

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Ngongotahā Housing Development and Lincoln Retirement Village) Amendment Order 2023

(SL 2023/150)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Ngongotahā Housing Development and Lincoln Retirement Village) 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.

4	New schedules inserted	2
	Schedule	3
	New Schedules 98 and 99 inserted	

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Ngongotahā Housing Development and Lincoln Retirement Village) Amendment Order 2023.

2 Commencement

This order comes into force on 3 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 98 and 99 inserted

cl 4

Schedule 98
Ngongotahā Housing Development Project

cl 5

Project referred to expert consenting panel

1 Name of project

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

2 Authorised person

The authorised person for the project is Watchman Residential Limited.

3 Description of project

The scope of the project is to subdivide approximately 15.9 hectares of land in Ngongotahā, Rotorua and do the following on that land:

- (a) construct a housing development comprising approximately 196 residential units:
- (b) develop land for private open space and public reserves, including by landscaping and planting:
- (c) construct artificial wetlands:
- (d) construct or install infrastructure or structures associated with the subdivision and the housing development, including an intersection between State Highway 36 and a road proposed to be constructed on the land.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) removing vegetation:
- (c) carrying out earthworks, including—
 - (i) earthworks that disturb potentially contaminated soil; and
 - (ii) earthworks on land susceptible to inundation:
- (d) constructing residential units:
- (e) discharging stormwater (which may contain contaminants) onto land or into water:
- (f) developing land for private open space and public reserves, including by landscaping and planting:

- (g) constructing or installing infrastructure or structures, including—
 - (i) artificial wetlands for the purpose of mitigating flooding; and
 - (ii) roads (which are intended to be vested in Rotorua District Council) and other accessways for vehicles; and
 - (iii) car parking areas; and
 - (iv) infrastructure for three waters services:
- (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 at 31 Ngongotahā Road (State Highway 36), Ngongotahā, Rotorua.

6 Further information to be submitted

- (1) A flood hazard assessment 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 flood hazard assessment is to include modelling that takes into account the effects of climate change.

7 Persons who must be invited to comment on project

- (1) 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) the trustees, acting in their capacity as trustees, of Ngāti Tura Ngāti Te Ngākau Hapū Trust;
 - (c) the representatives of Ngāti Tuteaiti, Ngāti Ngararanui, and Ngāti Rau-
tao hapū.
- (2) To avoid doubt, a person or persons referred to in subclause (1) includes anyone who is appointed to represent the person or persons in any material respect (for example, anyone appointed as the appropriate contact for matters relating to the Resource Management Act 1991).

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:
- Rotorua District Council:
- Bay of Plenty Regional Council:
- 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 approximately 479 direct full-time equivalent jobs over a 5-year construction period; and
 - it has the potential to increase housing supply through the construction of approximately 196 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 99

Lincoln Retirement Village Project

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Lincoln Retirement Village (the **project**).

2 Authorised person

The authorised person for the project is Arvida Group Limited.

3 Description of project

(1) The scope of the project is to develop approximately 11.4 hectares of land in Lincoln, Canterbury by—

- (a) constructing and operating a retirement village that includes—
 - (i) approximately 200 independent-living residential units; and
 - (ii) a 2-storey care home that contains approximately 60 assisted-living suites; and
 - (iii) ancillary facilities, including a clubhouse and pavilion, and outdoor recreation areas:

(b) constructing or installing infrastructure or structures associated with the retirement village.

(2) When counting the number of storeys of the care home 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) carrying out earthworks (including earthworks that disturb potentially contaminated soil):
- (b) taking and diverting groundwater (including to dewater the land to enable construction) and discharging the groundwater onto land or into water:
- (c) discharging stormwater (which may contain contaminants) onto land or into water:
- (d) constructing and operating a retirement village:
- (e) landscaping and planting:
- (f) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and

- (ii) car parking areas; and
- (iii) 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.

5 Approximate geographical location

The project will occur on the following land in Lincoln, Canterbury:

- (a) 1506 Springs Road;
- (b) the road reserve that is part of Springs 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) the Minister for Seniors;
- (b) Mahaanui Kurataiao 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;
- the Minister for Seniors;
- Selwyn District Council;
- Canterbury 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 919 direct full-time equivalent jobs (**FTE jobs**) over a design and construction period of approximately 7 years; and
- approximately 66 ongoing FTE jobs through the operation of the retirement village; and
- it has the potential to increase housing supply for aged persons through the construction of approximately 200 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 3 July 2023, 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 98 and 99*.

The effect of the referral is—

- to authorise Watchman 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 98*; and
- to authorise Arvida 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 99*.

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 (Ngongotahā Housing Development and Lincoln Retirement Village) 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)