

Version  
as at 8 July 2023



## COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2022

(SL 2022/127)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 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 2nd day of May 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 51 to 53 inserted**

3

**Order**

**1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 2022.

**2 Commencement**

This order comes into force on 6 May 2022.

**3 Principal order**

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

**4 New Schedules 51 to 53 inserted**

After Schedule 50, insert the Schedules 51 to 53 set out in the Schedule of this order.

**Schedule**  
**New Schedules 51 to 53 inserted**

cl 4

**Schedule 51**  
**Botanic Riverhead**

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Botanic Riverhead (the **project**).

**2 Authorised person**

The authorised person for the project is Matvin Group Limited.

**3 Description of project**

(1) The scope of the project is to do the following in relation to land in Riverhead, Auckland:

(a) subdivide land:

(b) construct and operate—

(i) a retirement village and associated facilities:

(ii) a childcare centre:

(iii) a cafe:

(c) provide infrastructure associated with the subdivision and the development described in paragraph (b).

(2) The retirement village and associated facilities will comprise—

(a) approximately 422 residential units, including—

(i) approximately 158 stand-alone independent residential units; and

(ii) approximately 212 apartments in multiple buildings, each up to 5 storeys in height; and

(iii) approximately 52 apartments in a building that is up to 5 storeys in height and includes a reception lobby, bar, pool, health and well-being centre, medical centre, and retail services (including food and beverages); and

(b) a care home in a building that is up to 3 storeys in height that accommodates—

(i) approximately 28 memory care beds and

(ii) approximately 60 other care beds; and

- (c) outdoor recreation and amenity spaces; and
  - (d) car parking areas; and
  - (e) a childcare centre; and
  - (f) a cafe.
- (3) The infrastructure associated with the project will include—
- (a) driveways and parking areas; and
  - (b) pedestrian and vehicle accessways; and
  - (c) infrastructure for three waters services; and
  - (d) roading, including works to extend and upgrade the existing roading.
- (4) For the purposes of this clause, a basement is not to be counted as a storey (whether or not the basement extends under the entirety of the building above it).

#### **4 Description of activities involved in project**

The project may involve the following activities:

- (a) subdividing land:
- (b) trimming and removing vegetation, including trees on roads and near streams:
- (c) carrying out earthworks, including earthworks disturbing potentially contaminated soil:
- (d) diverting groundwater and overland flow paths:
- (e) discharging stormwater and contaminants to land:
- (f) placing structures in a flood plain:
- (g) constructing and operating retirement village buildings and associated facilities:
- (h) constructing and operating a childcare centre and a cafe:
- (i) constructing infrastructure for three waters services:
- (j) constructing or upgrading roads, pedestrian accessways, vehicle access, and parking areas:
- (k) landscaping and planting open spaces and recreational areas:
- (l) installing signage:
- (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**

The project will occur at 1092 Coatesville-Riverhead Highway and 30 Cambridge Road, Riverhead, Auckland, and includes works within the Cambridge Road, Riverhead Road, and Coatesville-Riverhead Highway road reserves.

**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 detailed assessment of infrastructure that covers—
    - (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 project; and
    - (iii) any funding required to carry out those upgrades (including how they will be funded); and
  - (b) a detailed transport infrastructure assessment that—
    - (i) identifies the existing capacity of the local road and state highway networks to service the construction of the project and the completed project, including the intersection of the Coatesville-Riverhead Highway and Riverhead Road; and
    - (ii) identifies any upgrades to the road network in the vicinity of the project that are required to service the completed project; and
    - (iii) identifies how any upgrading is to be funded; and
  - (c) an integrated transport assessment, including—
    - (i) an assessment of how the project will support the use of public transport and active modes of transport such as cycling and walking; and
    - (ii) information about discussions held, and any agreements made, with Auckland Transport; and
    - (iii) an assessment of the effects of the project on the local road and state highway networks; and
  - (d) the following information relating to stormwater management:
    - (i) a stormwater and flood risk assessment; and
    - (ii) a draft stormwater management plan; and
    - (iii) information on discussions held, and any agreements made, about stormwater management with Auckland Council's Healthy Waters department; and
  - (e) a landscape and visual assessment of the development that—

- (i) includes photomontages to show the scale of the proposed buildings in relation to surrounding buildings and land; and
  - (ii) assesses the visual effects of the development on the biophysical landscape and the character of the existing rural and low-density suburban landscape, taken from both private and public vantage points; and
  - (f) an assessment of the social impacts of the development, covering the capacity of community, social, and health services to meet the demands of future residents of the development; and
  - (g) a report on a preliminary site investigation; and
  - (h) if required, a report on a detailed site investigation referred to in any of the following provisions of the NESCS Regulations that apply, showing how the requirements of those provisions will be met:
    - (i) regulation 5(9) (land excluded from the NESCS Regulations):
    - (ii) regulation 9(1) or (3) (controlled activities):
    - (iii) regulation 10(2) (restricted discretionary activities).
- (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) Auckland Transport; and
  - (b) Watercare Services Limited; and
  - (c) the New Zealand Transport Agency; and
  - (d) the Associate Minister for the Environment with responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters; and
  - (e) the Minister for Seniors.
- 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 (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, the Associate Minister for the Environment with responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters, and the Minister for Seniors; and
- Auckland Council; and
- Auckland Transport; and
- Watercare Services Limited.

