

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 18) 2021

(SL 2021/421)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 18) 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 13th day of December 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
New Schedule 39 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 18) 2021.

2 Commencement

This order comes into force on 17 December 2021.

3 Principal order

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

4 New Schedule 39 inserted

After Schedule 38, insert the Schedule 39 set out in the Schedule of this order.

Schedule
New Schedule 39 inserted

cl 4

Schedule 39
Summerset Retirement Village—Half Moon Bay

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Summerset Retirement Village—Half Moon Bay (the **project**).

2 Authorised person

The authorised person for the project is Summerset Villages (Half Moon Bay) Limited.

3 Description of project

The scope of the project is to construct and operate a comprehensive care retirement village and associated facilities in Bucklands Beach, Auckland, comprising—

- (a) 1 or more buildings, each approximately 24 metres high, containing—
 - (i) approximately 211 independent-living residential units; and
 - (ii) approximately 118 assisted-living suites, comprising approximately 20 memory care suites, approximately 48 other care suites, and approximately 50 serviced apartments; and
 - (iii) ancillary facilities, including a theatre, a bar, a café, a therapy room, a salon, a shop, a pool, a health and wellness centre, a library, indoor and outdoor amenity areas, and a space for associated staff and administrative functions; and
- (b) temporary buildings, structures, and infrastructure to be installed and used during the construction and early operational stages of the project, including a recreation centre and associated car parking spaces, a show suite, advertising hoardings, and operations and sales offices; and
- (c) parking for approximately 309 vehicles; and
- (d) infrastructure associated with the development described in paragraphs (a) to (c) including roads and parking areas, and infrastructure for three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) carrying out earthworks (including disturbing potentially contaminated soils):
- (b) taking, diverting, and discharging groundwater onto land:
- (c) constructing infrastructure for three waters services:
- (d) constructing roads, parking, and other infrastructure required for access to the development:
- (e) constructing buildings:
- (f) carrying out landscaping, including planting:
- (g) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (f); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project works will occur at 25 Thurston Place, Bucklands Beach, 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 other information required by clause 9 of Schedule 6 of the Act):

- (a) an integrated transport assessment that covers—
 - (i) the volume of vehicle movements associated with the development and the effects of the development on the local road network:
 - (ii) details of pedestrian pathways that will connect to the existing road and pathway network in Kaniere Park, including an appropriate gradient for the pathway network, taking into account crime prevention through environmental design:
 - (iii) measures to mitigate adverse impacts for the people using the development:
- (b) an urban design assessment of the development that includes shading diagrams, visualisations, and 3D simulations to show the effects of shading and visual dominance from the proposed buildings.

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) Ngāti Koheriki Claims Committee:
- (b) Te Rūnanga o Ngāti Whātua:
- (c) Ngāti Whātua o Ōrākei Trust Board:
- (d) Te Kawerau Iwi Settlement Trust:
- (e) Counties Manukau District Health Board:
- (f) 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 and the Auckland Council. The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will have positive effects on social well-being by providing aged-care facilities with accessible amenities and services; and
- the project will generate employment by providing approximately 320 full-time equivalent jobs per year over a 5- to 7-year construction period; and
- the project will increase housing supply through the construction of approximately 211 independent-living apartments and a total of approximately 118 assisted-living suites; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- 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.

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 17 December 2021, 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 39*.

The effect of the referral is to authorise Summerset Villages (Half Moon Bay) 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 39*.

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*: 16 December 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 18) 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)