

Version  
as at 8 July 2023



## **COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order 2022**

(SL 2022/9)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order 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 8th day of February 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.**

<b>Schedule</b>	<b>3</b>
<b>New Schedules 40 and 41 inserted</b>	

**Order**

**1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order 2022.

**2 Commencement**

This order comes into force on 11 February 2022.

**3 Principal order**

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

**4 New Schedules 40 and 41 inserted**

After Schedule 39, insert the Schedules 40 and 41 set out in the Schedule of this order.

## Schedule New Schedules 40 and 41 inserted

cl 4

### Schedule 40 Browns Bay Road Apartments

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is the Browns Bay Road Apartments (the **project**).

**2 Authorised person**

The authorised person for the project is Matvin Group Limited.

**3 Description of project**

The scope of the project is to redevelop 2 suburban properties by removing existing residential buildings and infrastructure and establishing a residential development comprising—

- (a) 4 apartment blocks, each up to 6 storeys high, to provide approximately 51 residential units; and
- (b) basement and outdoor parking areas; and
- (c) outdoor courtyard space and gardens; and
- (d) associated infrastructure, including roads, vehicle accessways, and the 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) removing vegetation:
- (c) carrying out earthworks, including disturbing contaminated land:
- (d) taking groundwater and diverting and discharging groundwater on to land:
- (e) diverting and discharging stormwater and contaminants on to land:
- (f) constructing residential buildings and associated facilities, including parking areas, decking, and outdoor courtyards:
- (g) constructing infrastructure, including roads and accessways:
- (h) constructing infrastructure for three waters services:

- (i) landscaping and planting:
- (j) subdividing land:
- (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**

The project will occur at 201 and 203 Browns Bay Road, North Shore, Auckland.

**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 to service the project; and
  - (b) a draft construction management plan for the project that covers matters such as the following:
    - (i) construction traffic, dust, noise, and site stability; and
    - (ii) erosion and sediment control mechanisms for the project site; and
  - (c) a stormwater assessment and draft stormwater management plan, with information on discussions held, and any agreements made, with Auckland Council's Healthy Waters department in relation to stormwater management; and
  - (d) an integrated transport assessment, including—
    - (i) modelling and engineering drawings and analysis for the construction and operation phases of the project; and
    - (ii) an assessment of the effects of the project on the local transport network, including at the Browns Bay Road and East Coast Road intersection; and
  - (e) in relation to the land in the project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, that shows how the requirements of the regulations referred to in subclause (2) will be met.

- (2) In this clause, **preliminary site investigation** and **detailed site investigation** have the meanings given in regulation 3 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

**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) Auckland Transport; and
- (b) Watercare Services Limited; and
- (c) Healthy Waters department of Auckland Council; and
- (d) Ngāti Koheriki Claims Committee.

**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 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 and Auckland Council and has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will generate employment by providing approximately 96 full-time equivalent jobs over a 2-year construction period:
- the project will increase housing supply through the provision of approximately 51 residential units:
- the project will contribute to a well-functioning urban environment and social well-being by providing a variety of housing types with good access to work-places and public transport:
- the project is likely to progress faster than would otherwise be the case under the Resource Management Act 1991 standard consenting processes:
- any actual and potential effects on the environment, and proposed measures to mitigate 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 41

### Te Tauoma Stage 1B

cl 5

*Project referred to expert consenting panel*

**1 Name of project**

The name of the project is Te Tauoma Stage 1B (the **project**).

**2 Authorised person**

The authorised person for the project is Shundi Tamaki Village Limited.

**3 Description of project**

The scope of the project is—

- (a) to demolish existing buildings and infrastructure on land in St Johns, Auckland; and
- (b) to construct a residential development on that land, consisting of—
  - (i) 2 residential buildings approximately 14 and 18 storeys high and containing approximately 191 residential units; and
  - (ii) a podium surrounding the buildings that overlies a single-level basement parking area, and provides a platform for communal outdoor courtyards for residents; and
  - (iii) vehicle and pedestrian accessways and public open spaces; and
- (c) to provide infrastructure associated with the 2 buildings and surrounding podium.

**4 Description of activities involved in project**

The project may involve the following activities:

- (a) demolishing buildings and infrastructure:
- (b) carrying out earthworks (including disturbing potentially contaminated soil):
- (c) diverting and discharging stormwater and contaminants into water and on to land:
- (d) constructing 2 residential buildings, a surrounding podium, and a basement parking area:
- (e) constructing infrastructure for three waters services:
- (f) constructing roads, parking areas, and loading areas:
- (g) constructing vehicle and pedestrian accessways:
- (h) developing land for open spaces, including by landscaping and planting:
- (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**

The project will occur at 261 Morrin Road, St Johns, Auckland.

**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 infrastructure for three waters services; and
    - (ii) any upgrades to that infrastructure that are required to service the project; and
  - (b) a stormwater assessment and draft stormwater management plan, including an assessment of how the project will meet the requirements of the Auckland Council's Regionwide Stormwater Network Discharge Consent (DIS60069613); and
  - (c) a draft construction management plan for the project that covers matters such as—
    - (i) construction traffic, dust, noise, and site stability; and
    - (ii) erosion and sediment control mechanisms for the project site; and
  - (d) a landscape and visual assessment of the project that assesses the effects of the project on the visual quality and amenities of the local landscape outside of the project site, including Maungarei / Mount Wellington; and
  - (e) details of any privately owned infrastructure and open spaces, identifying—
    - (i) who owns them, including any body corporate or other management structure; and
    - (ii) who has responsibility for their ongoing maintenance; and
  - (f) an integrated transport assessment, including—
    - (i) an assessment of how the project will support both public transport and active modes of transport such as cycling and walking; and
    - (ii) an assessment of the impact of the project on the project area and the local transport network, including traffic safety issues that may arise during or after the construction phase; and

- (iii) details of any proposed pedestrian crossings; and
- (g) in relation to the land in the project site, a report on a preliminary site investigation and, if required, on a detailed site investigation that shows how the requirements of the regulations referred to in subclause (2) will be met.

(2) In this clause, **preliminary site investigation** and **detailed site investigation** have the meanings given in regulation 3 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

#### 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 Ngāti Koheriki Claims Committee, in addition to the persons listed in clause 17(6) of Schedule 6 of the Act.

#### 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 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, Auckland Council, and Auckland Transport. The Minister has accepted this application for the following reasons:

- the project will help to achieve the purpose of the Act:
- the project will generate employment by providing approximately 897 full-time equivalent jobs over the construction period:
- the project will increase housing supply through the provision of approximately 191 residential units:
- the project will contribute to a well-functioning urban environment by providing a variety of housing types with on-site amenities in a location that has good access to workplaces, community services, existing and planned public transport, and natural and open spaces:
- the project 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 mitigation measures, 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 11 February 2022, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendments 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 40 and 41*.

The effect of the referrals is as follows:

- *new Schedule 40* authorises Matvin Group Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in that schedule; and
- *new Schedule 41* authorises Shundi Tamaki Village Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project described in that schedule.

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*: 10 February 2022.

## Notes

### **1    *General***

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order 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)