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 have positive effects on social well-being by generating employment and providing aged-care facilities with on-site amenities and services, and commercial and educational (childcare) activities:
- the project will generate employment by providing approximately 140 direct full-time equivalent (**FTE**) jobs per year over a 6-year construction period, approximately 45 permanent FTE jobs once the retirement village is operational, and approximately 19 permanent FTE jobs once the commercial activities and childcare centre are operational:
- the project will increase housing supply for aged persons through the construction of approximately 422 residential units, comprising approximately 158 stand-alone independent residential units and 264 apartments:
- 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 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 52

### Whenuapai Business Park

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Whenuapai Business Park (the **project**).

**2 Authorised person**

The authorised person for the project is Neil Construction Limited.

**3 Description of project**

The scope of the project is to do the following in relation to land in Whenuapai, Auckland:

- (a) subdivide a 22.9-hectare site to create—
  - (i) 21 allotments for industrial development; and
  - (ii) balance allotments for future residential development; and
- (b) provide infrastructure associated with the subdivision; and
- (c) construct a stream crossing; and
- (d) undertake landscaping and planting.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) demolishing buildings and infrastructure:
- (b) subdividing land:
- (c) removing vegetation within 10 metres of a natural wetland:
- (d) carrying out earthworks:
- (e) disturbing contaminated land:
- (f) diverting overland flow paths:
- (g) diverting and discharging stormwater and contaminants onto land:
- (h) installing structures within stream beds:
- (i) constructing roads, pedestrian and cycle accessways, and vehicle access and parking areas:
- (j) constructing infrastructure for three waters services:
- (k) planting and enhancing riparian margins:
- (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 69 to 71 Trig Road and at 151 and 155 to 157 Brigham Creek Road, Whenuapai, Auckland.

**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) a detailed assessment of three waters services that identifies, in relation to those services,—
  - (i) the existing condition and capacity of the infrastructure; and
  - (ii) any upgrades to that infrastructure that are likely to be required in connection with the project; and
  - (iii) any funding required to carry out those upgrades; and
- (b) a detailed transport infrastructure assessment that identifies—
  - (i) the capacity of the existing local road and state highway networks to service the construction of the project and the completed project; and
  - (ii) any upgrades to the local road and state highway networks in the vicinity of the project that are likely to be required to service the completed project; and
  - (iii) how any upgrading is to be funded; and
- (c) an integrated transport assessment, including—
  - (i) an assessment of the effects of the project on the local and state highway roading networks; and
  - (ii) information about discussions held, and agreements made, with Auckland Transport; and
- (d) a report that assesses any potential adverse effects, including reverse sensitivity effects, of the project on the Royal New Zealand Air Force Base Auckland, and that—
  - (i) sets out whether no-complaints covenants should be imposed on the new titles; and
  - (ii) confirms that no buildings or structures will breach the Obstacle Limitation Surface in the Auckland Unitary Plan designation 4311

without the prior approval of the New Zealand Defence Force;  
and

- (iii) describes measures to avoid risk to flight safety and operations, including the risks of bird strike, lighting, and glare.

#### **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 submitters on Plan Change 5 to the Auckland Unitary Plan; and
- (b) Ngāti Koheriki Claims Committee; and
- (c) Ngati Whanaunga Incorporated Society; and
- (d) Auckland Transport; and
- (e) Watercare Services Limited; and
- (f) Spark New Zealand Trading Limited; and
- (g) New Zealand Transport Agency; and
- (h) New Zealand Defence Force; and
- (i) the Associate Minister for the Environment with responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters.

#### **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 (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 and the Associate Minister for the Environment with responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters; and
- Auckland Council; and
- Auckland Transport; and
- Watercare Services Limited; and
- Spark New Zealand Trading Limited.

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 economic benefits for businesses and people affected by COVID-19 and promote certainty of investment in light industry by progressing development of land for light industrial activity within an area identified by Auckland Council as suitable and ready for such development:
- the project will have positive effects on social well-being by providing both short- and long-term employment opportunities in the Whenuapai area:
- the project will generate employment through the provision of approximately 88 direct full-time equivalent (FTE) jobs and 97 indirect FTE jobs per year over the 2 years of project construction:
- 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 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 53

### Whenuapai Green

cl 5

*Project referred to expert consenting panel*

#### 1 Name of project

The name of the project is the Whenuapai Green (the **project**).

#### 2 Authorised person

The authorised persons for the project are Neil Construction Limited and Maraetai Land Development Limited.

#### 3 Description of project

(1) The scope of the project is to do the following in relation to land in Whenuapai, Auckland:

- (a) subdivide land; and
- (b) construct a housing development; and
- (c) provide infrastructure associated with the subdivision and housing development; and
- (d) provide open spaces.

