

Version
as at 8 July 2023



COVID-19 Recovery (Fast-track Consenting) Referred Projects (Stevensons Crescent and Verran Mews) Amendment Order 2023

(SL 2023/149)

COVID-19 Recovery (Fast-track Consenting) Referred Projects (Stevensons Crescent and Verran Mews) 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 schedules inserted	2
	Schedule	3
	New Schedules 96 and 97 inserted	

Order

- 1 **Title**
This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Stevensons Crescent and Verran Mews) Amendment Order 2023.
- 2 **Commencement**
This order comes into force on 2 July 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 96 and 97 inserted

cl 4

Schedule 96
Stevensons Crescent

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Stevensons Crescent (the **project**).

2 Authorised person

The authorised person for the project is Mansion Rear Limited.

3 Description of project

- (1) The scope of the project is to subdivide approximately 2.5 hectares of land in Albany, Auckland and develop that land by—
 - (a) constructing and operating a mixed-use development; and
 - (b) landscaping and planting;
 - (c) constructing or installing infrastructure or structures associated with the subdivision and the mixed-use development.
- (2) The mixed-use development is proposed to consist of—
 - (a) approximately 112 residential units in terraced houses that are 3 storeys high; and
 - (b) approximately 26 apartments in apartment buildings that are 3 storeys high; and
 - (c) commercial premises (for example, retail or office premises within the apartment buildings).
- (3) When counting the number of storeys of a building for the purposes of this clause, a basement is not to be counted as a storey (whether or not the basement extends under the entirety of the building above it).
- (4) Placing a culvert in Stream A is within the scope of the project only if the panel is satisfied that placing the culvert in Stream A—
 - (a) is not described as a prohibited activity in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020; and
 - (b) does not involve an activity that is described as a prohibited activity in those regulations.

- (5) In this clause, **Stream A** means land identified as Stream A in Appendix E of the application for referral of the project.

4 Description of activities involved in project

The project may involve the following activities:

- (a) subdividing land;
- (b) removing vegetation, including within 10 metres of a natural inland wetland;
- (c) carrying out earthworks, including—
 - (i) earthworks that disturb potentially contaminated soil; and
 - (ii) earthworks within 10 metres of a natural inland wetland;
- (d) taking, damming, and diverting water (including within 100 metres of a natural inland wetland) and discharging it onto land or into water (including within 100 metres of a natural inland wetland);
- (e) diverting and detaining stormwater, and discharging the stormwater (which may contain contaminants) onto land or into water;
- (f) taking and diverting groundwater and discharging it onto land or into water;
- (g) placing and using structures in, on, or under the bed of a river;
- (h) constructing and operating the mixed-use development described in clause 3;
- (i) landscaping and planting, including to restore natural inland wetlands;
- (j) constructing or installing infrastructure or structures, including—
 - (i) roads (which are intended to be vested in Auckland Council) and other accessways for vehicles; and
 - (ii) pedestrian and cycle accessways; and
 - (iii) infrastructure for three waters services;
- (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 8 Stevensons Crescent, Albany, Auckland.

6 Further information to be submitted

- (1) An integrated transport assessment 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).
- (2) The integrated transport assessment is to—
 - (a) take into account the Supporting Growth Programme of Auckland Transport and the New Zealand Transport Agency (in particular, proposed upgrades to Dairy Flat Highway); and
 - (b) assess the effects of the project on the local road network (including on those proposed upgrades); and
 - (c) contain information on any discussions held, and any agreements made, between the authorised person and Auckland Transport about the project (including discussions and agreements about the matters referred to in paragraphs (a) and (b)).

7 Persons who must be invited to comment on project

- (1) 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) Auckland Transport;
 - (b) the trustees, acting in their capacity as trustees, of Te Patukirikiri Iwi Trust;
 - (c) the Ngāti Koheriki Claims Committee.
- (2) To avoid doubt, a person or persons referred to in subclause (1) includes anyone who is appointed to represent the person or persons in any material respect (for example, anyone appointed as the appropriate contact for matters relating to the Resource Management Act 1991).

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:

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Schedule

- Auckland Council.

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 81 direct full-time equivalent jobs (**FTE jobs**) and 219 indirect FTE jobs over a 4-year design and construction period; and
 - it has the potential to increase housing supply through the construction of approximately 138 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.

Schedule 97 Verran Mews

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Verran Mews (the **project**).

2 Authorised person

The authorised person for the project is Sweet New Zealand Co., Limited.

3 Description of project

The scope of the project is to subdivide approximately 2.6 hectares of land in Birkenhead, Auckland and develop that land by—

- (a) constructing a housing development comprising approximately 110 residential units; and
- (b) constructing a community building for the residents of the housing development; and
- (c) operating the community building and other community facilities for those residents, including an outdoor multi-use games area; and
- (d) landscaping and planting of open space; and
- (e) constructing or installing infrastructure or structures associated with the subdivision, housing development, and community facilities.

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) diverting and detaining stormwater, and discharging the stormwater (which may contain contaminants) onto land;
- (e) constructing residential units and a building that is a community facility;
- (f) operating community facilities;
- (g) landscaping and planting;
- (h) constructing or installing infrastructure or structures, including—
 - (i) private accessways for vehicles; and
 - (ii) car parking areas; and
 - (iii) pedestrian and cycle accessways; and

- (iv) 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 at 19A–25 Verran Road and 19 West Glade Crescent, Birkenhead, Auckland.

6 Further information to be submitted

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):

Three waters services

- (a) information on any discussions held, and any agreements made, between the authorised person and Watercare Services Limited or Auckland Council (or both) about relevant infrastructure for three waters services:
- (b) information on any matters arising from those discussions on which there is disagreement between the authorised person and Watercare Services Limited or Auckland Council (or both):

Transport infrastructure

- (c) information on any discussions held, and any agreements made, between the authorised person and Auckland Transport about relevant transport infrastructure:
- (d) information on any matters arising from those discussions on which there is disagreement between the authorised person and Auckland Transport.

7 Persons who must be invited to comment on project

- (1) 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) Watercare Services Limited:
 - (b) Auckland Transport:
 - (c) the trustees, acting in their capacity as trustees, of Te Patukirikiri Iwi Trust:
 - (d) the trustees, acting in their capacity as trustees, of Ngā Maunga Whaka-hii o Kaipara Development Trust:

(e) the Ngāti Koheriki Claims Committee.

- (2) To avoid doubt, a person or persons referred to in subclause (1) includes anyone who is appointed to represent the person or persons in any material respect (for example, anyone appointed as the appropriate contact for matters relating to the Resource Management Act 1991).

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;
- Auckland Council.

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 197 direct full-time equivalent jobs; and
 - it has the potential to increase housing supply through the construction of approximately 110 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.

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 2 July 2023, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to an expert consenting panel 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 96 and 97*.

The effect of the referral is—

- to authorise Mansion Rear 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 96*; and
- to authorise Sweet New Zealand Co., 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 97*.

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*: 27 June 2023.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects (Stevensons Crescent and Verran Mews) 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)