

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2022

(SL 2022/332)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 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 12th day of December 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.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal order	2
4	New Schedule 60 inserted	2

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 Schedule 60 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 2022.

2 Commencement

This order comes into force on 16 December 2022.

3 Principal order

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

4 New Schedule 60 inserted

After Schedule 59, insert the Schedule 60 set out in the Schedule of this order.

Schedule
New Schedule 60 inserted

cl 4

Schedule 60
Strathmill

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Strathmill project (the **project**).

2 Authorised person

The authorised person for the project is Shildon Limited.

3 Description of project

The scope of the project is to subdivide approximately 24.3 hectares of land in Orewa, Auckland and do the following on that land:

- (a) construct a housing development comprising approximately 465 residential units on approximately 465 of the allotments created by the subdivision:
- (b) construct or install infrastructure or structures associated with the subdivision and the housing development:
- (c) develop land (which is intended to be set apart as drainage reserves) for the purpose of managing stormwater run-off:
- (d) restore and plant land adjacent to West Hoe Stream.

4 Description of activities involved in project

(1) The project may involve the following activities:

- (a) subdividing land:
- (b) carrying out earthworks (including earthworks that disturb potentially contaminated soils and earthworks within 10 metres of a natural wetland):
- (c) removing vegetation (including vegetation within 10 metres of a natural wetland):
- (d) taking and diverting groundwater and discharging it onto land:
- (e) diverting and discharging stormwater (which may contain contaminants) onto land, including within 100 metres of a natural wetland:
- (f) diverting overland flow paths:

- (g) placing structures in an overland flow path and in a flood plain:
 - (h) constructing residential units:
 - (i) constructing or installing infrastructure or structures, including—
 - (i) roads; and
 - (ii) private accessways for vehicles; and
 - (iii) infrastructure for three waters services:
 - (j) landscaping and planting:
 - (k) restoring and planting land adjacent to West Hoe Stream:
 - (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.
- (2) It is possible that the activities in subclause (1) will 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 on an area of approximately 24.3 hectares of land at 250 and 256 West Hoe Heights, Orewa, Auckland (the **project site**).

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 that—
 - (i) assesses the effects of project-associated traffic on the local road network (including key intersections); and
 - (ii) identifies how the proposed 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 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 to service project-associated traffic; and

- (ii) identifies any upgrades to the local road network 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 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 housing 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)):
 - (d) a landscape and urban design assessment, including an assessment against Auckland Council’s Open Space Provision Policy 2016:
 - (e) a draft construction management plan that specifies measures to control dust, erosion, and sedimentation at the project site:
 - (f) an assessment of the ecological effects (including on freshwater) of—
 - (i) the activities involved in the project; and
 - (ii) the proposed development.
- (2) In this clause,—
- key intersections** means the intersections of the following roads:
- (a) Flavell Drive and Grand Drive:
 - (b) Maire Road and Grand Drive:
 - (c) Grovenor Drive and Grand Drive:
 - (d) State Highway 1 and Grand Drive:
 - (e) West Hoe Heights and West Hoe Road

project-associated traffic means traffic associated with—

- (a) the earthworks, construction, and other activities involved in the project;
or
- (b) the housing 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) 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) Ngātiwai Trust Board:
- (f) Ngāti Whātua Ōrākei Trust Board:
- (g) Te Kupenga o Ngāti Hako:
- (h) Hauraki Māori 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:
- the New Zealand Transport Agency:
- 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 generate approximately 484 full-time equivalent jobs over a 5-year design and construction period; and
 - it has the potential to increase housing supply through the construction of approximately 465 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,
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 16 December 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 60*.

The effect of the referral is to authorise Shildon 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 60*.

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*: 15 December 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 15) 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)