

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 8) 2021

(LI 2021/208)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 8) 2021: 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 August 2021

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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Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 8) 2021.

2 Commencement

This order comes into force on 13 August 2021.

3 Principal order

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

4 Clause 3 amended (Interpretation)

(1) Replace clause 3(1) with:

(1) In this order, unless the context otherwise requires,—

Act means the COVID-19 Recovery (Fast-track Consenting) Act 2020

three waters services has the meaning given in section 9 of the Urban Development Act 2020.

(2) After clause 3(2), insert:

(3) A term or expression that is not defined in the Act, but is defined in the Resource Management Act 1991 and used, but not defined, in this order, has the same meaning as in the Resource Management Act 1991.

5 Schedule 6 amended

In Schedule 6, revoke clause 3(2).

6 Schedule 9 amended

In Schedule 9, revoke clause 4(2).

7 Schedule 10 amended

In Schedule 10, revoke clause 6(2).

8 Schedule 12 amended

In Schedule 12,—

(a) revoke clause 3(2); and

(b) revoke clause 4(2).

9 Schedule 13 amended

In Schedule 13,—

(a) revoke clause 3(2); and

(b) revoke clause 4(2).

10 Schedule 15 amended

In Schedule 15, revoke clause 4(2).

11 Schedule 16 amended

In Schedule 16, revoke clause 3(2).

12 Schedule 17 amended

In Schedule 17, revoke clause 3(2).

13 Schedule 18 amended

In Schedule 18, revoke clause 3(3).

14 Schedule 19 amended

In Schedule 19, in clause 4(2), revoke the definition of **coastal marine area**.

15 Schedule 21 amended

In Schedule 21, revoke clause 3(3).

16 New Schedules 22 and 23 inserted

After Schedule 21, insert the Schedules 22 and 23 set out in the Schedule of this order.

Schedule

New Schedules 22 and 23 inserted

cl 16

Schedule 22

Ōmāhu Residential Development

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Ōmāhu Residential Development (the **project**).

2 Authorised persons

The authorised persons for the project are—

- (a) Urban Resort Limited; and
- (b) Icon Co Pty (NZ) Ltd.

3 Description of project

- (1) The scope of the project is to subdivide land and construct a housing development, together with retail facilities, in Epsom, Auckland.
- (2) The development will comprise—
 - (a) approximately 205 residential lots; and
 - (b) commercial buildings; and
 - (c) open spaces; and
 - (d) infrastructure for the subdivision and development of the project, including roading and three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing existing buildings and infrastructure:
- (b) subdividing land, including contaminated land:
- (c) carrying out earthworks (including bulk earthworks) and disturbing potentially contaminated soils:
- (d) taking and diverting groundwater during construction:
- (e) discharging stormwater run-off and contaminants onto land:
- (f) constructing three waters services:
- (g) constructing lanes, vehicle access, and loading areas:
- (h) constructing residential units:

- (i) constructing commercial buildings;
- (j) 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 224 Great South Road, Epsom, Auckland.

6 Further information to be submitted

- (1) 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 the impact of the project on the surrounding road network, including—
 - (i) queuing effects; and
 - (ii) a road safety assessment of Great South Road and Omahu Road, Auckland; and
 - (b) a geotechnical assessment, including the results of groundwater monitoring (to help identify whether a water permit is required); and
 - (c) an acoustic assessment, which must include a draft construction noise and vibration management plan; and
 - (d) an infrastructure report, including an assessment of the existing condition and capacity of the infrastructure for three waters services; and
 - (e) a flood risk assessment and a stormwater capacity assessment; and
 - (f) a preliminary site investigation or detailed 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), that shows how compliance with the NES will be achieved; and
 - (g) a heritage report, prepared by a heritage expert, which must include an assessment of whether the 2 dwellinghouses on the site are pre-1900 heritage buildings (as defined in paragraph (a) of the definition of heritage building in section 7 of the Building Act 2004); and
 - (h) plans that identify assets to be vested in Auckland Council; and

- (i) an assessment of whether consent is required under rules E7.4.1(A20), E30.4.1(A7), E36.4.1(A55), E38.4.1(A4), and E40.4.1(A24) of the Auckland Unitary Plan.
- (2) In this clause, **Auckland Unitary Plan** means the plan as in force when the consent application is submitted.

7 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) Auckland Transport; and
- (b) Ngāti Koheriki Claims Committee; and
- (c) Watercare Services Limited.

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 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 relevant Ministers, Auckland Council, and Auckland Transport. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will have positive effects on social well-being by providing additional housing in an area that has been growing rapidly but has a shortfall in housing in the medium term; and
- the project will increase housing supply by constructing approximately 205 residential units; and
- the project will generate employment over the 3-year construction period by providing—
 - up to 200 direct full-time equivalent (FTE) jobs per year; and
 - up to 200 indirect FTE jobs per year; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and

- any adverse effects arising from the project and proposed mitigation measures 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 23

George Street Mixed-use Development

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the George Street Mixed-use Development (the **project**).

