

In Confidence

Office of the Minister for the Environment

Chair, Cabinet

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 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 14) 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 (panel):
 - 2.1 Kiwi Property Holdings No 2 Limited's Drury Centre Precinct project (Schedule 32)
 - 2.2 Oyster Capital Limited's Waihoehoe Precinct project (Schedule 33)
 - 2.3 Fulton Hogan Land Development's Drury East Stage 1 Precinct project (Schedule 34).

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, 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 from:
 - 5.1 Kiwi Property Holdings No 2 Limited (Kiwi Property) to fast-track the Drury Centre Precinct project
 - 5.2 Oyster Capital Limited (Oyster Capital) to fast-track the Waihoehoe Precinct project
 - 5.3 Fulton Hogan Land Development (Fulton Hogan) to fast-track the Drury East Stage 1 Precinct project.

- 6 The Drury Centre Precinct project is to subdivide a 49 hectare (approximate) greenfield site in Drury, south Auckland to create two commercial lots, 13 balance lots and an open space park, and to construct large format buildings for retail activities on the commercial lots.
- 7 The Waihoehoe Precinct project is to subdivide a 35 hectare (approximate) greenfield site in Drury, south Auckland, to create up to 376 residential lots, nine balance lots and an open space park, and to construct up to 376 residential units.
- 8 The Drury East Stage 1 Precinct project is to subdivide a 33 hectare (approximate) greenfield site in Drury, south Auckland, to create up to 248 residential lots, 28 balance lots, neighbourhood parks and esplanade reserves, and to construct up to 248 residential units.
- 9 Auckland Council is currently processing seven private plan changes (PPCs) for the Future Urban Zone at Drury – Opāheke. The project sites for the three fast-track applications are located within the respective boundaries of three of the PPCs. Referring the projects before the respective PPC requests are determined means that the fast-track applications will be assessed against the operative provisions of the Auckland Unitary Plan (AUP) under non-complying activity status in accordance with the Future Urban Zone provisions, rather than against a potentially more enabling planning framework in the event the PPC requests are approved.
- 10 I am satisfied as to the projects' eligibility for referral and have considered whether they help achieve the purpose of the FTCA. I sought and considered written comments from relevant Ministers including the Associate Minister for the Environment, and Auckland Council, NZ Transport Agency Waka Kotahi (Waka Kotahi), Auckland Transport, Watercare Services (Watercare), Transpower New Zealand Limited (Transpower) (for Drury Centre Precinct), and Firstgas Group (for Drury East Stage 1 Precinct).
- 11 I considered the reports prepared under section 17 of the FTCA, and I also requested and considered further information from the applicants.
- 12 I have accepted Kiwi Property's Drury Centre Precinct project for referral as it has the potential to:
- 12.1 generate employment by providing up to 440 direct full-time equivalent (FTE) jobs per year during the four-year planning and construction period
 - 12.2 improve economic and employment opportunities and outcomes for people affected by COVID-19 (retailers and hospitality), and have positive effects on social wellbeing, by providing infrastructure for roading and three waters to service large format buildings for retail activities and future residential development
 - 12.3 improve environmental outcomes through revegetation of riparian areas alongside Hingaia Stream.
- 13 I have accepted Oyster Capital's Waihoehoe Precinct project for referral as it has the potential to:
- 13.1 generate employment by providing up to 670 direct FTE jobs per year during the four-year planning and construction period

- 13.2 increase housing supply through the construction of approximately 376 new residential units.
- 14 I have accepted Fulton Hogan's Drury East Stage 1 Precinct project for referral as it has the potential to:
- 14.1 generate employment by providing up to 590 direct FTE jobs per year during the four-year planning and construction period
- 14.2 increase housing supply through the construction of approximately 248 new residential units.
- 15 All three projects have the potential to progress faster using the FTCA processes than if consents were sought through standard RMA processes, provided that the applicants lodge their applications for resource consent with the EPA in a timely manner following referral.
- 16 I consider that all 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 Resource Management Act 1991 (RMA) and the purpose of the FTCA.
- 17 I now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables Kiwi Property, Oyster Capital and Fulton Hogan 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

- 18 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 a resource consent application or notice of requirement for a designation with the EPA for consideration by a panel.
- 19 As of 27 October 2021, 69 applications have been received for projects to be considered for referral to a panel through an Order in Council, of which:
- 19.1 14 applications are being processed and are awaiting a referral decision
- 19.2 Nine 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. Two have been before Cabinet and awaiting gazetting, and four are the subject of three cabinet papers due later this month
- 19.3 29 projects have been referred and Orders in Council gazetted, and eight of these have been granted RMA approvals by a panel. A list of the referred projects is in Appendix one
- 19.4 12 referral applications have been declined for a range of reasons including not meeting the purpose of the FTCA and it being more appropriate for them to go through the standard RMA consenting process

19.5 Five referral applications have been withdrawn by the applicants.

- 20 An update on the status of projects that are listed in Schedule 2 of the FTCA is in Appendix two.

