**Version**
**as at 8 July 2023**

# COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2020

(LI 2020/282)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2020: revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 9th day of November 2020

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.**

**Schedule** 3
**New Schedules 4 and 5 inserted**

# Order

## 1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2020.

## 2 Commencement

This order comes into force on 13 November 2020.

## 3 Principal order

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

## 4 New Schedules 4 and 5 inserted

After Schedule 3, insert the Schedules 4 and 5 set out in the Schedule of this order.

# Schedule
# New Schedules 4 and 5 inserted

cl 4

## Schedule 4
## Kohimarama Comprehensive Care Retirement Village

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Kohimarama Comprehensive Care Retirement Village (the **project**).

**2 Authorised person**

The authorised person for the project is Ryman Healthcare Limited.

**3 Description of project**

The scope of the project is—

(a) to construct and operate a retirement village and associated facilities; and

(b) to undertake ancillary works required for the purpose of paragraph (a).

**4 Description of activities involved in project**

The project may involve the following works:

(a) earthworks (including bulk earthworks) and discharges associated with earthworks:

(b) works to construct the retirement village and associated facilities:

(c) landscaping, including plantings:

(d) works to provide roading, parking, lighting, and other infrastructure to service the development:

(e) works to remove existing vegetation:

(f) works to divert a watercourse on the site:

(g) works to take and use groundwater:

(h) works to construct stormwater infrastructure and to divert and discharge stormwater run-off:

(i) works to construct a bore for the abstraction of groundwater:

(j) any other works that are—

(i) associated with the works 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's works will occur at Lot 1 DP 332284 and Lot 51 DP 163242 (held on Records of Title 312220 (leasehold) and NA98B/894), which is the legal description of 223 Kohimarama Road, Auckland and 7 John Rymer Place, 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 owners or occupiers of the properties at the following addresses in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

| Street name | Street numbers |
|---|---|
| Harvey Place, Kohimarama, Auckland | 1/1, 2/1, 3/1, 4/1, 1/3, 2/3, 3/3, 4/3, 5, 7, 7A |
| John Rymer Place, Kohimarama, Auckland | 2B, 3, 3A, 4, 5, 6, 8, 9, 10, 11, 13A, 13B, 15, 16, 17, 17A, 18A, 18B, 19, 19A, 20, 21, 22A, 22B, 23, 24A, 24B, 24C, 25, 26, 26A, 27, 27A, 1/28, 2/28, 29, 31, 32A, 32B, 33, 34A, 34B, 35, 35A, 36A, 36B, 1/37, 2/37, 38A, 38B, 39, 40, 41, 42, 43, 45, 45A, 46, 47, 48, 49, 50, 52, 54, 56, 58 |
| Kohimarama Road, Kohimarama, Auckland | 247, 247A, 249, 249A, 251, 255, 257 |
| Whytehead Crescent, Kohimarama, Auckland | 5, 7, 9, 11, 15, 17, 19, 19A, 19B, 21, 1/23, 2/23, 25, 27 |

**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*

Having considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and having sought and considered written comments from the relevant Ministers, the local authority, and Ngāti Whātua o Ōrākei Trust Board (a landowner and also a relevant iwi authority), the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will help to achieve the Act's purpose; and
- the project offers specialist and local employment opportunities (up to 400 jobs over a duration of 36 to 48 months for the construction period, followed by approximately 170 operational jobs once constructed); and

- the project will result in a public benefit by providing additional housing supply for aged persons and aged care facilities; and
- any adverse effects arising from the application and mitigation measures could be tested through an expert consenting panel having regard to Part 2 of the Resource Management Act 1991 and the purpose of the Act.

# Schedule 5
# Molesworth Street Office Development

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Molesworth Street Office Development (the **project**).

**2 Authorised person**

The authorised person for the project is Primeproperty Group Limited.

**3 Description of project**

The scope of the project is to construct a 12-storey office building that includes—

(a) retail or cafe space; and

(b) a lobby; and

(c) loading bays; and

(d) a basement carpark.

**4 Description of activities involved in project**

The project may involve the following works:

(a) works to construct a 12-storey office building that includes retail or cafe space, a lobby, loading bays, and a basement carpark:

(b) earthworks for the foundations and basement carpark:

(c) discharges associated with those earthworks:

(d) dewatering, if works are required below the level of the groundwater:

(e) works that give rise to construction noise:

(f) works that give rise to vehicle movements:

(g) works to provide for lighting:

(h) any other works that are—

(i) associated with the works 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's works will occur at 55 to 61 Molesworth Street, Wellington, Lot 1 DP 23575 and Lot 5 DP 1265.

**6 Further information required**

The following information must be submitted to the panel with any consent application (in addition to the information required by clause 9 of Schedule 6 of the Act):

(a) a heritage report prepared by a heritage expert that considers—

(i) the location of the site and proposed building; and

(ii) the heritage context of the site and proposed building, if they adjoin a listed heritage building; and

(b) a summary of any consultation undertaken with iwi or Heritage New Zealand Pouhere Taonga; and

(c) a preliminary site investigation or detailed on-site investigation report for a contaminated site in accordance with the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the **NES**), showing how compliance with the NES will be achieved; and

(d) a design statement, including a statement as to how the proposal achieves design excellence given that the building height exceeds the permitted height, but is within the 15% design excellence allowance; and

(e) a written approval from Wellington Water Limited, if the proposal involves a discharge of dewatered water or stormwater to the stormwater network during works; and

(f) an earthworks management plan; and

(g) any additional information that the Wellington City Council and the Wellington Regional Council would require had the application been submitted in accordance with the standard process under the Resource Management Act 1991.

**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*

Having considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and having sought and considered written comments from the relevant Ministers, local authorities, and iwi authorities, the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will offer employment opportunities (up to 14 full-time jobs in the first 18 months and another 200 full-time jobs in the following 30 months). These jobs will be in the construction sector, which has been impacted by COVID-19; and
- the project will develop an under-utilised site for office space, contributing to a well-functioning urban environment; and
- the project seeks to promote a vibrant and well-functioning urban environment that is well connected by public transport; and
- any adverse effects arising from the application (and proposed mitigation measures) can be tested by an expert consenting panel, having regard to Part 2 of the Resource Management Act 1991.

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 13 November 2020, 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 4 and 5*.

The effect of the referral is—

- to authorise Ryman Healthcare 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 4*; and
- to authorise Primeproperty 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 5*.

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*: 12 November 2020.

## Notes

### *1 General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 2) 2020 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)

Wellington, New Zealand:
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