

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 2021

(LI 2021/104)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 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).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of May 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 Schedule 18 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 2021.

2 Commencement

This order comes into force on 14 May 2021.

3 Principal order

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

4 New Schedule 18 inserted

After Schedule 17, insert the Schedule 18 set out in the Schedule of this order.

Schedule
New Schedule 18 inserted

cl 4

Schedule 18
Beachlands Housing Development

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Beachlands Housing Development (the **project**).

2 Authorised person

The authorised persons for the project are—

- (a) Neil Construction Limited; and
- (b) Fletcher Residential Limited.

3 Description of project

- (1) The scope of the project is to subdivide land and construct a housing development in Beachlands, Auckland.
- (2) The development will include—
 - (a) up to 259 residential lots; and
 - (b) up to 235 residential units; and
 - (c) approximately 5 jointly owned, private-access lots; and
 - (d) associated infrastructure, including roading, parking, pedestrian accessways, and three waters services; and
 - (e) reserve areas and open spaces.
- (3) In this clause and clause 4, **three waters services** has the meaning given in section 9 of the Urban Development Act 2020.

4 Description of activities involved in project

The project involves works such as the following:

- (a) the subdivision of land;
- (b) works to clear vegetation, including trees in roads and near streams;
- (c) earthworks, including the disturbance of potentially contaminated soils;
- (d) works to divert water and discharge stormwater run-off;
- (e) works to reclaim part of 3 stream beds;
- (f) works to construct three waters services and roading infrastructure;

- (g) works to construct residential units:
- (h) works to develop reserve areas and open spaces:
- (i) any other works that are—
 - (i) associated with the works 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's works will occur at 109 Beachlands Road, Beachlands, Auckland.

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, which must include modelling and analysis that covers—
 - (i) the density of development in the project compared with the density of development provided for under the Single House Zone and the Beachlands 1 Precinct of the Auckland Unitary Plan;
 - (ii) the effects of the project on the surrounding road network and intersections;
 - (iii) the ability of the existing public transport system to service additional demand;
 - (iv) the availability and feasibility of safe spaces for active modes of transport, including walking and cycling;
 - (b) an infrastructure assessment, which must include wastewater capacity checks, water supply details, and engineering plans;
 - (c) a stormwater assessment, which must include—
 - (i) predictions of the sediment and nutrient losses from the project site into the Hauraki Gulf during the project and in the long term, and in comparison to an estimate of what those losses are currently; and
 - (ii) a stormwater management plan;
 - (d) an ecological assessment, which must include options to protect all streams;
 - (e) an urban design assessment;
 - (f) a landscape and visual assessment of the residential units;
 - (g) an assessment of the social impacts of the housing development, which must cover—

- (i) the capacity of schools that service the area to meet the demands of future residents; and
- (ii) local employment opportunities available to future residents:
- (h) landscape and planting plans for reserve areas, open spaces, and private accessways:
- (i) a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011:
- (j) an assessment of the potential transport-related greenhouse gas emissions generated by the project compared with those generated by the density of development provided for under the Single House Zone and the Beachlands 1 Precinct of the Auckland Unitary Plan.

(2) In this clause,—

Auckland Unitary Plan means the plan as in force when the consent application is submitted

emissions has the meaning given in section 4(1) of the Climate Change Response Act 2002.

7 **Persons who must be invited to comment on project**

- (1) 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) Pine Harbour Living Limited (trading as Pine Harbour Water);
 - (c) Ngāti Te Ata Claims Support Whānau Trust.
- (2) In this clause, **Auckland Transport** means the entity established by section 38 of the Local Government (Auckland Council) Act 2009.

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 consid-

ered written comments from the relevant Ministers, Auckland Council, and Auckland Transport. The Minister accepted the 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 a range of additional housing, including terraced housing, which can provide a more affordable option at a time when house prices are rapidly escalating in the Auckland region; and
- the project will generate employment by providing—
 - up to 45 direct and 169 indirect full-time equivalent (FTE) jobs during years 1 to 2 of design, consenting, and subdivision construction; and
 - up to 98 direct and 349 indirect FTE jobs during years 3 to 7 while both subdivision and residential units are being completed; and
- the project will increase housing supply by up to 235 residential units and provide up to 24 vacant lots for future development; and
- the project will progress faster under the Act than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects that arise from the application and mitigation measures can be 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 14 May 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 18*.

The effect of the referral is to authorise Neil Construction Limited and Fletcher Residential 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 18*.

The expert consenting panel will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 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)