



FTC #123: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2021-082 Faringdon Oval

Date Submitted:	17 March 2021	Tracking #: BRF-1285	
Security Level	In-Confidence	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE
Number of attachments: 2	Attachments: <ol style="list-style-type: none"> Letter from Minister for the Environment to relevant Ministers of the Crown Copy of Faringdon Oval application and supporting information – to send with letters to Ministers

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 #123: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key Messages

1. We seek your initial decisions on an application from Hughes Developments Limited to refer the Faringdon Oval project (the Project) to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The Project is to subdivide a 69.3-hectare site bounded by Dunns Crossing Road, Goulds Road and Selwyn Road, Rolleston to create open space, lots for commercial use and approximately 1050 residential lots, to construct residential units on approximately 300 of the residential lots, and construct supporting infrastructure, including roads and three-waters services, to service all of the lots.
3. Construction of residential units on the remaining 750 residential lots and commercial buildings on the commercial lots will be undertaken by third parties.
4. The Project involves activities such as subdividing land, carrying out earthworks (including disturbing potentially contaminated soils), clearing vegetation, discharging stormwater and contaminants to land, taking, diverting and discharging groundwater to land, constructing buildings, constructing infrastructure including for vehicle access, roads, parking, public transport and three-waters services, developing land for open spaces including landscaping and planting.
5. The Project will require land use and subdivision consents under the Selwyn District Plan, water and discharge permits under the Canterbury Land and Water Regional Plan and resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulation 2011 (NES-CS). The proposed activities have non-complying activity status because the Project involves residential subdivision and commercial and residential development in the Rural zone (Inner Plains area).
6. Councils within the greater Christchurch area have undertaken strategic planning for housing growth through the Greater Christchurch Partnership¹. This has informed a change to Chapter 6 of the operative Canterbury Regional Policy Statement (CRPS) (Recovery and rebuilding of Greater Christchurch) to identify new urban housing development areas in Rolleston, Rangiora and Kaiapoi. This change was made operative in July 2021 and it identifies the area including the Project site as a Future Development Area. The CRPS directs 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.
7. In November 2020 the applicant lodged a private plan change request with Selwyn District Council to enable residential and commercial development of the site. The council placed processing of that plan change on hold in December 2021, when the applicant resolved to pursue approvals through the more accelerated process offered by the FTCA. The plan change has not yet been notified and remains on hold.
8. We have previously recommended that you invite comments from the Greater Christchurch Partnership for referral applications in the Canterbury Region where developments were

¹ 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.

proposed on land that was not yet identified as suitable for urban development in the CRPS. This was because the proposed changes to Chapter 6 (under Plan Change 1) of the CRPS had not yet been implemented. As this plan change is now operative and the Project site is included in a Future Development Area, we do not consider that it is necessary to invite comments from the Greater Christchurch Partnership for this Project.

9. We have undertaken an initial (Stage 1) analysis of the application and this is presented along with our recommendations in Table A.
10. The Project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if it meets the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
11. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Selwyn District Council, Canterbury Regional Council (Environment Canterbury) and specific Ministers listed in section 21(6) of the FTCA.
12. We recommend that you invite comments from the Associate Minister for the Environment (Urban Policy) as an additional Minister under section 21(6)(n) of the FTCA.
13. We also recommend you request further information from the applicant and local authorities as detailed in Table A.

Statutory Framework Summary

14. You are the sole decision maker for referral of the Project as it will not occur in the coastal marine area.
15. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the Project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).
16. If you do not decline the referral application at this stage:
 - a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
 - b. you may provide the application to and invite comments from any other person.
17. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

