

FTC#114: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2021-062 The Botanic Riverhead

Date Submitted:	17 February 2022	Tracking #: BRF-918
Security Level	In-Confidence	MfE Priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE.
Number of appendices: 6	Appendices: 1. The Botanic Riverhead application documents and further information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to Matvin Group Limited 5. Section 17 Report 6. Comments received from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited

Ministry for the Environment contacts

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FTC#114: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key Messages

1. This briefing seeks your decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Matvin Group Limited for referral of The Botanic Riverhead project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-772) with your initial decisions annotated is in Appendix 2.
3. The Project is located at 1092 Coatesville-Riverhead Highway and 30 Cambridge Road, Riverhead, Auckland, and includes works within the Cambridge Road, Riverhead Road and Coatesville-Riverhead Highway road reserves. It is to subdivide land and construct and operate a retirement village and associated facilities, along with a separate childcare centre and café. The subdivision will create three separate lots for the retirement village, the childcare centre, and the café, one balance lot and land proposed to vest as legal road. The Project will also include works to extend and upgrade Cambridge and Riverhead Roads, and potentially to upgrade the Coatesville-Riverhead Highway – Riverhead Road intersection.
4. The retirement village and associated facilities will include:
 - a. approximately 422 residential units, including:
 - i. approximately 158 standalone independent residential units
 - ii. approximately 212 apartments in eight buildings between three and five storeys with basement car parking
 - iii. approximately 52 apartments in a five-storey main building that also accommodates a reception lobby, bar, pool, gymnasium, medical centre and retail services (including food and beverage)
 - b. a three-storey care home building that accommodates approximately 28 memory care beds and approximately 60 care beds
 - c. outdoor recreation spaces
 - d. car parking areas
5. The childcare centre will be approximately 475m² Gross Floor Area (GFA) and the café will be approximately 180m² GFA.
6. The Project will involve activities such as:
 - a. subdivision of land
 - b. vegetation trimming and clearance, including of trees in roads and near streams
 - c. earthworks (including disturbance and remediation of contaminated soils)
 - d. diverting groundwater and overland flow paths
 - e. discharging stormwater and contaminants to land
 - f. placing structures in a flood plain
 - g. construction and operation of retirement village buildings and associated facilities
 - h. construction and operation of a childcare centre and cafe

- i. construction of three-waters services
 - j. construction or upgrading of roads
 - k. construction of vehicle access, loading and parking areas and pedestrian accessways
 - l. landscaping and planting of open spaces and recreational areas
 - m. installation of signage
 - n. any other activities that are –
 - i. associated with the activities described in a to m; and
 - ii. within the Project scope.
7. The Project will require subdivision consent and land use consents, and water and discharge permits under the Auckland Unitary Plan (AUP), and a land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
8. The Project site is in the AUP's Future Urban Zone, which applies to greenfield land identified as suitable for urbanisation. The Auckland Regional Policy Statement promotes structure planning as a precursor to rezoning and urban development in the Future Urban Zone which has not commenced. Considering the Project via a resource consent process in advance of these processes is not generally considered to be good planning practice. There is also a risk that the infrastructure capacity of the network is insufficient to service the development. However, the FTCA does not preclude consideration of the Project for these reasons.
9. The Project has a non-complying activity status under the AUP, meaning that under clause 32 Schedule 6 of the FTCA a panel would be required to consider whether any resource consent application for the Project meets the 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA). We note that Objective H18.2(4) of the AUP states that urbanisation is to be avoided until sites have been rezoned for urban purposes and there is a risk that a panel may not consider the application meets the gateway tests and is declined. The alternative gateway limb requires the Project, subject to the imposition of conditions, to have no more than minor adverse effects on the environment.
10. Auckland Council and Auckland Transport opposed Project referral and considered the Project does not align with the projected timing to provide necessary stormwater and transport infrastructure. s 9(2)(f)(ii), s 9(2)(g)(i) also raised concerns with use of the FTCA process for the Project, noting that the form of future development on the site and integration with infrastructure has yet to be determined through structure planning and re-zoning processes.
11. We consider the Project meets the purpose of the FTCA and that the concerns raised by parties opposed to referral, and issues regarding out of sequence development, could be addressed and managed by a panel provided it is supplied with the appropriate supporting information. We therefore recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-tracking. We seek your decision on this recommendation, and on our recommendations for requirements of the applicant, directions to a panel and notification of your decisions.