Project for referral: Kiwi Property's Drury Centre Precinct project

- 21 Kiwi Property has applied to use the fast-track consenting process for the Drury Centre Precinct project. The project site is located at 133, 139, 155, 173 & 189 Fitzgerald Road, 61 & 97 Brookfield Road and 108, 116, 120, 124, 128 & 132 Flanagan Road, Drury, Auckland.
- 22 The project is to subdivide a greenfield rural site covering approximately 49 hectares to create two commercial lots with a combined area of 42,500 square metres, 13 balance lots and an open space park; to construct a number of large format buildings for retail activities on the commercial lots; to construct supporting infrastructure, and to revegetate riparian areas of Hingaia Stream.
- 23 The project involves the following activities: subdivision of land, earthworks (including on areas of contaminated land), water takes, discharge of stormwater and contaminants to land and water, construction of three waters services, roading and walkways, signage, and construction of large format retail buildings.
- 24 The project requires land use and subdivision consents, and discharge and water permits under the AUP and consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
- 25 The project site is located wholly within the boundaries of an application by Kiwi Property for a change to the AUP referred to as private plan change 48 Drury Centre Precinct (PPC48). PPC48 seeks to rezone an area larger than the project site from Future Urban to Business and Open Space zones. Until the plan change request is determined by Auckland Council, any application for resource consent for the project would be assessed against the operative provisions of the AUP.
- 26 I sought further information from Kiwi Property under section 22 of the FTCA to better understand: the iwi authorities with whom the applicant had engaged; any steps taken to address the requirements of clause 9(5) Schedule 6 of the FTCA relating to the provision of cultural impact assessments; and consideration of the project against both the s104D RMA 'gateway tests' and the National Policy Statement for Urban Development 2020 (NPS-UD).
- 27 I also sought written comments on the application from relevant Ministers including the Associate Minister for the Environment, and Auckland Council, Waka Kotahi, Auckland Transport, Watercare and Transpower, in accordance with section 21 of the FTCA.

Overview of comments

- 28 s 9(2)(f)(ii), s 9(2)(g)(i) [redacted] Auckland Council, Waka Kotahi and Auckland Transport, did not support referral of the project. Some of the key reasons identified included:

- 28.1 fast-tracking this project limits opportunity to consider and address wider priorities in the development of the Drury suburban fringe, such as the incorporation of climate change adaptation measures into urban design
- 28.2 the project is not consistent with the timing for delivery of structure plan components, set out in the Drury – Opāheke Structure Plan 2019 (D-OSP)¹
- 28.3 the project does not fully deliver on the objectives and policies of the Auckland Regional Policy Statement (RPS) and the AUP relating to promotion of public transport, walking and cycling, and for sequencing the delivery of infrastructure at the same time as development
- 28.4 allowing the project to proceed out of sequence with the concurrent PPC process creates further significant risks of sub-optimal infrastructure and environmental outcomes.

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

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

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

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

Auckland Council and Transpower made requests for directions to the applicant and the panel that I have considered.

Decision

- 33 In making my decision I considered the application and further information received, all comments provided in response to my invitation, and the eligibility criteria in section 18 of the FTCA². I also considered the report prepared under section 17 of the FTCA.

¹ The Drury - Opāheke Structure Plan 2019 (D-OSP) anticipates that the project sites will be development ready between 2028-2032 if provision for development of the area were to follow the standard plan change process. The D-OSP defines the maximum extent of the Future Urban Zone within the AUP and sets out a pattern of land uses and supporting infrastructure network. As a strategic document it's anticipated direction will not form part of the current zone policies and rules until it is tested and incorporated through a plan change or changes under Schedule 1 of the RMA.

