

## FTC#41 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decision on:

### Application 2020-27 – Faringdon South West and South East Development

Date Submitted:	25 February 2021	Tracking #: 2021-B-07534
Security Level	In-Confidence	MfE Priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE.
Number of appendices and attachments	<p>Titles of appendices and attachments (ie separate attached documents):</p> <ol style="list-style-type: none"> <li>1. Application for a project to be referred to an expert consenting panel and further information received</li> <li>2. Stage 1 Briefing Note and Decision</li> <li>3. Statutory Framework for making decisions</li> <li>4. Draft Notice of Decision Letter to Greenwood Roche, on behalf of Hughes Developments Limited</li> <li>5. Section 17 Report</li> <li>6. Comments received from Ministers, Selwyn District Council, Environment Canterbury, Christchurch City Council, Waimakariri District Council, and the Greater Christchurch Partnership</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Md Arif Hasan		
Responsible Manager	Sara Clarke	s 9(2)(a)	✓
Director	Keita Kohere	s 9(2)(a)	

## FTC#41: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decision

### Key Messages

1. This briefing relates to the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Hughes Developments Limited (the applicant) for referral of Faringdon South West and South East Development (the Project). A copy of the application is included in Appendix 1.
2. We seek your decision on whether the Project should be referred to an expert consenting panel (a panel). This is the second briefing relating to this application. A copy of the first briefing (2020-B-07242) is included in Appendix 2.
3. The Project is located at Rolleston in the Selwyn District, Canterbury.
4. The Project involves the following development on two blocks of land in Faringdon, Rolleston known as Faringdon South West (FSW) and Faringdon South East (FSE):
  - a. subdivision to develop up to 1,089 lots (or up to 959 lots if a secondary school<sup>1</sup> is developed instead of some residential lots)
  - b. construction of up to 1,087 residential units (or up to 957 residential units if a secondary school is developed instead of some residential units)
  - c. construction of two commercial neighbourhood centres
  - d. construction of local infrastructure including recreation reserves and a road network with pedestrian and cycle linkages
  - e. construction and upgrade to three waters infrastructure
  - f. bulk earthworks (potentially including excavation of materials over an aquifer) and discharges associated with the above activities.
5. We recommend you accept the application for referral under section 24 of the FTCA and refer it to an expert consenting panel (a panel) for fast-tracking.

### Statutory Framework Summary

6. The statutory framework for making your decision is set out in Appendix 3. You must apply this framework when you are deciding to accept all or part of the Project referral to a panel. You may accept referral of the Project if you are satisfied that it meets the referral criteria in section 18, including being satisfied that it will help to achieve the purpose of the FTCA.
7. Even if a project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the Project for any other reason.

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<sup>1</sup> Note that the school is outside the scope of the Project and will be consented or designated separately if it proceeds.

## Analysis

### Issues and Risks

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#### *Alignment with growth strategies*

8. Selwyn District Council (SDC) advises the Project is consistent with the Rolleston Structure Plan. The Project area has been identified as an area of growth within Selwyn District strategic planning documents for over a decade. The Project area has also been identified as a Future Urban Development Area in the Greater Christchurch settlement pattern update.<sup>2</sup>
9. You have also given approval to Environment Canterbury to use the Streamlined Planning Process to enable proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement (CRPS) which aims to recognise the Project area as a Future Urban Development Area. Environment Canterbury has recently notified that proposed change.

#### *Private Plan Change to the Selwyn District Plan*

10. The applicant lodged a private plan change request (Plan Change 64) with SDC to rezone the Project site from rural to residential. Plan Change 64 was publicly notified and received submissions from 11 parties, five in opposition (including the Christchurch City Council for public transport, housing density, affordable housing, and versatile soils reasons). A Council hearing on Plan Change 64 is scheduled for April 2021. The activity status of the Project is currently non-complying but could become less stringent if Plan Change 64 is approved.
11. If the application is referred, SDC strongly recommends that the Minister, under s24(2)(e) of the FTCA, invites comments from all of the submitters on Plan Change 64. SDC also recommends that if referred, a hearing be held so that the 11 submitters to Plan Change 64 can be heard and thereby provide for greater participation, transparency, and due consideration of their issues. Environment Canterbury (ECan), Christchurch City Council (CCC) and Greater Christchurch Partnership<sup>3</sup> (GCP) also recommend in their respective comments that submissions on Plan Change 64 are considered and issues are resolved through a hearing process.
12. There is a risk that fast tracking the Project that is subject of a current plan change process could be viewed negatively by submitters and seen to override an ongoing public process. However, if you choose to refer this application these risks could be reduced by directing a panel to seek comment from the parties that submitted on the proposed plan change. You do not have the ability under the FTCA to direct a panel to hold a hearing.
13. SDC also raised concern that if the Project is referred, the underlying zone for the Project site will remain rural and future development be subject to rural rather than urban development standards. The Project is for both subdivision and development and we consider that a panel is best able to determine the appropriateness of the development including whether conditions provide sufficient mitigation on any adverse effects of the subdivision and development.

