the requiring authority proposes for the designation	Appendix W	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 13(2))	In the case of a referred project, a notice of requirement must also include all the additional information required by the relevant referral order.	N/A – This application is for a listed project	N/A

Appendix 2: Application by Transpower assessment under Clauses 9-11

Resource consent application by Transpower New Zealand Limited in accordance with the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESTA) under Regulation 16 (relocation and replacement of a transmission line support structure) and Regulation 39 (new transmission line support structure)

Table 1: Checklist of completeness requirements in Clauses 9-11 of Schedule 6 of the Act

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9			
Clause 9(1)(a)	A description of the proposed activity	Section 2 of the AEE	Yes
Clause 9(1)(b)	A description and map of the site at which the activity is to occur	Section 2 of the AEE	Yes
Clause 9(1)(c)	Confirmation that the consent application complies with clause 3(1)	Section 3 of the AEE	Yes
Clause 9(1)(d)	The full name and address of:	Attachment 1 of application form	Yes
	i. Each owner of the site and of land adjacent to the site		
	ii. Each occupier of the site and of land adjacent to the site who, after reasonable enquiry, is able to be identified by the applicant	Attachment 1 of application form	Yes
	Were reasonable inquiries made?	Attachment 1 of the application form outlines how	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		the occupier information was obtained.	
Clause 9(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Section 4 of the AEE	Yes
Clause 9(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the proposal to which the consent application relates	Section 4 of the AEE	Yes
Clause 9(1)(g)	An assessment of the activity against—	Section 6 of the AEE	Yes
	(i) Part 2 of the RMA		
	(ii) the purpose of this Act	Section 6 of the AEE	Yes
	(iii) the following matters (set out in section 19 of the Act - whether project helps to achieve purpose of Act):	Section 6 of the AEE	Yes
Section 19	(a) the project's economic benefits and costs for people or industries affected by COVID-19		
	(b) the project's effect on the social and cultural well-being of current and future generations	Section 6 of the AEE	Yes
	(c) whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case	Section 6 of the AEE	Yes
	(d) whether the project may result in a public benefit by, for example: generating employment; increasing housing supply; contributing to well-functioning urban environments; providing infrastructure in order to improve	Section 6 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	economic, employment, and environmental outcomes, and increase productivity; improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity; minimising waste; contributing to New Zealand's efforts to mitigate climate change; and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases); promoting the protection of historic heritage; strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change; or any other benefit(s) identified.		
	(e) whether there is potential for the project to have significant adverse environmental effects, including greenhouse gas emissions:	Section 6 of the AEE	Yes
	(f) for referred projects only, any other matter that the Minister considers relevant.	N/A as this application is part of a listed project	N/A
Clause 9(1)(h)	An assessment of the activity against --	Section 6 of the AEE	Yes
	(a) any relevant provisions in a national environmental standard, including:		
	i. Any relevant objectives, policies or rules	Section 6 of the AEE	Yes
	ii. Any requirement, condition, or permission in any rules	Section 6 of the AEE	Yes
	iii. Any other requirements	Section 6 of the AEE	Yes
	(b) Any relevant provisions in any other regulations made under the RMA, including:	Section 6 of the AEE	Yes
	iv. Any relevant objectives, policies or rules		

