

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 12) 2021

(LI 2021/321)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 12) 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).

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 18th day of October 2021

Present:

Her Excellency the Administrator of the Government 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 12) 2021.
- 2 Commencement**

This order comes into force on 22 October 2021.
- 3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
- 4 Schedule 29 amended**

In Schedule 29, statement of reasons, replace “Auckland Council, and Auckland Transport” with “the Tauranga City Council, and the Bay of Plenty Regional Council”.
- 5 New Schedule 30 inserted**

After Schedule 29, insert the Schedule 30 set out in the Schedule of this order.

Schedule
New Schedule 30 inserted

cl 5

Schedule 30
Oruku Landing

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Oruku Landing (the **project**).

2 Authorised person

The authorised person for the project is Northland Development Corporation Limited.

3 Description of project

(1) The scope of the project is to construct and operate the following in Whangārei:

- (a) a hotel and entertainment precinct;
- (b) a marina;
- (c) a mixed-use residential and commercial development.

(2) The project may occur in stages, which may progress concurrently.

(3) The development will include—

- (a) a hotel that—
 - (i) is approximately 22 metres high; and
 - (ii) contains approximately 132 rooms for accommodation; and
 - (iii) contains a restaurant, a bar, and a swimming pool; and
 - (iv) has a section that is cantilevered above the water of the coastal marine area; and
- (b) a mixed-use building that—
 - (i) is approximately 18.5 metres high; and
 - (ii) contains approximately 17 residential units, retail and commercial tenancies, and a car park for approximately 190 vehicles; and
- (c) a marina that is located in the coastal marine area and provides for approximately 29 berths and a ferry terminal; and
- (d) a multi-purpose conference and events centre that—
 - (i) is approximately 16.5 metres high; and

- (ii) contains a hall, a theatre, back-of-house facilities, meeting rooms, a cafe, and other associated facilities; and
- (e) a public plaza that is located between the hotel and the conference and events centre; and
- (f) infrastructure for three waters services; and
- (g) roads; and
- (h) a section of the existing Hātea Loop walkway boardwalk that is widened and cantilevered partially above the water of the coastal marine area.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing buildings and structures:
- (b) clearing vegetation, including removing mangroves:
- (c) carrying out earthworks and disturbing potentially contaminated soils:
- (d) disturbing the coastal marine area, including by excavating and dredging the seabed for the purpose of constructing a marina:
- (e) removing dredged material from the coastal marine area and depositing it onto other land:
- (f) constructing buildings and structures on land, including in the coastal marine area:
- (g) occupying the coastal marine area with a marina, a section of the Hātea Loop walkway boardwalk, and a section of a hotel:
- (h) discharging stormwater and contaminants into the coastal marine area:
- (i) constructing parking facilities in a mixed-use building:
- (j) constructing or upgrading infrastructure for three waters services:
- (k) constructing or upgrading roads:
- (l) upgrading the Hātea Loop walkway boardwalk:
- (m) constructing signage:
- (n) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (m); 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 44 Riverside Drive, Whangārei.

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) a planning assessment, including consideration (with supporting information) of the New Zealand Coastal Policy Statement 2010 (including Policies 6, 24, and 26 of that statement):
- (b) a coastal hazard assessment, including—
 - (i) information on how the climate change scenario used by the authorised person to determine appropriate finished floor levels aligns with guidance in *Coastal Hazards and Climate Change: Guidance for Local Government* (Ministry for the Environment, December 2017, ME 1341) on proposals to intensify an existing development or to change land use (*see* sections 5.6 and 5.7); and
 - (ii) information on the effects of the project on natural hazards; and
 - (iii) consideration of the fact that part of the project site is in Coastal Flood Hazard Zone 3 (100 years + Rapid Sea Level Rise Scenario), as shown on the Northland Regional Council’s coastal hazard maps (*see* link to maps at <https://www.nrc.govt.nz/environment/river-flooding-and-coastal-hazards/coastal-hazards/update-to-coastal-hazard-maps/>):
- (c) an assessment of the potential greenhouse gas emissions resulting from the project, including—
 - (i) information on the emissions resulting from the project, including from transport to or from the hotel or to or from the conference and events centre; and
 - (ii) an assessment of options (additional to the solar panels or green roofs already included in the design of the hotel) to avoid, remedy, or mitigate those emissions:
- (d) an integrated transport assessment, including—
 - (i) an assessment of how the project will support both public modes of transport and active modes of transport (such as cycling and walking); and
 - (ii) details of end-of-trip facilities at the project site to facilitate the use of bicycles, scooters, and electric vehicles (for example, changing facilities for cyclists, parking or storage facilities, and electric charging facilities); and
 - (iii) modelling to determine traffic delays and queuing that may be connected with the intersection of Riverside Drive and Punga Grove Avenue (where traffic lights are to be installed):

- (e) an assessment of the existing capacity of the infrastructure for three waters services, including consideration of the anticipated demand for land-based water and wastewater services associated with the proposed marina:
- (f) evidence of easements or other access arrangements that confirms the authorised person's right to access land in the project site that is not vested in it (including land in Part Lot 3 DP 50078).

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) representatives of Terenga Parāoa Marae:
- (b) representatives of Ngāraratunua Marae:
- (c) representatives of Takahiwai Marae:
- (d) representatives of Pehiāweri Marae:
- (e) representatives of Toetoe Marae:
- (f) representatives of Te Rūnanga o Ngāti Whātua:
- (g) representatives of Ngāti Kahu o Torongare hapū:
- (h) the persons appointed by that hapū to the Oruku Landing governance committee established by the authorised person (including the person appointed by the hapū as a cultural design representative):
- (i) the Minister for Economic and Regional Development:
- (j) the Minister of Tourism.

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, 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:
- the project will have positive effects on social well-being by—

- providing a range of employment opportunities and flow-on economic benefits; and
- maintaining and enhancing public access to and enjoyment of the coastal marine area:
- the project will provide up to—
 - 395 direct full-time equivalent jobs per year over a 3-year construction period; and
 - 223 direct part-time jobs per year over the construction period; and
 - 123 direct full-time equivalent permanent jobs after the construction period ends:
- the project will have positive effects on the local economy by bringing approximately \$376 million into the local construction, tourism, and hospitality industries, which have been affected by COVID-19:
- the project will increase housing supply through the construction of approximately 17 residential units:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any effects arising from the project, and proposed measures to mitigate 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.

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 22 October 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (the **principal order**). 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) Act 2020 (the **Act**). The referred project is the project named and described in *new Schedule 30*.

The effect of the referral is to authorise Northland Development Corporation 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 30*.

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

This order also corrects the statement, set out in Schedule 29 of the principal order, of the Minister's reasons for his decisions about referring the Tauranga Innovative

Courthouse project to an expert consenting panel. In particular, the statement is corrected to record that the Minister considered comments from the Tauranga City Council and the Bay of Plenty Regional Council (rather than from Auckland Council and Auckland Transport).

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 October 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 12) 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)