

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2022

(SL 2022/276)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 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 17th day of October 2022

Present:

Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

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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.

Schedule
New Schedules 55, 56, and 57 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2022.

2 Commencement

This order comes into force on 21 October 2022.

3 Principal order

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

4 New Schedules 55, 56, and 57 inserted

After Schedule 54, insert the Schedules 55, 56, and 57 set out in the Schedule of this order.

Schedule
New Schedules 55, 56, and 57 inserted

cl 4

Schedule 55
Glenpanel, Ladies Mile–Te Pūtahi

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Glenpanel, Ladies Mile–Te Pūtahi (the **project**).

2 Authorised person

The authorised person for the project is Maryhill Limited.

3 Description of project

The scope of the project is to subdivide approximately 95.9 hectares of land at Lake Hayes, Queenstown and to do the following on approximately 17.7 hectares of that land:

- (a) construct approximately—
 - (i) 640 to 748 residential units if the development referred to in paragraph (b) and the development referred to in paragraph (c) are not constructed; or
 - (ii) 522 to 630 residential units if the development referred to in paragraph (b) (but not the development referred to in paragraph (c)) is constructed; or
 - (iii) 422 to 530 residential units if the development referred to in paragraph (c) (but not the development referred to in paragraph (b)) is constructed:
- (b) construct and operate a school and either of the following associated with the school:
 - (i) a childcare centre:
 - (ii) a church:
- (c) construct and operate a retirement village that includes—
 - (i) 152 retirement villas (in addition to the residential units referred to in paragraph (a)(iii)); and
 - (ii) 62 care and dementia units:
- (d) construct and operate commercial buildings:

- (e) develop land for the purpose of open space that comprises private open space and public reserves:
- (f) construct or install infrastructure or structures associated with the subdivision and the development referred to in paragraphs (a) to (e).

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) carrying out earthworks (including earthworks that may disturb potentially contaminated soils):
- (c) removing vegetation:
- (d) diverting and discharging stormwater (which may contain contaminants) onto land:
- (e) taking and diverting groundwater and discharging it onto land:
- (f) constructing residential units:
- (g) constructing and operating a school and either of the following associated with the school:
 - (i) a childcare centre:
 - (ii) a church:
- (h) constructing and operating a retirement village and associated facilities:
- (i) constructing and operating commercial buildings:
- (j) developing land for the purposes of private open space and reserves, including by landscaping and planting:
- (k) constructing or installing infrastructure or structures associated with the subdivision and the development referred to in clause 3(a) to (e), including—
 - (i) vehicle and pedestrian accessways (including roads); and
 - (ii) parking; and
 - (iii) public transport-related structures; and
 - (iv) infrastructure for three waters services:
- (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 429 Frankton-Ladies Mile Highway, Lake Hayes, Queenstown (the **project site**).

6 Further information to be submitted

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

- (a) an assessment of the proposed development against the provisions of—
 - (i) the Te Pūtahi Ladies Mile Masterplan (including development density objectives and principles set out in that document); and
 - (ii) the Queenstown Lakes Spatial Plan:
- (b) an urban design assessment of the proposed development that—
 - (i) assesses how the proposed subdivision layout and design of the proposed development responds to existing natural and built features, adjacent patterns of development, streets, and open space; and
 - (ii) identifies facilities and open spaces that are intended to foster social connection:
- (c) an assessment of the effects of the proposed development on the visual quality and amenity of the local landscape:
- (d) a transport infrastructure assessment that—
 - (i) identifies the existing capacity of the local road network and State Highway 6 to service traffic associated with both the project while it is carried out and the resulting development; and
 - (ii) identifies any upgrades to the local road network and State Highway 6 that are required to service that traffic; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made, between the authorised person and Queenstown-Lakes District Council or the New Zealand Transport Agency (or both) about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)):
- (e) an integrated transport assessment, including an assessment of how the proposed development will support people to use public transport and active modes of transport (such as cycling and walking):
- (f) a travel demand management plan:
- (g) an assessment of the relevant infrastructure for three waters services that—

- (i) identifies the existing condition and capacity of that infrastructure; and
 - (ii) identifies any upgrades to that infrastructure that are required in connection with the subdivision and the proposed development; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made, between the authorised person and Queenstown-Lakes District Council about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)); and
 - (v) includes a draft stormwater management plan:
- (h) a geotechnical and natural hazards assessment that identifies any risks to the proposed development that arise from—
- (i) areas of landslides and alluvial fan areas (*see* <https://www.orc.govt.nz/managing-our-environment/natural-hazards/otago-natural-hazards-database>); and
 - (ii) any flooding effects from the waterways on Slope Hill above the project site:
- (i) an assessment of the effects of—
- (i) the project while it is carried out and the resulting development on groundwater quality and quantity (including for potable water supply); and
 - (ii) water takes; and
 - (iii) discharging stormwater onto land:
- (j) an assessment of the effects of the project while it is carried out and the resulting development on historic heritage and archaeological values:
- (k) a draft construction management plan that covers matters such as—
- (i) construction traffic, dust, noise, and site stability; and
 - (ii) erosion and sediment control measures.