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	v. Any requirement, condition, or permission in any rules	Section 6 of the AEE	Yes
	vi. Any other requirements	Section 6 of the AEE	Yes
	(c) Any relevant provisions in any national policy statement, including:	Section 6 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Section 6 of the AEE	Yes
	i. Any requirement, condition, or permission in any rules	Section 6 of the AEE	Yes
	ii. Any other requirements	Section 6 of the AEE	Yes
	(d) Any relevant provisions in a New Zealand coastal policy statement, including:	Section 6 of the AEE	Yes
	i. Any relevant objectives, policies or rules		
	ii. Any requirement, condition, or permission in any rules	Section 6 of the AEE	Yes
	iii. Any other requirements	Section 6 of the AEE	Y
	(e) Any relevant provisions in any regional policy statement or proposed regional policy statement, including:	Section 6 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Appendix D	Yes
	ii. Any requirement, condition, or permission in any rules	Section 4 of the AEE Section 6 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Appendix B	
	iii. Any other requirements	Section 6 of the AEE	Yes
	(f) Any relevant provisions in a plan or proposed plan, including: i. Any relevant objectives, policies or rules	Section 4 of the AEE Section 6 of the AEE Appendix B	Yes
	ii. Any requirement, condition, or permission in any rules	Section 4 of the AEE Section 6 of the AEE Appendix B	Yes
	iii. Any other requirements	Section 4 of the AEE Section 6 of the AEE Appendix B	Yes
	(g) Any relevant provision in any planning document recognised by a relevant iwi authority and lodged with a local authority, including:	Section 6 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	i. Any relevant objectives, policies or rules	Section 6 of the AEE	Yes
	ii. Any requirement, condition, or permission in any rules	Section 6 of the AEE	Yes
	iii. Any other requirements	Section 6 of the AEE	Yes
Clause 9(1)(i)	Information about any Treaty settlements that apply in the project area, including—	Section 6 of the AEE	Yes
	(i) the identification of the relevant provisions in those Treaty settlements	Reference made to section 8 of Waka Kotahi AEE	
	(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	<p>Section 6.1.2 of the AEE cross references to section 8 of Waka Kotahi AEE in relation to Treaty Settlements.</p> <p>Section 6.1.2 of the Transpower AEE states that Transpower has not identified any redress provided by these settlements that affects natural and physical resources relevant to the transmission line works or project area for those works</p>	<p>Yes</p> <p>Whilst not specified in the Transpower application the information is considered sufficient for the following reason:</p> <p>The Transpower application refers to the Waka Kotahi application</p> <p>Section 8 of the Waka Kotahi application refers to:</p> <p>Te Kawerau a Maki Claims Settlement Act 2015</p> <p>Ngāti Tamaoho Claims Settlement Act 2018</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
			<p>Ngai Tai ke Tamaki Claims Settlement Act 2018</p> <p>Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014</p> <p>Ngāti Paoa signed a Deed of Settlement on 20 March 2021.</p> <p>The Waka Kotahi application states “we did not identify any redress in these Act/Deed which affects natural and physical resources relevant to the Project or Project area”.</p> <p>On this basis the information provided in the Transpower application is considered sufficient.</p>
Clause 9(1)(j)	The conditions that the applicant proposes for the resource consent	Section 6 of the AEE Appendix E	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(4)(a)	An assessment of the activity's effects on the environment that includes the following information (set out in clause 10 Schedule 6 of the Act): ²		Yes
	(i) an assessment of the actual or potential effects on the environment	Section 5 of the AEE	
	(j) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use	Section 5 of the AEE	Yes
	(k) if the activity includes the discharge of any contaminant, a description of—		Yes
	(iii) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (iv) any possible alternative methods of discharge, including discharge into any other receiving environment	Section 5 of the AEE	
(l) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity	Section 5 of the AEE	Yes	
(m) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal	Section 5 of the AEE	Yes	

² The application does not need to include any additional information specified in a relevant regional policy statement or plan that that would be required in an assessment of environmental effects under Schedule 4 of the RMA.

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(n) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision	Section 5 of the AEE refers to Appendix E of the Waka Kotahi AEE	Yes This information is considered sufficient based on the detail included in Appendix E of the Waka Kotahi AEE.
	(o) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved	Section 5 of the AEE	Yes
	(p) an assessment of any effects of the activity on the exercise of a protected customary right	Section 5 of the AEE	Yes
Clause 9(4)(b)	An assessment of the activity's effects that also covers the following matters (set out in clause 11 of Schedule 6 of the Act):	Section 5 of the AEE	Yes
	(h) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects		
	(i) any physical effect on the locality, including landscape and visual effects	Section 5 of the AEE Appendix C	Yes
	(j) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity	Section 5 of the AEE	Yes
	(k) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or	Section 5 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	cultural value, or other special value, for present or future generations		
	(l) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants	Section 5 of the AEE	Yes
	(m) the unreasonable emission of noise	Section 5 of the AEE	Yes
	(n) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Section 5 of the AEE	Yes
Clause 9(5)	<p>Is there a cultural impact assessment?</p> <p>If a cultural impact assessment is provided, is it prepared by or on behalf of the relevant iwi authority?;</p> <p>OR</p> <p>If a cultural impact assessment is not provided, a statement of reasons given by the relevant iwi authority for not providing that assessment</p>	<p>Section 5.10 of the AEE discusses the requirement for cultural impact assessments. It outlines that in October 2020 Waka Kotahi wrote to the relevant iwi authorities regarding their desire to provide CIA's and the process for preparing CIA's. In February 2021, details of the Transpower transmission line works were provided to the relevant iwi authorities to inform the preparation of the CIA.</p> <p>Section 5.10 of the AEE cross references to the Waka Kotahi application. It refers to cultural impact assessments provided by:</p>	<p>Yes</p> <p>Noting that whilst the CIA from Ngaāti Te Ata Waiohua is not specifically provided for as part of the Transpower application documents it is included in the Waka Kotahi application documents and is therefore considered sufficient.</p> <p>A summary of the recommendations from the Ngaati Te Ata Waiohua CIA is included in the Transpower application.</p>

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		<p>Ngāti Whanaunga</p> <p>Ngāti Te Ata Waiohua</p> <p>Ngāti Tamaoho</p> <p>The only cultural impact assessment that refers to the Transpower work is from Ngāti Te Ata Waiohua</p> <p>Section 5.10 provides a summary of the CIA from Ngāti Te Ata Waiohua</p>	
Clause 9(6)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA)	<p>Section 4 of the AEE</p> <p>Appendix B</p>	Yes
Clause 9(6)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of clause 30(3))	Section 5 of the AEE	Yes
Clause 9(6)(c)	In the case of a referred project, all the additional information required by the relevant referral order.	N/A – This application is for a listed project	N/A

ENDS

