

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 2021

(SL 2021/376)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 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 22nd day of November 2021

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 36 and 37 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 2021.

2 Commencement

This order comes into force on 26 November 2021.

3 Principal order

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

4 New Schedules 36 and 37 inserted

After Schedule 35, insert the Schedules 36 and 37 set out in the Schedule of this order.

Schedule
New Schedules 36 and 37 inserted

cl 4

Schedule 36
Federal Street Residences

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Federal Street Residences (the **project**).

2 Authorised person

The authorised person for the project is P0012 Auckland NZ Pty Limited.

3 Description of project

(1) The scope of the project is—

- (a) to demolish an existing 7-storey car parking building on land in Auckland Central, Auckland; and
- (b) to construct a mixed-use building on that land that is approximately 55 storeys and 183 metres high.

(2) The development resulting from the project will consist of—

- (a) a high-rise, mixed-use building that contains—
 - (i) approximately 357 residential units; and
 - (ii) retail and commercial premises; and
 - (iii) parking areas for cars, motorbikes, and bicycles; and
- (b) private communal space and public open space associated with the building; and
- (c) infrastructure associated with the building.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing an existing building and infrastructure;
- (b) carrying out earthworks (including disturbing potentially contaminated soil);
- (c) taking, diverting, and discharging groundwater onto land;
- (d) diverting and discharging stormwater and contaminants into a storm-water network;

- (e) constructing infrastructure for three waters services:
- (f) constructing a high-rise, mixed-use building:
- (g) constructing vehicle access, loading, and parking areas:
- (h) developing land for open space, including by landscaping and planting:
- (i) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (h); 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 65–71 Federal Street, Auckland Central, Auckland (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—
 - (i) the existing condition and capacity of the relevant infrastructure for three waters services; and
 - (ii) any upgrades to that infrastructure that are required to service the development:
- (b) a wind tunnel assessment (relating to wind tunnel effects connected with the high-rise, mixed-use building) that is prepared by a suitably qualified and experienced person:
- (c) details of the interim streetscape design that the authorised person proposes to implement before Auckland Council’s scheduled upgrades to Federal Street and Kingston Street:
- (d) an integrated transport assessment that—
 - (i) addresses vehicle access into and out of the project site during and after construction, including measures to ensure priority and safety of pedestrians and safe sight distances; and
 - (ii) addresses the need for manoeuvrability of vehicles within the project site during and after construction; and
 - (iii) addresses the loading of vehicles, and the operation of loading bays, within or adjacent to the mixed-use building; and
 - (iv) identifies measures to ensure that queuing does not occur on Federal Street as a result of additional traffic arising from the development; and

- (v) identifies and addresses other effects of that additional traffic on the local road network, including the effect on traffic safety; and
- (vi) addresses parking in the mixed-use building, including parking allocations and bicycle parking that is required by the Auckland Unitary Plan (*see* Table E27.6.2.5).

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) Ngāti Koheriki Claims Committee;
- (d) Skycity Entertainment Group 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 and Auckland Council. The Minister has 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—
 - providing additional housing in a location that is well serviced by public transport; and
 - providing employment (including employment targeted at under-represented groups and the long-term unemployed); and
 - reflecting the historical use and cultural significance of the site in the building design;
- the project will generate employment by providing approximately 327 direct full-time equivalent jobs per year over a 4-year planning and construction period;
- the project will increase housing supply through the construction of approximately 357 residential units for owner-occupiers and tenants;

- the project will contribute to a well-functioning urban environment by providing—
 - housing of varied sizes that has on-site amenities and is in a location with good access to places of employment and public transport; and
 - ground-floor public space:
- the project will support a transition to an economy of low greenhouse gas emissions through a reduction in private vehicle use (by only providing vehicle parking spaces for approximately 50% of the residential units):
- the project will minimise waste by diverting 80% of construction waste away from landfill to be re-used for other purposes:
- 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 on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for 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 37 Bellgrove

cl 5

Project referred to expert consenting panel

1 Name of project

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

2 Authorised person

The authorised person for the project is Bellgrove Rangiora Limited.