2 Authorised person

The authorised person for the project is Newmarket Holdings Development Limited Partnership.

3 Description of project

The scope of the project is—

- (a) to demolish existing buildings; and
- (b) to use land for, and construct, a mixed-use development, up to 65 m high, that will include a supermarket, retail tenancies, offices and other commercial businesses, approximately 324 residential units, and a publicly accessible plaza; and
- (c) to subdivide land for the purpose set out in paragraph (b).

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing existing buildings and infrastructure:
- (b) constructing a mixed-use development, to a maximum height of 65 m, that will—
 - (i) comprise approximately 324 residential units, a supermarket, retail commercial tenancy space, and a publicly accessible plaza; and
 - (ii) provide for pedestrian access, vehicle access, and parking:
- (c) carrying out earthworks, including bulk earthworks, and disturbing contaminated land:
- (d) subdividing land:
- (e) taking, using, and diverting groundwater:
- (f) constructing three waters services and associated infrastructure:
- (g) landscaping, including planting:
- (h) 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—

- (a) 33–37 George Street, Newmarket, Auckland; and
- (b) 13–15 Morgan Street, Newmarket, Auckland; and
- (c) 10 Clayton Street, Newmarket, Auckland.

6 Further information to be submitted

- (1) 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) detailed plans that clearly show how each building in the development compares to the relevant permitted activity standards in the Auckland Unitary Plan for—
 - (i) building height; and
 - (ii) building height in relation to boundaries; and
 - (iii) outlook space; and
 - (b) an urban design assessment that covers—
 - (i) crime prevention through environmental design; and
 - (ii) environmentally sustainable design and other design features for climate change resilience; and
 - (c) a wind tunnel assessment, prepared by a suitably qualified and experienced person, which must include an assessment of the effect of the development on roads, the plaza, and public open spaces (including the Auckland Domain); and
 - (d) an analysis of the shadowing effects of each building in the development, including—
 - (i) how they compare with the maximum shadowing effects that could result from buildings within the permitted height standards in the Auckland Unitary Plan; and
 - (ii) their impact on the plaza, public open spaces, nearby places of historic heritage, Auckland Domain, and the Auckland War Memorial Museum; and
 - (e) a stormwater management plan; and

- (f) an assessment of the effects of the project on the role of Newmarket as a Metropolitan Centre as listed in the hierarchy of centres in the Auckland Unitary Plan; and
 - (g) an integrated transport assessment, including modelling and analysis for the construction and operation phases of the project, that covers—
 - (i) the effects of additional traffic generated by the project, including heavy vehicles, on the operation and safety on the local road network and intersections; and
 - (ii) vehicle access and manoeuvrability, including safe sight distances and other measures to provide pedestrian safety and priority; and
 - (iii) on-site parking and any changes to existing on-road parking supply and layout; and
 - (iv) any end-of-trip parking or storage facilities for cycles and scooters and any changing facilities for cyclists; and
 - (v) vehicle loading, including the operation of loading bays and set-down areas; and
 - (vi) pedestrian access through the site for persons of all physical abilities and crime prevention through environmental design principles; and
 - (vii) the ability of the existing public transport system to service additional demand generated by the project; and
 - (viii) any upgrades proposed to the surrounding road, pedestrian, or cycle network, including pedestrian crossings; and
 - (ix) the transport-related greenhouse gas emissions that the project may generate.
- (2) In this clause and clause 7, **Auckland Unitary Plan** means the plan as in force when the consent application is submitted.

7 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) Auckland Transport; and
- (b) Ngāti Koheriki Claims Committee; and
- (c) Watercare Services Limited; and
- (d) persons who made submissions on Plan Change 44 to the Auckland Unitary Plan.

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 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 relevant Ministers, Auckland Council, and Tūpuna Maunga o Tāmaki Makaurau Authority. The Minister accepted the application for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will have positive effects on social well-being by providing additional housing in the Auckland region; and
- the project will have positive effects on the local economy from an estimated 1,000 new residents; and
- the project will generate employment by providing—
 - up to 250 direct full-time equivalent (FTE) jobs per year during a 4-year planning and construction stage; and
 - up to 135 direct FTE permanent jobs once the supermarket, retail, and commercial tenancies are operational; and
- the project will increase housing supply by approximately 324 residential units; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects arising from the project and proposed mitigation measures can be appropriately tested by an expert consenting panel against 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 13 August 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The main effect of

the amendments 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 22 and 23*.

The effect of the referral is—

- to authorise Urban Resort Limited and Icon Co Pty (NZ) Ltd to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 22*;
- to authorise Newmarket Holdings Development Limited Partnership to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 23*.

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

This order also makes amendments that affect the interpretation of terms used in the schedules.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 12 August 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 8) 2021 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)