

**Version
as at 8 July 2023**



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Summerset Rotorua and Foundation Village) Amendment Order 2023

(SL 2023/132)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Summerset Rotorua and Foundation Village) 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 12th day of June 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 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 schedules inserted	2
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Schedule
New Schedules 87 and 88 inserted

Order

1 Title

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Summerset Rotorua and Foundation Village) Amendment Order 2023.

2 Commencement

This order comes into force on 17 June 2023.

3 Principal order

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

4 New schedules inserted

After the last schedule,—

- (a) insert the schedules set out in the Schedule of this order; and
- (b) make all necessary consequential amendments.

Schedule

New Schedules 87 and 88 inserted

cl 4

Schedule 87

Summerset Rotorua

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Summerset Rotorua (the **project**).

2 Authorised person

The authorised person for the project is Summerset Villages (Rotorua) Limited.

3 Description of project

The scope of the project is to subdivide approximately 14.2 hectares of land at Fairy Springs, Rotorua and develop that land by—

- (a) constructing and operating a retirement village that contains—
 - (i) approximately 280 independent living units; and
 - (ii) approximately 100 (in total) assisted living suites, care suites, and care beds; and
 - (iii) ancillary facilities; and
- (b) constructing and operating a separate commercial development that includes medical facilities, child care facilities, a cafe, and convenience stores; and
- (c) constructing or installing infrastructure or structures associated with the retirement village and the separate commercial development.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land;
- (b) removing vegetation;
- (c) carrying out earthworks;
- (d) constructing and operating a retirement village;
- (e) constructing and operating the commercial development described in clause 3(b);
- (f) discharging stormwater (which may contain contaminants) onto land;

- (g) landscaping and planting;
- (h) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and
 - (ii) car parking areas; and
 - (iii) infrastructure for three waters services;
- (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 on land at 171–193 Fairy Springs Road, Fairy Springs, Rotorua that is comprised in the following:

- (a) Kawaha 3K Block in the record of title SA273/201;
- (b) Kawaha 3L1 Block in the record of title SA382/103.

6 Persons who must be invited to comment on project

The 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 Minister for Seniors;
- (b) Health New Zealand;
- (c) the New Zealand Transport Agency;
- (d) KiwiRail Holdings Limited;
- (e) the trustees, acting in their capacity as trustees, of the Raukawa Settlement Trust.

7 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 Minister for Seniors;
- Rotorua District Council;
- Bay of Plenty Regional Council;
- Health New Zealand;
- the New Zealand Transport Agency;
- 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 1,819 full-time equivalent jobs over a 7-year design and construction period; and
 - it has the potential to increase housing supply through the construction of—
 - approximately 280 independent living units; and
 - approximately 100 (in total) assisted living suites, care suites, and care beds; 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.

Schedule 88

Foundation Village—Building 3

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Foundation Village—Building 3 (the **project**).

2 Authorised persons

The authorised persons for the project are—

- (a) Foundation Village Limited; and
- (b) Generus Foundation Limited.

3 Description of project

- (1) The scope of the project is to do the following on 2 separate areas of land in Parnell, Auckland:
 - (a) on one of those areas of land,—
 - (i) construct a building (**Building 3**) that is up to 49 metres high; and
 - (ii) operate Building 3 as part of a retirement village; and
 - (iii) operate any communal facilities within the building that are commercial facilities; and
 - (iv) construct or install infrastructure or structures that are associated with Building 3; and
 - (v) carry out landscaping and planting of outdoor open space;
 - (b) temporarily use the other area of land for parking vehicles that are used—
 - (i) in connection with the activities referred to in paragraph (a)(i), (iv), or (v); or
 - (ii) to transport workers involved in carrying out those activities.
- (2) Building 3 is proposed to contain—
 - (a) approximately 65 independent living units; and
 - (b) communal facilities for the people living in those units (for example, lounge rooms, a bar, a cafe, a hairdressing salon and spa, a swimming pool, a health and wellness centre, and a library); and
 - (c) a lobby, staff and administrative areas (including a reception area), and a kitchen; and
 - (d) 2 levels of underground car parking areas.
- (3) The infrastructure or structures associated with Building 3 include—

- (a) outdoor car parking areas; and
- (b) accessways for vehicles (including an accessway that is below ground level and runs between Building 3 and another building in the retirement village); and
- (c) a walkway between Building 3 and the building known as Pearson House; and
- (d) a suspended walkway between Building 3 and another building in the retirement village.

4 Description of activities involved in project

The project may involve the following activities:

- (a) carrying out earthworks (including earthworks that disturb potentially contaminated soil):
- (b) constructing Building 3 and operating it as part of a retirement village:
- (c) operating any communal facilities contained in Building 3 that are commercial facilities:
- (d) discharging stormwater (which may contain contaminants) onto land:
- (e) taking and diverting groundwater and discharging it onto land:
- (f) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and
 - (ii) driveways and car parking areas; and
 - (iii) walkways; and
 - (iv) infrastructure for three waters services:
- (g) landscaping and planting:
- (h) carrying out any other activities that are—
 - (i) associated with the activities described in paragraphs (a) to (g); 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 the following locations:

- (a) an area of approximately 1.4 hectares of land at 10 and 16 Titoki Street and 4 Maunsell Road, Parnell, Auckland, which is the land referred to in clause 3(1)(a):
- (b) an area of approximately 0.12 hectares of land at 8 Domain Drive, Parnell, Auckland, which is the land referred to in clause 3(1)(b).

6 Persons who must be invited to comment on project

The 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 Minister for Seniors;
- (b) Health New Zealand;
- (c) Auckland Transport;
- (d) the Ngāti Koheriki Claims Committee;
- (e) Ngāti Whanaunga Incorporated.

7 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 Minister for Seniors;
- Auckland Council;
- Auckland Transport.

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 385 full-time equivalent jobs (**FTE jobs**) over a 6-year design and construction period; and
 - approximately 15 ongoing FTE jobs; and
 - it has the potential to increase housing supply through the construction of approximately 65 independent living units (which are apartment-style residential units); 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 17 June 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment 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 87 and 88*.

The effect of the referral is—

- to authorise Summerset Villages (Rotorua) 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 87*; and
- to authorise Foundation Village Limited and Generus Foundation 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 88*.

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*: 15 June 2023.

Notes

1 General

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Summerset Rotorua and Foundation Village) 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)