

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 7) 2022

(SL 2022/117)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 7) 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 19th day of April 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.

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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 48 and 49 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 7) 2022.

2 Commencement

This order comes into force on 22 April 2022.

3 Principal order

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

4 New Schedules 48 and 49 inserted

After Schedule 47, insert the Schedules 48 and 49 set out in the Schedule of this order.

Schedule
New Schedules 48 and 49 inserted

cl 4

Schedule 48
Waimarie Street

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Waimarie Street (the **project**).

2 Authorised person

The authorised person for the project is Sanctum Projects Limited.

3 Description of project

(1) The scope of the project is to subdivide land in St Heliers, Auckland and redevelop that land by—

- (a) constructing a housing development; and
- (b) providing infrastructure associated with the subdivision and housing development.

(2) The housing development will consist of approximately 58 residential units (which may be or include terraced houses) that are 2 or 3 storeys in height.

(3) The infrastructure associated with the subdivision and housing development will include—

- (a) a pedestrian accessway to Waimarie Street; and
- (b) private accessways for vehicles; and
- (c) driveways and parking areas; and
- (d) infrastructure for three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing buildings and structures:
- (b) subdividing land:
- (c) trimming and removing vegetation:
- (d) carrying out earthworks, including disturbing contaminated soil:
- (e) taking, diverting, and discharging groundwater:
- (f) diverting and discharging stormwater and contaminants onto land:

- (g) placing structures in or over an overland flow path:
- (h) constructing residential units:
- (i) constructing private accessways for vehicles, a pedestrian accessway, driveways, and parking areas:
- (j) constructing infrastructure for three waters services:
- (k) landscaping and planting:
- (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 43A and 45 Waimarie Street and 819 Riddell Road, Saint Heliers, 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 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 in connection with the subdivision and housing development; and
 - (iii) any funding required to carry out those upgrades (including how they will be funded):
 - (b) a stormwater assessment, including an assessment of—
 - (i) the risks of flooding (before and after construction); and
 - (ii) the potential effects of that flooding on the upstream and downstream catchment; and
 - (iii) the proposed measures to mitigate those effects:
 - (c) a draft stormwater management plan:
 - (d) information on discussions held, and any agreements made, between the authorised person and Auckland Council's Healthy Waters department about stormwater management:
 - (e) an integrated transport assessment, including information about relevant discussions held, and any relevant agreements made, between the authorised person and Auckland Transport:

- (f) a report on a preliminary site investigation:
- (g) the report on the detailed site investigation referred to in any of the following provisions of the NESCS Regulations that apply:
 - (i) regulation 5(9) (land not covered by the NESCS Regulations):
 - (ii) regulation 9(1) or (3) (controlled activities):
 - (iii) regulation 10(2) (restricted discretionary activities):
- (h) an urban design assessment, including—
 - (i) shading diagrams to show any shading cast by the proposed buildings on properties adjoining the project site; and
 - (ii) simulations to show any visual dominance of those adjoining properties by the proposed buildings; and
 - (iii) a draft landscape plan; and
 - (iv) an assessment of the quality of the proposed landscaping for the project site, including the proposed landscaping along the boundaries between the project site and adjoining properties; and
 - (v) the effects of the intensity, scale, location, form, and appearance of the proposed buildings on neighbourhood character, residential amenity, safety, and the surrounding residential area.

(2) In this clause,—

detailed site investigation has the meaning given in regulation 3 of the NESCS Regulations

NESCS Regulations means the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

preliminary site investigation has the meaning given in regulation 3 of the NESCS Regulations.

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) Watercare Services Limited.

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 relevant Ministers listed in section 21(6) of the Act; and
- Auckland Council.

The Minister has accepted this application for referral for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will generate employment by providing approximately 212 full-time equivalent jobs over a 2 to 3-year construction period:
- the project will increase housing supply through the construction of approximately 58 residential units:
- the project will contribute to a well-functioning urban environment by providing a variety of housing types in a location with good access to community services, public transport, and natural and open spaces:
- the project is likely to progress faster than would otherwise be the case under standard Resource Management Act 1991 consenting 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.

Schedule 49
Flint's Park West, Ladies Mile—Te Pūtahi

cl 4

Project referred to expert consenting panel

1 Name of project

The name of the project is the Flint's Park West, Ladies Mile—Te Pūtahi (the project).

2 Authorised person

The authorised person for the project is Glenpanel Development Limited.

