

In Confidence

Office of the Minister for the Environment

Chair, Cabinet

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 (the Amendment Order).
- 2 The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include as projects referred to an expert consenting panel (a panel):
 - 2.1 Aedifice Development Limited's Brickfields – Scott Rd Development (Schedule 27)
 - 2.2 Melia Development Limited's Melia Place (Schedule 28)
 - 2.3 The Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse (Schedule 29).

Executive Summary

- 3 The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to me, in my role as the Minister for the Environment, to fast-track certain approvals required under the Resource Management Act 1991 (RMA) for their project.
- 4 Projects that I accept are referred to a panel by an amendment to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (Order in Council), subject to Cabinet's agreement. This allows an applicant to lodge applications for resource consents and/or notices of requirement for a designation with the Environmental Protection Authority (EPA) for consideration by a panel.
- 5 I received applications to fast-track projects from:
 - 5.1 Aedifice Development Limited
 - 5.2 Melia Development Limited
 - 5.3 The Minister of Justice and the Ministry of Justice.
- 6 I am satisfied as to the projects' eligibility for referral and have considered whether they help achieve the purpose of the FTCA. I sought written comments from relevant Ministers and the relevant local authorities, and I have considered the replies received.

I considered the reports prepared under section 17 of the FTCA and I have also requested and considered further information from Aedifice Development Limited and Melia Development Limited.

- 7 For the Brickfields – Scott Rd Development project I sought written comments from Auckland Transport and Watercare Services Limited (Watercare), and considered the replies received.
- 8 For the Melia Place project I sought written comments from the Associate Minister for the Environment (Urban Development), Auckland Transport and Watercare, and considered the replies received.
- 9 I have accepted Aedifice Development Limited's Brickfields – Scott Rd Development project for referral as it has the potential to:

9.1 have positive effects on social wellbeing by:

9.1.1 providing additional housing supply of a range of typologies in the Auckland region, which has been rapidly growing and has a projected housing capacity shortfall in the medium term

9.1.2 delivering open space and infrastructure which will facilitate community connection and provide opportunity for physical activities

9.2 generate employment by providing approximately 380 direct full-time equivalent (FTE) jobs per year over a three-year planning and construction period

9.3 increase housing supply through the construction of approximately 425 new residential units

9.4 progress faster using the processes provided by the FTCA than if consents were sought through standard RMA processes, provided that the applicant lodges their applications for resource consent with the EPA in a timely manner following referral.

- 10 I have accepted Melia Development Limited's Melia Place project for referral as it has the potential to:

10.1 have positive effects on social wellbeing by:

10.1.1 providing additional housing supply, including terraced housing which can provide a more affordable option at a time when housing prices are rapidly escalating in the Auckland region

10.1.2 providing employment opportunities during construction

10.1.3 providing recreation space

10.2 generate employment by providing approximately 96 direct FTE jobs per year over a two year construction period

10.3 increase housing supply through the construction of approximately 59 new residential units

- 10.4 progress faster using the processes provided by the FTCA than if consents were sought through standard RMA processes, provided that the applicant lodges their applications for resource consent with the EPA in a timely manner following referral.
- 11 I have accepted the Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse project for referral as it has the potential to:
- 11.1 have positive effects on social wellbeing by enabling development of more user-friendly and fit-for-purpose justice facilities
 - 11.2 enable approximately 177 FTE jobs over the 4-5 year design and construction period and enable 40 FTE ongoing jobs over an average 12-month period
 - 11.3 progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA processes, provided that the applicants lodge their notice of requirement with the EPA in a timely manner following project referral.
- 12 I consider that the projects will help to achieve the purpose of the FTCA, and any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA.
- 13 I now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables Aedific Development Limited, Melia Development Limited, and The Minister of Justice and the Ministry of Justice to apply via the EPA to a panel for the relevant approvals needed under the RMA for the projects, in accordance with the process in the FTCA.

Background

- 14 The FTCA is one of the Government's actions to support New Zealand's economic recovery from COVID-19, by promoting employment and supporting on-going investment. The FTCA enables any person to apply to the Minister for the Environment to access the fast-track process for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge, via the EPA, a resource consent application or notice of requirement for a designation with a panel for consideration.
- 15 As of 31 August 2021, 60 applications have been received for projects to be considered for referral to a panel through an Order in Council, of which:
- 15.1 17 applications are being processed and are awaiting a referral decision
 - 15.2 six projects have been approved for referral and are awaiting Orders in Council. This includes the three projects that are the subject of this cabinet paper. Rangitane Maritime Development, Otawere Water Storage Reservoir, and Drury and Paerata Stations are the subject of cabinet papers that were before Cabinet on 30 August 2021.
 - 15.3 22 projects have been referred and Orders in Council gazetted, and four of these have been granted RMA approvals by a panel. A list of the referred projects is in Appendix one


- 15.4 10 referral applications have been declined for a range of reasons including that they do not meet the purpose of the FTCA and it would be more appropriate for them to go through the standard consenting process under the RMA
- 15.5 five referral applications have been withdrawn by the applicants.
- 16 An update on the status of projects that are listed in Schedule 2 of the FTCA is in Appendix two.

Project for referral: Aedifice Development Limited's Brickfields – Scott Rd Development project

- 17 Aedifice Development has applied to use the fast-track consenting process for the Brickfields – Scott Road Development project. This project is a residential development comprising construction of approximately 44 buildings, construction of associated infrastructure including roading, parking and three waters services, and development of a reserve and open space. The project includes subdivision to create approximately 426 lots and it will provide approximately 425 residential units. A heritage building on the project site will be retained on one of the lots.
- 18 The project is located at 4 Scott Road, Hobsonville, Auckland.
- 19 The project requires subdivision and land use consents and water and discharge permits under the Auckland Unitary Plan (AUP) and land use consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F).
- 20 To better understand the project certainty, consistency with national direction and potential effects on wetlands, I sought further information from the applicant under section 22 of the FTCA.
- 21 I also sought written comments on this application from relevant Ministers, Auckland Council, Auckland Transport and Watercare.

Overview of comments

s 9(2)(g)(i), s 9(2)(f)(ii)



27 Auckland Council did not state whether it supported or opposed project referral but noted that there are no reasons why the project should proceed through standard RMA processes rather than the process in the FTCA. Auckland Council noted that different council divisions and agencies, such as Parks and Watercare, have raised significant concerns but that these can be addressed by provision of further information by the applicant, appropriate engagement with council agencies, and appropriate consent conditions. The key issues raised by Auckland Council were: height and density in the applicable Residential – Single House Zone; compliance with the regional stormwater

network discharge consent; residential amenity and built form; effects on natural character; the potential presence of wetlands on the site; effects on heritage features including notable trees; the quality of assets to be vested in the council; and coastal erosion.

- 28 Auckland Transport neither supported nor opposed project referral and requested that the applicant be directed to submit to a panel an integrated transport assessment with their resource consent applications addressing potential effects on the roading network.
- 29 Watercare neither supported nor opposed project referral and noted that there are capacity constraints in the local water supply network, which will need to be upgraded. Watercare also noted that a new wastewater pump station will be required to service the development and this will need to be funded and built by the applicant.

Decision

- 30 In making my decision I considered the application and further information received; comments received from relevant Ministers, Auckland Council, Auckland Transport and Watercare; and the eligibility criteria in section 18 of the FTCA¹. I also considered the report prepared under section 17 of the FTCA, that indicates there are ten iwi authorities, six Treaty settlements and nine Treaty settlement entities relevant to the project area, and that one further entity (Ngāti Koheriki Claims Committee) may also have an interest in the project.
- 31 I have decided to accept Aedifice Development Limited's application for referral of the Brickfields – Scott Road Development project to a panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by having the potential to:
- 31.1 have positive effects on social welling by:
 - 31.1.1 providing additional housing supply of a range of typologies in an area that has been rapidly growing and has a projected housing capacity shortfall in the medium term
 - 31.1.2 delivering open space and infrastructure which will facilitate community connection and provide opportunity for physical activities
 - 31.2 generate employment by providing approximately 380 direct FTE jobs per year over a three-year planning and construction period
 - 31.3 increase housing supply through the construction of 425 new residential units
 - 31.4 progress faster using the processes provided by the FTCA than if consents were sought through standard RMA processes, provided that the applicant lodges their applications for resource consent with the EPA in a timely manner following referral.
- 32 To address site-specific matters raised by s 9(2)(f)(ii), s 9(2)(g)(i), Auckland Council and Auckland Transport, I have decided to direct the applicant to provide the following information with their application for resource consents submitted

¹ In accordance with section 24 of the FTCA - Decision to accept application for referral

to a panel²: heritage assessments including consideration of effects on scheduled sites, three waters services assessments, a contaminated land assessment and an integrated transport assessment. The full details of this information requirement are in Appendix three.

- 33 The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, and specific non-governmental organisations and other groups listed in the FTCA³. In addition to these requirements and to address site specific matters raised, I have decided to specify the following parties, listed in Appendix three, from whom a panel must seek comment in relation to any resource consent application before it: Auckland Transport, Watercare and Ngāti Koheriki Claims Committee.
- 34 I consider that any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA. I consider that the requirements for additional material listed in Appendix three that must be submitted to a panel will assist with this.
- 35 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 35.1 limit the scope of the project by referring it only in part
 - 35.2 refer the project in stages
 - 35.3 place any restrictions on the project
 - 35.4 impose specific timeframes for panel consideration.

Project for referral: Melia Development Limited's Melia Place project

- 36 Melia Development Limited has applied to use the fast-track consenting process for the Melia Place project. This project is a residential development to provide approximately 59 residential lots and additional private lots for access, community and open space purposes. The project includes the construction of approximately 59 residential units, a multi-use community building and supporting infrastructure including three waters services and roads.
- 37 The project is located at 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa, Auckland.
- 38 The project requires subdivision and land use consents and discharge permits under the AUP and may require land use consent under the NES-CS.
- 39 To better understand the project's ability to meet the purpose of the FTCA, consistency with national direction, project funding arrangements, timeframes for project delivery and effects on cultural wellbeing, I sought further information from the applicant under section 22 of the FTCA.

² Section 24(2)(d) of the FTCA.

³ Clause 17(6) of Schedule 6, FTCA.

- 40 I also sought written comments from relevant Ministers, the Associate Minister for the Environment (Urban Development), Auckland Council, Auckland Transport and Watercare.

Overview of comments

s 9(2)(f)(ii), s 9(2)(g)(i)

- 45 Auckland Council neither supported nor opposed project referral and noted that the project could be processed under the FTCA. Auckland Council noted that different council divisions and agencies, including Healthy Waters and Watercare, raised concerns but that these can be addressed by provision of further information by the applicant, appropriate engagement with council agencies and appropriate consent conditions. The key issues raised by Auckland Council were: alignment with AUP policy direction; potential downstream flooding effects; effects on overland flow paths and natural streams; environmental regulatory compliance history of the applicant's parent company; and capacity of roading and three waters infrastructure.
- 46 Auckland Transport neither supported nor opposed project referral and requested that the applicant be directed to submit an integrated transport assessment addressing potential effects on the roading network with their resource consent applications.
- 47 Watercare neither supported nor opposed project referral and noted that the water supply network appears to have sufficient capacity to service the project. Watercare noted that there are capacity constraints in the local wastewater network, which will need to be upgraded at the applicant's cost.

Decision

50 In making my decision I considered the application and further information received; comments received from relevant Ministers, Auckland Council, Auckland Transport and Watercare; and the eligibility criteria in section 18 of the FTCA⁴. I also considered the report prepared under section 17 of the FTCA, that indicates there are 12 iwi authorities, five Treaty settlements and 10 Treaty settlement entities relevant to the project area.

51 I have decided to accept Melia Development Limited's application for referral of the Melia Place project to a panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by having the potential to:

51.1 have positive effects on social wellbeing by:

⁴ In accordance with section 24 of the FTCA - Decision to accept application for referral

