

FTC#130: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2022- 082 Faringdon Oval Project

Date submitted:	13 April 2022	Tracking #: BRF-1051	
Security level	In-Confidence	MfE priority:	Urgent

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

Actions for Minister's Office staff	Return the signed briefing to MfE. Send the attached notice of decisions letter (if signed).
Number of appendices: 6	Appendices: 1. Faringdon Oval Project application and additional information received (Databox link) 2. Stage 1 Briefing Note and decisions (Databox link) 3. Statutory framework for making decisions (Databox link) 4. Draft Notice of Decisions letter to Hughes Developments Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers and local authorities (Databox link)

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

FTC#130: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key messages

1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Hughes Developments Limited to refer the Faringdon Oval Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-1285) with your initial decisions annotated is in Appendix 2. We note that the applicant amended the project design since the Stage 1 briefing, making a minor change to the number of residential lots and including an additional reserve.
3. The project is to subdivide a 69.3-hectare site bounded by Dunns Crossing Road, Goulds Road and Selwyn Road, Rolleston to create approximately 1044 residential lots, lots for commercial use and open space, and to construct residential units on approximately 300 of the residential lots, and supporting infrastructure (including roads and three-waters services) to service all of the lots, and to undertake wetland restoration and planting.
4. Construction of residential units on the remaining 744 residential lots and commercial buildings on the commercial lots will be undertaken by third parties.
5. The project will involve activities such as:
 - a. subdividing land
 - b. carrying out earthworks (including disturbing potentially contaminated soils)
 - c. clearing vegetation and carrying out earthworks within 10 metres of a natural wetland
 - d. discharging stormwater and contaminants to land within 100 metres of a natural wetland
 - e. taking, diverting and discharging groundwater to land
 - f. constructing buildings
 - g. constructing infrastructure including for vehicle access, roads, parking, and three-waters services
 - h. developing land for reserve purposes, including landscaping and planting
 - i. restoring and planting a natural wetland
 - j. any other activities that are:
 - i. associated with the activities listed in a to i; and
 - ii. within the scope of the project as described in paragraph 3.
6. The project will require land use and subdivision consents under the Selwyn District Plan (SDP), land use, water and discharge permits under the Canterbury Land and Water Regional Plan (CLWRP) and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F).
7. The project site is zoned Rural (Inner Plains Area) and the project has non-complying activity status under the SDP because it involves residential subdivision and development in this

zone. The project also has non-complying activity status under the NES-F because it involves earthworks and vegetation clearance within 10 metres of a natural wetland and stormwater discharge within 100 metres of a natural wetland.

8. In July 2021 Canterbury Regional Council (ECan) implemented a plan change to the Canterbury Regional Policy Statement (CRPS) to identify new urban housing development areas in Rolleston, Rangiora and Kaiapoi. Pursuant to this, the area including the project site is identified as a Future Development Area. The CRPS policy is that subdivision must not proceed ahead of an outline development plan in a district plan, however the FTCA does not preclude consideration of the project for this reason, and we note that the Faringdon South West and South East Development referred project (that was subject to the same policy) has recently been granted consents by a panel.
9. In November 2020 the applicant lodged a private plan change request (PC 70) with Selwyn District Council (SDC) to enable residential and commercial development of land including the project site. The council placed processing of that plan change on hold in December 2021, when the applicant resolved to pursue approvals for site development through the more accelerated process offered by the FTCA. The plan change has not yet been notified and remains on hold.
10. We recommend you accept the referral application under section 24 of the FTCA and refer the project to a panel for fast-track consenting. We seek your decision on this recommendation and on recommendations for directions to the applicant and a panel, and notification of your decisions.

Assessment against statutory framework

11. 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.
12. 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 and local authorities (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.
13. 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

14. In response to your request under section 22 of the FTCA the applicant provided further information on job creation potential, consents required under the NES-F, waterways within the project site and an amended subdivision plan. We note that the applicant has amended the project design since the stage 1 briefing to reduce the number of residential lots from 1050 to 1044 and to include an additional reserve. This is to allow for the protection and enhancement of a wetland the applicant was previously unaware of. We do not consider these changes are material in the overall context of the project or your decision-making on it.

Section 17 report

15. The Section 17 Report indicates that Te Rūnanga o Ngāi Tahu is the sole relevant iwi authority and Treaty settlement entity for the project.

16. The Ngāi Tahu Claims Settlement Act 1998 is the only relevant Treaty settlement. No specific cultural or commercial redress provided under this settlement would be affected by the project, and the settlement does not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the project.

Comments received

17. Comments were received from ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted], SDC and ECan. The key points of relevance to your decision are summarised in Table A.
18. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
19. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
20. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
21. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [redacted]
22. SDC and ECan supported project referral as it will provide housing supply in an area that has been identified as suitable for growth in a number of planning documents for Selwyn and Greater Christchurch. SDC noted that the use of the fast-track process would reduce the opportunity for public participation compared with the use of a plan change process under the RMA, and requested that if the project is referred you direct a panel to hold a hearing. ECan noted that the proposed stormwater discharge solution for the project (ground soakage) would not give effect to Te Mana o te Wai and may not align with the objectives and policies in the National Policy Statement for Freshwater Management 2020 (NPS-FM). Both councils identified various reports that they considered the applicant should provide with consent applications to a panel if you decide to refer the project.

Section 18 referral criteria

23. 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)).
24. The project does not include any ineligible activities, as explained in Table A.
25. 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. generate employment by providing approximately 2680 direct full-time equivalent (FTE) jobs and 1360 indirect FTE jobs over an 8-year period
 - b. increase housing supply by constructing approximately 300 residential units and enabling future construction of approximately 744 residential units
 - c. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.
26. We consider 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

27. 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

28. 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.
29. The key issues are whether the project would be more appropriately considered through resource consent applications under standard RMA processes which follow a change to the SDP under a Schedule 1 RMA process, and whether the project is inconsistent with the NPS-FM.
30. The project's proposed residential development density is higher than what is supported by the Rural (Inner Plains Area) provisions of the SDP. However, the CRPS includes the project site in a Future Development Area and the project aligns with planning documents and directions for Selwyn District, including the Rolleston Structure Plan, the Selwyn District Long-Term Plan, and the policies of the Urban Growth Overlay in the SDP. We note that the FTCA does not preclude consideration of the project on the basis that it proposes consenting ahead of re-zoning of the land, and we note that a panel has recently granted resource consents for the adjacent Faringdon South East and South West referred project which is subject to the same planning provisions.
31. ECan commented that the proposed stormwater discharge solution for the project (ground soakage) does not prioritise the health of the underlying aquifer over the needs of people, and therefore does not give effect to Te Mana o te Wai and may not align with the objectives and policies of the NPS-FM. Despite this, the council supported project referral. The applicant has not provided a specific assessment of the stormwater discharge against the objectives and policies of the NPS-FM, but we note that the Faringdon South East and South West referred project included the same method of stormwater discharge on a neighbouring site and was not considered to be contrary to the NPS-FM by a panel. At this stage we cannot provide definitive advice on whether the project is inconsistent with the NPS-FM but we consider this matter can be appropriately determined by a panel as part of its assessment and with the benefit of a full assessment of environmental effects. Therefore, 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).
32. Despite supporting project referral, SDC commented that the fast-track process will not provide the same opportunities for public consultation as a plan change process under the RMA and has requested that you direct a panel to hold a hearing to enable wider public consultation. We note that you do not have the power to direct a panel to hold a hearing, and

that the panel has broad discretion to invite any parties they consider relevant to comment on a resource consent application and to make a determination on whether a hearing is necessary. We do not consider that the inability for you to give effect to SDC's request means that it would be more appropriate for the project to go through the standard consenting process under the RMA (section 23(5)(b)).

Conclusions

33. We do not consider there are any significant reasons for you to decline to refer the project. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
34. If you decide to refer the project, we consider you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must submit the following information to a panel with their consent applications, in addition to the requirements of clause 9 of Schedule 6 of the FTCA:
 - a. a transport infrastructure capacity and funding assessment
 - b. a three-waters infrastructure capacity and funding assessment
 - c. a landscape and urban design assessment.
35. The above information will inform a panel's assessment of the project's effects and whether to invite comment from any additional persons or groups. This does not preclude a panel from requiring the applicant to provide any additional information on any application lodged with the EPA under the FTCA.
36. 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 Associate Minister for the Environment (Urban Policy).

Next steps

37. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA.
38. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
39. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). We will provide you with an amended letter if required. Once you have signed the letter we will assist your office to copy it to all relevant parties.
40. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OiC). 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].

41. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
42. Our recommendations for your decisions follow.