² In accordance with section 24 of the FTCA - Decision to accept application for referral

- 34 I have decided to accept Kiwi Property's application for referral of the Drury Centre Precinct 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:
- 34.1 generate employment by providing up to 440 direct FTE jobs per year during the four-year planning and construction period
 - 34.2 improve economic and employment opportunities and outcomes for people affected by COVID-19 (retailers and hospitality), and have positive effects on social wellbeing, by providing infrastructure for roading and three waters to service large format buildings for retail activities and future residential development
 - 34.3 improve environmental outcomes through revegetation of riparian areas of Hingaia Stream
 - 34.4 progress faster using the FTCA processes 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.
- 35 To address site-specific matters raised by s 9(2)(f)(ii), s 9(2)(g)(i) Auckland Council and Transpower I have decided to specify the following information that the applicant must provide with their applications for resource consents submitted to a panel³: an assessment against the outcomes of the D-OSP, subdivision design assessment and plans, an assessment of the existing roading infrastructure and any necessary upgrades, an integrated transport assessment, an assessment of the existing three waters infrastructure and any necessary upgrades, and an assessment of any effects arising from the project's proximity to the National Grid transmission lines. The full details of these information requirements are in Appendix three.
- 36 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 FTCA⁴. 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 consent application before it: Ngāti Koheriki Claims Committee, Waka Kotahi, Auckland Transport and Watercare.
- 37 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 appropriately tested by a panel against 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.
- 38 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 38.1 limit the scope of the project by referring it only in part
 - 38.2 refer the project in stages

³ Section 24(2)(d) of the FTCA.

⁴ Clause 17(6) Schedule 6 of the FTCA.

- 38.3 place any restrictions on the project
- 38.4 impose specific timeframes for panel consideration.

Project for referral: Waihoehoe Precinct project

- 39 Oyster Capital has applied to use the fast-track consenting process for the Waihoehoe Precinct project. The project site is located at 76, 76A and 116, 136 and 140 Waihoehoe Road, Drury, Auckland.
- 40 The project is to subdivide a greenfield rural site of approximately 35 hectares to create up to 376 residential lots, nine balance lots and an open space park; and to construct up to 376 residential units and supporting infrastructure.
- 41 The project involves the following activities: subdivision of land, earthworks (including on areas of contaminated land), water takes, discharge of stormwater and contaminants to land and water, construction of residential buildings, three water services, roading and walkways and signage.
- 42 The project requires land use and subdivision consents, and discharge and water permits under the AUP and consents under the NES-CS.
- 43 The project site is located wholly within the boundaries of an application by Oyster Capital to rezone a larger area from Future Urban to Residential in the AUP, referred to as private plan change 50 Waihoehoe Precinct (PPC50). Until the plan change request is determined any application for resource consent for the project would be assessed against the operative provisions of the AUP.
- 44 To better understand the iwi authorities that had been engaged with, and the steps taken to address the requirements of clause 9(5) Schedule 6 of the FTCA relating to the provision of cultural impact assessments, consideration of the project against the s104D RMA 'gateway tests' and the NPS-UD, I sought further information from Oyster Capital under section 22 of the FTCA.
- 45 I also sought written comments on the application from relevant Ministers including the Associate Minister for the Environment, and Auckland Council, Waka Kotahi, Auckland Transport and Watercare, in accordance with section 21 of the FTCA.

Overview of comments

- 46 Comments on this project from Ministers, Auckland Council, Waka Kotahi, Auckland Transport and Watercare are the same as those stated above for Drury Centre Precinct project under paragraphs 28 to 32 above.
- 47 s 9(2)(f)(ii), s 9(2)(g)(i) [REDACTED] Auckland Council made requests for directions to the applicant and the panel that I have considered.

Decision

- 48 In making my decision I considered the application and further information received; all comments provided in response to my invitation; and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA.

- 49 I have decided to accept Oyster Capital's application for referral of the Waihoehoe Precinct 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:
- 49.1 generate employment by providing up to 670 direct FTE jobs per year during the four-year planning and construction period
 - 49.2 increase housing supply through the construction of up to 376 new residential units
 - 49.3 progress faster using the FTCA processes 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.
- 50 To address site-specific matters raised by s 9(2)(f)(ii), s 9(2)(g)(i) Auckland Council I have decided to specify the following information that the applicant must provide with their applications for resource consents submitted to a panel: an assessment against the outcomes of the D-OSP, subdivision design assessment and plans, an assessment of the existing roading infrastructure and any necessary upgrades, an integrated transport assessment, and an assessment of the existing three waters infrastructure and any necessary upgrades. The full details of these information requirements are in Appendix four.
- 51 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 FTCA. In addition to these requirements and to address site specific matters raised, I have decided to specify the following parties, listed in Appendix four, from whom a panel must seek comment in relation to any consent application before it: Ngāti Koheriki Claims Committee, Waka Kotahi, Auckland Transport and Watercare.
- 52 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 appropriately tested by a panel against 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.
- 53 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 53.1 limit the scope of the project by referring it only in part
 - 53.2 refer the project in stages
 - 53.3 place any restrictions on the project
 - 53.4 impose specific timeframes for panel consideration.

Project for referral: Drury East Stage 1 Precinct project

- 54 Fulton Hogan has applied to use the fast-track consenting process for the Drury East Stage 1 Precinct project. The project site is located at 86 and 94 Fitzgerald Road, 251 and 383 Waihoehoe Road, 65, 76 and 108 Fielding Road, Drury, Auckland.

- 55 The project is to subdivide a greenfield rural site of approximately 33 hectares to create up to 248 residential lots 28 balance lots, neighbourhood parks and esplanade reserves to be vested in Auckland Council, and to construct up to 248 residential units and supporting infrastructure.
- 56 The project involves the following activities: subdivision of land, earthworks (including on areas of contaminated land), earthworks and vegetation clearance within 10 metres of a natural wetland, water takes, discharge of stormwater and contaminants to land and water, and construction of residential buildings, three water services, roading and walkways and signage.
- 57 The project requires land use and subdivision consents, and discharge and water permits under the AUP and consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) and the NES-CS.
- 58 The project site is located wholly within the boundaries of an application by Fulton Hogan to rezone a larger area from Future Urban to Residential and Business in the AUP, referred to as private plan change 49 Drury East Precinct (PPC49). Until the plan change request is determined by Auckland Council, any application for resource consent for the project would be assessed against the operative provisions of the AUP.
- 59 I sought further information from Fulton Hogan under section 22 of the FTCA to better understand: the iwi authorities with whom the applicant had engaged; any steps taken to address the requirements of clause 9(5) Schedule 6 of the FTCA relating to the provision of cultural impact assessments; and consideration of the project against both the s104D RMA 'gateway tests' and the NPS-UD.
- 60 I also sought written comments on the application from relevant Ministers including the Associate Minister for the Environment, and Auckland Council, Waka Kotahi, Auckland Transport, Watercare and Firstgas Group, in accordance with section 21 of the FTCA.

Overview of comments

- 61 Comments on this project from Ministers, Auckland Council, Waka Kotahi, Auckland Transport and Watercare are the same as those stated above for Drury Centre Precinct project under paragraphs 28 to 32 above.
- 62 s 9(2)(f)(ii), s 9(2)(g)(i) [REDACTED] Auckland Council made requests for directions to the applicant and the panel that I have considered.

Decision

- 63 In making my decision I considered the application and further information received; all comments provided in response to my invitation; and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA.
- 64 I have decided to accept Fulton Hogan's application for referral of the Drury East Stage 1 Precinct 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:
- 64.1 generate employment by providing up to 590 direct FTE jobs per year during the four-year planning and construction period

- 64.2 increase housing supply through the construction of up to 248 new residential units
- 64.3 progress faster using the FTCA processes 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.
- 65 To address site-specific matters raised by s 9(2)(f)(ii), s 9(2)(g)(i) Auckland Council I have decided to specify the following information that the applicant must provide with their applications for resource consents submitted to a panel: an assessment against the outcomes of the D-OSP, subdivision design assessment and plans, an assessment of the existing roading infrastructure and any necessary upgrades, an integrated transport assessment, and an assessment of the existing three waters infrastructure and any necessary upgrades. The full details of these information requirements are in Appendix five.
- 66 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 FTCA. In addition to these requirements and to address site specific matters raised, I have decided to specify the following parties, listed in Appendix five, from whom a panel must seek comment in relation to any consent application before it: Ngāti Koheriki Claims Committee, Waka Kotahi, Auckland Transport and Watercare.
- 67 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 appropriately tested by a panel against 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.
- 68 I consider there are no reasons to decide under section 24(2) of the FTCA to:
- 68.1 limit the scope of the project by referring it only in part
 - 68.2 refer the project in stages
 - 68.3 place any restrictions on the project
 - 68.4 impose specific timeframes for panel consideration.

Timing and 28-day rule

- 69 Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel⁵. Therefore, the Amendment Order will come into force the day after publication in the New Zealand Gazette. This will enable applications for resource consents to be lodged with the EPA, for consideration by a panel, the day after the Amendment Order is gazetted, for:
- 69.1 Kiwi Property's Drury Centre Precinct project

⁵ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

- 69.2 Oyster Capital's Waihoehoe Precinct project
- 69.3 Fulton Hogan's Drury East Stage 1 Precinct project.

Compliance

- 70 The Amendment Order complies with:
- 70.1 the principles of the Treaty of Waitangi
- 70.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
- 70.3 the principles and guidelines set out in the Privacy Act 2020
- 70.4 relevant international standards and obligations
- 70.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 71 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

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

Impact Analysis

Regulatory Impact Assessment

- 73 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 panel⁶.

Climate Implications of Policy Assessment

- 74 The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements⁷ do not apply to the projects.

Publicity

- 75 The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.
- 76 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

⁶ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer

⁷ CO (20) 3 refers

section 17 will be made available to the public on the Ministry for the Environment's website.

Proactive release

- 77 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.

Consultation

- 78 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 provisions 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 Kiwi Property Holdings No 2 Limited's Drury Centre Precinct project
 - 1.2 Oyster Capital Limited's Waihoehoe Precinct project
 - 1.3 Fulton Hogan Land Development's Drury East Stage 1 Precinct project.
- 2 **note** that Kiwi Property Holdings No 2 Limited's Drury Centre Precinct 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 generate employment by providing up to 440 direct full-time equivalent (FTE) jobs per year during the four-year planning and construction period
 - 2.2 improve economic and employment opportunities and outcomes for people affected by COVID-19 (retailers and hospitality), and have positive effects on social wellbeing, by providing infrastructure for roading and three waters to service large format buildings for retail activities and future residential development
 - 2.3 improve environmental outcomes through revegetation of riparian areas of Hingaia Stream.
- 3 **note** that Oyster Capital Limited's Waihoehoe Precinct 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:
 - 3.1 generate employment by providing up to 670 direct full-time equivalent (FTE) jobs per year during the four-year planning and construction period
 - 3.2 increase housing supply through the construction of approximately 376 new residential units.
- 4 **note** that Fulton Hogan Land Development's Drury East Stage 1 Precinct 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:
 - 4.1 generate employment by providing up to 590 direct full-time equivalent (FTE) jobs per year during the four-year planning and construction period
 - 4.2 increase housing supply through the construction of approximately 248 new residential units.
- 5 **note** that the Drury Centre Precinct, Waihoehoe Precinct and Drury East Stage 1 Precinct projects all have the potential to progress faster using the Act's processes than would otherwise be the case under standard Resource Management Act 1991

processes, provided that the applicants lodge their applications for resource consent with the Environmental Protection Agency in a timely manner following project referral.

- 6 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2021 requires Kiwi Property Holdings No 2 Limited, Oyster Capital Limited, and Fulton Hogan Land Development to provide to an expert consenting panel for their respective projects: an assessment against the outcomes of the Drury – Opāheke Structure Plan; subdivision design assessment and plans; an assessment of the existing roading infrastructure and any necessary upgrades; an integrated transport assessment; an assessment of the existing three waters infrastructure and any necessary upgrades; and, for the Drury Centre Precinct project only, an assessment of any effects arising from the project's proximity to the National Grid transmission lines, as detailed respectively in Appendices three, four and five.
- 7 **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2021 requires an expert consenting panel to seek comments from Ngāti Koheriki Claims Committee, NZ Transport Agency Waka Kotahi, Auckland Transport and Watercare Services Limited, for each of the Drury Centre Precinct, Waihoehoe Precinct, and Drury East Stage 1 Precinct projects as listed respectively in Appendices three, four and five.
- 8 **authorise** submission of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 2021 to the Executive Council.
- 9 **note** that on 27 July 2020, Cabinet agreed to waive the standard 28-day rule relating to Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 [CAB-20-MIN-0353 refers]. Consequently, the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 14) 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
Summerset Retirement Village -Waikanae	Waikanae	Summerset Villages (Waikanae) Limited
Wooring Tree Estate	Cromwell	Wooring Tree Property Development LP
Dominion Road Mixed-use Development	Mount Eden, Auckland	Pudong Housing Development Company Limited, Foodstuffs North Island Limited, and Silk Road Management Limited
Nola Estate	Glen Eden, Auckland	CPM 2019 Limited
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
Otawere Water Storage Reservoir	Northland	Te Tai Tokerau Water Trust
Drury Central & Paerata Stations	Auckland	KiwiRail Holdings Limited
Rangitane Maritime Development	Kerikeri	Far North District Council & Far North Holdings Limited
Brickfields, Scott Road Development	Hobsonville, Auckland	Aedifice Development Limited
Melia Place	Whangaparāoa, Auckland	Melia Development Limited
Tauranga Innovative Courthouse	Tauranga	The Minister of Justice and the Ministry of Justice
Oruku Landing,	Whangārei, Northland	Northland Development Corporation Limited

