

## FTC #193: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2022-145 Holly Lea Village Buildings D and E Project

Date submitted:	14 March 2023	Tracking #: BRF-2891	
Security level:	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
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 letters (if signed) with accompanying template and links to application documents.</li> </ol>
Number of attachments: 3	<p>Attachments:</p> <ol style="list-style-type: none"> <li>Application documents for Holly Lea Village Buildings D and E Project (pdf/Databox link)</li> <li>Letter to Ministers – inviting comments on Holly Lea Village Buildings D and E Project referral</li> <li>Template for ministerial comment</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Max Gander-Cooper		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

## **FTC#193: 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 Holly Lea Village Limited to refer the Holly Lea Village Buildings D and E 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 two three-storey apartment buildings, comprising a total of 30 units, to form part of the existing retirement village known as Holly Lea Village<sup>1</sup> on a 1.95 hectare site in Fendalton, Christchurch. The project will include:
  - a. Building D, a three-storey building (approximately 13.5 metres high), containing 10 independent living units; staff and administrative spaces
  - b. Building E, a three-storey building (approximately 14.2 metres high), containing 22 independent living units
  - c. access, parking and circulation spaces, and connections to existing three waters infrastructure
  - d. landscaping and planting.
3. The project will require land use consents under the Christchurch District Plan (CDP) and water and discharge permits under the Canterbury Land and Water Regional Plan (CRP). The proposed activities would have restricted discretionary activity status under the CDP due to exceeding various permitted activity standards and discretionary activity status under the CRP due to discharging contaminants to and undertaking earthworks in the Waimairi Stream.
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 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.
6. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Christchurch City Council and Canterbury Regional Council and specific Ministers listed in section 21(6) of the FTCA.
7. We recommend that you invite comments from the Minister for Seniors as an additional Minister under section 21(6)(n) of the FTCA.
8. We also recommend you request further information from the applicant and Christchurch City Council as detailed in Table A.

### **Statutory framework summary**

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9. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
10. You may decline the referral application before seeking comments from the relevant local

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<sup>1</sup> Redevelopment of the remainder of the retirement village (buildings A – C) is currently underway with completion anticipated in late March 2023.

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).

11. 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.

12. 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

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

### Signature

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Madeleine Berry  
**Acting 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 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 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><b>Name</b> Holly Lea Village Buildings D and E Project</p> <p><b>Applicant</b> Holly Lea Village Limited</p> <p><b>Location</b> c/- Greenwood Roche</p> <p>19, 19a, &amp; 21 Tui Street, 121 &amp; 123 Fendalton Road, And 2 &amp; 8 Heathfield Avenue, Fendalton, Christchurch 8041, New Zealand</p>	<p>The project is to construct two three-storey apartment buildings, comprising a total of 30 units, to form part of the existing retirement village known as Holly Lea Village on a 1.95 hectare site in Fendalton, Christchurch. The project will include:</p> <p>a. Building E, a three-storey building (approximately 14.2 metres high), containing 22 independent living units</p> <p>b. Building D, a three-storey building (approximately 13.5 metres high), containing 10 independent living units; staff and administrative spaces</p> <p>c. access, parking and circulation spaces, and connections to existing three waters infrastructure</p> <p>d. landscaping and planting.</p> <p>The project involves activities such as</p>	<p>The applicant has provided a letter from ASB Bank Limited confirming that they are providing s 9(2)(b)(ii) to fund the entire village redevelopment (including buildings A-C.</p> <p>At this stage we do not have any concerns about the financial ability of the applicant to deliver the project.</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"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>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.</li> </ul>	<p>Based on the information provided by the applicant we consider the project may result in the following economic benefits:</p> <ul style="list-style-type: none"> <li>generating employment by creating 108 full-time equivalent (FTE) jobs per year over a 3-year period and 8 ongoing FTE jobs once construction is complete.</li> <li>s 9(2)(f)(ii), s 9(2)(g)(i)</li> </ul>	<p>The applicant considers the project may have positive effects on social of cultural and wellbeing on current and future generations by:</p> <ul style="list-style-type: none"> <li>contributing to job creation and flow-on economic benefits</li> <li>contributing to housing supply.</li> </ul> <p>Potential effects on cultural wellbeing are unknown. The applicant acknowledges that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities.</p>	<p>The applicant considers the project is likely to progress approximately one year faster under the FTCA process than would be the case if the project were considered under a standard Resource Management Act 1991 (RMA) process due to the likelihood of notification and appeals.</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from Christchurch City Council (CCC) and Canterbury Regional Council (ECan) on the use of the FTCA or standard RMA processes</p>	<p>Based on the information provided by the applicant we consider the project is likely to result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generating employment</li> <li>contributing to increasing housing supply</li> <li>contributing to a well-functioning urban environment.</li> </ul>	<p>While the project has the potential to result in some adverse environmental effects, including relating to construction effects and building height, the applicant does not expect these effects to be significant. We consider we could best advise you on the appropriateness of the proposed building height following receipt of comments from CCC.</p> <p>The applicant has confirmed that specialists have prepared technical assessments on the above matters. The applicant considers the project will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full Assessment of Environment 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.</p>	<p>The project includes earthworks and installing structures in, and discharging contaminants to Waimairi Stream, but the applicant has not identified any reasons for consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). We recommend you seek confirmation from the applicant that the project does not trigger any reasons for consent under the NES-F.</p> <p>The records of title for the project site are subject to various instruments, and the applicant has not provided an analysis of whether these instruments may affect project delivery. We recommend you seek comment from the applicant on this matter.</p> <p>In 2021 the Government passed the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS) which required that all tier 1 councils (including CCC) notify plan changes by 20 August 2022 to incorporate the</p>	<p>a. <b>Note</b> 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.</p> <p>b. <b>Note</b> 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.</p> <p>c. <b>Note</b> that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. <b>Note</b> 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.</p> <p>e. <b>Agree</b> to progress the Holly Lea Village Buildings D and E 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.</p> <p>f. <b>Agree</b> to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> <li>the Ministers listed in section 21(6)(a)–(m) of the FTCA</li> <li>the Minister for Seniors as an additional relevant Minister under section 21(6)(n) of the FTCA</li> <li>the relevant local authorities – CCC and ECan</li> </ul> <p>g. <b>Agree</b> to seek further information from the applicant on any consent triggers under the NES-F, instruments on the records of title for the project and from CCC on</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 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)]		
	demolishing existing buildings and structures, carrying out earthworks (including within a natural watercourse), installing structures within a natural watercourse, discharging stormwater and contaminants to land and water, constructing buildings, installing parking and vehicle access, taking, diverting and discharging groundwater.								<p>Medium Density Residential Standards (MDRS) into their district plans. CCC did not notify a plan change at that time, but intends to notify Plan Change 14 to the Christchurch District Plan (PC14) on 17 March 2023.</p> <p>We recommend you seek comment from CCC on how they consider the project aligns with PC14 provisions of the plan change.</p>	<p>how the project aligns with PC14.</p> <p>h. <b>Sign</b> the attached letters to Ministers.</p> <p>i. <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>	

Signed:

Hon David Parker  
Minister for the Environment

Date: