Version
as at 8 July 2023

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2020

(LI 2020/285)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 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 23rd 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 6, 7, and 8 inserted

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2020.

2 Commencement

This order comes into force on 4 December 2020.

3 Principal order

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

4 New Schedules 6, 7, and 8 inserted

After Schedule 5, insert the Schedules 6, 7, and 8 set out in the Schedule of this order.

Schedule
New Schedules 6, 7, and 8 inserted

cl 4

Schedule 6
The Vines Affordable Subdivision

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is The Vines Affordable Subdivision (the **project**).

2 Authorised persons

The authorised persons for the project are Jason and Angela Mudgway.

3 Description of project

(1) The scope of the project is—

(a) to subdivide land and develop up to 48 residential sections for future housing development; and

(b) to provide the associated infrastructure for the subdivision and development of the sections, including roading, walkways, three waters services, and reserves.

(2) In this clause, **three waters services** has the meaning given in section 9 of the Urban Development Act 2020.

4 Description of activities involved in project

The project may involve the following works:

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

(b) landscaping, including plantings:

(c) works to remove existing vegetation:

(d) the construction of roading, walkways, and other transportation infrastructure required for the development:

(e) the construction of water and wastewater infrastructure:

(f) any other works that are—

(i) associated with the works described in paragraphs (a) to (e); 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 115 Main Road Hope (otherwise known as State Highway 6) south of Richmond, legal description Part Sec 15 Waimea East District.

6 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 and the relevant local 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 employment opportunities, providing the equivalent of 28 jobs during the 1-year development period; and
- the project seeks to develop sections for future housing in an area that has a significant housing demand; and
- any adverse effects arising from the activities that are to occur under the project or from any mitigation measures can be tested by an expert consenting panel, having regard to Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 7
Dominion Road Mixed-use Development

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Dominion Road Mixed-use Development (the **project**).

2 Authorised persons

The authorised persons for the project are Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited.

3 Description of project

The scope of the project is—

(a) to demolish existing buildings; and

(b) to use land for, and construct, a 6-storey (maximum) development for, a supermarket, retail tenancies, offices and other commercial businesses, and residential units; and

(c) to subdivide land associated with the uses specified in paragraph (b).

4 Description of activities involved in project

The project may involve the following works:

(a) works to construct 1 or more 6-storey (maximum) buildings, including—

(i) works to demolish existing buildings; and

(ii) works to construct access and carparking facilities; and

(iii) earthworks associated with construction works, including for the foundations of buildings, site levelling, and infrastructure works; and

(iv) landscaping:

(b) works to subdivide land:

(c) any other works that are—

(i) associated with the works described in paragraphs (a) and (b); 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—

(a) 360 Dominion Road, Mt Eden, Auckland, legal description Lot 2 DP 170042, being below Reduced Level (**RL**) 54.8; and

(b) 88 Prospect Terrace, Mt Eden, Auckland, legal description Lot 2 DP 170042, being between RL 54.8 and RL 55.6; and

(c) 113 Grange Road, Mt Eden, Auckland, legal description Lot 2 DP 170042, being above RL 55.6.

6 Further information to be submitted

The following information 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):

(a) an integrated transport assessment, including modelling and analysis that covers—

(i) vehicle generation and its effects on traffic and parking in Dominion Road and the local road network; and

(ii) the effects of the project on public transport, including service reliability and infrastructure on Dominion Road; and

(iii) the effects of the project on motorcycle safety; and

(iv) the effects of the project on the strategic role and transport mode priorities of Dominion Road; and

(v) mitigation measures to be taken in relation to these matters; and

(b) an urban design or character assessment of the project, including diagrams, visualisations, and 3D simulations covering the following:

(i) the effects of the proposed height exceedance and visual dominance, particularly on neighbouring residential amenity values and on views from Grange Road and south from Dominion Road; and

(ii) the effects of the proposed demolition and the new built form on the character of land included in the Eden Valley Special Character Overlay; and

(iii) the effects of the project on the volcanic cones viewshaft; and

(iv) the effects of any overshadowing exceedance on the adjacent environment; and

(c) flood assessment, including pre- and post-development effects on the upstream and downstream catchment and storage, as well as any mitigation measures.

7 Persons who must be invited to comment on project

(1) 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) Watercare Services Limited; and

(b) Auckland Transport; and

(c) Dominion Road Business Association Incorporated.

(2) In this clause, **Auckland Transport** means the entity established by section 38 of the Local Government (Auckland Council) Act 2009.

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

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 and the relevant local 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 employment opportunities, with up to 220 construction jobs during the construction phase and an additional 150 to 185 full-time equivalent permanent jobs in the supermarket and associated retail sectors. Both the construction and retail sectors have been adversely impacted by COVID-19; and
- the project will contribute to a well-functioning environment by redeveloping a large site for mixed uses in an area of Auckland well serviced by public transport; and
- any adverse effects arising from the application or from mitigation measures can be tested by an expert consenting panel, having regard to Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 8
Ohinewai Foam Factory

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Ohinewai Foam Factory (the **project**).

2 Authorised person

The authorised person for the project is Ambury Properties Limited.

3 Description of project

The scope of the project is—

(a) to construct and operate a foam factory and associated facilities, including—

(i) a foam manufacturing plant and storage facility; and

(ii) a carpet underlay plant; and

(iii) a foam conversion plant; and

(iv) temporary site sheds; and

(v) facilities to manage air discharges; and

(vi) facilities to manage hazardous waste; and

(vii) facilities to manage stormwater and wastewater generated on site; and

(b) to construct and operate a rail siding that will connect to the North Island Main Trunk Railway.

4 Description of activities involved in project

The project may involve the following works:

(a) earthworks for the project (including bulk earthworks) and discharges associated with those earthworks:

(b) works to construct the foam factory and associated facilities:

(c) works to construct a rail siding:

(d) landscaping works:

(e) works to clear existing vegetation:

(f) works to provide roading, parking areas, lighting, and other supporting infrastructure:

(g) works to enable dewatering of the site:

(h) the construction of stormwater infrastructure and a wetland:

(i) any other works that are—

(i) associated with the works described in paragraphs (a) to (h); 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—

(a) 88 Lumsden Road, legal description Allotment 405 Parish of Whangamarino (record of title SA42D/983); and

(b) 109 Tahuna Road, legal description Lot 2 DPS 29288 (record of title SA1250/17 and SA26D/299); and

(c) 52 Lumsden Road, legal description Lot 3 DP 474347 (record of title 650547).

6 Further information to be submitted

(1) The following information, as it relates to the construction and operation of the factory, 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):

(a) an assessment of the risks posed by the hazardous substances used on site and a description of the measures to be adopted to manage these risks; and

(b) an integrated traffic assessment; and

(c) a geotechnical assessment report; and

(d) an ecological report; and

(e) an archaeological report; and

(f) an earthworks methodology report; and

(g) a noise and vibration report; and

(h) a draft construction traffic management plan; and

(i) a landscape and visual assessment; and

(j) an emergency plan; and

(k) an air quality report; and

(l) an assessment of any greenhouse gases emitted during the foam production process, and a description of measures to be adopted to reduce emissions; and

(m) an assessment of the effects of the development on flood-water flows and the proposed mitigation measures; and

(n) an assessment of the effects of the development on the Waikato River and its catchment and the proposed mitigation measures; and

(o) an assessment to show why the proposed site is the best practicable option; and

(p) an assessment of the project in light of the concerns raised by submitters in the Ohinewai zoning hearings, and the measures proposed to resolve these concerns.

(2) In subclause (1)(l), **emissions** has the meaning given in section 4(1) of the Climate Change Response Act 2002.

7 Persons who must be invited to comment on project

In addition to the persons listed in clause 17(6) of Schedule 6 of the Act, an expert consenting panel must invite comments from the following persons identified by the Waikato District Council as having made submissions on the industrial-related aspects of the Ohinewai rezoning plan change request being considered as part of that council's district plan review:

(a) the trustees of Nga Muka Development Trust; and

(b) the trustees of the Waahi Whaanui Trust; and

(c) Te Riu o Waikato Limited; and

(d) Ohinewai Area Committee; and

(e) Shand Properties Limited; and

(f) Mercury NZ Limited; and

(g) Iain and Luressa Macdonald; and

(h) Konini Farms Limited; and

(i) The Ralph Estates Incorporated; and

(j) Suzanne Stow; and

(k) David and Tiffany Whyte; and

(l) Richard and Shanette Marsh; and

(m) Bruce Holmes; and

(n) Daniel and Rebekah Holmes; and

(o) Auckland/Waikato Fish and Game Council; and

(p) Future Proof Implementation Committee.

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

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, Waka Kotahi NZ Transport Agency, KiwiRail Holdings Limited, and the relevant 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 offers the prospect of short- and long-term employment for Huntly and North Waikato, including up to 2,100 construction jobs and 50 permanent factory jobs; and
- the project will enable construction to begin earlier by bringing the consenting process forward by 3 to 15 months; and
- the project has the potential for economic benefits to the area, including through diversifying the economy of the Waikato region, possibly encouraging further industrial development in the area, and creating the opportunity for the development and employment of a skilled workforce; and
- any adverse effects arising from the project or from mitigation measures can be tested by an expert consenting panel, having regard to Part 2 of the Resource Management Act 1991 and the purpose of the Act.

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 4 December 2020, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 3 new 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 those named and described in *new Schedules 6, 7, and 8*.

The effect of the referral is to authorise—

- Jason and Angela Mudgway to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 6*; and

- Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management 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 7*; and
- Ambury Properties 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 8*.

The expert consenting panels will be appointed under Schedule 5 of the Act and must make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 26 November 2020.

Notes

1 General

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 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:
Published under the authority of the New Zealand Government—2023