3 Description of project

- (1) The scope of the project is—
 - (a) to subdivide land in Rangiora, Canterbury; and
 - (b) to construct a housing development and a neighbourhood commercial centre on that land.
- (2) The development resulting from the project will include—
 - (a) approximately 209 residential units; and
 - (b) the neighbourhood commercial centre; and
 - (c) open spaces; and
 - (d) restored ecological areas; and
 - (e) infrastructure that is associated with the subdivision, housing development, and neighbourhood commercial centre, including roads, parking areas, and infrastructure for three waters services.
- (3) The historic farm homestead that is listed on the New Zealand Heritage List/Rārangī Kōrero as Belgrove will be retained on the land for residential purposes.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) demolishing existing buildings and infrastructure associated with those buildings:
- (c) clearing vegetation, including in riparian areas:
- (d) landscaping, including by planting:
- (e) carrying out earthworks, including—
 - (i) earthworks in riparian areas and over an aquifer; and
 - (ii) disturbing potentially contaminated soil:

- (f) damming, disturbing, depositing material in, and reclaiming a riverbed:
- (g) taking groundwater and diverting surface water:
- (h) discharging surface water, groundwater, and stormwater (including contaminants) onto land:
- (i) constructing infrastructure for three waters services:
- (j) constructing roads and parking areas:
- (k) constructing residential units and commercial buildings:
- (l) developing land for open space, including by landscaping and planting:
- (m) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (l); 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 52 and 76 Kippenberger Avenue, Rangiora, Canterbury (the **project site**).
- (2) The legal description of the project site is as follows:
 - 52 Kippenberger Avenue*
 - (a) Lot 2 Deposited Plan 24808, Part Lot 2 Deposited Plan 9976, and Part Rural Section 267:
 - 76 Kippenberger Avenue*
 - (b) Lot 1 Deposited Plan 22674.
- (3) The development will be located on the land identified as stage 1 land on the map named “Bellgrove Rangiora Limited Locality Plan and Stage 1”, which is attached as Appendix 1 to the application for referral of the project.

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 assessment (accompanied by engineering plans and prepared in consultation with local authorities) of—
 - (i) the existing condition and capacity of the relevant infrastructure for three waters services; and
 - (ii) any upgrades to that infrastructure that are required to service the housing development and neighbourhood commercial centre; and
 - (iii) any funding for carrying out those upgrades (including how they will be funded):

- (b) an assessment of the historical, social, architectural, and landmark significance of the historic farm homestead (Belgrove) and its setting:
- (c) an archaeological assessment of the project site:
- (d) the report on a detailed site investigation of any piece of land that is in the project site and is described in clause 5(7) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011:
- (e) a stormwater assessment for the project (including an assessment of the results of infiltration testing) and a draft stormwater management plan:
- (f) a geotechnical report that identifies any relevant risks arising from earthquakes and liquefaction:
- (g) a surface water assessment that—
 - (i) includes an assessment of the effects of the project on water quality, water quantity (including stream depletion), and riverbed and bank stability:
 - (ii) takes into account tangata whenua values relating to water:
- (h) an assessment of the effects of the project on groundwater quality and quantity, including —
 - (i) changes in groundwater recharge; and
 - (ii) effects on groundwater users; and
 - (iii) localised changes in groundwater level; and
 - (iv) interference with wells:
- (i) a draft erosion and sediment control plan for the project site:
- (j) an assessment of the effects of the project on local ecology and biodiversity, including on the ecology and biodiversity of aquatic fauna:
- (k) an urban design assessment of the development:
- (l) an assessment of the potential transport-related greenhouse gas emissions arising from the project, including (to avoid doubt) while the project is being carried out:
- (m) an integrated transport assessment that—
 - (i) addresses the effects of the project on the surrounding road network and intersections; and
 - (ii) addresses the cumulative effects of the project on the transport network; and
 - (iii) addresses the existing capacity of the public transport system to service additional demand arising from the housing development and commercial neighbourhood centre; and

- (iv) identifies the availability of safe spaces for active modes of transport (including walking and cycling) on the land described in clause 5(3):
- (n) a draft construction management plan for the project that specifies—
- (i) construction methodology and staging; and
- (ii) measures to manage construction traffic, dust, and noise.
- (2) In this clause, **detailed site investigation** has the meaning given in clause 3 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

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) Christchurch City Council;
- (b) the Greater Christchurch Partnership;
- (c) Ngāi Tahu Papatipu Rūnanga, through their agent Mahaanui Kurataiao 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, Waimakariri District Council, Canterbury Regional Council, Christchurch City Council, the Greater Christchurch Partnership, Te Rūnanga o Ngāi Tahu, and 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;
- the project will have positive effects on social well-being by providing additional housing in an area that has a housing shortfall and has been identified as an appropriate future growth area;
- the project will generate approximately 229 direct full-time equivalent jobs in planning, design, construction, sales, and marketing;

- the project will increase housing supply by approximately 209 residential units:
- 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 on the environment, and measures to mitigate 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,
for 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 26 November 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to expert consenting panels 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 36 and 37*.

The effect of the referral is—

- to authorise P0012 Auckland NZ Pty 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 36*; and
- to authorise Bellgrove Rangiora 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 37*.

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*: 25 November 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 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)