

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2021 (SL 2021/352)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 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).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 1st day of November 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal order	2
4 New Schedules 32 to 34 inserted	2

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
New Schedules 32 to 34 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2021.

2 Commencement

This order comes into force on 5 November 2021.

3 Principal order

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

4 New Schedules 32 to 34 inserted

After Schedule 31, insert the Schedules 32 to 34 set out in the Schedule of this order.

Schedule
New Schedules 32 to 34 inserted

cl 4

Schedule 32
Drury Centre Precinct

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Drury Centre Precinct (the **project**).

2 Authorised person

The authorised person for the project is Kiwi Property Holdings No. 2 Limited.

3 Description of project

- (1) The scope of the project is to subdivide land and develop and operate a commercial retail centre.
- (2) The development will comprise—
 - (a) 15 allotments; and
 - (b) large-format buildings for retail and commercial activities on 2 of the allotments; and
 - (c) an open-space park; and
 - (d) supporting infrastructure, including for three waters services; and
 - (e) restorative planting along Hingaia Stream; and
 - (f) signage; and
 - (g) new and upgraded roads, vehicle accessways, and laneways.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land, including potentially contaminated land:
- (b) carrying out earthworks and disturbing potentially contaminated soils:
- (c) constructing buildings for retail and commercial activities:
- (d) developing open space for the purposes of a park, including by planting and landscaping:
- (e) constructing signage:
- (f) diverting and discharging stormwater run-off:
- (g) constructing roads and other transport infrastructure:

- (h) constructing other supporting infrastructure, including infrastructure for three waters services:
- (i) carrying out any other activities that are—
 - (i) associated with the activities 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 will occur at—

- (a) 133, 139, 155, 173, and 189 Fitzgerald Road, Drury, Auckland; and
- (b) 108, 116, 120, 124, 128, and 132 Flanagan Road, Drury, Auckland; and
- (c) 61 and 97 Brookfield Road, Drury, Auckland.

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 assessment of the following matters in relation to the key outcomes of the Drury–Opāheke Structure Plan (Auckland Council, August 2019):
 - (i) how the development will integrate with the other land uses provided for in Private Plan Change 48 to the Auckland Unitary Plan:
 - (ii) how the development will connect to and support a future public transport network:
 - (iii) whether construction of the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure-servicing requirements of the overall development:
- (b) a subdivision and design assessment and plans that include—
 - (i) the location, design, and uses of all land (including open space) that is intended to be vested, or on which easements are intended to be created, for the purposes of the project; and
 - (ii) landscape plans (including hard and soft features) for all street-scapes and reserves:
- (c) a detailed assessment of—
 - (i) the capacity of the existing road infrastructure; and
 - (ii) upgrades to the infrastructure required to service the development, including interim road works; and
 - (iii) how the upgrades and interim works will be funded:

- (d) information about any discussions held, and any agreements made, between the authorised person and Auckland Council, the New Zealand Transport Agency, or Auckland Transport in relation to roads for the development:
- (e) an integrated transport assessment that includes—
 - (i) options for the enhancement of multi-modal connections and infrastructure; and
 - (ii) a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport, including walking and cycling:
- (f) a detailed assessment of the capacity of existing infrastructure for three waters services, and any upgrades required to service the development, including—
 - (i) an infrastructure report and plans that include—
 - (A) calculations of the expected water demand and wastewater flows from the project; and
 - (B) the overall water supply and wastewater scheme to service the development; and
 - (ii) flooding and hydrology designs and detailed reports that show the location of natural wetlands and streams and inform the on-site stormwater management strategy (including reports on groundwater and infiltration testing across the project site and copies of hydrologic and hydraulic models); and
 - (iii) a statement of the intended timing for delivering the upgrades and how they will be funded; and
 - (iv) information about any discussions held, and any agreements made, between the authorised person and Auckland Council and Watercare Services Limited:
- (g) an assessment of—
 - (i) any adverse effects from the project on the safe operation of, and access to, the nearby national grid transmission lines; and
 - (ii) any measures to avoid, remedy, mitigate, offset, or compensate for those adverse effects.

