

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Auckland Surf Park Community) Amendment Order 2023 (SL 2023/100)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Auckland Surf Park Community) 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 22nd day of May 2023

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.

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	Schedule	3
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Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Auckland Surf Park Community) Amendment Order 2023.

2 Commencement

This order comes into force on 28 May 2023.

3 Principal order

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

4 New schedule inserted

After the last schedule,—

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

Schedule
New Schedule 76 inserted

cl 4

Schedule 76
Auckland Surf Park Community

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Auckland Surf Park Community (the **project**).

2 Authorised person

The authorised person for the project is AW Holdings 2021 Limited.

3 Description of project

The scope of the project is to develop approximately 43 hectares of land in Silverdale, Auckland by—

- (a) constructing and operating a mixed-use development that comprises a recreational surf park, including—
 - (i) a surf pool; and
 - (ii) a wellness retreat centre with approximately 20 units of visitor accommodation; and
 - (iii) approximately 40 units of other visitor accommodation; and
 - (iv) a restaurant; and
 - (v) a data centre; and
- (b) constructing and operating a solar farm that occupies approximately 7 hectares of the land and provides power to the mixed-use development; and
- (c) constructing or installing infrastructure or structures associated with the mixed-use development and solar farm.

4 Description of activities involved in project

The project may involve the following activities:

- (a) removing vegetation;
- (b) carrying out earthworks;
- (c) constructing and operating the mixed-use development described in clause 3:

- (d) constructing and operating a solar farm:
- (e) discharging stormwater and contaminants onto land:
- (f) discharging treated wastewater onto land:
- (g) taking and diverting groundwater and discharging it onto land:
- (h) developing land for private open space, including by—
 - (i) landscaping; and
 - (ii) planting within and outside the riparian margins of a stream:
- (i) constructing or installing infrastructure or structures, including—
 - (i) roads and other accessways for vehicles; and
 - (ii) driveways and parking areas for vehicles; and
 - (iii) 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 at 1350 Dairy Flat Highway, Silverdale, Auckland.

6 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 Minister for Sport and Recreation:
- (b) Auckland Transport:
- (c) Watercare Services Limited:
- (d) the New Zealand Transport Agency:
- (e) the Ngātiwai Trust Board:
- (f) the trustees, acting in their capacity as trustees, of the Ngāti Manuhiri Settlement Trust:
- (g) Ngāti Whātua O Ōrākei Māori Trust Board:
- (h) Ngāti Whātua Ōrākei Trustee 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:
- Auckland Council:
- Auckland Transport:
- the New Zealand Transport Agency:
- Watercare Services Limited:
- North Shore Aero Club Incorporated.

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 2,100 full-time equivalent jobs (**FTE jobs**) over a 4-year design and construction period and 200 ongoing FTE jobs; and
 - it has the potential to have positive effects on social well-being by—
 - providing opportunities for active recreation; and
 - enhancing the ecological values of streams and wetlands; 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.

Rachel Hayward,
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 28 May 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer a project to an expert consenting panel for the purpose of the

**COVID-19 Recovery (Fast-track Consenting) Referred
Projects (Auckland Surf Park Community) Amendment
Order 2023**

Explanatory note

Version as at
8 July 2023

COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 76*.

The effect of the referral is to authorise AW Holdings 2021 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 76*.

The expert consenting panel 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*: 25 May 2023.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Auckland Surf Park Community) 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)