

## FTC #203: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2023-156 Hobsonville Road Retirement Village Project

Date submitted:	30 March 2023	Tracking #: BRF-2851	
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	To be advised

Actions for Minister's Office staff	<ol style="list-style-type: none"> <li><b>Return</b> the signed briefing to MfE.</li> <li><b>Send</b> attached letter (if signed) with accompanying template and links to application documents.</li> </ol>
Number of attachments: 2	<p>Attachments:</p> <ol style="list-style-type: none"> <li>Application documents for Hobsonville Road Retirement Village Project (pdf/Databox link)</li> <li>Letter to Ministers – inviting comments on Hobsonville Road Retirement Village Project referral</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Zen Gerente		
Acting Manager	Rebecca Perrett	s 9(2)(a)	✓
Acting Director	Lorena Stephen	s 9(2)(a)	

## **FTC#203: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions**

### **Key messages**

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1. This briefing seeks your initial decisions on an application from Kings Heights Group Limited to refer the Hobsonville Road Retirement Village Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to construct and operate a retirement village on a 4-hectare site at 82 Hobsonville Road, West Harbour, Auckland. The retirement village will include approximately 354 residential units, including approximately 42 single storey villas, approximately 267 independent-living apartments in six buildings between four and six storeys in height with basement car parking, and 45 care units in one building of three storeys in height with basement car parking. The retirement village also includes an amenities building of two storeys in height and one basement level, containing a reception, health and well-being facilities, a pool and café. The project will include development of outdoor recreation areas, landscaping and planting, parking, a new access to Hobsonville Road and works to provide connections to three-waters services, including works within the Hobsonville Road and Westpoint Drive road reserves.
3. The project will require land use consent, and water and discharge permits under the Auckland Unitary Plan (AUP), and resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
4. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
5. The project site is in the AUP's Future Urban Zone, which applies to greenfield land identified as suitable for urbanisation. The AUP provides for Future Urban Zone land to be used for a range of general rural activities but aims to avoid urbanisation until sites have been rezoned for urban purposes.
6. The AUP promotes structure planning as a precursor to rezoning and urban development in the Future Urban Zone. The Whenuapai Structure Plan (WSP) adopted by Auckland Council in 2016 sets out the framework for transforming Whenuapai from a semi-rural environment to an urbanised community over a 10 to 20-year period. The WSP anticipates development of the project site by 2026.
7. If the project is referred, it will be assessed against the AUP framework as a non-complying activity. The project may not be entirely consistent with the AUP, but the applicant considers it is consistent with the intended land use under the WSP and the National Policy Statement on Urban Development 2020 (NPS-UD). The applicant also considers that adverse effects will be no more than minor, which will allow the project to meet section 104D of the Resource Management Act 1991 (RMA) 'gateway' test for non-complying activities.
8. The project meets all the eligibility criteria in section 18(3) of the FTCA, and we consider that it will help to achieve the FTCA's purpose, thus satisfying section 18(2) of the FTCA. More analysis is needed before we can advise you on matters in section 23(5) which may influence your referral decision.
9. Although there is a risk that processing of a referral order may not be completed in the remaining available time, we recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Auckland Council and specific Ministers listed in section 21(6) of the FTCA.

10. We recommend that you invite comments from the Minister for Seniors as an additional Minister under section 21(6)(n) of the FTCA, and New Zealand Defence Force, Watercare Services Limited, Auckland Transport and Waka Kotahi New Zealand Transport Agency as additional parties under section 21(3) of the FTCA.
11. We also recommend you request further information from the applicant and from Auckland Council as detailed in Table A.

## Statutory framework summary

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12. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
13. 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, as specified in sections 23(2) and 23(5) of the FTCA), including that there is insufficient time for referral of the application before the FTCA is repealed.
14. 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.
15. 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).

## Timeframe for referral

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16. The FTCA will be repealed on 8 July 2023, meaning that a referral order must be in force for the project by this date if the project's approvals are to be considered by a panel under FTCA process.
17. The timeframe for processing the referral application is dependent on certain statutory obligations and the capacity and resourcing of officials. The ability for a referral order for the project to be successfully completed, even if you make a decision to refer the project, is becoming increasingly time-pressured as the 8 July deadline approaches.

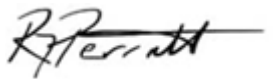
## Action sought

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

## Signature

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A handwritten signature in black ink, appearing to read 'R Perrett', enclosed within a thin black rectangular border.

Rebecca Perrett  
**Acting Manager – Fast-track Consenting**



### Project to progress

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Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						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 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>to provide connections to three-waters services, including works within the Hobsonville Road and Westpoint Drive road reserves.</p> <p>The project involves activities such as demolishing buildings, carrying out earthworks (including disturbing contaminated soils), vegetation clearance, diverting and placing structures within or over overland flow paths, discharging stormwater onto land or into water, constructing or installing infrastructure including roads, vehicle and pedestrian accessways, and infrastructure for three-waters services, landscaping and riparian planting.</p> <p>The project will require land use consent, and water and discharge permits under the Auckland Unitary Plan (AUP), and resource consent under the Resource Management (National Environmental Standard for</p>		<p>sustainable management of natural and physical resources.</p> <p>The economic and social impacts of the COVID-19 global pandemic are on-going, evolving and will be long lasting.</p> <p>Enabling progression of shovel-ready projects that promote employment and investment that can deliver economic and other social and public benefits is one way that the government can continue to support the recovery and response to these effects.</p> <p>The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.</p>						<p>recommend you invite comment on the referral application from Auckland Transport.</p> <p>As the project involves installation of three-waters infrastructure, we recommend you invite comments on the referral application from Watercare Services Limited as they administer potable water and wastewater infrastructure in Auckland.</p> <p>Wider transport upgrades, including SH16 Brigham Creek-Waimauku corridor upgrades may have an impact on the proposal. The project site is close to the intersections of SH16 and SH18. The record of title of the project site also has a registered notice that Hobsonville Road is a limited access road, however, the applicant has noted that this is a historic matter now that Hobsonville Road is no longer classed as a state highway. We therefore recommend that you invite comments from Waka Kotahi New Zealand Transport Agency.</p> <p>The project does not provide for a neighbourhood park as intended by the Whenuapai Structure Plan for this site. We recommend you request for further information from the applicant whether this has been considered</p>	<p>from the applicant on project funding, ongoing direct FTE jobs and whether any consideration was given to provide a neighbourhood park in the project site as intended by the Whenuapai Structure Plan.</p> <p>h. <b>Agree</b> to seek further information from Auckland Council on the appropriateness of the project as intended by the Whenuapai Structure Plan.</p> <p>i. <b>Sign</b> the attached letters to Ministers.</p> <p>j. <b>Note</b> that while awaiting comments from invited parties 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>	Yes/No



Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						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 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)]		
	Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).								and from Auckland Council whether the project is appropriate and as intended by the Whenuapai Structure Plan.		

Signed:

Hon David Parker  
Minister for the Environment

Date: