

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 2021

(LI 2021/333)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 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).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 26th day of October 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.

Schedule 1	3
New Schedule 10A inserted	
Schedule 2	7
New Schedule 31 inserted	

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 2021.

2 Commencement

This order comes into force on 29 October 2021.

3 Principal order

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

4 New Schedules 10A and 31 inserted

- (1) After Schedule 10, insert the Schedule 10A set out in Schedule 1 of this order.
- (2) After Schedule 30, insert the Schedule 31 set out in Schedule 2 of this order.

Schedule 1
New Schedule 10A inserted

cl 4(1)

Schedule 10A
Silverlight Studios Accommodation

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Silverlight Studios Accommodation (the **project**).

2 Authorised person

The authorised person for the project is Silverlight Studios Limited.

3 Description of project

The scope of the project is to—

- (a) fit out and operate approximately 300 residential units, within buildings constructed as part of the film studio complex known as Silverlight Studios, as accommodation for—
 - (i) film cast members, film crew members (including post-production crew members), other workers at the film studio complex, and students of the film school at that complex; and
 - (ii) visitors, but only to the extent that the residential units are not required for those cast members, crew members, other workers, or students; and
- (b) construct or install infrastructure that is associated with the residential units (for example, car parking, access for walking and transport, and infrastructure for three waters services).

4 Description of activities involved in project

The project may involve the following activities:

- (a) fitting out approximately 300 residential units within buildings that are part of the film studio complex;
- (b) using land for residential and visitor accommodation as an activity that is ancillary to the film studio complex;
- (c) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) and (b); and

- (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

- (1) The project will occur at 707 Wanaka–Luggate Highway (State Highway 6), approximately 7 km to the east of the Wanaka township.
- (2) The legal description of the site of the project is as set out in clause 5 of Schedule 10 (Silverlight Studios).

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 that identifies—
 - (i) the existing condition and capacity of the infrastructure for three waters services, including the Corbridge water supply scheme, to service the residential units; and
 - (ii) any local and downstream upgrades to that infrastructure that are required to service the residential units; and
 - (iii) any funding required to carry out those upgrades:
- (b) an acoustic assessment, prepared in consultation with Queenstown Airport Corporation Limited (the **Corporation**), that identifies—
 - (i) the effect of noise from aircraft flying to or from Wanaka Airport on the amenity of the residential units; and
 - (ii) any measures to mitigate that effect and reduce the likelihood of complaints being made about the noise, including to the Corporation:
- (c) an integrated transport assessment, prepared in consultation with the New Zealand Transport Agency, that includes—
 - (i) an assessment of the effects of additional traffic on State Highway 6 arising from the project, including the effect of that additional traffic on traffic safety; and
 - (ii) options to encourage occupants of the residential units to use transport that would have the overall effect of reducing greenhouse gas emissions associated with travel to and from the site.

Examples

Examples of those options are providing bicycle storage, electric charging facilities, and shuttle services to and from the Wanaka town centre.

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 Trade and Export Growth;
- (b) the New Zealand Transport Agency;
- (c) Queenstown Airport Corporation Limited;
- (d) Aukaha (1997) Limited;
- (e) Te Ao Mārama Incorporated.

9 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 and local authorities. The Minister accepted this 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—
 - enhancing employment opportunities; and
 - reducing pressure on the local housing market by providing on-site residential accommodation;
- the project will provide approximately—
 - 175 full-time equivalent jobs per year over a 3-year design and construction period; and
 - 30 full-time equivalent operational jobs, on an ongoing basis, after that period ends;
- the project will increase the supply of local accommodation by providing approximately 300 new on-site residential units for—
 - film cast members, film crew members (including post-production crew members), other workers at the complex, and students of the film school; and
 - visitors, but only to the extent that those units are not required for the cast members, crew members, other workers, or students;

- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset, or compensate for adverse effects, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 2 New Schedule 31 inserted

cl 4(2)

Schedule 31 Riverbend Residential Development

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Riverbend Residential Development (the **project**).

2 Authorised persons

The authorised persons for the project are—

- (a) Tawanui Developments Limited; and
- (b) K3 Properties Limited; and
- (c) Mana Ahuriri Holdings Limited.

