

Version  
as at 8 July 2023



## COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2022

(SL 2022/10)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 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 8th day of February 2022

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.**

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**Schedule**  
**New Schedules 42 and 43 inserted**

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**Order**

**1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2022.

**2 Commencement**

This order comes into force on 11 February 2022.

**3 Principal order**

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

**4 New Schedules 42 and 43 inserted**

After Schedule 41 (as inserted by the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order 2022), insert the Schedules 42 and 43 set out in the Schedule of this order.

**Schedule**  
**New Schedules 42 and 43 inserted**

cl 4

**Schedule 42**  
**Tauhei Solar Farm**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Tauhei Solar Farm (the **project**).

**2 Authorised person**

The authorised person for the project is Harmony Energy NZ Limited.

**3 Description of project**

The scope of the project is—

- (a) to construct a solar farm that comprises—
  - (i) solar panels, arrays, mounting structures, and poles covering approximately 182 hectares of the project site; and
  - (ii) a power station; and
  - (iii) 2 substations; and
  - (iv) underground electricity cables; and
  - (v) ancillary buildings, structures, and infrastructure (including roads, fencing, and security lighting); and
  - (vi) landscaping that includes planting and enhancing biodiversity corridors and boundary screening; and
  - (vii) a 7-hectare wetland to be created within the project site; and
- (b) to install ancillary underground cabling from the solar farm to the boundary of the Waihou substation located at 40 Mikkelsen Road, Te Aroha, Waikato; and
- (c) to operate the solar farm for the purpose of supplying electricity to the national grid.

**4 Description of activities involved in project**

(1) The project may involve the following activities:

- (a) clearing vegetation:
- (b) carrying out earthworks, including disturbing potentially contaminated soil:

- (c) taking, using, and diverting groundwater:
  - (d) discharging groundwater, stormwater run-off, and contaminants into water and on to land:
  - (e) constructing buildings and other structures:
  - (f) installing underground electricity cables:
  - (g) installing infrastructure ancillary to the solar farm, including infrastructure ancillary to the underground electricity cables:
  - (h) constructing or upgrading roads, culverts, vehicle access areas, and parking areas:
  - (i) developing and restoring wetland areas, including constructing wetland utility structures:
  - (j) landscaping and planting:
  - (k) operating a solar farm:
  - (l) offering educational visits for students and other visitors:
  - (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.
- (2) In subclause (1)(h), **wetland utility structure**—
- (a) means a structure placed in or adjacent to a wetland for the purpose of recreation, education, conservation, restoration, or monitoring in relation to the wetland; and
  - (b) includes the following structures that are placed in, or adjacent to, a wetland for a purpose described in paragraph (a):
    - (i) jetties:
    - (ii) boardwalks:
    - (iii) walking tracks and bridges connecting them:
    - (iv) signs:
    - (v) monitoring devices:
    - (vi) birdwatching hides and maimai.
- 5 Approximate geographical location**
- The project will occur on—
- (a) 262.5 hectares of privately owned land, subject to an easement to be granted by the owner; and

- (b) parts of the Mikkelsen Road and O'Donoghue Road reserves in Te Aroha West, Waikato, subject to authorisations to be granted by Matamata–Piako District Council.

## **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) identifies the effects of additional traffic on the road network caused during the construction phase, including the effects on road safety and maintenance, and indicates how those effects are to be mitigated; and
  - (ii) identifies how the repair of damage to roads during the construction phase is to be funded; and
- (b) a glint and glare assessment of the photovoltaic panels, including modelling the location and nature of glint and glare on road users and sensitive receptors such as dwellings, together with measures for mitigation of those effects; and
- (c) an assessment of the effects of the project on the local ecology and biodiversity, including on aquatic animals; and
- (d) an assessment of the visual effects of the project on the landscape and natural character of the project site, including any effects on the rural landscape and the Te Aroha West settlement; and
- (e) an acoustic assessment that identifies—
  - (i) the effects of noise from the solar farm on the amenity of the residential units on neighbouring properties; and
  - (ii) the measures to be taken to mitigate those effects; and
- (f) information about discussions held, or agreements made, by the authorised person (*see* clause 2) and Matamata–Piako District Council or Transpower New Zealand Limited about—
  - (i) occupying the road reserve for underground infrastructure; and
  - (ii) connecting the solar farm to the national grid.