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<sup>2</sup> The Greater Christchurch settlement pattern update is known as 'Our Space 2018-2048' and supports the Greater Christchurch Urban Development Strategy 2016 identifying areas of medium to long-term growth.

<sup>3</sup> The Greater Christchurch Partnership includes Environment Canterbury, Te Rūnanga o Ngāi Tahu, Canterbury District Health Board, Christchurch City Council, Waimakariri District Council, Selwyn District Council, Waka Kotahi NZ Transport Agency, Department of Prime Minister and Cabinet (Greater Christchurch Group).

## Our Advice

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14. Before making your decision, you must consider the application and any further information provided by Hughes Developments Limited (in Appendix 1), the section 17 report (in Appendix 5), Ministers', Selwyn District Council's, Environment Canterbury's, Christchurch City Council's, Waimakariri District Council's and the Greater Christchurch Partnership's comments (in Appendix 6).
15. A summary of our analysis and advice for this application is provided in Table A. We consider the Project meets the referral criteria in section 18 and will help achieve the purpose of the FTCA as it has the potential to:
  - a. generate up to 13,000 FTE jobs in engineering, design and construction sectors over a 7-year planning and construction period. The Project will also create a further 400 FTE ongoing permanent jobs following the completion of the Project (section 19(d)(i))
  - b. provide economic benefits to the construction industry, being an industry that has been affected by COVID-19 (section 19(a))
  - c. increase housing supply by up to 1,087 residential units (or up to 957 residential units if a secondary school is developed) in an area that has an identified capacity shortfall to meet the medium-term housing demand (section 19(d)(ii))
  - d. progress faster by using the processes provided by the FTCA than would otherwise be the case (section 19(c)).

Further, we consider that any adverse effects arising from the application and mitigation measures can be tested through a panel having regard to Part 2 of the RMA and the purpose of the FTCA.

16. We recommend you accept the application under section 24 of the FTCA and that the Project be referred to a panel.
17. We consider that directions should also be made to require the applicant to provide the following information in an application submitted to a panel under section 24(2)(d) of the FTCA:
  - a. emissions assessment including modelling and analysis addressing effects and mitigation measures related to the emissions impact of the Project design, and opportunities to reduce emissions as a result of providing housing supply closer to amenities and/or work centres
  - b. integrated transport assessment including modelling and analysis addressing effects and mitigation measures to provide:
    - i. adequate cycleways and walkways for the number of dwellings and residents planned for the Project
    - ii. safe provision of pedestrian crossings and traffic calming measures
  - c. clarification on how consent conditions requested by Te Rūnanga o Ngāi Tahu in relation to the applicant's previous resource consent applications have been considered and addressed in any resource consent applications before a panel.
18. We recommend you direct the applicant to provide the above information for the following reasons:
  - a. given the scale of the Project and the lack of public transport in the Project area, it is important to understand the emissions impact and emissions reduction opportunity of the proposed development

- b. it is not clear from the application whether the proposed cycleways and walkways are adequate for the number of dwellings and residents and where pedestrian crossings and traffic calming measures would be located to ensure pedestrian safety for residents (particularly school children), workers and the general public
  - c. it is also not clear how consent conditions requested by Te Rūnanga o Ngāi Tahu in relation to the applicant's previous resource consent applications have been considered and addressed in any resource consent applications before a panel.
- 19. We consider that directions should also be made to specify a group from whom a panel must invite comments on a consent application under section 24(2)(e) of the FTCA for the following reason:
  - a. the 11 parties that submitted on the proposed Plan Change 64, to enable issues to be raised for a panel to consider.
- 20. We recommend that if you decide to refer the Project, the notice of decision is copied to the relevant Ngāi Tahu Papatipu Rūnanga and their agent.
- 21. We do not recommend that you make a direction on the timeframe for a panel to process resource consent applications for the Project. A panel has the ability under the FTCA to double its processing timeframe if, for instance, it considers it is necessary to hear oral presentations from submitters.

## Next Steps

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- 22. After making your decision on the application, you must give notice of this decision, and the reasons for it, to the applicant and the persons, entities and groups listed in section 25 of the FTCA. We have attached a letter to the applicant based on our recommendations (refer Appendix 4). The Ministry will work with your office to give notice to the persons invited to comment on your behalf.
- 23. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
- 24. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.<sup>4</sup>

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<sup>4</sup> Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a Panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].



## Recommendations

1. We recommend that you:

- a. **Note** that section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline an application for referral unless you are satisfied that Faringdon South West and South East Development (the Project) meets the referral criteria in section 18 of the FTCA.
  - b. **Note** that when assessing whether the Project would achieve the FTCA's purpose, you should consider under section 19 whether it would result in a public benefit (such as generating employment and economic benefits and also whether it could have significant adverse effects).
  - c. **Note** that if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
    - i. decline the application for any reason under section 23(2) of the FTCA
    - ii. refer all or part of the Project to an expert consenting panel
    - iii. refer the initial stages of a Project to a panel while deferring decisions about the Project's remaining stages.
  - d. **Note** that if you do refer all or part of the Project you may:
    - i. specify restrictions that apply to the Project
    - ii. specify the information that must be submitted to an expert consenting panel
    - iii. specify the persons or groups from whom a panel must invite comments
    - iv. set specific timeframes for a panel to complete their process.
  - e. **Note** that before deciding to accept an application for referral under section 24(1) of the FTCA you must consider:
    - i. the application
    - ii. the report obtained under section 17 of the FTCA
    - iii. any comments received
    - iv. any further information requested and provided within the required timeframe.
  - f. **Agree** that Faringdon South West and South East Development meets the referral criteria in section 18 of the FTCA.
- Yes/No
- g. **Agree** that Faringdon South West and South East Development will help achieve the purpose of the FTCA as it has the potential to:
    - i. generate up to 13,000 FTE jobs in engineering, design and construction sectors over a 7-year planning and construction period. The Project will also create a further 400 FTE ongoing permanent jobs following the completion of the Project (section 19(d)(i))
    - ii. provide economic benefits to the construction industry, being an industry that has been affected by COVID-19 (section 19(a))
    - iii. increase housing supply by up to 1,087 residential units (or up to 957 residential units if a secondary school is developed) in an area that has an

identified capacity shortfall to meet the medium-term housing demand (section 19(d)(ii))

- iv. progress faster by using the processes provided by the FTCA than would otherwise be the case (section 19(c)).

Yes/No

- h. **Agree** to refer all the Faringdon South West and South East Development Project to an expert consenting panel.

Yes/No

- i. **Agree** that for the purposes of clause 9(6)(c) of Schedule 6 of the FTCA the applicants are required to include the following information in any consent application lodged with the Environmental Protection Authority:

- i. emissions assessment including modelling and analysis addressing effects and mitigation measures related to the emissions impact of the Project design, and opportunities to reduce emissions as a result of providing housing supply closer to amenities and/or work centres
- ii. integrated transport assessment including modelling and analysis addressing effects and mitigation measures to provide:
  - adequate cycleways and walkways for the number of dwellings and residents planned for the Project
  - safe provision of pedestrian crossings and traffic calming measures
- iii. stormwater assessment including provision of stormwater treatment prior to discharge to land
- iv. clarification on how consent conditions requested by Te Rūnanga o Ngāi Tahu in relation to the applicant's previous resource consent applications have been considered and addressed in any resource consent applications before a panel.

Yes/No

- j. **Agree** that an expert consenting panel be required to invite comments from the following additional persons or groups under section 24(2)(e) of the FTCA:

- i. Christchurch City Council
- ii. Waimakariri District Council
- iii. Greater Christchurch Partnership
- iv. Mr Martin Towers
- v. Nathaniel Heslop
- vi. Tania & Michael Croucher
- vii. New Zealand Defence Force
- viii. Michael Quinn
- ix. Freelance Canterbury Ltd
- x. Peter Tilling
- xi. Canterbury District Health Board

Yes/No

- k. **Agree** that the notice of decision is copied to the relevant Ngāi Tahu Papatipu Rūnanga and their agent.

Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer Faringdon South West and South East Development to an expert consenting panel in accordance with your decisions recorded herein.

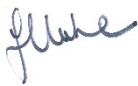
Yes/No

- m. **Sign the attached (Appendix 4)** notice of decision to Greenwood Roche, on behalf of Hughes Developments Limited.

Yes/No

- n. **Note** that the Ministry for the Environment is required to publish the decision, the reasons, and the section 17 report on the Ministry for the Environment's website as required by section 25(3) of the FTCA.

### Signatures



Sara Clarke  
**Manager – Fast Track Consenting**

**Date** 25 February 2021

Hon David Parker  
**Minister for the Environment**

**Date**



### Table A: Stage 2 - Project Summary Analysis

[illegible]

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Does the Project help achieve the purpose of the FTCA (section 19)?	Section 24 assessment
		Project eligibility for referral (section 18(3a - d))	Section 17 report – summary of key findings			
				<p>developments and future land use consents. They consider that this can be addressed by completing the Plan Change 64 process to rezone the land or by 'tidying up' the rezoning through the District Plan Review, which the applicant has submitted on</p> <ul style="list-style-type: none"> <li>the Springston Rolleston Road and Selwyn Road intersection has been identified as a key transport safety issue and upgrade works are proposed</li> <li>infrastructure for stormwater and water is available to service the proposed development and a new pump station is planned for wastewater.</li> </ul> <p>ECan supports the referral of the Project in principle and considers that the FTCA process is appropriate for the Project because:</p> <ul style="list-style-type: none"> <li>it generally aligns with the strategic direction outlined in the Future Development Strategy (FDS) for Greater Christchurch and proposed Change 1 to Chapter 6 of the Canterbury Regional Policy</li> <li>the area has been identified as an 'Urban Growth Overlay' in the Selwyn Proposed District Plan to recognise and protect this area for urban development</li> <li>there may be timing benefits for the applicant in using the FTCA process.</li> </ul> <p>However, ECan also raised issues and recommends that:</p> <ul style="list-style-type: none"> <li>submissions on Plan Change 64 should be considered and issues need to be resolved through a hearing process</li> <li>the Project may trigger the requirement for a discharge permit and a land use consent to excavate material over an aquifer (noting that effects can be appropriately managed through resource consent conditions)</li> <li>the discharge of untreated stormwater into land (as proposed in the Application) is not considered to give effect to the concept of Te Mana o te Wai and the associated hierarchy of obligations under the National Policy Statement for Freshwater Management 2020 and recommends that provisions are made in the development plans to require that stormwater is treated prior to discharge into land</li> <li>provision for social and affordable housing is encouraged through the development and housing densities and typologies are appropriate and linked to housing needs</li> <li>the provision for effective public transport access is ensured.</li> </ul> <p><b>Other Parties</b></p> <p>CCC notes its support for increasing the housing supply within the Greater Christchurch area in appropriate locations and acknowledges that the Project is on land identified for future growth and within a defined infrastructure boundary. CCC also acknowledges that the Project results in a public benefit and accords with the purpose of the FTCA. However, CCC's view is that the appropriateness of the fast-track process for this Project is subject to whether participation of the submitters who provided comments on Plan Change 64 is enabled and a hearing is held.</p> <p>CCC submitted on Selwyn District Council's Plan Change 64 and raised issues associated with the downstream transport effects on Christchurch City, the residential density of the Project, the loss of versatile soils, the cumulative effects of land fragmentation and the provision of social and affordable housing. CCC supports the development of the Project site for housing if:</p>		

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Does the Project help achieve the purpose of the FTCA (section 19)?	Section 24 assessment
		Project eligibility for referral (section 18(3a - d))	Section 17 report – summary of key findings			
				<ul style="list-style-type: none"> <li>the density of the area identified in the application achieves 15 household/ha instead of 12 household/ha</li> <li>the downstream effects on the transport network including cumulative effects arising are adequately mitigated by investment in public transport to serve the subject land</li> <li>provision is made for affordable housing that addresses needs in Rolleston</li> <li>Te Rūnanga o Ngāi Tahu Ngai Tahu's feedback on the Project is adequately addressed.</li> </ul> <p>GCP is supportive of the fast-track process given that the Project is on land identified for future growth within GCP's Future Development Strategy (FDS) and within a defined infrastructure boundary. GCP notes that Proposed Change 1 to Chapter 6 of the Canterbury Regional Policy Statement (CRPS) provides a policy response framework for growth into the Project area and the site is identified in the Rolleston Structure Plan for development. GCP also notes that submissions on Plan Change 64 identified issues related to downstream traffic impacts, residential density, integration of affordable housing, and reverse sensitivity effects and their support for the Project is subject to an appropriate public participation process, including a hearing and inviting submitters on Plan Change 64 to provide comment.</p> <p>Waimakariri District Council (WDC) notes that they work in collaboration with Greater Christchurch Strategic Partners and the submission from GCP addresses their matters. Therefore, they have no further comment to make.</p>		

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## **Schedule of Appendices and Attachments**

Appendix 1 – Faringdon South West and South East Development – Application form and Additional Information Received

Appendix 2 – 2020-B-07242 FTC#35 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decision on Faringdon South West and South East Development application

Appendix 3 – Statutory Framework for making decisions

Appendix 4 – Draft Notice of Decision letter to Greenwood Roche, on behalf of Hughes Developments Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers, Selwyn District Council, Environment Canterbury, Christchurch City Council, Waimakariri District Council, and the Greater Christchurch Partnership

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the Official Information Act 1982