

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Plimmerton Farm, Jamaica Rise, and Peachgrove) Amendment Order 2023

(SL 2023/148)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Plimmerton Farm, Jamaica Rise, and Peachgrove) Amendment Order 2023: 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 26th day of June 2023

Present:

The Hon Carmel Sepuloni 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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Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Plimmerton Farm, Jamaica Rise, and Peachgrove) Amendment Order 2023.

2 Commencement

This order comes into force on 1 July 2023.

3 Principal order

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

4 New schedules inserted

After the last schedule,—

- (a) insert the schedules set out in the Schedule of this order; and
- (b) make all necessary consequential amendments.

Schedule
New Schedules 93, 94, and 95 inserted

cl 4

Schedule 93
Plimmerton Farm—Stage One

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Plimmerton Farm—Stage One (the **project**).

2 Authorised person

The authorised person for the project is KM & MG Holdings Limited.

3 Description of project

(1) The scope of the project is to do the following in relation to land in Plimmerton, Porirua City:

(a) subdivide approximately 383 hectares of the land and do the following on that land:

(i) construct a housing development containing approximately 1,044 residential units (209 of which will possibly be constructed by a person or persons other than the authorised person):

(ii) develop land for private open space and public reserves:

(iii) construct or install infrastructure or structures that are associated with the subdivision:

(b) construct or install, on the subdivided land and in road reserves, infrastructure or structures that are associated with the housing development and the public reserves.

(2) The housing development is proposed to consist of—

(a) approximately 35 apartment buildings (each up to 4 storeys high) containing a total of approximately 305 residential units; and

(b) terraced houses, duplex houses, and detached houses containing a total of approximately 739 residential units.

(3) When counting the number of storeys of an apartment building 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) carrying out earthworks, including within, or within 10 metres of, a natural inland wetland:
- (c) removing vegetation, including—
 - (i) within, or within 10 metres of, a natural inland wetland; and
 - (ii) within a significant natural area, as defined in the Plimmerton Farm Zone Chapter of the Porirua City District Plan:
- (d) constructing residential units:
- (e) diverting and discharging stormwater (which may contain contaminants) onto land or into water, including within, or within 10 metres of, a natural inland wetland:
- (f) reclaiming natural inland wetlands and natural stream beds:
- (g) developing land for private open space and public reserves, including by—
 - (i) landscaping and planting; and
 - (ii) restoring natural inland wetlands:
- (h) carrying out works within the road reserve of State Highway 59 for the purposes of enabling pedestrians and cyclists to cross the highway:
- (i) constructing or installing infrastructure or structures, including—
 - (i) roads (which are intended to be vested in Porirua City Council and will involve carrying out works within the road reserve of James Street) and other accessways for vehicles; and
 - (ii) infrastructure for three waters services:
- (j) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (i); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project will occur on the following land at Plimmerton, Porirua City:

- (a) 18 State Highway 59:
- (b) the road reserves of State Highway 59 and James Street.

6 Further information to be submitted

- (1) A draft erosion and sediment control plan 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).

- (2) The draft plan is to identify measures that will be taken to avoid, remedy, or mitigate adverse effects on Tāupo Swamp and other natural inland wetlands.

7 Persons who must be invited to comment on project

The 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) Kāinga Ora—Homes and Communities:
- (c) Powerco Limited:
- (d) Wellington Water 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 (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 following:

- the relevant Ministers listed in section 21(6) of the Act:
- Porirua City Council:
- Wellington Regional Council:
- Powerco Limited:
- Wellington Water Limited:
- 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 because—
 - it has the potential to generate the following over a design and construction period of approximately 7 years:
 - approximately 585 direct full-time equivalent jobs (**FTE jobs**):
 - approximately 585 indirect FTE jobs; and
 - it has the potential to increase housing supply through the construction of approximately 1,044 residential units (209 of which will possibly be constructed by a person or persons other than the authorised person); and

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Schedule

- it 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.

Schedule 94 Jamaica Rise

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Jamaica Rise (the **project**).

2 Authorised person

The authorised person for the project is Grenada North Nominees Limited.

3 Description of project

(1) The scope of the project is to do the following in relation to land in Grenada North, Wellington:

(a) subdivide approximately 23.1 hectares of the land and do the following on that land:

(i) construct a housing development containing a total of approximately 213 residential units (approximately 52 of which are proposed to be contained in 8 apartment buildings that are up to 3 storeys high):

(ii) develop land for private open space and public reserves:

(iii) construct or install infrastructure or structures that are associated with the subdivision, the housing development, and the public reserves:

(b) upgrade the intersection of Takapu Road and State Highway 1:

(c) construct a water reservoir on the same site as an existing reservoir:

(d) construct an artificial wetland for managing stormwater:

(e) develop land at Grenada North Reserve for recreational purposes.