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) the Minister for Seniors;
- (b) the Associate Minister for the Environment who has been delegated responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters:

- (c) the New Zealand Transport Agency:
- (d) Aukaha (1997) Limited:
- (e) Te Ao Mārama Incorporated.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

The Minister for the Environment (the **Minister**) 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 following:

- the relevant Ministers listed in section 21(6) of the Act and the Associate Minister for the Environment who has been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters:
- Queenstown-Lakes District Council:
- Otago Regional Council:
- the New Zealand Transport Agency.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
 - it has the potential to have positive effects on social well-being by generating employment and providing additional housing of a range of types in an area with a housing shortage; and
 - it has the potential to generate approximately 313 direct full-time equivalent jobs (**FTE jobs**) per year over a 7-year construction period, and 77 ongoing FTE jobs if a retirement village is constructed; and
 - it has the potential to increase housing supply through the construction of approximately 640 to 748 residential units (or approximately 118 fewer residential units if a school and a childcare centre or church are also constructed); and
 - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, 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 56

Kepa Road Apartments Project

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Kepa Road Apartments Project (the **project**).

2 Authorised person

The authorised person for the project is Sanctum Projects Limited.

3 Description of project

(1) The scope of the project is to do the following in relation to suburban land consisting of 3 allotments in Ōrākei, Auckland:

(a) demolish existing residential buildings and infrastructure and structures that are associated with the residential buildings:

(b) construct a residential development consisting of—

(i) 2 apartment buildings, one of 6 storeys (approximately 17 metres high) and another of 7 storeys (approximately 21 metres high), that between them contain a total of approximately 45 residential units; and

(ii) 2 basement levels that span the apartment buildings and contain approximately 60 carparks:

(c) construct infrastructure or structures that are associated with the residential development:

(d) carry out landscaping and planting:

(e) subdivide land by depositing a unit plan.

(2) When counting the number of storeys of an apartment building for the purposes of this clause, a basement level is not to be counted as a storey (whether or not the basement level extends under the entirety of the building above it).

4 Description of activities involved in project

(1) The project may involve the following activities:

(a) demolishing buildings, infrastructure, and structures:

(b) carrying out earthworks (including disturbing potentially contaminated soils):

(c) trimming and removing vegetation, including trees on roads:

(d) diverting and discharging stormwater (which may contain contaminants) onto land:

- (e) taking and diverting groundwater and discharging it onto land:
 - (f) constructing residential buildings:
 - (g) constructing or installing infrastructure or structures, including for—
 - (i) vehicle and pedestrian access; and
 - (ii) parking; and
 - (iii) three waters services:
 - (h) landscaping and planting:
 - (i) subdividing land by depositing a unit plan:
 - (j) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (i); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.
- (2) The activities in subclause (1) may not comply with standards relating to noise and vibration set out in Rule E25.6 of the Auckland Unitary Plan (*see* table E25.4.1 of that plan).

5 Approximate geographical location

The project will occur at 182 to 184 Kepa Road and 8 Kurahaupo Street, Ōrākei, Auckland.

6 Further information to be submitted

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

- (a) an assessment of the relevant infrastructure for three waters services that—
 - (i) identifies the existing condition and capacity of that infrastructure; and
 - (ii) identifies any upgrades to that infrastructure that are required in connection with the residential development; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made between the authorised person and Auckland Council or Watercare Services Limited (or both) about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)):
- (b) an integrated transport assessment that—

- (i) assesses the effects on the local road network of both the project while it is carried out and the resulting development; and
 - (ii) assesses how the resulting development will support people to use public transport and active modes of transport (such as walking and cycling); and
 - (iii) contains information on any discussions held, and any agreements made, between the applicant and Auckland Transport about integrated transport (including discussions and agreements about the matters referred to in subparagraphs (i) and (ii));
- (c) an urban design and landscape assessment.

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;
- (c) Hauraki Māori Trust Board;
- (d) Ngā Maunga Whakahii o Kaipara Development Trust;
- (e) Makaurau Marae Māori Trust;
- (f) Ngāti Koheriki Claims Committee.

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 (the **Minister**) 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 following:

- the relevant Ministers listed in section 21(6) of the Act;
- Auckland Council;
- Auckland Transport;
- Watercare Services Limited.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—

- it has the potential to create approximately 199 full-time equivalent jobs over a 2-year construction period; and
 - it has the potential to increase housing supply by constructing apartment buildings that have the potential to provide 45 residential units; and
 - it has the potential to contribute to a well-functioning urban environment by providing housing in a location with good access to community services, public transport, and natural and open spaces; and
 - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for 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.

