Version
as at 8 July 2023

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 2022

(SL 2022/87)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 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 28th day of March 2022

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 Schedule 46 inserted

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 2022.

2 Commencement

This order comes into force on 1 April 2022.

3 Principal order

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

4 New Schedule 46 inserted

After Schedule 44, insert the Schedule 46 set out in the Schedule of this order.

Schedule
New Schedule 46 inserted

cl 4

Schedule 46
The Hill—Ellerslie

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is The Hill—Ellerslie (the **project**).

2 Authorised persons

The authorised persons for the project are Auckland Thoroughbred Racing Incorporated and Fletcher Residential Limited.

3 Description of project

(1) The scope of the project is to do the following on land in Greenlane, Auckland:

(a) subdivide land:

(b) construct a housing development:

(c) provide infrastructure associated with the subdivision and housing development:

(d) provide open spaces.

(2) The housing development will consist of approximately 370 residential units contained within—

(a) a mix of detached, duplex, and terraced houses that are 1 to 3 storeys high; and

(b) up to 5 apartment buildings that are up to 7 storeys high.

(3) When counting the number of storeys of an apartment building for the purposes of this clause, a basement is not to be counted as a storey (whether or not the basement extends under the entirety of the building above it).

(4) The infrastructure associated with the subdivision and housing development will include—

(a) roads intended to be vested in Auckland Council; and

(b) private accessways for vehicles; and

(c) pedestrian and cycle accessways; and

(d) driveways and parking areas; and

(e) infrastructure for three waters services.

4 Description of activities involved in project

The project may involve the following activities:

(a) demolishing buildings and infrastructure:

(b) subdividing land:

(c) trimming and removing vegetation:

(d) carrying out earthworks, including disturbing contaminated soil:

(e) diverting groundwater and overland flow paths:

(f) discharging stormwater and contaminants onto land:

(g) placing structures in an overland flow path and flood plain:

(h) constructing residential buildings:

(i) constructing roads, pedestrian and cycle accessways, driveways, and parking areas:

(j) constructing infrastructure for three waters services:

(k) landscaping and planting of open spaces:

(l) carrying out any other activities that are—

(i) associated with the activities described in paragraphs (a) to (k); 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 100 Ascot Avenue, Greenlane, Auckland (the **project site**).

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—

(i) the existing condition and capacity of the relevant infrastructure for three waters services; and

(ii) any upgrades to that infrastructure that are required in connection with the subdivision and housing development; and

(iii) any funding required to carry out those upgrades (including how they will be funded):

(b) the following information relating to stormwater management:

(i) a stormwater assessment:

(ii) a draft stormwater management plan:

(iii) information on discussions held, and any agreements made, about stormwater management with Auckland Council's Healthy Waters department:

(c) an ecological assessment that addresses the effects on the Waiatarua Reserve wetland of increased stormwater flows resulting from the project:

(d) an integrated transport assessment that—

(i) includes an assessment of the effects of the project on the local transport network, parking, and traffic in the vicinity of the project site; and

(ii) describes proposed measures to mitigate any adverse effects of the project on traffic (including any traffic safety issues) that may arise during or after the construction phase; and

(iii) includes an assessment of how the project will support the uptake of public transport and active modes of transport (such as cycling and walking):

(e) a report on a preliminary site investigation:

(f) the report on the detailed site investigation referred to in whichever of the following provisions of the NESCS Regulations (if any) apply:

(i) clause 5(9) (land excepted from the NESCS Regulations):

(ii) clause 9(1) or (3) (controlled activities):

(iii) clause 10(2) (restricted discretionary activities).

(2) In this clause,—

detailed site investigation has the meaning given in regulation 3 of the NESCS Regulations

NESCS Regulations means the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

preliminary site investigation has the meaning given in regulation 3 of the NESCS Regulations.

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) Ngāti Koheriki Claims Committee:

(b) Auckland Transport:

(c) Watercare Services Limited:

(d) the Minister for Racing:

(e) the Minister for Seniors.

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 relevant Ministers listed in section 21(6) of the Act, including the Minister for Racing; and
- Auckland Council; and
- Auckland Transport; and
- Watercare Services Limited.

The Minister 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 generating employment and providing a diverse range of housing types, including terraced housing (which has the potential to be a lower-priced housing option):
- the project will generate—
  - approximately 61 direct full-time equivalent jobs over a 3-year planning and design period; and
  - approximately 1,051 direct full-time equivalent jobs over a 5-year construction period:
- the project will increase housing supply through the construction of approximately 370 residential units:
- the project is likely to progress faster than would otherwise be the case under standard Resource Management Act 1991 consenting 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.

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 1 April 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. 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 46*.

The effect of the referral is to authorise Auckland Thoroughbred Racing Incorporated and Fletcher Residential 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 46*.

The expert consenting panel 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*: 31 March 2022.

Notes

1 General

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 5) 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)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2023