

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Glen Innes to Tāmaki Drive Shared Path) Amendment Order 2023

(SL 2023/15)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Glen Innes to Tāmaki Drive Shared Path) 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 20th day of February 2023

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—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the joint recommendation of the Minister for the Environment and the Minister of Conservation.

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 (Glen Innes to Tāmaki Drive Shared Path) Amendment Order 2023.

2 Commencement

This order comes into force on 24 February 2023.

3 Principal order

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

4 New Schedule 65 inserted

After Schedule 64, insert the Schedule 65 set out in the Schedule of this order.

Schedule
New Schedule 65 inserted

cl 4

Schedule 65
Glen Innes to Tāmaki Drive Shared Path

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Glen Innes to Tāmaki Drive Shared Path project (the **project**).

2 Authorised person

The authorised person for the project is Auckland Transport.

3 Description of project

The scope of the project is to do the following on land at Ōrākei, Auckland:

- (a) construct a shared pedestrian and cycle path (to form part of the Glen Innes to Tāmaki Drive shared path) that—
 - (i) starts at Ngāpipi Road (in the vicinity of Whakatakataka Reserve); and
 - (ii) runs through Whakatakataka Reserve; and
 - (iii) runs above the foreshore and water of Hobson Bay; and
 - (iv) continues over Pourewa Creek; and
 - (v) ends at the southern end of Pourewa Creek Bridge (Ōrākei Road):
- (b) construct or install structures associated with the shared pedestrian and cycle path and its construction.

4 Description of activities involved in project

The project may involve the following activities:

- (a) carrying out earthworks (including earthworks that disturb potentially contaminated soils) on—
 - (i) land outside the coastal marine area; and
 - (ii) land in the coastal marine area (including a natural wetland):
- (b) discharging contaminants into water, onto or into land, or into the air:
- (c) removing mangroves and other vegetation, including in the coastal marine area:

- (d) carrying out underwater blasting, impact and vibratory piling, and marine seismic surveys in the coastal marine area:
- (e) occupying the common marine and coastal area:
- (f) constructing a shared pedestrian and cycle path that includes the following structures on or in, or above the water of, the coastal marine area:
 - (i) a boardwalk (including viewing platforms and a bridge):
 - (ii) supporting piles:
- (g) constructing temporary structures to facilitate construction, including—
 - (i) a temporary causeway in the coastal marine area; and
 - (ii) ramps:
- (h) constructing or installing other structures, including signage, cultural interpretation structures, outdoor seating, lighting, and other public amenities:
- (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.

Guidance note

It is possible that the following overlays under the Auckland Unitary Plan (the **AUP**) will apply to the activities referred to in this clause:

- Significant Ecological Areas Overlay (see D9 in Chapter D of the AUP):
- Outstanding Natural Features Overlay (see D10 in Chapter D of the AUP):
- Sites and Places of Significance to Mana Whenua Overlay (see D21 in Chapter D of the AUP).

5 Approximate geographical location

- (1) The project will occur on land (the **project site**) at Ōrākei, Auckland at Ngā-pipi Road, at Whakatakataka Reserve, above the foreshore and water of Hobson Bay, above Pourewa Creek, at Ōrākei Road (in the vicinity of Pourewa Creek Bridge), and at Ōrākei Station park and ride facility.
- (2) The project site is generally shown marked as a thick grey line at Attachment 3 of the section 17 report.
- (3) The project site includes land within the coastal marine area.
- (4) In this clause, **section 17 report** means the report, on the application for 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 of Schedule 6 of the Act):

- (a) an assessment of—
 - (i) the effects of the activities involved in the project, and of the shared path, on ecology in or in the vicinity of the project site (including effects on the ecology of significant ecological areas referred to in D9 of Chapter D of the Auckland Unitary Plan); and
 - (ii) the biosecurity risks arising from those activities:
- (b) a landscape and visual assessment:
- (c) the following information:
 - (i) an assessment that identifies the archaeological values at, or in the vicinity of, the project site and any adverse effects of the activities involved in the project on those values:
 - (ii) proposed measures to avoid, remedy, or mitigate those effects:
- (d) an assessment of the effects of the activities involved in the project, and of the shared path, on coastal processes:
- (e) an assessment of the effects of the activities involved in the project on geological values (including effects on outstanding natural feature values referred to in D10 of Chapter D of the Auckland Unitary Plan).

7 Persons who must be invited to comment on project

An expert consenting 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 Ngāti Koheriki Claims Committee:
- (b) the trustees, acting in their capacity as trustees, of Ngā Maunga Whakahihi o Kaipara Development Trust:
- (c) the trustees, acting in their capacity as trustees, of Makaurau Marae Māori Trust:
- (d) the Hauraki Māori Trust Board:
- (e) the Auckland Harbourmaster.

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 and the Minister of Conservation (the **Ministers**) have jointly accepted this application for referral. The Ministers 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:
- Auckland Council:
- Ngāi Tai ki Tāmaki:
- Ngāti Whātua Ōrākei:
- Te Ākitai Waiohua.

The Ministers have 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 approximately 45 full-time equivalent jobs over a 15- to 24-month construction period; and
 - it has the potential to have positive effects on social well-being by maintaining and enhancing public access to the coastal marine area, including for recreational use; and
 - it has the potential to provide infrastructure that may assist in reducing traffic congestion and improving mobility options; 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 24 February 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 65*.

The effect of the referral is to authorise Auckland Transport—

- to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in *new Schedule 65*; and
- 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*: 23 February 2023.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Glen Innes to Tāmaki Drive Shared Path) 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)