(2) When counting the number of storeys of an apartment building 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) carrying out earthworks:

(c) constructing residential units:

(d) discharging stormwater (which may contain contaminants) onto land or into water:

- (e) developing land for private open space and public reserves, including by landscaping and planting:
- (f) upgrading the intersection of Takapu Road and State Highway 1:
- (g) constructing or installing infrastructure or structures, including—
 - (i) roads (which are intended to be vested in Wellington City Council) and other accessways for vehicles; and
 - (ii) infrastructure for three waters services, including a water reservoir; and
 - (iii) an artificial wetland for managing stormwater:
- (h) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (g); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project will occur on the following land at Grenada North, Wellington:

- (a) 133, 143, 148, 155, 158, 161, 169, 171, 174, 175, 176, 178, 179, 182, 186, and 198 Jamaica Drive:
- (b) 2 Takapu Road (Grenada North Reserve):
- (c) 38 Caribbean Drive (Caribbean Avenue Reserve):
- (d) the road reserves of Takapu Road and State Highway 1.

6 Persons who must be invited to comment on project

The 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) Transpower New Zealand Limited:
- (b) the New Zealand Transport Agency:
- (c) Wellington Water Limited:
- (d) Wellington Electricity Lines Limited.

7 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 following:

- the relevant Ministers listed in section 21(6) of the Act:
- Wellington City Council:
- Wellington Regional Council:
- Transpower New Zealand Limited:
- Wellington Water Limited:
- 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 because—
 - it has the potential to have positive effects on social well-being through the provision of public open space for recreational purposes; and
 - it has the potential to generate the following over a 4-year design and construction period:
 - approximately 172 direct full-time equivalent jobs (**FTE jobs**):
 - approximately 172 indirect FTE jobs; and
 - it has the potential to increase housing supply through the construction of approximately 213 residential units; and
 - it 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.

Schedule 95

Peachgrove Mixed-use Precinct

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Peachgrove Mixed-use Precinct (the **project**).

2 Authorised person

The authorised person for the project is Hamilton Campground Limited.

3 Description of project

(1) The scope of the project is do the following in relation to land in Hamilton East:

- (a) subdivide approximately 2.8 hectares of land and develop that land by constructing and operating a mixed-use development:
- (b) construct or install infrastructure or structures associated with the subdivision and the mixed-use development.

(2) The mixed-use development is proposed to include—

- (a) apartment buildings, and other kinds of residential buildings (including terraced houses), that are up to 4 storeys high and contain up to 170 residential units; and
- (b) a hotel building that is up to 5 storeys high; and
- (c) a gym; and
- (d) a dairy.

(3) When counting the number of storeys of a building 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) carrying out earthworks, including earthworks that disturb potentially contaminated soil:
- (c) constructing and operating the mixed-used development described in clause 3(2):
- (d) discharging stormwater (which may contain contaminants) onto land:
- (e) developing land for private open space and public reserves, including by landscaping and planting:

- (f) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and
 - (ii) car parking areas; and
 - (iii) pedestrian accessways; and
 - (iv) infrastructure for three waters services:
- (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.

Guidance note

It is possible that activities listed in this clause will be within the root protection zone of trees that are listed in Schedule 9D (significant trees) of Appendix 9 of Volume 2 of the Hamilton City Operative District Plan. See the provisions relating to significant trees in Chapter 20 of that plan.

5 Approximate geographical location

The project will occur on the following land at Hamilton East:

- (a) 104, 104A, 106, 106A, 108, 108A, 110, 110A, 112, 112A, 114, 114A, 116, and 118 Peachgrove Road:
- (b) 14 Ruakura Road:
- (c) 1 to 16 Emmadale Lane:
- (d) the road reserves of Ruakura Road and Peachgrove Road.

6 Persons who must be invited to comment on project

The 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) representatives of Ngaati Wairere:
- (b) Te Ha o Te Whenua o Kirikiriroa Limited.

7 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 following:

- the relevant Ministers listed in section 21(6) of the Act:
- Hamilton City Council;
- Waikato Regional Council.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
 - it has the potential to generate approximately 439 full-time equivalent jobs (**FTE jobs**) over a 3-year design and construction period and approximately 114 FTE jobs after the mixed-use development begins operating; and
 - it has the potential to increase housing supply through the construction of approximately 170 residential units; and
 - it 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.

Diana Hawker,
Acting 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 1 July 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 3 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 93 to 95*.

The effect of the referral is—

- to authorise KM & MG Holdings 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 93*; and
- to authorise Grenada North Nominees 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 94*; and
- to authorise Hamilton Campground 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 95*.

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*: 27 June 2023.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Plimmerton Farm, Jamaica Rise, and Peachgrove) Amendment Order 2023 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)