Schedule 57
Wellsford North

cl 5

*Project referred to expert consenting panel***1 Name of project**

The name of the project is the Wellsford North project (the **project**).

2 Authorised person

The authorised person for the project is Wellsford Welding Club Limited.

3 Description of project

The scope of the project is to do the following in relation to approximately 31.5 hectares of land in Wellsford, Auckland:

- (a) subdivide land to create—
 - (i) allotments for residential units and ancillary residential use; and
 - (ii) 2 allotments for future residential use that is outside the scope of the project; and
 - (iii) 2 allotments for a future neighbourhood centre that is outside the scope of the project; and
 - (iv) 2 balance allotments:
- (b) construct approximately 85 residential units on approximately 85 of the allotments referred to in paragraph (a)(i) (approximately 66 with access from Rodney Street and approximately 19 with access from Monowai Street):
- (c) construct or install structures and infrastructure that are associated with the subdivision and the residential units referred to in paragraphs (a) and (b).

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) carrying out earthworks (including earthworks that disturb potentially contaminated soils):
- (c) removing vegetation:
- (d) diverting stormwater (which may contain contaminants) and discharging it onto land, including within 100 metres of a natural wetland:
- (e) constructing residential units:

- (f) constructing or installing structures and infrastructure associated with the subdivision and residential units, including—
 - (i) roads intended to be vested in Auckland Council; and
 - (ii) a new intersection of one of those roads with Rodney Street (State Highway 1); and
 - (iii) driveways; and
 - (iv) infrastructure for three waters services:
- (g) landscaping and planting;
- (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 on—

- (a) approximately 24.8 hectares of land at 338 Rodney Street, Wellsford, Auckland (Part South Eastern Portion Allotment 118 Parish of Orua-wharo) and the adjacent road reserve; and
- (b) approximately 6.7 hectares of land at the northern end of Monowai Street, Wellsford, Auckland (Part Lot 4 Deposited Plan 9919).

6 Further information to be submitted

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

- (a) an integrated transport assessment that—
 - (i) assesses the effects on the local road network and State Highway 1 of both the project while it is carried out and the resulting development (including any reverse sensitivity effects); and
 - (ii) identifies how the resulting development will support people to use public transport and active modes of transport, such as cycling and walking; and
 - (iii) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Transport or the New Zealand Transport Agency (or both) about integrated transport (including discussions and agreements about the matters referred to in subparagraphs (i) and (ii)):
- (b) a transport infrastructure assessment that—

- (i) identifies the existing capacity of the local road network and State Highway 1 to service traffic associated with both the project while it is carried out and the resulting development; and
 - (ii) assesses any upgrades to the local road network and State Highway 1 that are required to service that traffic; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Transport or the New Zealand Transport Agency (or both) about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii));
- (c) an assessment of the relevant infrastructure for three waters services that—
- (i) identifies the existing condition and capacity of the relevant infrastructure; and
 - (ii) identifies any upgrades to the relevant infrastructure that are required in connection with the subdivision and the residential units; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Council or Watercare Services Limited (or both) about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii));
- (d) the following information relating to stormwater management:
- (i) a stormwater and flood risk assessment:
 - (ii) a draft stormwater management plan:
- (e) an ecological assessment that includes an assessment of the effects on wetlands of both the project while it is carried out and the resulting development:
- (f) an urban design and landscape assessment.

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) the Associate Minister for the Environment who has been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters:
- (b) Auckland Transport:
- (c) the New Zealand Transport Agency:
- (d) Watercare Services Limited:
- (e) Hauraki Māori Trust Board:
- (f) Ngā Maunga Whakahii o Kaipara Development Trust:
- (g) Ngāti Whātua Ōrākei Trust Board:
- (h) Ngātiwai Trust Board:
- (i) Ngāti Paoa Iwi Trust:
- (j) Ngāti Paoa Trust Board.

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 (the **Minister**) 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 following:

- the relevant Ministers listed in section 21(6) of the Act:
- the Associate Minister for the Environment who has been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters:
- Auckland Council:
- Auckland Transport:
- the New Zealand Transport Agency:
- Watercare Services Limited.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
 - it has the potential to generate approximately 560 direct full-time equivalent jobs (**FTE jobs**) and approximately 489 indirect FTE jobs over a 5-year design and construction period; and

- it has the potential to increase housing supply through the construction of approximately 85 residential units; and
- it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for 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.

Rachel Hayward,
Acting 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 21 October 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 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 55, 56, and 57*.

The effect of the referral is—

- to authorise Maryhill 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 55*; and
- to authorise Sanctum Projects 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 56*; and
- to authorise Wellsford Welding Club 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 57*.

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

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 20 October 2022.

Notes

1 *General*

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