

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 2022

(SL 2022/341)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 2022: 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 19th day of December 2022

Present:

The Right Hon Jacinda Ardern presiding 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
New Schedules 61 and 62 inserted

3

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 2022.

2 Commencement

This order comes into force on 23 December 2022.

3 Principal order

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

4 New Schedules 61 and 62 inserted

After Schedule 60, insert the Schedules 61 and 62 set out in the Schedule of this order.

Schedule
New Schedules 61 and 62 inserted

cl 4

Schedule 61
East Coast Heights—Silverdale

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the East Coast Heights—Silverdale project (the **project**).

2 Authorised persons

The authorised persons for the project are Build Rich Limited and Nation Shine Holdings Limited.

3 Description of project

The scope of the project is to do the following in relation to approximately 11.2 hectares of land in Silverdale, Auckland:

- (a) subdivide approximately 10.6 hectares of the land and do the following on that land (the **main part of the project site**):
 - (i) construct a housing development comprising approximately 303 residential units on approximately 303 of the allotments created by the subdivision:
 - (ii) construct or install infrastructure or structures associated with the subdivision and the housing development, including roads:
 - (iii) restore and plant land adjacent to and within a natural wetland:
- (b) on approximately 0.6 hectares of the land, carry out earthworks that are associated with constructing the housing development and a road on the main part of the project site.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) carrying out earthworks (including on the main part of the project site):
- (c) removing vegetation:
- (d) constructing residential units:

- (e) diverting and discharging stormwater (which may contain contaminants) onto land:
- (f) diverting overland flow paths:
- (g) taking and diverting groundwater and discharging it onto land:
- (h) placing structures in an overland flow path and in a flood plain:
- (i) restoring and planting land adjacent to and within a natural wetland:
- (j) constructing or installing infrastructure or structures, including—
 - (i) roads (which are intended to be vested in Auckland Council) and other accessways for vehicles; and
 - (ii) driveways; and
 - (iii) infrastructure for three waters services:
- (k) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (j); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

- (1) The project will occur at the following locations (the **project site**):
 - (a) an area of approximately 10.6 hectares of land at 1 Silverwater Drive and 2150 East Coast Road, Silverdale, Auckland, which is the land referred to in clause 3(a):
 - (b) areas of land (approximately 0.6 hectares in total) at 17, 39, and 53 Small Road, Silverdale, Auckland, which is the land referred to in clause 3(b).
- (2) The legal description of the areas of land comprising the project site is as follows:
 - (a) Lot 7 Deposited Plan 545151:
 - (b) Allotment 304 Parish of Okura and Lot 1 Deposited Plan 44249:
 - (c) Section 216 Parish of Okura:
 - (d) Lots 2 and 3 Deposited Plan 554131.

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 assessment of the relevant infrastructure for three waters services that—

- (i) identifies the existing condition and capacity of the relevant infrastructure; and
 - (ii) identifies any upgrades to the relevant infrastructure that are required in connection with the subdivision and the housing development; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on discussions held, and any agreements made, between the authorised person and Auckland Council or Watercare Services Limited (or both) about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)):
- (b) a transport infrastructure assessment that—
- (i) identifies the existing capacity of the local road network to service project-associated traffic; and
 - (ii) identifies any upgrades to the local road network that are required to service that traffic; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on discussions held, and any agreements made, between the authorised person and Auckland Transport about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)):
- (c) an integrated transport assessment that—
- (i) identifies the effects on the surrounding transport network of the activities involved in the project and of the housing development; and
 - (ii) identifies how the proposed development will support people to use public transport and carry out active modes of transport, such as cycling and walking; and
 - (iii) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Transport about integrated transport (including discussions and agreements about the matters referred to in subparagraphs (i) and (ii)):
- (d) a landscape and urban design assessment, including an assessment against Auckland Council's Open Space Provision Policy 2016:
- (e) a draft construction management plan that specifies measures to control dust, erosion, and sedimentation at the project site:
- (f) an ecological assessment of the effects on freshwater and the natural wetland of—

- (i) the activities involved in the project; and
- (ii) the resulting development.

(2) In this clause, **project-associated traffic** means traffic that is associated with—

- (a) the earthworks, construction, and other activities involved in the project; or
- (b) the housing development.

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) New Zealand Transport Agency:
- (b) Auckland Transport:
- (c) Watercare Services Limited:
- (d) Te Patukirikiri Iwi Trust:
- (e) Ngā Maunga Whakahii o Kaipara Development Trust:
- (f) Ngāti Tamaoho Trust:
- (g) Ngātiwai Trust Board:
- (h) Ngāti Whātua Ōrākei Trust Board:
- (i) Te Kupenga o Ngāti Hako:
- (j) Hauraki Māori Trust Board.

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 (the **Minister**) 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 following:

- the Associate Minister for the Environment who has been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters:
- the relevant Ministers listed in section 21(6) of the Act:
- Auckland Council:

- Auckland Transport:
- the New Zealand Transport Agency:
- Watercare Services Limited.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
 - it has the potential to have positive effects on social well-being by generating employment and providing additional housing of a range of types; and
 - it has the potential to generate approximately 740 full-time equivalent jobs over a 5-year construction period; and
 - it has the potential to increase housing supply through the construction of approximately 303 residential units; and
 - it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any 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.

Schedule 62

East Coast Heights, Stage 5—Silverdale

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is East Coast Heights, Stage 5—Silverdale project (the project).

2 Authorised person

The authorised person for the project is Build Rich Limited.

3 Description of project

The scope of the project is to subdivide approximately 1.55 hectares of land in Silverdale, Auckland and develop that land by—

- (a) constructing a housing development comprising approximately 62 residential units on approximately 62 of the allotments created by the subdivision:
- (b) constructing or installing infrastructure or structures associated with the subdivision and the housing development.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land:
- (b) carrying out earthworks:
- (c) constructing residential units:
- (d) landscaping and planting:
- (e) constructing or installing infrastructure or structures, including—
 - (i) roads and other accessways for vehicles; and
 - (ii) driveways; and
 - (iii) infrastructure for three waters services:
- (f) carrying out any other activities that are—
 - (i) associated with the activities 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

- (1) The project will occur on an area of approximately 1.55 hectares of land at 2 Goldwater Drive, Silverdale, Auckland (the **project site**).
- (2) The project site is shown as Lot 2 on the plans to which subdivision consent SUB60336990 (granted by Auckland Council on 10 September 2019) applies.

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 assessment of the relevant infrastructure for three waters services that—
 - (i) identifies the existing condition and capacity of the relevant infrastructure; and
 - (ii) identifies any upgrades to the relevant infrastructure that are required in connection with the subdivision and the housing development; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Council or Watercare Services Limited (or both) about the relevant infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)):
 - (b) a transport infrastructure assessment that—
 - (i) identifies the existing capacity of the local road network to service project-associated traffic; and
 - (ii) identifies any upgrades to the local road network that are required to service that traffic; and
 - (iii) identifies any funding required to carry out those upgrades (including who will provide that funding); and
 - (iv) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Transport about transport infrastructure (including discussions and agreements about the matters referred to in subparagraphs (i) to (iii)):
 - (c) an integrated transport assessment that—
 - (i) identifies the effects on the surrounding transport network of the activities involved in the project and of the housing development; and

- (ii) identifies how the proposed development will support people to use public transport and carry out active modes of transport, such as cycling and walking; and
- (iii) contains information on any discussions held, and any agreements made, between the authorised person and Auckland Transport about integrated transport (including discussions and agreements about the matters referred to in subparagraphs (i) and (ii)):
- (d) a landscape and urban design assessment:
- (e) a draft construction management plan that specifies measures to control dust, erosion, and sedimentation at the project site:
- (f) the following information:
 - (i) information on the supply of, and demand for, land for business activities in the Hibiscus and Bays Local Board Area:
 - (ii) an assessment of the effect of developing the project site for housing on the supply of that land:
- (g) an assessment of greenhouse gas emissions—
 - (i) that are likely to result from the activities involved in the project and the resulting development (including emissions that are likely to result from project-associated traffic); and
 - (ii) that would be likely to result if the project site were developed instead for business activities that are permitted activities for the site under the Auckland Unitary Plan.

Guidance note

See the provisions of the Auckland Unitary Plan relating to the Business—General Business Zone and to Sub-precincts A and C of the Silverdale 3 Precinct.

- (2) In this clause,—

Auckland Unitary Plan means the Auckland Unitary Plan as in force when the consent application is lodged with the Environmental Protection Authority

business activities has the meaning given in the Auckland Unitary Plan

project-associated traffic means traffic that is associated with—

- (a) the earthworks, construction, and other activities involved in the project; or
- (b) the housing development.

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) the Associate Minister for the Environment who has been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters:
- (b) New Zealand Transport Agency:
- (c) Auckland Transport:
- (d) Watercare Services Limited:
- (e) Te Patukirikiri Iwi Trust:
- (f) Ngā Maunga Whakahii o Kaipara Development Trust:
- (g) Ngāti Tamaoho Trust:
- (h) Ngātiwai Trust Board:
- (i) Ngāti Whātua Ōrākei Trust Board:
- (j) Te Kupenga o Ngāti Hako:
- (k) Hauraki Māori Trust Board.

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 (the **Minister**) 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 following:

- the Associate Minister for the Environment who has been delegated responsibility for administration of the National Policy Statement on Urban Development 2020 and urban policy matters:
- the relevant Ministers listed in section 21(6) of the Act:
- Auckland Council:
- Auckland Transport:
- the New Zealand Transport Agency:
- Watercare Services Limited.

The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act because—
 - it has the potential to have positive effects on social well-being by generating employment and providing additional housing of a range of types; and

- it has the potential to generate approximately 125 full-time equivalent jobs over a 5-year construction period; and
- it has the potential to increase housing supply through the construction of approximately 62 residential units; and
- it is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes:
- any actual and potential effects on the environment, and proposed measures to avoid, remedy, mitigate, offset, or compensate for any 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.

Rachel Hayward,
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 23 December 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to expert consenting panels 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 61 and 62*.

The effect of the referral is—

- to authorise Build Rich Limited and Nation Shine Holdings 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 61*; and
- to authorise Build Rich 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 62*.

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*: 22 December 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 16) 2022 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)