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:
- (b) New Zealand Transport Agency:

- (c) Ngāti Koheriki Claims Committee:
- (d) 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

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, Auckland Council, Auckland Transport, the New Zealand Transport Agency, Watercare Services Limited, and Transpower New Zealand Limited, the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will generate employment by providing up to 440 direct full-time equivalent jobs per year during the 4-year planning and construction period; and
- the project will improve economic and employment opportunities and outcomes for people affected by COVID-19 (retailers and hospitality), and have positive effects on social well-being, by providing infrastructure to service large format buildings for retail activities; and
- the project will improve environmental outcomes through revegetation of Hingaia Stream; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes.

Schedule 33 Waihoehoe Precinct

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Waihoehoe Precinct (the **project**).

2 Authorised person

The authorised person for the project is Oyster Capital Limited.

3 Description of project

- (1) The scope of the project is to subdivide land and construct and operate a housing development on that land in Drury, Auckland.
- (2) The development will comprise—
 - (a) up to 376 residential units; and
 - (b) 9 allotments for future development; and
 - (c) an open-space park; and
 - (d) infrastructure associated with the subdivision and development, including roads, parking, and infrastructure for three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land, including potentially contaminated land;
- (b) carrying out earthworks and disturbing potentially contaminated soils;
- (c) constructing residential units;
- (d) developing open space for the purposes of a park, including by planting and landscaping;
- (e) diverting and discharging stormwater run-off;
- (f) constructing infrastructure for three waters services;
- (g) constructing roads, vehicle access, and other transport infrastructure;
- (h) carrying out 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 76, 76A, 116, 136, and 140 Waihoehoe Road, Drury, Auckland.

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 assessment of the following matters in relation to the key outcomes of the Drury–Opāheke Structure Plan (Auckland Council, August 2019):
 - (i) how the development will integrate with the other land uses provided for in Private Plan Change 50 to the Auckland Unitary Plan:
 - (ii) how the development will be able to access and support a future public transport network:
 - (iii) whether construction of the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure-servicing requirements of the overall development:
 - (iv) how residents of the development will be able to access social infrastructure, such as schools and community facilities, before that social infrastructure is developed in east Drury:
- (b) a subdivision and design assessment and plans that include—
 - (i) the location, design, and uses of all land (including open space) that is intended to be vested, or on which easements are intended to be created, for the purposes of the project; and
 - (ii) landscape plans (including hard and soft features) for all streetscapes and reserves:
- (c) a detailed assessment of—
 - (i) the capacity of the existing road infrastructure; and
 - (ii) upgrades to the infrastructure required to service the development, including interim road works; and
 - (iii) how the upgrades and interim works will be funded:
- (d) information about any discussions held, and any agreements made, between the authorised person and Auckland Council, the New Zealand Transport Agency, or Auckland Transport in relation to roads for the development:
- (e) an integrated transport assessment that includes—
 - (i) options for the enhancement of multi-modal connections and infrastructure; and

- (ii) a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport, including walking and cycling;
- (f) a detailed assessment of the capacity of existing infrastructure for three waters services, and any upgrades required to service the development, including—
 - (i) an infrastructure report and plans that include—
 - (A) calculations of the expected water demand and wastewater flows from the project; and
 - (B) the overall water supply and wastewater scheme to service the development; and
 - (ii) flooding and hydrology designs and detailed reports that show the location of natural wetlands and streams and inform the on-site stormwater management strategy (including reports on groundwater and infiltration testing across the project site and copies of hydrologic and hydraulic models); and
 - (iii) a statement of the intended timing for delivering the upgrades and how they will be funded; and
 - (iv) information about any discussions held, and any agreements made, between the authorised person and Auckland Council and Watercare Services Limited.

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;
- (b) New Zealand Transport Agency;
- (c) Ngāti Koheriki Claims Committee;
- (d) 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

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, Auckland Council, Auckland Transport, the New Zealand Transport Agency, and Watercare Services Limited, the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will generate employment by providing up to 670 direct full-time equivalent jobs per year during the 4-year planning and construction period; and
- the project will increase housing supply through the construction of up to 376 new residential units; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes.