(2) The project either—

- (a) will involve
  - (i) creating approximately 459 allotments for residential use with additional allotments for roading, accessways, and reserves; and
  - (ii) constructing approximately 459 residential units; or
- (b) will involve—
  - (i) creating approximately 354 allotments for residential use with additional allotments for roading, accessways, and reserves; and
  - (ii) constructing approximately 354 residential units; and
  - (iii) establishing a balance allotment.

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

- (a) roads intended to be vested in Auckland Council;
- (b) drainage and recreation reserves that are intended to be vested in Auckland Council;
- (c) private access allotments and driveways;
- (d) infrastructure for three waters services.

#### **4 Description of activities involved in project**

The project may involve the following activities:

- (a) subdividing land:
- (b) trimming and removing vegetation, including trees on roads and near streams:
- (c) carrying out earthworks, including earthworks disturbing contaminated soil:
- (d) diverting overland flow paths:
- (e) diverting and discharging stormwater and contaminants to land and water:
- (f) placing structures in an overland flow path and in a flood plain:
- (g) constructing residential buildings:
- (h) constructing roads and vehicle access:
- (i) constructing infrastructure for three waters services:
- (j) landscaping and planting of open spaces:
- (k) 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 98 to 102 Totara Road, Whenuapai, 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) a detailed assessment of infrastructure that covers—
    - (i) the condition and capacity of the existing infrastructure for three waters services to service the completed project; and
    - (ii) any upgrades to that infrastructure that are likely to be required in connection with the project; and
    - (iii) any funding required to carry out those upgrades; and
  - (b) a detailed transport infrastructure assessment that identifies—
    - (i) the capacity of the existing local road and state highway networks to service the construction of the project and the completed project; and

- (ii) any upgrades to the local road network in the vicinity of the project site that are required to service the completed project; and
    - (iii) how any upgrading is to be funded; and
  - (c) an integrated transport assessment, including—
    - (i) an assessment of how the project will support the use of public transport and active modes of transport such as cycling and walking; and
    - (ii) information on discussions held, and any agreements made, with Auckland Transport; and
    - (iii) an assessment of the effects of the project on the local road and state highway networks; and
  - (d) the following information relating to stormwater management:
    - (i) a stormwater assessment; and
    - (ii) a draft stormwater management plan; and
    - (iii) information on discussions held, and agreements made, about stormwater management with Auckland Council's Healthy Waters department; and
  - (e) a report that assesses any potential adverse effects on the Royal New Zealand Defence Force Base Auckland, and that—
    - (i) describes measures to deal with reverse sensitivity; and
    - (ii) sets out whether no-complaints covenants should be imposed on any new records of title for the project site; and
    - (iii) confirms that no buildings or structures will breach the Obstacle Limitation Surface in Auckland Unitary Plan designation 4311 without the prior approval of the New Zealand Defence Force; and
    - (iv) describes measures to avoid risk to flight safety and operations, including the risk of bird strike, lighting, and glare; and
  - (f) a heritage assessment, with details of how adverse effects on historic heritage values will be avoided, remedied, or mitigated; and
  - (g) a report on a preliminary site investigation; and
  - (h) if required, a report on a detailed site investigation referred to in any of the following provisions of the NESCS Regulations that apply, showing how the requirements of those provisions will be met:
    - (i) regulation 5(9) (land excepted from the NESCS Regulations);
    - (ii) regulation 9(1) or (3) (controlled activities);
    - (iii) regulation 10(2) (restricted discretionary activities).
- (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; and
- (b) Te Kupenga o Ngāti Hako; and
- (c) Ngāti Whanaunga Incorporated Society; and
- (d) Auckland Transport; and
- (e) Watercare Services Limited; and
- (f) the New Zealand Defence Force; and
- (g) the New Zealand Transport Agency; and
- (h) the Associate Minister for the Environment with responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters.

**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 (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 and the Associate Minister for the Environment with responsibility for the National Policy Statement on Urban Development 2020 and urban policy matters; and
- Auckland Council; and
- Auckland Transport; and
- Watercare Services Limited.

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 a diverse range of housing types, including terraced housing (which has the potential to be a lower-priced housing option):
- the project will generate employment by providing approximately 164 direct full-time equivalent (FTE) jobs per year over a 5-year design, subdivision, and construction period, approximately 22 direct FTE jobs in sales and marketing over a 5-year period, and approximately 342 direct FTE jobs over a 6-year period while residential units are being constructed:
- the project will increase housing supply through the provision of approximately 459 residential units (or approximately 354 residential units if a primary school is developed):
- 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 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 6 May 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 3 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 51 to 53*.

The effect of the referral is—

- to authorise Matvin Group 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 51*:
- to authorise Neil Construction 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 52*:



- to authorise Neil Construction Limited and Maraetai Land 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 53*.

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*: 5 May 2022.

## Notes

### **1** *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 9) 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)