Action Sought

18. Please indicate your decision on the recommendations in Table A.

Signature

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

Stephanie Frame
Manager – Fast-track Consenting

Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker

Project to progress

Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood the Project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
<p>Project name Faringdon Oval</p> <p>Applicant Hughes Developments Limited</p> <p>c/- Greenwood Roche</p> <p>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>	<p>The Project is to subdivide a 69.3-hectare site bounded by Dunns Crossing Road, Goulds Road and Selwyn Road, Rolleston to create open space, lots for commercial use and approximately 1050 residential lots, which will enable residential development by third parties, and to construct residential units on approximately 300 of the residential lots, and construct supporting infrastructure, including roads and three-waters services that will also support construction of residential units and commercial buildings on the remaining lots by third parties.</p> <p>The Project involves activities such as:</p> <ol style="list-style-type: none"> subdividing land, carrying out earthworks (including disturbing potentially contaminated soils) clearing vegetation discharging stormwater and 	<p>The applicant proposes to fund the development from existing cash reserves and pre-sale of residential sections.</p> <p>We note that in 2020 the applicant applied under the FTCA for the Faringdon South West and South East Development project and subsequently had this consented by a panel.</p> <p>Apart from the referred FTCA projects, the applicant has a proven track record of delivering commercial and residential development in the Canterbury region.</p> <p>We do not have concerns about the applicant's ability to deliver the Project based on the information provided.</p>	<p>Based on available information at this stage, we consider the Project is eligible for referral because:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include land returned under a Treaty settlement it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011. 	<p>The applicant estimates the Project will result in:</p> <ul style="list-style-type: none"> approximately 4040 full-time equivalent (FTE) jobs in the Selwyn District and 9010 FTE jobs in the Canterbury Region over 8 years of Project construction a contribution of approximately \$253 million to the Selwyn District GDP over the 8 years of Project construction and \$14 million per annum after this. <p>The applicant also notes that the commercial component of the Project may have adverse effects on other commercial centres in Rolleston. However, the applicant considers that these effects will be no more than minor.</p> <p>We note that the applicant's estimate of FTE jobs created by</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 through the provision of approximately 4040 FTE jobs provide an additional housing supply of approximately 300 residential units and enable approximately 750 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 cycling ways, neighbourhood commercial centres, and reserves which will facilitate community connection and provide opportunity for physical activities, and access to outdoor green spaces. 	<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 and Environment Court appeal/s.</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>It is estimated that the fast-track processes will enable the Project to progress sooner by at least 2 years than if consents were sought through standard RMA processes (section 19(c) of the FTCA).</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from Selwyn District Council and Environment Canterbury on the use of the FTCA or standard RMA processes.</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 4040 FTE jobs increasing housing supply by up to 1050 residential units providing walking and cycling access ways, a neighbourhood centre, and reserves to facilitate community connection, physical activities, and access to outdoor green spaces. <p>The applicant considers that these infrastructure facilities are likely to contribute to a well-functioning urban environment.</p>	<p>The Project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> loss of rural production land effects on character, landscape, visual and amenity values expanding the Rolleston town centre 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>There are no dedicated public and active transport routes servicing the proposed sites. However, the application proposes a layout that has provision for pedestrian and cycle ways and is conducive to supporting future public transport.</p> <p>The applicant has provided details of mitigation measures</p>	<p>Councils within the Greater Christchurch area have undertaken strategic planning for housing growth through the Greater Christchurch Partnership. This has informed a change to Chapter 6 of the operative CRPS (Recovery and rebuilding of Greater Christchurch) to identify new urban housing development areas in Rolleston, Rangiora and Kaiapoi. This change was made operative in July 2021 and identifies the Project site as a Future Development Area.</p> <p>Selwyn District Council notified the Proposed Selwyn District Plan in October 2020. In the proposed plan, the Project site along with all other Future Development Areas identified in the Canterbury Regional Policy Statement are subject to a General Rural zoning, with an Urban Growth Overlay. Decisions on the proposed plan are not expected until 2024. The applicant has lodged a submission on the Proposed Selwyn District Plan, requesting that the Project site is zoned General Residential.</p> <p>In November 2020, the applicant made a request for a private plan change to the operative Selwyn District Plan, to enable residential development on the part of the site that they owned at that time. That plan change request was subsequently amended to include the additional land acquired by the applicant (and which now comprises the project area). Processing of the plan change was placed on hold in December 2021, when the applicant resolved to pursue approvals through the more accelerated process offered by the FTCA. Selwyn District Council has not yet notified the proposed plan change and processing remains on hold.</p> <p>We recommend that you seek comment from Selwyn District Council and Environment Canterbury on how the Project aligns with urban growth strategies and policies for the district.</p>	<ol style="list-style-type: none"> Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application. Agree to progress the Faringdon Oval project to our Stage 2 analysis. The Project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application. 	Yes/No

Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood the Project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	<p>contaminants to land</p> <p>d. taking, diverting and discharging groundwater to land</p> <p>e. constructing buildings, constructing infrastructure including for vehicle access, roads, parking, public transport and three-waters services</p> <p>f. developing land for open spaces including landscaping and planting.</p> <p>The Project will require land use and subdivision consents under the Selwyn District Plan, water and discharge permits under the Canterbury Land and Water Regional Plan and resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulation 2011 (NES-CS). The proposed activities have non-complying activity status because the Project involves residential subdivision and</p>			<p>the Project is higher than we would expect for a Project of this nature and recommend that you seek additional information from the applicant on how many jobs will be created as a direct result of the Project.</p>				<p>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 Project conclude that the proposed activities will result in significant adverse environmental effects.</p> <p>We note that the Minister does 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>We note that the CRPS directs that subdivision must not proceed ahead of an outline development plan in a district plan, and current provisions in the operative district plan do not preclude this either. We note that the Faringdon South West and South East Development referred project (that was subject to the same planning framework) has recently been granted resource consents by a Panel. We therefore consider that there is insufficient reason to decline to refer the Project at stage one and consider you should progress the further analysis of the referral application.</p> <p>We have previously recommended that you invite comments from the Greater Christchurch Partnership for referral applications in the Canterbury Region where developments were proposed on land that was not yet identified as suitable for urban development in the CRPS. This was because the proposed changes to Chapter 6 (under Plan Change 1) of the CRPS had not yet been implemented. As this plan change is now operative and the Project site is included in a Future Development Area, we do not consider that it is necessary to invite comments from the Greater Christchurch Partnership for this Project.</p> <p>Several of the records of title for the land within the Project area are subject to Part 4A Conservation Act 1987, which relates to the presence of Department of Conservation (DOC)-managed marginal strip. Any works on or over a marginal strip will require a permission from DOC. While we expect the Minister of Conservation to comment on this matter, we recommend that you seek comment from the applicant on this matter.</p> <p>The site appears to contain a stream (possibly a water race) at the northern side and the applicant has not included an assessment against the National Policy Statement on Freshwater Management 2020 (NPS-FM) or the Resource Management (National Environmental Standard for</p>	<p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6) of the FTCA the Associate Minister for the Environment (Urban Policy) Selwyn District Council Canterbury Regional Council <p>g. Agree to seek further information from the applicant on job creation, encumbrances on the Project titles, consistency with the NPS-FM and NES-F, and whether they have produced a Project subdivision scheme plan, and from Selwyn District Council and Environment Canterbury on infrastructure provision and how the Project aligns with urban growth policy</p> <p>h. Sign the attached letters to Ministers listed in section 21(6) of the FTCA and the Associate Minister for the Environment (Urban Policy).</p> <p>i. Note that while awaiting these comments and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

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				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood the Project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	commercial and residential development in the Rural zone (Inner Plains area).								Freshwater) 2020 (NES-F). We recommend that you seek additional information from the applicant on consistency with these documents and whether any consents are required under the NES-F.		

Signed:

Hon David Parker
Minister for the Environment

Date