Schedule 34
Drury East Stage 1 Precinct

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Drury East Stage 1 Precinct (the **project**).

2 Authorised person

The authorised person for the project is Fulton Hogan Land Development Limited.

3 Description of project

- (1) The scope of the project is to subdivide land and construct and operate a housing development on that land in Drury, Auckland.
- (2) The development will comprise—
 - (a) up to 248 residential units; and
 - (b) 28 allotments for future development; and
 - (c) neighbourhood parks; and
 - (d) infrastructure associated with the subdivision and development, including roads, parking, and infrastructure for three waters services.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land, including potentially contaminated land;
- (b) carrying out earthworks and disturbing potentially contaminated soils;
- (c) constructing residential units;
- (d) developing open space (including for neighbourhood parks and esplanade reserves), including by planting and landscaping;
- (e) diverting and discharging stormwater run-off;
- (f) constructing infrastructure for three waters services;
- (g) constructing roads, vehicle access, and other transport infrastructure;
- (h) carrying out 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) 86 and 94 Fitzgerald Road, Drury, Auckland; and
- (b) 251 and 383 Waihoehoe Road, Drury, Auckland; and
- (c) 65, 76, and 108 Fielding Road, Drury, Auckland.

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 assessment of the following matters in relation to the key outcomes of the Drury–Opāheke Structure Plan (Auckland Council, August 2019):
 - (i) how the development will integrate with the other land uses provided for in Private Plan Change 49 to the Auckland Unitary Plan:
 - (ii) how the development will be able to access and support a future public transport network:
 - (iii) whether construction of the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure-servicing requirements of the overall development:
 - (iv) how residents of the development will be able to access social infrastructure, such as schools and community facilities, before that social infrastructure is developed in east Drury:
- (b) a subdivision and design assessment and plans that include—
 - (i) the location, design, and uses of all land (including open space) that is intended to be vested, or on which easements are intended to be created, for the purposes of the project; and
 - (ii) landscape plans (including hard and soft features) for all street-scapes and reserves:
- (c) a detailed assessment of—
 - (i) the capacity of the existing road infrastructure; and
 - (ii) upgrades to the infrastructure required to service the development, including interim road works; and
 - (iii) how the upgrades and interim works will be funded:
- (d) information about any discussions held, and any agreements made, between the authorised person and Auckland Council, the New Zealand Transport Agency, or Auckland Transport in relation to roads for the development:
- (e) an integrated transport assessment that includes—

- (i) options for the enhancement of multi-modal connections and infrastructure; and
 - (ii) a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport, including walking and cycling;
- (f) a detailed assessment of the capacity of existing infrastructure for three waters services, and any upgrades required to service the development, including—
- (i) an infrastructure report and plans that include—
 - (A) calculations of the expected water demand and wastewater flows from the project; and
 - (B) the overall water supply and wastewater scheme to service the development; and
 - (ii) flooding and hydrology designs and detailed reports that show the location of natural wetlands and streams and inform the on-site stormwater management strategy (including reports on groundwater and infiltration testing across the project site and copies of hydrologic and hydraulic models); and
 - (iii) a statement of the intended timing for delivering the upgrades and how they will be funded; and
 - (iv) information about any discussions held, and any agreements made, between the authorised person and Auckland Council and Watercare Services Limited.

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;
- (b) New Zealand Transport Agency;
- (c) Ngāti Koheriki Claims Committee;
- (d) 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

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, Auckland Council, Auckland Transport, the New Zealand Transport Agency, Watercare Services Limited, and Firstgas Group, the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will generate employment by providing up to 590 direct full-time equivalent jobs per year during the 4-year planning and construction period; and
- the project will increase housing supply through the construction of up to 248 new residential units; and
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes.

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 5 November 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 3 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 32 to 34*.

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

The effect of the referral is—

- to authorise Kiwi Property Holdings No. 2 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 32*;
- to authorise Oyster Capital 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 33*;

- to authorise Fulton Hogan Land Development 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 34*.

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*: 4 November 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 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)