- 51.1.1 providing additional housing supply, including terraced housing which can provide a more affordable option at a time when housing prices are rapidly escalating in the Auckland region
- 51.1.2 providing employment opportunities during construction
- 51.1.3 providing recreation space
- 51.2 generate employment by providing approximately 96 direct FTE jobs per year over a two-year construction period
- 51.3 increase housing supply through the construction of approximately 59 new residential units
- 51.4 progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA processes, provided that the applicant lodges their resource consent application with the EPA in a timely manner following project referral.
- 52 To address site-specific matters raised by the s 9(2)(g)(i), s 9(2)(f)(ii) [REDACTED], Auckland Council, Auckland Transport and Watercare, I have decided to direct the applicant to provide the following information with their application for resource consents submitted to a panel⁵: an archaeological assessment, greenhouse gas emissions and climate change assessments, three waters services assessments, a construction erosion and sediment control plan, a social impact assessment and an integrated transport assessment. The full details of this information requirement are in Appendix four.
- 53 The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, and specific non-governmental organisations and other groups listed in the FTCA⁶. In addition to these requirements and to address site specific matters raised, I have decided to require a panel to seek comment from Auckland Transport and Watercare in relation to any resource consent application before it (as detailed in Appendix four).
- 54 I consider that any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA. I consider that the requirements for additional material listed in Appendix four that must be submitted to a panel will assist with this.
- 55 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 55.1 limit the scope of the project by referring it only in part
- 55.2 refer the project in stages
- 55.3 place any restrictions on the project
- 55.4 impose specific timeframes for panel consideration.

⁵ Section 24(2)(d) of the FTCA.


⁶ Clause 17(6) of Schedule 6, FTCA.

Project for referral: The Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse project

- 56 The Minister of Justice and the Ministry of Justice have applied to use the fast-track consenting process for the Tauranga Innovative Courthouse project. The project is for the development of a new courthouse in central Tauranga.
- 57 The project is located at 27 and 33 Mclean Street, and 24, 28, 30 and 32 Monmouth Street, Tauranga, Bay of Plenty.
- 58 The applicants seek a designation, to be included in the Tauranga City Plan, over the project site. The purpose of the designation will be "Tauranga Moana Innovative Courthouse - Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for the aforementioned purposes". A referral order will enable the Minister of Justice to lodge a notice of requirement for a designation for the Courthouse with the EPA for assessment by an expert consenting panel. The Ministry of Justice will be able to lodge any necessary resource consent applications with the EPA.
- 59 I sought written comments on the application from relevant Ministers, Tauranga City Council (TCC) and Bay of Plenty Regional Council.

Overview of comments

s 9(2)(g)(i), s 9(2)(f)(ii)



- 65 TCC considered that the use of the fast-track process is appropriate. TCC noted that the project site is located within the Residential Zone (City Living Zone), which is subject to proposed Plan Change 26 – Housing Choice (PC26) to the Tauranga City Plan. PC26 in part gives effect to the National Policy on Urban Development 2020 (NPS-UD) by removing maximum residential densities and increasing permitted building height. TCC did not support the loss of residential zoned land but noted that this may be offset if the existing Ministry of Justice courthouse site could be used for residential purposes. TCC noted a number of positive benefits to the community from the project including a new fit-for-purpose civic building and its integration with the regeneration of the city centre, and improved safety for the court users. TCC identified three technical reports on infrastructure, transport and urban design/landscape that they consider appropriate for the applicants to provide with their notice of requirement to a panel.

Decision

- 66 In making my decision I considered the application; comments received from relevant Ministers and TCC; and the eligibility criteria in section 18 of the FTCA⁷. I also considered the report prepared under section 17 of the FTCA, that indicates there are four iwi authorities, three Treaty settlements and four Treaty settlement entities relevant to the project site.
- 67 I have decided to accept the Minister of Justice and the Ministry of Justice's application for referral of the Tauranga Innovative Courthouse project to a panel. I consider the project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by having the potential to:
- 67.1 have positive effects on social wellbeing by enabling development of more user-friendly and fit-for-purpose justice facilities
 - 67.2 enable approximately 177 FTE jobs over the 4-5 year design and construction period and enable 40 FTE ongoing jobs over an average 12-month period
 - 67.3 progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA processes, provided that the applicants lodge their notice of requirement with the EPA in a timely manner following project referral.
- 68 To address site-specific matters raised by s 9(2)(g)(i), s 9(2)(f)(ii) TCC, I have decided to specify the following information that the applicants must provide with their notice of requirement submitted to a panel⁸: an archaeological assessment, a transport assessment, an infrastructure assessment, and an urban design and landscape assessment. The full details of this information requirement are in Appendix five.
- 69 The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities and Treaty settlement entities, specific Ministers, owners and

⁷ In accordance with section 24 of the FTCA - Decision to accept application for referral

⁸ Section 24(2)(d) of the FTCA.

occupiers of adjacent land, and specific non-governmental organisations and other groups listed in the FTCA⁹.

- 70 I consider that any actual and potential effects on the environment, together with any measures to mitigate, offset or compensate for adverse effects, can be considered and determined by a panel subject to Part 2 of the RMA and the purpose of the FTCA. I consider that the requirements for additional material listed in Appendix five that must be submitted to a panel will assist with this.
- 71 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 71.1 limit the scope of the project by referring it only in part
 - 71.2 refer the project in stages
 - 71.3 place any restrictions on the project
 - 71.4 impose specific timeframes for panel consideration.

Timing and 28-day rule

- 72 Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel¹⁰. Therefore, the Amendment Order will come into force the day after publication in the New Zealand Gazette. This will enable applications for resource consents and notices of requirement for a designation (as appropriate) to be lodged with the EPA, for consideration by a panel, the day after the Amendment Order is gazetted, for:
- 72.1 Aedifice Development Limited's Brickfields – Scott Rd Development project
 - 72.2 Melia Development Limited's Melia Place project
 - 72.3 The Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse project.

Compliance

- 73 The Amendment Order complies with:
- 73.1 the principles of the Treaty of Waitangi
 - 73.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 73.3 the principles and guidelines set out in the Privacy Act 1993
 - 73.4 relevant international standards and obligations

⁹ Clause 17(6) of Schedule 6, FTCA.

¹⁰ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

73.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

74 I do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel Office

75 The Amendment Order has been certified by the Parliamentary Counsel Office as being in order for submission.

Impact Analysis

Regulatory Impact Assessment

76 The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel¹¹.

Climate Implications of Policy Assessment

77 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements¹² do not apply to the projects.

78 Likely emissions implications and intended emissions reductions of the projects have been considered at a high-level during the formal application process and are also expected to be considered by the panels in their assessment of any adverse effects arising from the projects.

79 The decision to refer the Melia Development Limited's Melia Place project includes a requirement for the applicant to provide to a panel an assessment of potential GHG emissions resulting from the project and options to avoid, remedy and mitigate the GHG emissions.

Publicity

80 The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.

81 As required under section 25 of the FTCA, my decision to refer the projects to a panel for consideration, the reasons for these decisions, and the reports obtained under section 17 will be made available to the public on the Ministry for the Environment's website.

Proactive release

82 I intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

¹¹ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

¹² CO (20) 3 refers

Consultation

- 83 The Ministry for the Environment sought comment on this paper from the Ministry of Housing and Urban Development, Ministry for Culture and Heritage, Te Puni Kōkiri, Ministry of Education, Department of Corrections, Land Information New Zealand, Treasury, Ministry of Transport, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Department of Prime Minister and Cabinet, Ministry of Health, Ministry of Defence, Department of Internal Affairs, Department of Conservation and The Office for Māori Crown Relations – Te Arawhiti.

Released under the provision of
the Official Information Act 1982

Recommendations

I recommend that Cabinet:

- 1 **note** that I have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the applications for referral of the following projects to a panel:
 - 1.1 Aedifice Development Limited's Brickfields – Scott Rd Development project
 - 1.2 Melia Development Limited's Melia Place project
 - 1.3 The Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse project
- 2 **note** that Aedifice Development Limited's Brickfields – Scott Rd Development project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the Act's purpose by having the potential to:
 - 2.1 have positive effects on social wellbeing by:
 - 2.1.1 providing additional housing supply of a range of typologies in an area that has been rapidly growing and has a projected housing capacity shortfall in the medium term
 - 2.1.2 delivering open space and infrastructure which will facilitate community connection and provide opportunity for physical activities
 - 2.2 generate employment by providing approximately 380 direct full-time equivalent (FTE) jobs per year over a three-year planning and construction period
 - 2.3 increase housing supply via the construction of 425 new residential units
 - 2.4 progress faster using the Act's processes than if consents were sought through standard Resource Management Act 1991 processes, provided that the applicants lodge their applications for resource consent with the Environmental Protection Authority in a timely manner following referral
- 3 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 requires Aedifice Development Limited to provide to an expert consenting panel: heritage assessments including consideration of effects on scheduled sites, three waters services assessments, a contaminated land assessment and an integrated transport assessment, as detailed in Appendix three
- 4 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 requires an expert consenting panel appointed to consider Aedifice Development Limited's Brickfields – Scott Rd Development project to seek comments from Auckland Transport, Watercare Services Limited and Ngāti Koheriki Claims Committee, as listed in Appendix three
- 5 **note** that Melia Development Limited's Melia Place project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the Act's purpose by having the potential to:

- 5.1 have positive effects on social wellbeing by:
- 5.1.1 providing additional housing supply, including terraced housing which can provide a more affordable option at a time when housing prices are rapidly escalating in the Auckland region
 - 5.1.2 providing employment opportunities during construction
 - 5.1.3 providing recreation space
- 5.2 generate employment by providing approximately 96 direct FTE jobs per year over a two-year construction period
- 5.3 increase housing supply through the construction of approximately 59 new residential units
- 5.4 progress faster using the Act's processes than if consents were sought through standard Resource Management Act 1991 processes, provided that the applicant lodges their applications for resource consent with the Environmental Protection Authority in a timely manner following referral.
- 6 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 requires Melia Development Limited to provide to an expert consenting panel: an archaeological assessment, greenhouse gas emissions and climate change assessments, three waters services assessments, a construction erosion and sediment control plan, a social impact assessment and an integrated transport assessment as detailed in Appendix four
- 7 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 requires an expert consenting panel appointed to consider Melia Development Limited's Melia Place project to seek comments from Auckland Transport and Watercare Services Limited, as listed in Appendix four
- 8 **note** that the Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the Act's purpose by having the potential to:
- 8.1 have positive effects on social wellbeing by providing more user-friendly and fit-for-purpose justice facilities
 - 8.2 enable approximately 177 FTE jobs over the 4-5 year design and construction period and enable 40 FTE ongoing jobs over an average 12-month period
 - 8.3 progress faster by using the Act's processes than would otherwise be the case under standard Resource Management Act 1991 processes, provided that the applicants lodge their notice of requirement with the Environmental Protection Authority in a timely manner following project referral.
- 9 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 requires The Minister of Justice and the Ministry of Justice to provide to an expert consenting panel: a notice of requirement for a designation, an archaeological assessment, a transport assessment, an infrastructure assessment, and an urban design and landscape assessment, as detailed in Appendix five

- 10 **authorise** submission of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 to the Executive Council
- 11 **note** that on 27 July 2020, Cabinet agreed to waive the 28-day rule so that Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 can come into force as soon as they are notified in the New Zealand Gazette [CAB-20-MIN-0353 refers]
- 12 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 11) 2021 will come into force the day after publication in the New Zealand Gazette.

Authorised for lodgement

Hon David Parker

Minister for the Environment

Appendix one – Referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Referred projects granted RMA approvals by a panel		
Project	Location	Applicant
Kohimarama Comprehensive Care Retirement Village	Kohimarama, Auckland	Ryman Healthcare Limited
Northbrook Wanaka Retirement Village	Wanaka	Winton Property Limited
Ohinewai Foam Factory	Ohinewai, Waikato	Ambury Properties Limited
Faringdon South West and South East Development	Rolleston	Hughes Developments Limited's
Referred projects with Orders in Council gazetted		
Clutha Upper Waitaki Lines Project - Works and Workers' Village	Clutha Upper Waitaki	Transpower New Zealand Limited
Northbrook Wanaka Retirement Village	Wanaka	Winton Property Limited
Kohimarama Comprehensive Care Retirement Village	Kohimarama, Auckland	Ryman Healthcare Limited
Molesworth Street Office Development	Thorndon, Wellington	Prime Property Group Limited
The Vines Affordable Subdivision	Richmond, Tasman	Jason and Angela Mudgway
Dominion Road Mixed-use Development	Mount Eden, Auckland	Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited
Ohinewai Foam Factory	Ohinewai, Waikato	Ambury Properties Limited
Eastern Porirua Regeneration Project - Infrastructure Works	Porirua	Kāinga Ora-Homes and Communities' and Porirua City Council
Silverlight Studios	Wanaka	Silverlight Studios Limited
Brennan winery, restaurant, education, and event complex	Gibbston Valley, Otago	Otago Viticulture and Oenology Limited's (trading as Brennan Wines)
Nola Estate	Glen Eden, Auckland	CPM 2019 Limited
Wooring Tree Estate	Cromwell	Wooring Tree Property Development LP
Kapuni Green Hydrogen	Kapuni, Taranaki	Hiringa Energy Limited's and Ballance Agri-Nutrients Limited
New Dunedin Hospital - Whakatuputupu	Dunedin	The Minister of Health's and the Ministry of Health
Faringdon South West and South East Development	Rolleston	Hughes Developments Limited's