Recommendations

43. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from Hughes Developments Limited unless you are satisfied that the Faringdon Oval Project (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 (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. generate employment by providing approximately 2680 direct full-time equivalent (FTE) jobs and 1360 indirect FTE jobs over an 8-year period

- ii. increase housing supply by constructing 300 residential units and enabling the construction of approximately 744 residential units
- iii. progress faster than would otherwise be the case under standard Resource Management Act 1991 process provided that the applicant lodges their applications for resource consent in a timely manner following project referral.

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 transport infrastructure assessment, including:

- 1. the capacity of the local road network to service the project
- 2. any upgrades that are required to the local road network to service the project
- 3. any funding required to carry out those upgrades (including how they will be funded), information about discussions held and any agreements made with Selwyn District Council and Canterbury Regional Council
- 4. how the project will support the uptake of public transport and active modes of transport (such as cycling and walking)

- ii. an assessment of:

- 1. the existing condition and capacity of the relevant infrastructure for three waters services; and
- 2. any upgrades to that infrastructure that are required in connection with the subdivision and housing development; and
- 3. any funding required to carry out those upgrades (including how they will be funded)
- 4. information about discussions held and any agreements made with Selwyn District Council and Canterbury Regional Council

- iii. a landscape and urban design assessment, including:

- 1. an assessment of the provision and distribution of proposed open space against the Selwyn District Council's Open Spaces Strategy 2015 (and to take consideration of open space provision in adjacent developments).

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the Associate Minister for the Environment (Urban Policy).

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 project to a panel in accordance with your decisions recorded herein.

Yes/No

- l. **Sign** the notice of decisions letter to the applicant (attached in Appendix 4).

Yes/No

- m. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 report on the Ministry for the Environment's website.

Yes/No

Signatures

A handwritten signature in black ink, appearing to read 'S. Frame', is positioned on a light blue rectangular background.

Stephanie Frame
Manager – Fast-track Consenting

Hon David Parker
Minister for the Environment

Date:

Table A: Stage 2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
Name Faringdon Oval Project Applicant Hughes Developments Limited Location A 69.3-hectare block of land bounded by Dunns Crossing Road, Goulds Road and East Madisons Road, Rolleston, and described as: Lot 1 DP 57004 Lot 3 DP 57004 Lot 1 DP 61278 Lot 2 DP 61278 Lot 1 DP 70352 Lot 3 DP 70352.	<p>The project is to subdivide a 69.3-hectare site bounded by Dunns Crossing Road, Goulds Road and Selwyn Road, Rolleston to create approximately 1044 residential lots, lots for commercial use and open space, and to construct residential units on approximately 300 of the residential lots and supporting infrastructure (including roads and three-waters services) to service all of the lots, and to undertake wetland restoration and planting.</p> <p>Construction of residential units on the remaining 750 residential lots and commercial buildings on the commercial lots will be undertaken by third parties.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> subdividing land carrying out earthworks (including disturbing potentially contaminated soils) clearing vegetation and carrying out earthworks (including within 10 metres of a natural wetland) discharging stormwater and contaminants to land including within 100 metres of a natural wetland taking, diverting and discharging groundwater to land 	<p>The project is eligible for referral under section 18(3)(a)–(d) as:</p> <ul style="list-style-type: none"> 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] under the Marine and Coastal Area (Takutai Moana) Act 2011. 	<p>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <p>The applicant estimates the project will result in:</p> <ul style="list-style-type: none"> approximately 2680 direct full-time equivalent (FTE) jobs and 1360 indirect FTE jobs over an 8-year period a contribution of approximately \$253 million to the Selwyn District GDP over an 8-year period and \$14 million per annum after this. <p>Economic costs for people or industries affected by COVID-19 (19(a))</p> <p>The applicant considers that any adverse effects of the commercial subdivision component of the project on other commercial centres in Rolleston will be no more than minor.</p> <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <p>The project will provide for the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> generate employment by providing approximately 4040 FTE jobs provide an additional housing supply of approximately 300 residential units and enable development of approximately 744 additional residential units in an area that has been rapidly growing and has a projected shortfall in housing capacity deliver supporting community infrastructure such as walking and cycle ways, neighbourhood commercial centres, and reserves which will facilitate community connection and provide opportunity for physical activities, and access to outdoor green spaces. <p>Is the project likely to progress faster by using this Act? (19(c))</p>	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>Local authorities</p> <p>SDC supported project referral as it aligns with a number of planning documents and directions managing growth in Selwyn and Greater Christchurch, and noted the following:</p> <ul style="list-style-type: none"> the project area has been identified as part of the strategic planning for the district for over a decade and is an area identified in the Rolleston Structure Plan strategic infrastructure planning has been considered over the last decade for development to 	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</p> <p>The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.</p> <p>More appropriate to go through standard RMA process (23(5)(b))</p> <p>The proposed residential development density of the project is not supported by the current Rural Inner Plains provisions of the SDP. However, the site is located in a Future Development Area in the CRPS and the project also aligns with a number of planning documents and directions for Selwyn, including the Rolleston Structure Plan, Selwyn District Long-Term Plan, and the policies of the Urban Growth Overlay in the SDP. We also note that an expert consenting panel has recently granted resource consents for the adjacent Faringdon South East and South West project which is subject to the same planning provisions. This indicates that the panel did not consider the current zoning presented a barrier to progressing consideration of resource consent applications that are out of sequence with standard RMA process.</p> <p>In November 2020, the applicant requested a private plan change (PC70) to the SDP to enable residential development of the area including the project site. SDC placed processing of PC70 on hold in December 2021, when the applicant resolved to pursue approvals for the project through the FTCA process. SDC commented that the FTCA process will not provide the same opportunities for public consultation as a plan change process under the RMA, and has requested that you direct a panel to hold a hearing to enable wider public consultation. We note that you do not have the power to direct a panel to hold a hearing, and consider that the panel has broad discretion to invite any parties they consider relevant to comment on a resource consent application, and can determine whether a hearing is appropriate. We do not consider that the inability for you to give effect to SDC's request means that you should decline to</p>	<p>In response to key comments:</p> <ul style="list-style-type: none"> s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) you do not have the power under the FTCA to give effect to SDC's request that you direct a panel to hold a hearing on the project we note that in respect of ECan's comments about alignment with the NPS-FM, we cannot provide definitive advice on whether the project is inconsistent with the NPS-FM at this stage, but we consider this matter can be appropriately determined by a panel as part of its assessment of effects and with the benefit of a full assessment of environmental effects. Therefore, 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). <p>Recommendations</p> <p>There are no significant reasons to decline to refer the project. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel.</p>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>f. constructing buildings</p> <p>g. constructing infrastructure including for vehicle access, roads, parking, and three-waters services</p> <p>h. developing land for reserve purposes, including landscaping and planting</p> <p>i. restoring and planting a natural wetland</p> <p>j. any other activities that are:</p> <p>i. associated with the activities listed in a to i; and</p> <p>ii. within the scope of the project as described above.</p> <p>The project will require land use and subdivision consents under the Selwyn District Plan (SDP), land use, water and discharge permits under the Canterbury Land and Water Regional Plan (CLWRP) and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F).</p>		<p>The applicant considers that the fast-track process is likely to be faster than standard RMA processes by approximately 2 years due to the requirement for a plan change and potential for notification of consent applications and Environment Court appeals under standard process.</p> <p>We note that applications for increased density development in rural zones may be notified and/or subject to appeal under standard RMA processes.</p> <p>Will the project result in a public benefit? (19(d))</p> <p>Based on the information provided, the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating approximately 2680 direct full-time equivalent (FTE) jobs and 1360 indirect FTE jobs increasing housing supply by up to 1044 residential units. <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> loss of land in rural production effects on character, landscape, visual and amenity values expanding Rolleston outside the existing zoned urban area reverse sensitivity effects arising from rural activities on adjacent land effects related to disturbing contaminated soils transport effects increased greenhouse-gas emissions dust, traffic and other temporary construction effects. <p>The applicant has provided details of mitigation measures to address potential adverse effects and has confirmed that technical specialists have completed a range of necessary assessments. The applicant advises that none of the environmental assessments undertaken for the</p>	<p>occur in this location, including through successive Long-Term Plans and 30-year Infrastructure Plans</p> <ul style="list-style-type: none"> Our Space identified this area, among others in south Rolleston, as Future Urban Development Areas to support the medium to long-term growth within the Greater Christchurch area of Selwyn the area is identified as a Future Urban Development Area in the CRPS and provides a policy response framework for growth into these areas where there is an identified capacity issue the area has also been identified as an 'Urban Growth Overlay' in the Selwyn Proposed District Plan to recognise and protect this area for urban development in line with the above strategic directions. <p>SDC noted fast tracking the project would reduce opportunities for public participation. If referred, the FTCA would in effect circumvent the public process that would have otherwise occurred through the Plan Change 70 process (PC70). PC70 has yet to be notified and as such there has been no opportunity for the wider community to submit. SDC requests that if referred, the Minister direct that a hearing be held in accordance with clause 21 of schedule 6 of the FTCA so that those that do provide comments can be heard.</p> <p>Canterbury Regional Council (ECan) supported project referral as it will enable the development of approximately 1,050 additional homes in Rolleston, in a location which is consistent with the preferred urban form determined through sub-regional growth strategies and the CRPS.</p> <p>ECan also noted:</p> <ul style="list-style-type: none"> the project involves the discharge of operational stormwater on-site into land. Discharges will occur in the same/similar manner as for other areas of the Faringdon development. While there are no concerns about the proposal to discharge stormwater into land as such, the discharge of untreated stormwater into land 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 (NPS-FM). Untreated discharges of stormwater into land do not put the health and well-being of the underlying aquifer at the top of the three priorities, but rather promotes the third priority over both the first and second priority. This may not be appropriate in light of the national direction in the NPS-FM. <p>ECan also noted that coordination of development staging, both within the internal areas of each development block and between adjacent development blocks, will be important to ensure that effective public transport access can be provided and maintained. Appropriate mechanisms should be in place to ensure timely and effective public transport access to and</p>	<p>refer the project on the basis that it would be more appropriate for the project to go through standard RMA processes (section 23(5)(b)).</p> <p>Inconsistency with a national policy statement (23(5)(c))</p> <p>The applicant has provided an assessment against the NPS-UD and advised that the project is not inconsistent with its objectives and policies.</p> <p>ECan commented that the proposed stormwater discharge solution for the project (ground soakage) does not prioritise the health of the underlying aquifer over the needs of people, and therefore does not give effect to Te Mana o te Wai and may not align with the NPS-FM. The applicant has not provided a specific assessment of the stormwater discharge against the objectives and policies of the NPS-FM, but we also note that the Faringdon South East and South West project included the same method of stormwater discharge on a neighbouring site, and was not considered to be contrary to the NPS-FM by a panel. At this stage we cannot provide definitive advice on whether the project is inconsistent with the NPS-FM but we consider this matter can be appropriately determined by a panel as part of its assessment of effects and with the benefit of a full assessment of environmental effects. Therefore, 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).</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The project does not directly affect any Treaty settlement redress.</p> <p>Involves land needed for Treaty settlements (23(5)(e))</p> <p>The project site does not include land needed for Treaty settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>ECan commented that they have issued the applicant with an infringement and abatement notice with respect to the discharge of smoke from a site at the corner of Selwyn Road and Springston-Rolleston Road.</p>	<p>We recommend you require the applicants to provide the following information with their resource consent applications to a panel:</p> <p>a. detailed transport infrastructure assessment, including:</p> <p>i. the capacity of the local road network to service the project</p> <p>ii. any upgrades that are required to the local road network to service the project</p> <p>iii. any funding required to carry out those upgrades (including how they will be funded)</p> <p>iv. how the project will support the uptake of public transport and active modes of transport (such as cycling and walking)</p> <p>v. information about discussions held and any agreements made with Selwyn District Council and Canterbury Regional Council.</p> <p>b. an assessment of:</p> <p>i. the existing condition and capacity of the relevant infrastructure for three waters services</p> <p>ii. any upgrades to that infrastructure that are required in connection with the subdivision and housing development</p> <p>iii. any funding required to carry out those upgrades (including how they will be funded)</p> <p>iv. information about discussions held and any agreements made with Selwyn District Council and Canterbury Regional Council.</p> <p>c. a landscape and urban design assessment, including:</p> <p>i. an assessment of the provision and distribution of proposed open space against the Selwyn District Council's Open Spaces Strategy 2015 (and to take consideration of open space provision in adjacent developments).</p>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
			<p>project conclude that the proposed activities will result in significant adverse environmental effects.</p> <p>We note that you do not require a full Assessment of Environmental Effects (AEE) and supporting evidence to make a referral decision, and a panel will consider the significance of effects should the Project be referred.</p> <p>Other relevant matters (19(f))</p> <p>N/A</p>	<p>through the site. When preparing detailed plans for public transport access liaison between the applicant and ECan public transport operational staff is advised, with adherence to the public transport guidelines developed with SDC.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>We do not consider this one incident to be sufficient grounds to decline the referral application.</p> <p>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p>	<p>We also recommend you direct a panel to invite comments on any resource consent applications for the project from the Associate Minister for the Environment (Urban Policy).</p>