Assessment against Statutory Framework

12. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with Project referral.

13. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited (Watercare) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
14. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

15. In response to a request under section 22 of the FTCA the applicant provided further information on stormwater management and water supply, including any required infrastructure upgrades, required upgrades to the roading network, and infrastructure funding arrangements.
16. We have taken this information into account in our analysis and advice.

Section 17 Report

17. The Section 17 Report indicates that there are 14 iwi authorities, five Treaty settlements and seven Treaty settlement entities relevant to the Project area.
18. The Project site lies within a statutory acknowledgment area for Manga Rangitōpuni (Rangitōpuni Stream) and its catchment, which has particular cultural, spiritual, historical and traditional association with Te Kawerau ā Maki. The report notes that sites subject to statutory acknowledgments may also hold importance for other iwi.
19. No other specific cultural or commercial redress provided under the settlements would be affected by the Project, and the settlements do not create new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the Project.

Comments received

20. Comments were received from ^{s 9(2)(f)(i), s 9(2)(g)(i)} Ministers, Auckland Council, Auckland Transport and Watercare. The key points of relevance to your decision are summarised in Table A.
21. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [REDACTED]
22. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [REDACTED]
23. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [REDACTED]

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

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

26. Auckland Council and Auckland Transport opposed Project referral and considered that the Project should be preceded by structure planning and a plan change under standard RMA processes. Auckland Council raised specific concerns with the height, mass and form of the buildings, stormwater management and flooding risks, transport-related effects and enabling urban development in the North-West of Auckland without providing new or upgraded wider infrastructure. Auckland Transport noted the Project is misaligned with the timing of strategic transport network infrastructure needed to service the area, and no funding is currently set aside in the Regional Land Transport Plan (out to 2031) for required upgrades.

27. Auckland Council and Auckland Transport noted several reports and assessments that would normally be required for a project of this type in this area. We consider that these are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but recommend you require the applicant to submit certain specific information to a panel, as detailed in Table A, to assist timely consideration of the application.

28. Watercare neither supported nor opposed Project referral noting that the Project will require a significant local network extension for water supply and that wastewater servicing will need to be subject to detailed design and a capacity assessment.

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

Section 18 referral criteria

30. You may accept the application for Project referral if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).

31. The Project does not include any ineligible activities, as explained in Table A.

32. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the Project will help achieve the purpose of the FTCA, and thus meet the requirements of section 18(2), as it has the potential to:

- a. have positive effects on social well-being by generating employment and providing aged-care facilities with on-site amenities and services, and commercial and educational activities
- b. generate employment by providing approximately 140 direct full-time equivalent (FTE) jobs per year over a 6-year construction period, approximately 45 permanent FTE jobs

once the retirement village is operational and approximately 19 permanent FTE jobs once the commercial activities and childcare centre are operational

- c. increase housing supply for aged persons through the construction of approximately 422 residential units, comprising approximately 158 standalone residential units and 264 apartments
- d. progress faster than would otherwise be the case under standard RMA process.

33. We consider that any actual and potential effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and Risks

34. Even if the 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.

Section 23 FTCA matters

35. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.

36. The key issue is whether the Project would be more appropriately considered through structure planning and a plan change, followed sequentially by a resource consent application, under standard RMA processes. This is directly related to the concerns raised by the s 9(2)(f)(ii), s 9(2)(g)(i), Auckland Council and Auckland Transport regarding whether the Project will contribute to a well-functioning urban environment without being part of integrated planning for the wider area, and the Project's timing in relation to infrastructure planning and provision.

37. The Project site is in the AUP's Future Urban Zone, which applies to greenfield land identified as suitable for urbanisation. The Auckland Regional Policy Statement promotes structure planning as a precursor to rezoning and urban development in the Future Urban Zone. Structure plans are an important tool for identifying constraints and opportunities for land, aligning land use with three waters and transport infrastructure planning, and ensuring that well-functioning urban environments are created. The plan change process also provides an opportunity for public input. The site has not been subject to a structure planning or rezoning process. However, the applicant has advised that private developers with interests in the Future Urban Zone land surrounding the project site have initiated a structure plan process and their intention is to lodge a private plan change including the Project site with Auckland Council in the near future.

38. Several Auckland Council strategy documents, including the Future Urban Land Supply Strategy (July 2017), The Auckland Plan 2050 (June 2018) and the Spatial Land Use Strategy – North West (May 2021) anticipate the land zoned Future Urban at Riverhead to be development ready between 2028 and 2032. We consider that there are risks in referring the Project before a comprehensive policy framework is developed for the area. This could result in misalignment between the Project, infrastructure planning, future outcomes for the use of the area and integration with the wider community.

39. We note that the Spatial Land Use Strategy – North West identifies the site as 'Future residential and other uses', rather than future business, local or neighbourhood centre, and therefore the predominantly residential nature of the proposal for retirement living is consistent with the spatial strategy. Further, we consider that the risk of misalignment between the Project and infrastructure planning can be reduced by the provision of

appropriate reports and plans relating to infrastructure design and funding with an application to a panel.

40. We consider that referring the Project could be viewed negatively by the wider community who may expect the Project to be preceded by a plan change, or for involvement in the consenting process under the standard RMA processes. However, we note that the zoning of the site under the AUP, and several Auckland Council strategy documents, clearly signals that the land will be urbanised, and the land is located immediately adjacent to existing urban development. If you decide to refer the Project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA).
41. Auckland Council has identified specific concerns with stormwater management and noted that an integrated approach should be taken for the entire Future Urban Zone to avoid increased risk of flooding. Auckland Transport has identified that upgrades to the existing roundabout at the Coatesville-Riverhead Highway – Riverhead Road intersection and a new roundabout on Riverhead Road are required to support urbanisation of this area and funding is not allocated within the next 10 years. The applicant considers that no wider stormwater infrastructure upgrades are required to support the Project and the Project is not reliant on the upgrades to the existing roundabout at the Coatesville-Riverhead Highway – Riverhead Road intersection or a new roundabout on Riverhead Road. The applicant has also confirmed that all necessary new and upgraded infrastructure will be completed at their cost as part of Project delivery. We note that these matters can be considered by a panel under the FTCA process.
42. The Project has non-complying activity status under the AUP, meaning that under clause 32 Schedule 6 of the FTCA a panel is required to consider whether any resource consent application for the Project meets the 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA). In particular, we note that Objective H18.2(4) of the AUP details that urbanisation is to be avoided until sites have been rezoned for urban purposes. The applicant considers that overall, the proposal is consistent with the AUP policy framework and adverse environmental effects can be managed through conditions so that they are no more than minor.
43. We note that any adverse effects resulting from the Project and alignment with the local and national policy framework are matters that can be considered by a panel in a merit-based assessment under the FTCA process. Therefore, we do not consider that you should decline the referral application on the basis that it would be more appropriate for the Project to go through the standard consenting process under the RMA (section 23(5)(b)).
44. The applicant considers that the Project is consistent with the outcomes sought by the National Policy Statement on Urban Development 2020 (NPS-UD). Auckland Transport disagrees with this, and the s 9(2)(f)(ii), s 9(2)(g)(i) and s 9(2)(f)(ii), s 9(2)(g)(i) have also raised concerns that the Project may not contribute to a well-functioning urban environment (relevant to Objective 1 and Policy 1 of the NPS-UD). At this stage we cannot provide definitive advice on whether the Project is consistent with the NPS-UD as that would require further detailed analysis of the Project, particularly the three-waters and roading infrastructure. We consider these matters can be appropriately determined by a panel and we do not consider that you should decline the referral application on the basis of section 23(5)(c) of the FTCA (inconsistency with a relevant national policy statement).

Other matters

45. We note the comments from Auckland Council and Auckland Transport that the Project is out of sequence with respect to planned urbanisation in the Auckland Region and we consider that proceeding via a resource consent process in advance of structure planning or re-zoning

is generally not regarded as good planning practice. However, the FTCA does not preclude consideration of the Project for this reason and the Project provides an opportunity to generate employment and bring forward the delivery of retirement housing in Auckland in an area that is generally considered to be suitable for urban development. Therefore, we do not consider that you should decline the referral application on the basis that it does not have a structure plan or plan change in place or in progress.

Conclusions

46. You may decline the application for referral under section 23(5)(b) of the FTCA should you consider that it would be more appropriate for the Project to go through the standard consenting process under the RMA. You may also decline the application for referral under section 23(2) of the FTCA for any other reason, whether or not the Project meets the referral criteria.
47. On balance, we do not consider the matters noted above provide sufficient reason for declining to refer the Project, provided that the applicant provides appropriate information (including the information we recommend you specify) to a panel. We consider that you could accept the application under section 24 of the FTCA and that the Project could be referred to a panel with the specifications outlined below. However, we note there is a risk to the applicant that a panel may not approve the consent applications given the issues regarding out of sequence development noted above.
48. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:
 - a. a three-waters infrastructure capacity and funding assessment
 - b. a transport infrastructure capacity and funding assessment
 - c. a stormwater and flood risk assessment and draft stormwater management plan
 - d. an integrated transport assessment
 - e. a landscape and visual assessment
 - f. a social impact assessment
 - g. a contaminated soils assessment.
49. The above information is required to assist a panel in assessing the adverse effects of the Project.
50. If you decide to refer the Project, we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from the following:
 - a. Auckland Transport
 - b. Watercare Services Limited
 - c. Associate Minister for the Environment (Urban Policy)
 - d. Minister for Seniors.
51. Our recommendations for your decisions follow.

Next Steps

52. You must give notice of your decisions on the referral application, and the reasons for them, to the applicant and the persons, entities and groups listed in section 25 of the FTCA.
53. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.
54. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
55. 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.¹

¹ 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** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** when assessing whether the Project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the Project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
- c. **Note** before deciding to accept the application for Project 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 and further information sought and provided within the required timeframe.
- d. **Note** if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the Project to an expert consenting panel (a panel)
 - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
- e. **Note** 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 a 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.
- f. **Agree** the Project meets the referral criteria in section 18 (3) of the FTCA.

Yes/No

- g. **Agree** the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. have positive effects on social well-being by generating employment and providing aged-care facilities with on-site amenities and services, and commercial and educational activities
 - ii. generate employment by providing approximately 140 direct full-time equivalent (FTE) jobs per year over a 6-year construction period, approximately 45 permanent FTE jobs once the retirement village is operational and approximately 19 permanent FTE jobs once the commercial activities and childcare centre are operational
 - iii. increase housing supply for aged persons through the construction of

approximately 422 residential units, comprising approximately 158 standalone independent residential units and 264 apartments

- iv. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.

Yes/No

- h. **Agree** to **refer** all of the Project to a panel.

Yes/No

- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:

- i. a detailed infrastructure assessment of –

- 1. the capacity of the existing infrastructure for three-waters services to service the completed Project
 - 2. what upgrading is required to that infrastructure to service the completed Project
 - 3. how any upgrading is to be funded

- ii. a detailed transport infrastructure assessment of –

- 1. the capacity of the local road network, including the Coatesville-Riverhead Highway - Riverhead Road intersection, to service the construction of the Project and the completed Project
 - 2. what upgrading is required to the local road network to service the completed Project
 - 3. how any upgrading is to be funded

- iii. a stormwater and flood risk assessment and a draft stormwater management plan and information about discussions held and any agreements made with the Auckland Council Healthy Waters department regarding stormwater management

- iv. an integrated transport assessment, including –

- 1. an assessment of how the Project will support both public modes of transport and active modes of transport such as cycling and walking
 - 2. information about discussions held and any agreements made with Auckland Transport

- v. a landscape and visual assessment of the development, including –

- 1. photomontages to show the scale of the proposed buildings in relation to surrounding buildings and land
 - 2. an assessment of the effects of the development on the biophysical landscape, existing rural and low-density suburban landscape character, and visual amenity effects from private and public vantages towards the development

- vi. an assessment of the social impacts of the development, which must cover the capacity of community, social and health services to meet the demands of future residents of the development

- vii. in relation to the land in the Project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, within the meaning

of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, that shows how the requirements of those regulations will be met.

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:

- i. Auckland Transport
- ii. Watercare Services Limited
- iii. Associate Minister for the Environment (Urban Policy)
- iv. Minister for Seniors

Yes/No

- k. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer The Botanic, Riverhead project to a panel in accordance with your decisions recorded herein.

Yes/No

- l. **Sign the attached (Appendix 4)** notice of decisions to Matvin Group Limited.

Yes/No

- m. **Note** to comply with section 25(3) of the FTCA, you must ensure that the decisions, the reasons, and the Section 17 Report are published on the Ministry for the Environment's website. We will work with your office to complete this task.

Signatures



Stephanie Frame
Manager – Fast-track Consenting
Date 17 February 2022

Hon David Parker
Minister for the Environment

Date

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
Project name The Botanic, Riverhead Applicant Matvin Group Limited c/- The Planning Collective 2021 Limited Location 1092 Coatesville-Riverhead Highway and 30 Cambridge Road, Riverhead, Auckland Cambridge Road, Riverhead Road and Coatesville-Riverhead Highway road reserves	The Project is to subdivide land and construct and operate a retirement village and associated facilities, along with a separate childcare centre and café. The subdivision will include three separate lots for the retirement village, the childcare centre, the café, one balance lot and land proposed to vest as legal road. The project will include works to extend and upgrade Cambridge Road and upgrade Riverhead Road, and potentially to upgrade the Coatesville-Riverhead Highway - Riverhead Road intersection. The childcare centre will be approximately 475m² Gross Floor Area (GFA) and the café will be approximately 180m² GFA. The retirement village and associated facilities will include: a. approximately 422 residential units, comprised of approximately 158 standalone independent residential units, approximately 212 apartments in eight buildings between three and five storeys with basement car parking, and approximately 52 apartments in the main building	The Project is eligible under section 18(3)(a-d) as: - it does not include any prohibited activities - it does not include activities on land returned under a Treaty settlement - it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011	Economic benefits for people or industries affected by COVID-19 (19(a)) The applicant estimates that the Project will provide: - approximately 140 direct full-time equivalent (FTE) jobs over a 6-year construction period - approximately 45 permanent FTE jobs once the retirement village is operational - approximately 19 permanent FTE jobs once the commercial and childcare activities are operational. Economic costs for people or industries affected by COVID-19 (19(a)) N/A Effect on the social and cultural well-being of current and future generations (19(b)) The applicant considers that the Project will provide for the social wellbeing of current and future generations as it will: - provide for retirement living in Riverhead that will allow options for retirees to reside in their local community - provide for a range of outdoor and indoor recreational opportunities for the retirement village - provide a mix of land use activities including childcare and commercial - provide for employment opportunities across a range of sectors.	s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i)	Section 23(5) matters: Insufficient information (23(5)(a)) The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA. More appropriate to go through standard RMA process (23(5)(b)) Despite the comments from Auckland Council and Auckland Transport, we do not consider it would be more appropriate for all or part of the Project to proceed through the standard consenting processes under the RMA. The Project site is in the Future Urban Zone, which applies to greenfield land identified as suitable for urbanisation. Whilst there is no structure plan or plan change in process, we note that the Spatial Land Use Strategy – North West identifies the site as 'Future residential and other uses', rather than future business, local or neighbourhood centre, and therefore the predominately residential nature of the proposal for retirement living is consistent with the spatial strategy. We consider that the risk of misalignment between the Project and infrastructure planning can be reduced by the provision of appropriate reports and plans relating to infrastructure design and	In response to Ministers' comments: - s 9(2)(f)(ii), s 9(2)(g)(i) - s 9(2)(f)(ii), s 9(2)(g)(i) - s 9(2)(f)(ii), s 9(2)(g)(i) - s 9(2)(f)(ii), s 9(2)(g)(i)

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	b. a three storey care home building that accommodates approximately 28 memory care beds and approximately 60 care beds c. a five storey main building that accommodates apartments, a reception lobby, bar, pool, gymnasium, medical centre, and retail (including food and beverage) facilities d. outdoor recreation spaces e. car parking areas. The project will involve activities such as: a. subdivision of land b. vegetation trimming and clearance, including of trees in roads and near streams c. earthworks (including disturbance and remediation of contaminated soils) d. diverting groundwater and overland flow paths e. discharging stormwater and contaminants to land f. placing structures in a flood plain g. construction and operation of retirement village buildings and associated facilities, a childcare centre and café h. construction of three waters services i. construction of roads, vehicle access,		Is the Project likely to progress faster by using this Act? (19(c)) The applicant considers that the fast-track process will allow the Project to progress faster than under standard RMA processes, although a specific timeframe has not been provided. We agree that this is likely to be the case given the zoning of the site and therefore the likelihood of notification and a hearing, and potential for appeals, under standard process. Will the Project result in a public benefit? (19(d)) Based on the information provide we consider the Project may result in the following public benefits: • generating employment throughout the land development and construction works • generating ongoing employment via the operation of the retirement village, commercial and childcare activities • increasing housing supply for aged persons • providing aged-care facilities Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e)) The Project has the potential for adverse environmental effects including:	s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) Local authorities Auckland Council opposed Project referral and noted that while the provision of a retirement village is seen as a positive for the region, significant concerns exist with the Project. Concerns relate to: • the lack of a structure plan, plan change and co-ordinated approach with the wider area • ad-hoc development occurring when there is no shortage of greenfield land that is development ready in the north-west of Auckland • lack of infrastructure and implications for infrastructure funding	funding with an application to a panel. We also note that any adverse effects resulting from the Project and alignment with the local and national policy framework are matters that can be considered by a panel in a merits-based assessment under the FTCA process. Inconsistency with a national policy statement (23(5)(c)) At this stage we cannot provide definitive advice on whether the Project is inconsistent with the National Policy Statement on Urban Development 2020 (NPS-UD) as that would require further detailed analysis of the Project, particularly the three waters and roading infrastructure. The applicant considers that the Project is consistent with the outcomes sought by the NPS-UD and we consider this matter can be appropriately determined by a panel. We therefore do not consider that you should decline the referral application on the basis of section 23(5)(c) of the FTCA. Inconsistent with a Treaty settlement (23(5)(d)) The Project does not directly affect any Treaty settlement redress. Involves land needed for Treaty settlements (23(5)(e)) The Project site does not include any land needed for Treaty Settlement purposes. Applicant has poor regulatory compliance (23(5)(f)) Auckland Council has not identified any specific details or	In response to Auckland Council and Auckland Transport comments: • we note the comments from Auckland Council and Auckland Transport that the Project is out of sequence with respect to planned urbanisation in the Auckland region and we consider that proceeding via a resource consent process in advance of structure planning or re-zoning is not good planning practice. However, the FTCA does not preclude consideration of the Project for this reason and we note that any adverse effects resulting from the Project, alignment with infrastructure provision, and alignment with the local and national policy framework, are matters that can be considered by a panel in a merit-based assessment under the FTCA process. • we recommend you accept Auckland Transport's request to require the applicant to submit an integrated transport assessment to a panel • we note Auckland Council and Auckland Transport concerns relating to stormwater and transport infrastructure. However, we consider that the risk of misalignment between the Project and infrastructure planning can be reduced by the provision of appropriate reports and plans relating to infrastructure design, capacity and funding with a consent application. The applicant has also confirmed that all necessary new and upgraded infrastructure will be completed at their cost as part of Project delivery. Although Auckland Council and Auckland Transport oppose Project referral under the FTCA, you could accept the application under section 24 of the FTCA and refer all the Project to a panel as the Project will have positive effects on social well-being, generate employment and increase housing supply for aged persons. We recommend you require the applicant to provide the following information with an application for resource consent to a panel: i. a detailed infrastructure assessment of – 1. the capacity of the existing infrastructure for three-waters services to service the completed Project 2. upgrading required to that infrastructure to service the completed Project

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	loading and parking areas and pedestrian accessways j. landscaping and planting of open spaces and recreational areas k. installation of signage l. any other activities that are – i. associated with the activities described in a to j; and ii. within the project scope. The project will require subdivision consent and land use consents, and water and discharge permits under the Auckland Unitary Plan (AUP), and land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).		- effects on landscape, character, visual and amenity values - noise, vibration, odour, and other temporary construction effects - effects relating to infrastructure and servicing capacity - effects on floodplains and overland flow paths - effects relating to construction phase and operational stage traffic - stormwater and sediment discharge effects - effects relating to disturbance of contaminated land - effects relating to groundwater diversion - reverse sensitivity effects. The applicant has provided preliminary assessments/statements from a range of technical experts and considers that any adverse effects can be avoided, remedied or mitigated by employing industry best practice, standard techniques or appropriate conditions of resource consent. We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the Project be referred. Other relevant matters (19(f)) N/A	- the need to take an integrated approach to stormwater management and flood mitigation within the catchment - transportation effects - landscape effects relating to the height, mass and form of the buildings in relation to the surrounding area. Auckland Council noted that the Council's Independent Māori Statutory Board have advised that the Project should identify any benefits to the local Iwi, including a plan of how those benefits may be achieved, and that the local board is opposed to the Project going through the FTCA process. Auckland Council noted several reports which would normally be required for an application of this nature in this area, including on: transport, stormwater and flooding, groundwater, earthworks, urban design, landscape and visual, noise, watercourses and contaminated land. We consider that these are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but have taken this list into account in our referral conclusions and recommendations. Other parties Auckland Transport opposed Project referral for the following reasons: - it is considered more appropriate for the Project to proceed through a private plan change process as the Project may not result in a well-functioning environment due to misalignment between the timing to provide the minimum necessary infrastructure and services ahead of the occupation of residential units - strategic transport network infrastructure is required to service the area as identified in the Future Urban Land Supply Strategy (FULSS) and identified by Supporting Growth Alliance (a partnership of Auckland Transport and Waka Kotahi). As the FULSS identifies this area as intended to be development ready in 2028-2032, there are concerns about whether the Project is development ready - upgrades to the roading network will be required to support urbanisation of land in the Project area including corridor upgrades, upgrades to the existing roundabout at Coatesville Riverhead Highway/Riverhead Road intersection and a new roundabout on Riverhead Road. The Regional Land Transport Plan (RLTP) sets out the 10-year plan for the transport network in Auckland (out to 2031) and does not currently set aside funding, meaning any bulk or strategic network upgrades are more than 10-years away. Auckland Transport requested that if the Project is referred, the applicant be required to provide an integrated transport assessment which includes assessment of additional traffic volumes generated by the Project on the surrounding roading network, and the Riverhead Road/Coatesville Riverhead Highway intersection including proposed access points onto Arterial roads. Auckland Transport also noted that,	history of poor regulatory compliance by the applicant. Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g)) There is sufficient time for the application to be referred and considered before the FTCA is repealed. Other issues & risks: We note the comments from Auckland Council and Auckland Transport that the Project is out of sequence with respect to planned urbanisation in the Auckland region and we consider that proceeding via a resource consent process in advance of structure planning or re-zoning is generally not good planning practice. However, the FTCA does not preclude consideration of the Project for this reason and the Project provides an opportunity to generate employment and bring forward the delivery of retirement housing in Auckland. Therefore, we do not consider that you should decline the referral application on the basis that it does not have a structure plan or plan change in place or in progress.	3. how any upgrading is to be funded ii. a detailed transport infrastructure assessment of – - the capacity of the local road network, including the Coatesville-Riverhead Highway - Riverhead Road intersection, to service the construction of the Project and the completed Project - upgrading required to the local road network to service the completed Project - how any upgrading is to be funded iii. a stormwater and flood risk assessment and a draft stormwater management plan, and information about discussions held and any agreements made with the Auckland Council Healthy Waters department regarding stormwater management iv. an integrated transport assessment, including – - an assessment of how the Project will support both public modes of transport and active modes of transport such as cycling and walking - information about discussions held and any agreements made with Auckland Transport v. a landscape and visual assessment of the development, including – - photomontages to show the scale of the proposed buildings in relation to surrounding buildings and land - an assessment of the effects of the development on the biophysical landscape, existing rural and low-density suburban landscape character, and visual amenity effects from private and public vantages towards the development vi. an assessment of the social impacts of the development, which must cover the capacity of community, social and health services to meet the demands of future residents of the development vii. in relation to the land in the Project site, a report on a preliminary site investigation and, if required, on a detailed site investigation, within the meaning of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human

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				as the Road Controlling Authority, it will be required to provide separate approval under section 346 of the Local Government Act. Watercare Services Limited (Watercare) was neutral on Project referral and noted that the Project will trigger the requirement of a significant local network extension. Watercare further noted that upgrades linking to the firefighting requirements may still be required, and more detailed information is required to assess the impact of the development on the wastewater network. All responses received by parties invited to comment are attached at Appendix 6.		Health) Regulations 2011, that shows how the requirements of those regulations will be met. We also recommend you direct a panel to invite comments on any resource consent applications for the Project from: • Auckland Transport • Watercare Services Limited • Associate Minister for the Environment (Urban Policy) • Minister for Seniors

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