Version
as at 8 July 2023

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Rotokauri Greenway and Minor Arterial Transport Corridor) Amendment Order 2023

(SL 2023/145)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Rotokauri Greenway and Minor Arterial Transport Corridor) Amendment Order 2023: 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 26th day of June 2023

Present:
The Hon Carmel Sepuloni 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.

4 New schedule inserted 2

Schedule 3
New Schedule 89 inserted

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Rotokauri Greenway and Minor Arterial Transport Corridor) Amendment Order 2023.

2 Commencement

This order comes into force on 28 June 2023.

3 Principal order

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

4 New schedule inserted

After the last schedule,—

(a) insert the schedule set out in the Schedule of this order; and

(b) make all necessary consequential amendments.

Schedule
New Schedule 89 inserted

cl 4

Schedule 89
Rotokauri Greenway and Minor Arterial Transport Corridor

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Rotokauri Greenway and Minor Arterial Transport Corridor (the **project**).

2 Authorised persons

The authorised persons for the project are Hounsell Holdings Limited and Hamilton City Council.

3 Description of project

The scope of the project is to do the following on land in Rotokauri, Hamilton:

(a) construct a stormwater management corridor that is approximately 4.7 kilometres long, including by—

(i) constructing artificial wetlands; and

(ii) landscaping and planting; and

(iii) installing or constructing three waters infrastructure (for example, a water main, a wastewater pipeline, and a pump station):

(b) construct a transport corridor that includes—

(i) an arterial road that is approximately 3.8 kilometres long (including an underpass that crosses under State Highway 1); and

(ii) a collector road (including an underpass) that connects to the arterial road.

4 Description of activities involved in project

The project may involve the following activities:

(a) removing vegetation:

(b) carrying out earthworks (including earthworks that disturb potentially contaminated soil):

(c) constructing artificial wetlands:

(d) constructing roads:

(e) constructing or installing other infrastructure or structures, including—

(i) infrastructure for three waters services; and

(ii) a culvert in a watercourse:

(f) taking and diverting groundwater and discharging it onto land or into water:

(g) diverting surface water and discharging it onto land or into water:

(h) landscaping and planting, including in the riparian margins of Lake Waiwhakareke and Lake Rotokauri:

(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

(1) The project will occur on land (the **project site**) in Rotokauri, Hamilton that is comprised in the following:

(a) Lot 3 Deposited Plan 468484:

(b) Lot 53 Deposited Plan 471831:

(c) Part Lot 1 Deposited Plan 30552:

(d) Lot 2000 Deposited Plan 519305:

(e) Lots 1 and 2 Deposited Plan 540282:

(f) Lot 3 Deposited Plan South Auckland 62700:

(g) Lot 6 Deposited Plan 359488:

(h) Part Lot 7 Deposited Plan South Auckland 15255:

(i) Lots 1, 2, and 3 Deposited Plan 535335:

(j) Sections 7 and 12 Survey Office Plan 464504:

(k) Lot 2 Deposited Plan 567367:

(l) Lot 190 Deposited Plan 541928:

(m) Sections 6-7 and 8 Survey Office Plan 478480:

(n) Section 2 Survey Office Plan 511350:

(o) Lot 1 Deposited Plan South Auckland 73878:

(p) Lot 2 Deposited Plan 12201:

(q) Lot 1 Deposited Plan South Auckland 75261:

(r) Lot 2 Deposited Plan 62537:

(s) Lot 5 Deposited Plan 359488.

(2) The project site is shown edged red at Attachment 1 of the section 17 report.

(3) In this clause, **section 17 report** means the report, on the application for the referral of the project, that was obtained under section 17 of the Act.

6 Further information to be submitted

The following information must be submitted to the panel with any consent application or notice of requirement relating to the project (in addition to the information required by clause 9 or 13 of Schedule 6 of the Act):

(a) proposed offsetting and compensation measures to address any adverse effects on ecological and freshwater values; and

(b) information on any discussions held, and any agreements made, between the authorised person and other people about those offsetting and compensation measures.

Examples

Examples of those other people are experts, affected landowners, and members of community groups.

7 Persons who must be invited to comment on project

The panel must invite comments on any consent application or notice of requirement 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 New Zealand Transport Agency:

(b) Te Ha o Te Whenua o Kirikiriroa Limited:

(c) representatives of Ngaati Wairere.

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 relevant Ministers listed in section 21(6) of the Act:
- Hamilton City Council:
- Waikato Regional Council:
- Waikato District Council:
- the New Zealand Transport Agency.

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 generate the following over a 5-year design and construction period:
    - approximately 273 full-time equivalent jobs (**FTE jobs**) that are associated with the proposed stormwater management corridor (the Rotokauri Greenway); and
    - approximately 194 FTE jobs that are associated with the proposed transport corridor; and
  - it has the potential to provide infrastructure in order to improve economic, employment, and environmental outcomes (including freshwater quality); and
  - it has the potential to strengthen environmental resilience and manage risk from natural hazards, including from flooding; 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.

Diana Hawker,
Acting 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 28 June 2023, 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 89*.

The effect of the referral is—

- to authorise Hounsell Holdings Limited and Hamilton City Council to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 89*; and
- to authorise Hamilton City Council to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations or to alter designations relating to the project.

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*: 27 June 2023.

Notes

1 General

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Rotokauri Greenway and Minor Arterial Transport Corridor) Amendment Order 2023 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:
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