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

Listed Project	Status (provided by the EPA, 27 October 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. Package 2 – lodgement anticipated in 2021.
Northern Pathway – Westhaven to Akoranga shared path	Unlikely to proceed under fast-track at this stage.
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: Kiwi Property Holdings No 2 Limited's Drury Centre Precinct project

Kiwi Property Holdings No 2 Limited is required to provide with their applications for resource consents to an expert consenting panel:

- 1 an assessment of the following matters in relation to the key outcomes of the Drury – Opāheke Structure Plan (Auckland Council, August 2019):
 - 1.1 how the development will integrate with the other land uses provided for in Private Plan Change 48 to the Auckland Unitary Plan
 - 1.2 how the development will connect to and support a future public transport network
 - 1.3 whether construction of the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure servicing requirements of the overall development
- 2 a subdivision and design assessment and plans the include:
 - 2.1 the location, design and uses of all land (including open space) that is intended to be vested, or on which easements are intended to be created, for the purposes of the project
 - 2.2 landscape plans (including hard and soft features) for all streetscapes and reserves
- 3 a detailed assessment of:
 - 3.1 the capacity of the existing road infrastructure
 - 3.2 upgrades to the infrastructure required to service the development, including interim road works
 - 3.3 how the upgrades and interim works will be funded
- 4 information about any discussions held, and any agreements made, with Auckland Council, Waka Kotahi and Auckland Transport in relation to roads for the development
- 5 an integrated transport assessment that includes:
 - 5.1 options for the enhancement of multi-modal connections and infrastructure
 - 5.2 a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport, including walking and cycling
- 6 a detailed assessment of the capacity of the existing infrastructure for three water services, and any upgrades required to service the development, including:
 - 6.1 an infrastructure report and plans that includes –
 - a. calculations of the expected water demand and wastewater flows from the project

- b. the overall water supply and wastewater scheme to service the development
- 6.2 flooding and hydrology designs and detailed reports that show the location of natural wetlands and streams and inform the on-site stormwater management strategy (including reports on groundwater and infiltration testing across the project site and copies of hydrologic and hydraulic models)
- 6.3 a statement of the intended timing for delivering the upgrades and how they will be funded
- 6.4 information about any discussions held, and any agreements made, with Auckland Council and Watercare Services Limited.
- 7 an assessment of:
 - 7.1 any actual and potential adverse effects arising from the project location in respect to the safe operation of and access to the nearby National Grid transmission lines, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects.

An expert consenting panel appointed to consider Kiwi Property Holdings No 2 Limited's applications for resource consents for the Drury Centre Precinct project must seek comments from the following additional persons/organisations:

1. Ngāti Koheriki Claims Committee
2. Waka Kotahi NZ Transport Agency
3. Auckland Transport
4. Watercare Services Limited.

Appendix four – Additional requirements: Oyster Capital Limited's Waihoehoe Precinct project

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

- 1 an assessment of the following matters in relation to the key outcomes of the Drury – Opāheke Structure Plan (Auckland Council, August 2019):
 - 1.1 how the development will integrate with the other land uses provided for in Private Plan Change 50 to the Auckland Unitary Plan
 - 1.2 how the development will be able to access and support a future public transport network
 - 1.3 whether construction of the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure servicing requirements of the overall development
 - 1.4 how residents of the development will be able to access social infrastructure, such as schools and community facilities, before that social infrastructure is developed in east Drury
- 2 a subdivision and design assessment and plans the include:
 - 2.1 the location, design and uses of all land (including open space) that is intended to be vested, or on which easements are intended to be created, for the purposes of the project
 - 2.2 landscape plans (including hard and soft features) for all streetscapes and reserves
- 3 a detailed assessment of:
 - 3.1 the capacity of the existing road infrastructure
 - 3.2 upgrades to the infrastructure required to service the development, including interim road works
 - 3.3 how the upgrades and interim works will be funded
- 4 information about any discussions held, and any agreements made, with Auckland Council, Waka Kotahi and Auckland Transport in relation to roads for the development
- 5 an integrated transport assessment that includes:
 - 5.1 options for the enhancement of multi-modal connections and infrastructure
 - 5.2 a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport, including walking and cycling
- 6 a detailed assessment of the capacity of the existing infrastructure for three water services, and any upgrades required to service the development, including:
 - 6.1 an infrastructure report and plans that includes –
 - a. calculations of the expected water demand and wastewater flows from the project

- b. the overall water supply and wastewater scheme to service the development
- 6.2 flooding and hydrology designs and detailed reports that show the location of natural wetlands and streams and inform the on-site stormwater management strategy (including reports on groundwater and infiltration testing across the project site and copies of hydrologic and hydraulic models)
- 6.3 a statement of the intended timing for delivering the upgrades and how they will be funded
- 6.4 information about any discussions held, and any agreements made, with Auckland Council and Watercare Services Limited.

An expert consenting panel appointed to consider Fulton Hogan Land Development's applications for resource consents for the Drury East Stage 1 Precinct project must seek comments from the following additional persons/organisations:

- 1. Ngāti Koheriki Claims Committee
- 2. Waka Kotahi NZ Transport Agency
- 3. Auckland Transport
- 4. Watercare Services Limited.

Appendix five – Additional requirements: Fulton Hogan Land Development's Drury East Stage 1 Precinct project

Fulton Hogan Land Development is required to provide with their applications for resource consents to an expert consenting panel:

an expert consenting panel:

- 1 an assessment of the following matters in relation to the key outcomes of the Drury – Opāheke Structure Plan (Auckland Council, August 2019):
 - 1.1 how the development will integrate with the other land uses provided for in Private Plan Change 49 to the Auckland Unitary Plan
 - 1.2 how the development will be able to access and support a future public transport network
 - 1.3 whether construction of the proposed infrastructure is appropriately staged and able to be integrated into the infrastructure servicing requirements of the overall development
 - 1.4 how residents of the development will be able to access social infrastructure, such as schools and community facilities, before that social infrastructure is developed in east Drury
- 2 a subdivision and design assessment and plans the include:
 - 2.1 the location, design and uses of all land (including open space) that is intended to be vested, or on which easements are intended to be created, for the purposes of the project
 - 2.2 landscape plans (including hard and soft features) for all streetscapes and reserves
- 3 a detailed assessment of:
 - 3.1 the capacity of the existing road infrastructure
 - 3.2 upgrades to the infrastructure required to service the development, including interim road works
 - 3.3 how the upgrades and interim works will be funded
- 4 information about any discussions held, and any agreements made, with Auckland Council, Waka Kotahi and Auckland Transport in relation to roads for the development
- 5 an integrated transport assessment that includes:
 - 5.1 options for the enhancement of multi-modal connections and infrastructure
 - 5.2 a movement network plan that identifies the availability and feasibility of safe spaces for active modes of transport, including walking and cycling
- 6 a detailed assessment of the capacity of the existing infrastructure for three water services, and any upgrades required to service the development, including:
 - 6.1 an infrastructure report and plans that includes –

- a. calculations of the expected water demand and wastewater flows from the project
 - b. the overall water supply and wastewater scheme to service the development
- 6.2 flooding and hydrology designs and detailed reports that show the location of natural wetlands and streams and inform the on-site stormwater management strategy (including reports on groundwater and infiltration testing across the project site and copies of hydrologic and hydraulic models)
- 6.3 a statement of the intended timing for delivering the upgrades and how they will be funded
- 6.4 information about any discussions held, and any agreements made, with Auckland Council and Watercare Services Limited.

An expert consenting panel appointed to consider Oyster Capital Limited's applications for resource consents for the Waihoehoe Precinct project must seek comments from the following additional persons/organisations:

- 1. Ngāti Koheriki Claims Committee
- 2. Waka Kotahi NZ Transport Agency
- 3. Auckland Transport
- 4. Watercare Services Limited.