

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021

(LI 2021/240)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 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 6th day of September 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.

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Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021.

2 Commencement

This order comes into force on 10 September 2021.

3 Principal order

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

4 Clause 3 amended (Interpretation)

In clause 3(1), insert in its appropriate alphabetical order:

residential unit means a dwellinghouse, a townhouse, an apartment, or any other dwelling

5 Schedule 25 amended

- (1) In Schedule 25, clause 6, after “consent application”, insert “or notice of requirement”.
- (2) In Schedule 25, clause 6, after “clause 9”, insert “or 13”.
- (3) In Schedule 25, clause 7, after “consent application”, insert “or notice of requirement”.

6 New Schedules 27 to 29 inserted

After Schedule 26, insert the Schedules 27 to 29 set out in the Schedule of this order.

Schedule
New Schedules 27 to 29 inserted

cl 6

Schedule 27
Brickfields, Scott Road Development

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Brickfields, Scott Road Development (the **project**).

2 Authorised person

The authorised person for the project is Aedifice Development Limited.

3 Description of project

- (1) The scope of the project is to subdivide land and construct a housing development on that land in Hobsonville, Auckland.
- (2) The development will comprise—
 - (a) approximately 426 allotments; and
 - (b) approximately 44 buildings containing approximately 425 residential units in total; and
 - (c) an existing heritage building (ID 00139, Schedule 14.1 in Chapter L of the Auckland Unitary Plan) on one of the allotments; and
 - (d) a coastal esplanade reserve and other open spaces; and
 - (e) infrastructure associated with the subdivision and development, including roads, parking, and three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land, including contaminated land:
- (b) clearing vegetation, and carrying out earthworks, within a 10-metre setback from a natural wetland:
- (c) carrying out earthworks (including bulk earthworks) and disturbing potentially contaminated soils:
- (d) taking and diverting groundwater:
- (e) discharging stormwater run-off and contaminants onto land and into water:

- (f) constructing residential units:
- (g) constructing three waters services:
- (h) constructing roads, vehicle access, and other transport infrastructure:
- (i) discharging untreated wastewater overflows onto land in emergencies:
- (j) developing open spaces, including by landscaping and restorative planting:
- (k) developing land for a coastal esplanade reserve and vesting that land in the Auckland Council:
- (l) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (k); 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 4 Scott Road, Hobsonville, Auckland.

6 Further information to be submitted

- (1) 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 integrated transport assessment, including modelling and analysis, that identifies—
 - (i) how the proposed development will be serviced by the existing public transport system; and
 - (ii) the effects of the project on the surrounding road network, including on the Scott Road, Ngaroma House Views, and Clark Road intersection; and
 - (iii) details of the internal layout of roads (including cycleways, walkways, safe pedestrian crossings, traffic calming devices, and man-oeuvring for waste and recycling services):
 - (b) a stormwater assessment and stormwater management plan, including an assessment of how the project will meet the requirements of the Auckland Council's Regionwide Stormwater Network Discharge Consent (DIS60069613):
 - (c) an assessment of the condition and capacity of existing infrastructure for three waters services:
 - (d) a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing

and Managing Contaminants in Soil to Protect Human Health) Regulations 2011:

- (e) a heritage assessment and details of how adverse impacts on historic heritage values will be avoided, minimised, or mitigated, including through the use of structures (such as boardwalks and interpretation signage, if appropriate):
 - (f) an assessment of the effects of the proposed residential buildings on the adjacent scheduled historic residence (ID 00139, Schedule 14.1 in Chapter L of the Auckland Unitary Plan), including—
 - (i) an assessment of the effects of the proposed residential buildings on the historic residence’s access to natural light; and
 - (ii) an assessment of the effects of shading and building dominance on that historic residence; and
 - (iii) plans showing architectural elevational treatment details of the proposed buildings and an assessment of how those treatment details respond to the traditional domestic scale and architecture of the historic residence:
 - (g) detailed designs or plans, and proposed mitigation measures, for any activities carried out on specified land, including the following activities:
 - (i) planting or clearing vegetation:
 - (ii) landscaping:
 - (iii) constructing footpaths, boardwalks, and other public amenities:
 - (iv) coastal protection works:
 - (v) installing an emergency wastewater overflow pipe.
- (2) For the purposes of subclause (1)(g), **specified land** is any land comprising—
- (a) a reserve, including the proposed esplanade reserve; or
 - (b) an archaeological or heritage site, including the following:
 - (i) the scheduled extent of place of Clark Pottery and Brickworks/ Robert Holland Pottery and Brickworks (ID 00002, Schedule 14.1 in Chapter L of the Auckland Unitary Plan):
 - (ii) the southern headland where an archaeological midden site (New Zealand Archaeological Association Site Recording Scheme, R11/484) and 4 scheduled heritage trees (ID 1888, table for Waitakere, Schedule 10 in Chapter L of the Auckland Unitary Plan) are situated.

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) Auckland Transport:
- (b) Ngāti Koheriki Claims Committee:
- (c) Watercare Services Limited.

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 Auckland Council, and Auckland Transport. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will have positive effects on social well-being by—
 - providing additional housing supply, with a range of housing types, in an area that has been rapidly growing and has a projected housing capacity shortfall in the medium term; and
 - delivering open space and infrastructure that will facilitate community connection and provide opportunities for physical activities:
- the project will increase housing supply through the construction of approximately 425 residential units:
- the project will provide approximately 380 direct full-time equivalent jobs per year over a 3-year planning and construction period:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any adverse effects arising from the project, and proposed mitigation measures, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 28 Melia Place

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Melia Place (the **project**).

2 Authorised person

The authorised person for the project is Melia Development Limited.

3 Description of project

- (1) The scope of the project is to subdivide land and construct a housing development on that land in Stanmore Bay, Whangaparāoa, Auckland.
- (2) The development will include—
 - (a) approximately 59 allotments; and
 - (b) approximately 59 residential units; and
 - (c) additional allotments for access, for community purposes, and for open spaces; and
 - (d) a multi-use community building; and
 - (e) open spaces; and
 - (f) infrastructure associated with the subdivision and development, including private roads, parking, and three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing existing buildings and infrastructure:
- (b) subdividing land, including contaminated land:
- (c) clearing vegetation, including in riparian areas:
- (d) carrying out earthworks (including bulk earthworks) and disturbing potentially contaminated soils:
- (e) discharging stormwater run-off and contaminants into water:
- (f) constructing retaining walls:
- (g) constructing residential units:
- (h) constructing a community building and communal spaces:
- (i) placing structures in a flood plain:
- (j) placing structures in an overland flow path:
- (k) constructing three waters services:

- (l) constructing private roads, vehicle access, and other transport infrastructure:
- (m) developing open space, including by landscaping and planting:
- (n) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (m); 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 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa, Auckland.

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 or 13 of Schedule 6 of the Act):

- (a) an archaeological assessment:
- (b) an assessment of the potential greenhouse gas emissions resulting from the project, including—
 - (i) quantification of those emissions; and
 - (ii) an assessment of options to avoid, remedy, or mitigate those emissions:
- (c) an assessment of options for ensuring that the design of the development supports the uptake of public and active modes of transport servicing the development:
- (d) an assessment of options for ensuring that the design achieves high energy performance:
- (e) a detailed stormwater assessment, including—
 - (i) an assessment of the potential downstream flooding risks to other properties that may arise from the development, including evidence that the development will comply with standard E8.6.1(3) of the Auckland Unitary Plan; and
 - (ii) information on how the overland flow paths within the site will be protected or diverted; and
 - (iii) information on how stormwater pipes under the development will be diverted; and
 - (iv) details of measures that will be taken to ensure that the quality of water discharging to open watercourses or streams will comply with standard E3.6.1.1 of the Auckland Unitary Plan; and

- (v) an assessment of the effects of stormwater discharge on stream hydrology:
- (f) an integrated transport assessment that includes—
 - (i) an assessment of whether the surrounding road network can accommodate the additional traffic volumes arising from the development; and
 - (ii) an assessment of the impact of that additional traffic on access to Vipond Road and on the Melia Place, Whangaparaoa Road, and Poplar Road intersection:
- (g) an assessment of water supply and wastewater capacity that includes—
 - (i) an assessment of whether a second connection to the water supply network in Melia Place should be provided to ensure resilient supply; and
 - (ii) details of pipework (including sizing) to meet applicable standards relating to fire hydrant distances; and
 - (iii) the detailed design of the proposed upgrades to the wastewater network necessary to service the development; and
 - (iv) evidence of consultation with Watercare Services Limited:
- (h) an erosion and sediment control management plan and a statement of the specific measures that will be taken to ensure compliance with that management plan:
- (i) a social impact assessment that addresses any effects associated with the community being gated.

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) Auckland Transport:
- (b) Watercare Services Limited.

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 Auckland Council, and Auckland Transport. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will have positive effects on social well-being by providing—
 - additional housing supply, including terraced housing (which has the potential to be a more affordable housing option at a time when house prices are rapidly escalating in the Auckland region); and
 - employment opportunities during construction; and
 - recreational space:
- the project will increase housing supply through the construction of approximately 59 residential units:
- the project will provide approximately 96 direct full-time equivalent jobs per year over a 2-year construction period:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any adverse effects arising from the project, and proposed mitigation measures, can be appropriately tested by an expert consenting panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 29

Tauranga Innovative Courthouse

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Tauranga Innovative Courthouse (the **project**).

2 Authorised persons

The authorised persons for the project are the Minister of Justice and the Ministry of Justice.

3 Description of project

The scope of the project is to designate land for, and to construct and operate, a new courthouse in central Tauranga.

4 Description of activities involved in project

The project may involve the following activities:

- (a) preparing the site, including removing or demolishing buildings:
- (b) carrying out earthworks, including bulk earthworks:
- (c) constructing a courthouse and associated facilities:
- (d) constructing infrastructure for roads and parking:
- (e) constructing three waters services and associated infrastructure:
- (f) landscaping, including planting:
- (g) operating the courthouse:
- (h) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (g); 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—

- (a) 27 and 33 McLean Street, Tauranga; and
- (b) 24, 28, 30, and 32 Monmouth Street, Tauranga.

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 or 13 of Schedule 6 of the Act):

- (a) an archaeological assessment of the project site;
- (b) a transport assessment, including an assessment of the impact of the project on the local transport network and the likely demand for parking;
- (c) an infrastructure assessment, including details of—
 - (i) the infrastructure proposed for three waters services; and
 - (ii) the effects of the project on the capacity of existing Tauranga City Council infrastructure;
- (d) an urban design and landscape assessment, including—
 - (i) a plan indicating the anticipated site layout, building envelope, and building design; and
 - (ii) a description of the outcomes sought for the site relating to movement of people, on-site amenity, safety and security, and culture and identity; and
 - (iii) details of any mitigating measures that will be incorporated into the building design to ensure that the building and its use as a courthouse are integrated with the surrounding land uses, the public–private interfaces, and streetscapes.

7 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, Auckland Council, and Auckland Transport. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act;
- the project will have positive effects on social well-being by providing more user-friendly and fit-for-purpose justice facilities;
- the project will enable approximately—
 - 177 full-time equivalent jobs in total to be provided over a 4- to 5-year design and construction period;

- 40 full-time equivalent permanent jobs to be provided after that period ends:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any adverse effects arising from the project, and proposed mitigation measures, 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 10 September 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (the **principal order**). The effect of the amendment is to refer 3 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 27 to 29*.

The effect of the referral is—

- to authorise Aedifice Development 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 27*;
- to authorise Melia Development 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 28*;
- to authorise—
 - the Minister of Justice and the Ministry of Justice to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 29*; and
 - the Minister of Justice (as a requiring authority) to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations or to alter designations relating to that project.

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

This order also—

- inserts into the principal order a definition of residential unit that will apply where that term is used in the schedules; and
- amends Schedule 25 of the principal order to ensure certain requirements applying in relation to the consent application for the Drury Central and Paerata Stations project also apply in relation to any notice of requirement lodged in connection with that project.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 9 September 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 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)