3 Description of project

The scope of the project is to subdivide 18.4 hectares of land at Lake Hayes, Queenstown and to develop 8.6 hectares of that land by—

- (a) constructing a housing development consisting of approximately—
 - (i) 315 residential units if the primary school referred to in paragraph (b) is not constructed; or
 - (ii) 180 residential units if that primary school is constructed:
- (b) constructing a primary school, including a church or chapel associated with the school:
- (c) providing the following infrastructure associated with the subdivision, the housing development, the school, and the church or chapel:
 - (i) roads and parking areas:
 - (ii) vehicle and pedestrian accessways:
 - (iii) infrastructure for three waters services:
 - (iv) public transport-related structures (for example, bus stops and signage).

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) trimming or removing vegetation:
- (c) carrying out earthworks, including disturbing contaminated soil:
- (d) taking, diverting, and discharging groundwater for the purpose of construction dewatering:
- (e) constructing a borefield and taking groundwater for potable water supply:

- (f) diverting and discharging stormwater (which may contain contaminants) onto land:
- (g) constructing residential units and other buildings:
- (h) constructing roads, parking areas, and vehicle and pedestrian accessways:
- (i) installing public-transport related structures:
- (j) constructing infrastructure for three waters services:
- (k) landscaping, including planting:
- (l) developing land for public open space:
- (m) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (j); 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 14 Lower Shotover Road, Lake Hayes, Queenstown.

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) a three waters infrastructure assessment, including 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 in connection with the subdivision and housing development; and
 - (iii) any funding required to carry out those upgrades (including how they will be funded):
 - (b) the following information relating to stormwater management:
 - (i) a draft stormwater management plan:
 - (ii) information on how any stormwater solution will support best practice stormwater management for the wider Ladies Mile area:
 - (iii) information on discussions held, and any agreements made, between the authorised person and Queenstown Lakes District Council or Otago Regional Council (or both of those councils) about stormwater management:
 - (c) a transport infrastructure assessment, including an assessment of the following:

- (i) the existing capacity of the local road network to service the project while it is being carried out, the housing development, and (if they are constructed) the primary school and the church or chapel:
- (ii) any upgrades to the local road network that are required to service the housing development and (if they are constructed) the primary school and the church or chapel:
- (iii) any funding required to carry out those upgrades (including how they will be funded):
- (d) an integrated transport assessment, including the following:
 - (i) an assessment of how the project will support both public modes of transport and active modes of transport, such as cycling and walking:
 - (ii) information on relevant discussions held, and any relevant agreements made, between the authorised person and the New Zealand Transport Agency:
- (e) a report on a preliminary site investigation:
- (f) the report on the detailed site investigation referred to in any of the following provisions of the NESCS Regulations that apply:
 - (i) regulation 5(9) (land not covered by the NESCS Regulations):
 - (ii) regulation 9(1) or (3) (controlled activities):
 - (iii) regulation 10(2) (restricted discretionary activities):
- (g) an assessment of the effects of the project on groundwater quality and quantity, including the following effects:
 - (i) any changes in groundwater recharge:
 - (ii) any localised changes in groundwater level:
 - (iii) the effects of taking groundwater, and of discharging stormwater onto land, on groundwater for potable supply.

Note: The information required by clause 9 of Schedule 6 of the Act includes an assessment of the activities involved in the project against any relevant provisions in plans or proposed plans. Those plans include the Te Pūtahī Ladies Mile Masterplan and the Queenstown Lakes Spatial Plan.

(2) In this clause,—

detailed site investigation has the meaning given in regulation 3 of the NESCS Regulations

NESCS Regulations means the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

preliminary site investigation has the meaning given in regulation 3 of the NESCS Regulations.

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;
- (b) Aukaha (1997) Limited;
- (c) Te Ao Marama Incorporated;
- (d) 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.

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 relevant Ministers listed in section 21(6) of the Act and 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; and
- Queenstown Lakes District Council; and
- Otago Regional Council; 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 generating employment and providing additional housing of a range of types in an area with a housing shortage;
- the project will generate employment by providing approximately—
 - 617 direct full-time equivalent jobs over a 6-year construction period; or
 - 391 direct full-time equivalent jobs and 58 ongoing full-time equivalent jobs if a primary school, which is proposed to be established as a State integrated school, is constructed;
- the project will increase housing supply through the provision of up to 315 residential units (or up to 180 residential units if the primary school is constructed):

- 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 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,
acting 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 22 April 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to an expert consenting panel 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 48 and 49*.

The effect of the referral is—

- to authorise Sanctum Projects 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 48*; and
- to authorise Glenpanel Development 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 49*.

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*: 21 April 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 7) 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)