Summerset Retirement Village -Waikanae	Waikanae	Summerset Villages (Waikanae) Limited
Beachlands Housing Development	Beachlands, Auckland	Neil Construction Limited and Fletcher Residential Limited
Kōpū Marine Precinct	Kōpū, Thames	Thames-Coromandel District Council
Whakatāne Commercial Boat Harbour project	Whakatāne	Whakatāne District Council, Te Rāhui Lands Trust, Te Rūnanga o Ngāti Awa, Ngāti Awa Group Holdings Limited, Te Rāhui Lands General Partner Limited, Te Rāhui Herenga Waka Whakatane Limited, and Provincial Growth Fund Limited
Karaka North Village	Karaka, Auckland	Cappella Group Limited and Karaka North Village Limited
Ōmāhu Residential Development	Remuera, Auckland	Urban Resort Limited, Icon Co Pty (NZ) Limited
George St Mixed Use Development	Newmarket, Auckland	Newmarket Holdings Development Limited Partnership

Released under the Official Information Act 1982

Appendix two – Status of projects listed under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Listed Project	Status (provided by the EPA, 31 August 2021)
Matawii Water Storage Reservoir Kaikohe	Consents have been approved.
Papakāinga Development – Rāpaki, Christchurch	Consents have been approved.
Te Ara Tupua – Ngā Ūranga to Pito-one shared path	Consents have been approved.
Waitohi Picton Ferry Precinct Redevelopment	Consents have been approved.
Queenstown Arterials Project	Consents have been approved.
Papakāinga Development - Kaitaia	Consents have been approved.
Papakura to Pukekōhe rail electrification	Package 1 - consents have been approved. Package 2 – minor consents - unlikely to proceed under fast-track at this stage.
Papakura to Drury South State Highway 1 improvements	Package 1 - application lodged 24 June – currently under assessment by panel.
Northern Pathway – Westhaven to Akoranga shared path	Lodgement anticipated in late 2021.
Papakāinga Development – Waitara, Taranaki	Lodgement anticipated in 2021.
Te Pā Tāhuna Residential Development	Unlikely to proceed under fast-track at this stage.
Unitec Residential Development	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Point Chevalier, Auckland	Unlikely to proceed under fast-track at this stage.
Papakāinga development – Whaingaroa, Raglan	Unlikely to proceed under fast-track at this stage.
Papakāinga Development - Chatham Islands	Unlikely to proceed under fast-track at this stage.
Wellington Metro Upgrade Programme	Unlikely to proceed under fast-track at this stage.
Britomart Station eastern end upgrade	Unlikely to proceed under fast-track at this stage.

Appendix three – Additional requirements: Aedifice Development Limited's Brickfields – Scott Road Development project

Aedifice Development Limited is required to provide with their applications to an expert consenting panel for resource consents:

1. an integrated transport assessment, including modelling and analysis, that
 - a. identifies how the proposed development will be serviced by the existing public transport system; and
 - b. covers the effects of the project on the surrounding road network, including on the Scott Road, Ngaroma House Views and Clark Road intersection
 - c. identifies details of internal layout of roads, including cycleways, walkways, safe pedestrian crossings and traffic calming devices, and manoeuvring for waste and recycling services
2. a stormwater assessment and 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)
3. an assessment of the condition and capacity of existing infrastructure for three waters services
4. a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
5. detailed designs and/or plans of any works that will be located within the proposed 20 metre esplanade reserve and additional 6000 square metre area of reserve and within the scheduled extent of place for the Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks and the 'southern headland' where archaeological midden site R11/484 and four scheduled historic trees are situated. This should include, but not be limited to:
 - a. addition or removal of any vegetation
 - b. landscaping
 - c. footpaths, boardwalks and public amenity works
 - d. coastal protection works
 - e. emergency wastewater overflow line
6. a heritage assessment and details of how impacts on historic heritage values have been avoided, minimised and/or mitigated, including via the use of construction techniques such as boardwalks, and the provision of interpretation (as appropriate)
7. an assessment of the proposed apartment buildings adjacent to the scheduled historic residence (ID 00139, Schedule 14.1, chapter L of the Auckland Unitary Plan), including:
 - a. the historic residence's access to natural light and the effects of shading and building dominance on that residence

- b. architectural elevational treatment details of the proposed buildings and their response to the traditional domestic scale and architecture of the historic residence.

An expert consenting panel appointed to consider Aedifice Development Limited's applications for resource consents for the Brickfields – Scott Road Development project must seek comments from the following additional persons/organisations:

1. Auckland Transport
2. Watercare Services Limited
3. Ngāti Koheriki Claims Committee

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the Official Information Act 1982

Appendix four – Additional requirements: Melia Development Limited's Melia Place project

Melia Development Limited is required to provide with their applications to an expert consenting panel for resource consents:

1. an archaeological assessment
2. an assessment of the potential greenhouse gas emissions resulting from the project, including:
 - a. quantification of greenhouse gas emissions
 - b. consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified
3. consideration of options to enhance design in order to support the uptake of public and active modes of transport in the development
4. consideration of opportunities where the existing design could be improved to achieve higher energy performance
5. a detailed stormwater assessment including, but not limited to:
 - a. assessment of the downstream flooding effects, including evidence that the development can comply with standard E8.6.1(3) of the Auckland Unitary Plan
 - b. how the overland flow paths within the site will be protected or diverted
 - c. how stormwater pipes under the proposed development will be diverted
 - d. details of treatment to ensure that the quality of water discharging to open watercourses/streams meets the requirements of the Auckland Unitary Plan standard E3.6.1.1
 - e. assessment of the effects of stormwater discharge on stream hydrology
6. an integrated transport assessment which includes, but is not limited to:
 - a. assessment of whether the surrounding road network is able to accommodate the additional traffic volumes from the residential development
 - b. assessment of the impact of the additional traffic on the Melia Place/Whangaparāoa Road/Poplar Road intersection and Vipond Road access
7. a water supply and wastewater capacity assessment which includes, but is not limited to:
 - a. assessment of whether a second connection to the water supply network in Melia Place should be provided to ensure resilient supply
 - b. details of internal private pipework and sizing to meet fire hydrant distances
 - c. detailed design of the proposed upgrades to the wastewater necessary to service the development, including evidence of consultation with Watercare
8. a construction erosion and sediment control management plan and a statement on specific measures that will be taken to ensure compliance with it

9. a social impact assessment which addresses any effects associated with the community being gated.

An expert consenting panel appointed to consider Melia Development Limited's applications for resource consents for the Melia Place project must seek comments from the following additional persons/organisations:

1. Auckland Transport
2. Watercare Services Limited.

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the Official Information Act 1982

Appendix five – Additional requirements: The Minister of Justice and the Ministry of Justice's Tauranga Innovative Courthouse project

The Minister of Justice and the Ministry of Justice is required to provide with their notice of requirement for a designation to an expert consenting panel:

1. an archaeological assessment of the project site
2. a transport assessment, including the impact of the project on the local transport network and the likely demand for parking
3. an infrastructure assessment, including details of:
 - a. the infrastructure proposed for three waters services; and
 - b. the effects of the project on the capacity of existing Tauranga City Council infrastructure
4. an urban design and landscape assessment, including details of:
 - a. the anticipated site layout, building envelope and design
 - b. any mitigating measures that will be incorporated into the building design to ensure that the building and activity are integrated with the surrounding land uses and the public/private interfaces, and
 - c. movement of vehicle and pedestrians, on-site amenity, safety and security, and culture and identity outcomes sought for the site.