

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 2022 (SL 2022/294)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 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 14th day of November 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 58 inserted	

Order

- 1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 2022.
- 2 Commencement**

This order comes into force on 18 November 2022.
- 3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
- 4 New Schedule 58 inserted**

After Schedule 57, insert the Schedule 58 set out in the Schedule of this order.

Schedule
New Schedule 58 inserted

cl 4

Schedule 58
Johnsonville Town Centre Redevelopment Project

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the Johnsonville Town Centre Redevelopment Project (the **project**).

2 Authorised person

The authorised person for the project is Stride Investment Management Limited.

3 Description of project

The scope of the project is to redevelop land in Johnsonville, Wellington by—

- (a) demolishing commercial buildings (including the Johnsonville Shopping Mall and a supermarket) and associated structures and infrastructure; and
- (b) constructing and operating a mixed-use development on the northern part of the project site that includes—
 - (i) a supermarket; and
 - (ii) a multi-storey building up to 35 metres in height containing approximately 130 residential units; and
 - (iii) 7 other multi-storey buildings up to 18 metres in height (containing primarily commercial premises, retail premises, and premises for hospitality), ancillary buildings, and other ancillary structures; and
 - (iv) a plaza; and
- (c) refurbishing buildings elsewhere on the project site; and
- (d) constructing or installing structures and infrastructure that are associated with the mixed-use development and refurbished buildings.

4 Description of activities involved in project

The project may involve the following activities:

- (a) demolishing buildings and other structures and infrastructure:

- (b) carrying out earthworks (including disturbing potentially contaminated soils):
- (c) diverting stormwater (which may contain contaminants) and discharging it onto land or into water:
- (d) taking and diverting groundwater and discharging it onto land or into water:
- (e) constructing buildings and other structures in the mixed-use development:
- (f) developing land for public open space:
- (g) refurbishing buildings:
- (h) constructing or installing infrastructure and structures associated with the development referred to in paragraphs (e) to (g), including—
 - (i) accessways for pedestrians; and
 - (ii) accessways and manoeuvring areas for vehicles; and
 - (iii) car parking areas; and
 - (iv) infrastructure for three waters services; and
 - (v) infrastructure for supplying electricity or gas:
- (i) landscaping and planting:
- (j) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (i); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

The project will occur on an area of approximately 4.1 hectares of land that is bounded by Johnsonville Road, Broderick Road, and Moorefield Road in Johnsonville, Wellington (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 urban design assessment that—
 - (i) contains a design statement assessing the design of the plaza and main buildings in the mixed-use development against the Centres Design Guide in Volume 2 of the Wellington City District Plan; and

- (ii) identifies the shadowing effects of the main buildings in the mixed-use development on streets and other outdoor public space (both in and outside the project site); and
 - (iii) identifies how those shadowing effects compare with the shadowing effects that would occur if the heights of those buildings were the maximum building heights specified for the relevant zones in section 7.6.2.1 of the Wellington City District Plan; and
 - (iv) identifies how the design of the plaza and main buildings in the mixed-use development would contribute to a well-functioning urban environment and to social well-being; and
 - (v) contains information on any discussions held, and any agreements made, between the authorised person and Wellington City Council about public access to the plaza and the design of the plaza and main buildings in the mixed-use development:
- (b) a wind assessment report, about the effects of the multi-storey buildings in the mixed-use development on the wind environment at ground level, that—
 - (i) conforms with item 1 (Form of Wind Assessment Report) in Appendix 2 to Chapter 7 (Centres Rules) of Volume 1 of the Wellington City District Plan; and
 - (ii) is prepared by a suitably qualified and experienced person:
- (c) an integrated transport assessment (including modelling) that—
 - (i) assesses the effects of project-associated traffic on the operation and safety of the local road network; and
 - (ii) assesses the effects of project-associated traffic on the operation of public transport services and access to public transport infrastructure; and
 - (iii) assesses vehicle access into and out of the project site (including while the demolition, earthworks, and construction involved in the project are carried out); and
 - (iv) assesses vehicle circulation and manoeuvring within the project site (including while the demolition, earthworks, and construction involved in the project are carried out); and
 - (v) identifies measures to ensure safe sight distances and the priority and safety of pedestrians (including while the demolition, earthworks, and construction involved in the project are carried out); and
 - (vi) assesses vehicle loading and unloading for deliveries to and from the mixed-use development (including the operation of loading bays); and

- (vii) identifies set-down areas; and
 - (viii) identifies the location of proposed storage facilities for bicycles and scooters and of any proposed changing facilities for cyclists:
 - (d) an assessment of the economic effects of the operation of the mixed-use development on people in the Johnsonville Sub-Regional Centre and in the Central Area (including on the viability of businesses in the Central Area and in the Johnsonville Sub-Regional Centre excluding the project site):
 - (e) the following information relating to stormwater management:
 - (i) a stormwater assessment:
 - (ii) a draft stormwater management plan:
 - (iii) information on any discussions held, and any agreements made, between the authorised person and Wellington Water Limited about stormwater management:
 - (f) an assessment of the relevant infrastructure for three waters services that identifies—
 - (i) the existing condition and capacity of that infrastructure; and
 - (ii) any upgrades to that infrastructure that are required in connection with the mixed-use development and refurbished buildings; and
 - (iii) any funding required to carry out those upgrades (including who will provide that funding):
 - (g) a draft construction management plan, including details of proposed measures to control dust, erosion, and sedimentation at the project site.
- (2) In this clause,—
- Central Area** means the land identified as the Central Area by Maps 12 and 15 and the Legend in Volume 3 of the Wellington City District Plan
- Johnsonville Sub-Regional Centre** means the land in Johnsonville that is shown coloured blue on Map 23 in Volume 3 of the Wellington City District Plan
- main buildings in the mixed-use development** means the supermarket and multi-storey buildings in the mixed-use development
- project-associated traffic** means traffic that is associated with—
- (a) the demolition, earthworks, and construction involved in the project; or
 - (b) the operation of the mixed-use development and other development resulting from the project.

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) the Minister for Seniors:
- (c) the New Zealand Transport Agency:
- (d) Wellington Water Limited:
- (e) Wellington Electricity Lines Limited:
- (f) Powerco Limited:
- (g) KiwiRail Holdings Limited:
- (h) Muaūpoko Tribal Authority Incorporated.

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:
- 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 Minister for Seniors:
- Wellington City Council:
- Wellington Regional Council:
- Wellington Water Limited:
- Wellington Electricity Lines Limited:
- Powerco Limited:
- KiwiRail Holdings 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 generate approximately 2,200 direct full-time equivalent jobs (**FTE jobs**) and 2,600 indirect FTE jobs over a 10-year period; and
 - it has the potential to increase housing supply through the construction of approximately 130 residential units; and
 - it has the potential to contribute to a well-functioning urban environment and provide for the social well-being of current and future generations through upgraded retail and commercial facilities in a location with—
 - good pedestrian linkages; and
 - good access to transport and public open space; and
 - it has the potential to support a transition to a low-emissions economy by providing high-density living options near rapid transport services; 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 18 November 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 58*.

The effect of the referral is to authorise Stride Investment Management 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 58*.

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*: 17 November 2022.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 13) 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)