

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Hobsonville Road Retirement Village, The Pitau, and Te Puru Business Park) Amendment Order 2023

(SL 2023/168)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Hobsonville Road Retirement Village, The Pitau, and Te Puru Business Park) 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 3rd day of July 2023

Present:

The Right Hon Chris Hipkins 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.

Contents

	Page
1 Title	2

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.

**COVID-19 Recovery (Fast-track Consenting) Referred
Projects (Hobsonville Road Retirement Village, The
Pitau, and Te Puru Business Park) Amendment Order
2023**

Version as at
8 July 2023

cl 1

2	Commencement	2
3	Principal order	2
4	New schedules inserted	2
	Schedule	3
	New Schedules 106 to 108 inserted	

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Hobsonville Road Retirement Village, The Pitau, and Te Puru Business Park) Amendment Order 2023.

2 Commencement

This order comes into force on 7 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 106 to 108 inserted

cl 4

Schedule 106
Hobsonville Road Retirement Village

cl 5

Project referred to expert consenting panel

1 Name of project

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

2 Authorised person

The authorised person for the project is Kings Heights Group Limited.

3 Description of project

(1) The scope of the project is to redevelop approximately 4 hectares of land at West Harbour, Auckland by—

- (a) constructing and operating a retirement village; and
- (b) landscaping and planting, including for private open space associated with the retirement village and to restore and enhance a stream; and
- (c) constructing or installing infrastructure or structures associated with the retirement village, including within road reserves.

(2) The retirement village is proposed to include the following buildings:

- (a) approximately 42 single-storey villas;
- (b) 6 buildings of 4 to 6 storeys that contain approximately 267 independent-living units (in total);
- (c) a 3-storey building that contains approximately 45 care units;
- (d) a 2-storey building that contains ancillary facilities (for example, a reception area, health and well-being facilities, a swimming pool, and a cafe).

(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) demolishing an existing dwelling and other structures;
- (b) trimming and removing vegetation;

- (c) carrying out earthworks (including earthworks that disturb potentially contaminated soil):
- (d) placing structures in overland flow paths:
- (e) taking, using, damming, or diverting water and discharging it onto land or into water:
- (f) discharging contaminants (by way of stormwater) onto land or into water:
- (g) placing and using culverts in or on the bed of a stream and in drains:
- (h) constructing and operating a retirement village (including its ancillary facilities):
- (i) landscaping and planting, including for—
 - (i) private open space; and
 - (ii) restoring and enhancing a stream:
- (j) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and
 - (ii) car parking areas; and
 - (iii) pedestrian and cycle accessways; and
 - (iv) infrastructure for three waters services:
- (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 on the following land at West Harbour, Auckland:

- (a) 82 Hobsonville Road:
- (b) the road reserve of Hobsonville Road.

6 Further information to be submitted

- (1) A report must be submitted to the panel with any consent application relating to the project that identifies any proposed structures in the retirement village that—
 - (a) would have a height of more than 9 metres above natural ground level; and
 - (b) would penetrate any of the approach and departure path obstacle limitation surfaces referred to in item 2 of “Restrictions relating to approach paths” in designation No. 4311 in the Auckland Unitary Plan.

- (2) If the report identifies any such proposed structures, it must confirm that the authorised person has obtained or will obtain prior written approval from the New Zealand Defence Force for those structures to penetrate any of the obstacle limitation surfaces concerned.
- (3) If the authorised person has obtained that prior written approval, a copy of that approval must also be submitted to the panel with any consent application relating to the project.
- (4) The information that is required to be submitted to the panel by this clause is in addition to the information required by clause 9 of Schedule 6 of the Act.

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 Minister for Seniors:
 - (b) Auckland Transport:
 - (c) Watercare Services Limited:
 - (d) the New Zealand Transport Agency:
 - (e) the New Zealand Defence Force:
 - (f) the trustees, acting in their capacity as trustees, of Ngāti Manuhiri Settlement Trust:
 - (g) the trustees, acting in their capacity as trustees, of Ngāti Paoa Iwi Trust:
 - (h) Ngāti Paoa Trust Board:
 - (i) the Ngāti Koheriki Claims Committee.
- (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:
- the Minister for Seniors:
- Auckland Council:
- Auckland Transport:
- Watercare Services Limited:
- the New Zealand Transport Agency:
- the New Zealand Defence Force.

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 675 direct full-time equivalent jobs (**FTE jobs**) over a 2-year design and construction period; and
 - approximately 121 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 354 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 107 The Pitau

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is The Pitau (the **project**).

2 Authorised person

The authorised person for the project is The Pitau LP.

3 Description of project

- (1) The scope of the project is to redevelop approximately 1 hectare of land at Mount Maunganui, Tauranga by—
 - (a) demolishing dwellings and other structures; and
 - (b) constructing and operating a retirement village; and
 - (c) landscaping and planting private open space associated with the retirement village; and
 - (d) constructing or installing infrastructure or structures associated with the retirement village.
- (2) The retirement village is proposed to include 3 or 4 interconnected buildings of up to 6 storeys that contain the following:
 - (a) approximately 167 apartments that are independent living units;
 - (b) approximately 60 hospital-level care suites;
 - (c) car parking at basement level for approximately 220 cars;
 - (d) administrative areas for staff;
 - (e) ancillary facilities for residents (for example, lounges, a library, a cafe, a theatre, a spa, a swimming pool, a gym, and other health and well-being facilities).
- (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) demolishing existing dwellings and other structures;
- (b) carrying out earthworks (including earthworks that disturb potentially contaminated soil):

- (c) taking, using, and diverting groundwater and discharging it onto land or into water:
- (d) diverting stormwater and discharging the stormwater (which may contain contaminants) onto land or into water:
- (e) constructing and operating a retirement village:
- (f) landscaping and planting private open space:
- (g) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and
 - (ii) car parking areas at the basement level of buildings included in the retirement village; and
 - (iii) 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 53, 55, 55A, 57, 59, 61A, and 61B Pitau Road, Mount Maunganui, Tauranga.

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) Health New Zealand:
- (c) representatives of Ngāi Tukairangi and Ngāti Kuku hapū.

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:
- Tauranga City Council:
- Bay of Plenty Regional Council:
- Health New Zealand.

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 1,130 full-time equivalent jobs (**FTE jobs**) over a 6-year construction period; and
 - approximately 130 to 140 ongoing FTE jobs through the operation of the retirement village; and
 - it has the potential to increase housing supply through the construction of approximately 167 apartments and 60 hospital-level care suites; 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 108 Te Puru Business Park

cl 5

Project referred to expert consenting panel

1 Name of project

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

2 Authorised person

The authorised person for the project is Knight Investments Limited.

3 Description of project

The scope of the project is to do the following on approximately 12 hectares of land in Beachlands, Auckland:

- (a) construct and operate a business park for light industrial and business uses (for example, a storage facility and a garden centre):
- (b) carry out landscaping and planting, including to restore and enhance natural inland wetlands and a stream:
- (c) construct or install infrastructure or structures associated with the business park, including a wastewater treatment facility:
- (d) subdivide land, including for the purpose of a road:
- (e) upgrade a road, including by constructing a roundabout:
- (f) construct a road.

4 Description of activities involved in project

The project may involve the following activities:

- (a) removing vegetation, including within 100 metres of a natural inland wetland:
- (b) carrying out earthworks, including—
 - (i) earthworks to fill a quarry; and
 - (ii) earthworks that disturb potentially contaminated soil; and
 - (iii) earthworks within 100 metres of a natural inland wetland:
- (c) discharging stormwater and wastewater (both of which may contain contaminants) onto land:
- (d) diverting a stream:
- (e) diverting, and placing structures in, an overland flow path:
- (f) constructing and operating a business park, including yards and buildings:

- (g) landscaping and planting, including to restore and enhance natural inland wetlands and a stream:
- (h) subdividing land, including for the purpose of a road:
- (i) upgrading a road, including by constructing a roundabout:
- (j) constructing or installing infrastructure or structures, including—
 - (i) a road (which is intended to be vested in Auckland Council) and other accessways for vehicles; and
 - (ii) car parking areas; and
 - (iii) manoeuvring areas for vehicles; and
 - (iv) pedestrian accessways; and
 - (v) a wastewater treatment plant and other infrastructure for three waters services:
- (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 on the following land at Beachlands, Auckland:

- (a) 867 and 885 Whitford-Maraetai Road:
- (b) the road reserve of Whitford-Maraetai 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) Auckland Transport:
- (b) Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua Incorporated:
- (c) the Ngāti Koheriki Claims Committee.

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:
- Auckland Council;
- Auckland Transport.

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 345 direct full-time equivalent jobs (**FTE jobs**) over a 3-year construction period and 120 to 170 ongoing FTE jobs; 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 7 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 106 to 108*.

The effect of the referral is—

- to authorise Kings Heights 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 106*; and

- to authorise The Pitau LP to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 107*; and
- to authorise Knight Investments 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 108*.

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 July 2023.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Hobsonville Road Retirement Village, The Pitau, and Te Puru Business Park) 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)