## **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 of Energy and Resources; and
- (b) Transpower New Zealand 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, Matamata–Piako District Council, and Waikato Regional 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 generate approximately 568 direct full-time equivalent (**FTE**) jobs in engineering, design, and construction over a 2-year period, and approximately 7 direct FTE jobs on a permanent basis:
- the project will provide infrastructure that will contribute to improving economic and employment outcomes:
- the project will assist New Zealand's efforts to mitigate climate change and enable the country to transition more quickly to a low greenhouse gas emitting economy by increasing the generation of renewable energy in New Zealand:
- 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 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 43 Rotokauri North Stage 1

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is Rotokauri North Stage 1 (the **project**).

**2 Authorised person**

The authorised person for the project is Rotokauri North Holdings Limited.

**3 Description of project**

The scope of the project is to subdivide approximately 62 hectares of land in Hamilton to provide for a housing development comprising—

- (a) approximately 400 residential lots; and
- (b) on 20 of those lots, the construction of 20 buildings, each containing approximately 2 residential units; and
- (c) additional balance lots for future development, including for the construction of a primary school; and
- (d) outdoor courtyard space and gardens; and
- (e) infrastructure associated with the subdivision and development described in paragraphs (a) to (c), including roads to be vested in Hamilton City Council, parking areas, 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 their associated infrastructure:
- (b) subdividing land:
- (c) carrying out earthworks, including disturbing potentially contaminated soil:
- (d) removing vegetation and carrying out earthworks within a 100-metre setback from a natural wetland:
- (e) reclaiming natural stream beds:
- (f) disturbing riverbeds, such as by constructing culverts and other structures:
- (g) taking and diverting surface water and groundwater:
- (h) discharging surface water, groundwater, stormwater run-off, and contaminants into water and on to land:

- (i) constructing buildings and residential units:
- (j) constructing roads and other transport infrastructure:
- (k) constructing 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—

- (a) 289, 317, 329, 335, and 341 Te Kowhai Road, Te Kowhai, Hamilton; and
- (b) 350 and 372 Exelby Road, Burbush, Hamilton.

## 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 project against—
  - (i) any relevant provisions of the Hamilton City Council district plan (including decisions made on Plan Change 7, if available, or if not, the proposed Plan Change 7); and
  - (ii) the proposed Waikato district plan; and
- (b) an integrated transport assessment, including information about discussions held, and agreements made, by the authorised person (*see* clause 2) and the New Zealand Transport Agency; and
- (c) an ecological assessment of the effects of the project, including—
  - (i) the effects of the project on freshwater, birds, bats, and lizards; and
  - (ii) the effects of the project on the nearby significant natural area (described as SNA 11 Burbush Road Forest/Perkins Bush in Schedule 9C of the Hamilton City Council district plan); and
  - (iii) the results of surveys undertaken to confirm whether there are black mudfish and giant kōkopu within the project site; and
  - (iv) measures for salvaging fish and ensuring their passage during the construction phase; and
  - (v) an assessment of any biosecurity risks associated with the project; and



- (vi) measures to avoid, remedy, or mitigate any ecological effects identified by the ecological assessment; and
- (d) a detailed assessment of—
  - (i) the capacity of the local road network to service the construction of the project and the completed project; and
  - (ii) what upgrading is required to the local road network to service the completed project; and
  - (iii) how any upgrading is to be funded; and
- (e) a detailed assessment of—
  - (i) the capacity of the existing infrastructure for three waters services to service the completed project; and
  - (ii) what upgrading is required to that infrastructure to service the completed project; and
  - (iii) how any upgrading is to be funded; and
- (f) a stormwater, hydrology, and water quality assessment, which must include—
  - (i) a draft stormwater management plan; and
  - (ii) analysis of the effects of the project on Lake Rotokauri, having regard to climate change effects; and
  - (iii) analysis of the capacity of the Ngāruawāhia rural drainage scheme to service the completed project, together with any upgrading required for that scheme.

**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 New Zealand Transport Agency; and
- (b) the Associate Minister for the Environment; and
- (c) the Rotokauri North Tangata Whenua Working Group.

**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, Hamilton City Council, and Waikato Regional 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 generating employment, increasing the housing supply, and contributing to a well-functioning urban environment:
- the project will generate employment by providing approximately 100 full-time equivalent jobs over a 5-year planning and construction period:
- the project will increase housing supply through the construction of 20 buildings, each containing 2 residential units, on 20 lots, and will enable future construction of an additional 380 residential units on the balance of the lots:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard consenting processes:
- any actual and potential effects on the environment, and proposed 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.

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 11 February 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendments 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 42 and 43*.

The effect of the referrals is as follows:

- *new Schedule 42* authorises Harmony Energy NZ Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in that schedule; and
- *new Schedule 43* authorises Rotokauri North Holdings Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in that schedule.

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*: 10 February 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 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)