3 Description of project

- (1) The scope of the project is to subdivide land in stages in Onekawa, Napier and to construct a housing development on that land.
- (2) The development may include—
 - (a) public open spaces, including a 1.5-hectare expansion of Maraenui Park; and
 - (b) approximately 648 residential units or (if the proposed expansion of Maraenui Park does not proceed) approximately 670 residential units; and
 - (c) commercial premises of up to 4,500 square metres, to be located at ground-floor level below a number of the residential units, for retail, childcare, and other purposes; and
 - (d) infrastructure that is associated with the subdivision and the development described in paragraphs (a) to (c), including roads, parking, and infrastructure for three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing existing buildings and structures;
- (b) subdividing land:

- (c) clearing vegetation:
- (d) carrying out earthworks (including bulk earthworks) and disturbing potentially contaminated soils:
- (e) constructing roads and infrastructure that is associated with those roads:
- (f) constructing infrastructure for three waters services:
- (g) discharging stormwater run-off and contaminants into water and onto land:
- (h) diverting or enclosing parts of Beatson Drain:
- (i) constructing residential units, including mixed-use buildings with commercial premises at ground-floor level (below residential units):
- (j) constructing buildings, and placing structures, in flood-risk areas (as shown at <https://hbmaps.hbrc.govt.nz/hazards>):
- (k) developing open space, including by landscaping and planting:
- (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 195 and 215 Riverbend Road, Meeanee and 20 Waterworth Avenue, Onekawa, Hawke's Bay.

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 any other information required by clause 9 of Schedule 6 of the Act):

- (a) an assessment of the activities involved in the project against—
 - (i) any relevant provisions in the Hawke's Bay Regional Resource Management Plan, including the rules contained in section 6.7 (relating to water takes, uses, and diversions) of Chapter 6 of that plan; and
 - (ii) proposed Plan Change 9 to that plan (which relates to the Tūtaekurī, Ahuriri, Ngaruroro, and Karamū catchments):
- (b) a detailed development plan for the project site, prepared in consultation with Napier City Council, that—
 - (i) identifies and takes into account the effects of the development on the wider Riverbend/The Loop greenfield growth area (which is the land shown coloured blue on the "Riverbend / The Loop" map

- in section 5 of the *Heretaunga Plains Urban Development Strategy 2017*); and
- (ii) takes into account the assessment (required by clause 9(1)(h) of Schedule 6 of the Act) of the proposed activities involved in the project against any relevant provisions in the draft Napier District Plan:
- (c) a flood-hazard assessment, including modelling and analysis of the effects and mitigation of floodwater within the project site that may be displaced because of the project:
 - (d) an assessment of the anticipated effects of climate change on the project, including—
 - (i) modelling and analysis of the effects and mitigation of floodwater that is an anticipated effect of climate change; and
 - (ii) information on how the climate-change scenario used for that modelling aligns with guidance contained in Chapters 5 and 6 of *Coastal Hazards and Climate Change: Guidance for Local Government* (Ministry for the Environment, December 2017, ME 1341); and
 - (iii) information to demonstrate that the finished site levels will be appropriate to ensure the long-term resilience of the proposed development, having regard to the anticipated effects of climate change; and
 - (iv) an assessment of the finished floor levels of proposed buildings against the anticipated effects of climate change:
 - (e) an assessment of natural hazards (other than of flooding and of hazards that are an anticipated effect of climate change), including—
 - (i) an assessment of the risks associated with earthquakes, liquefaction, and coastal inundation caused by tsunamis; and
 - (ii) the detailed design of the works required to address those risks:
 - (f) an assessment of options to reduce potential greenhouse gas emissions resulting from the project that is supported by modelling or other evidence:
 - (g) a traffic impact assessment, including—
 - (i) options to support the use of active modes of transport (such as cycling and walking) and to enhance connection to, and support the use of, public transport servicing the development; and
 - (ii) a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport:
 - (h) an assessment of—

- (i) the existing condition and capacity of the infrastructure for three waters services to service the development; and
 - (ii) any upgrades to that infrastructure that are required to service the development; and
 - (iii) any funding required to carry out those upgrades:
- (i) information on any discussions held, and any agreements made, between the authorised persons and Napier City Council or Hawke's Bay Regional Council about the following matters:
 - (i) the infrastructure for three waters services required to service the development;
 - (ii) the funding to be provided by the authorised persons for any upgrades to that infrastructure that are required to service the development.

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) representatives of Pukemokimoki Marae Trust;
- (b) representatives of Ngāti Pārau Hapū Trust.

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, Napier City Council, and Hawke's Bay Regional Council. 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 a diverse range of housing types in an area where additional housing supply is urgently needed and where there are limited affordable housing options;
- the project will provide approximately 186 full-time equivalent jobs per year over a 2-year planning and construction period:

- the project will increase housing supply through the construction of approximately 648 or 670 residential units:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1992 standard processes:
- any actual and potential 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 29 October 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 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 10A and 31*.

The effect of the referral is—

- to authorise Silverlight Studios 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 10A*; and
- to authorise Tawanui Developments Limited, K3 Properties Limited, and Mana Ahuriri Holdings Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 31*.

The expert consenting panels 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*: 28 October 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 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)