

FTC#255 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2023-159 Lincoln Retirement Village Project

Date submitted:	1 June 2023	Tracking #: BRF-3083	
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: 7	Appendices: 1. Lincoln Retirement Village Project application and further 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 Arvida Group Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers, Selwyn District Council and Environment Canterbury Regional Council (Databox link) 7. Further information received post-consultation (Databox link).

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
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FTC#255: 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 Arvida Group Limited to refer the Lincoln Retirement Village 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-2895) with your initial decisions annotated is in Appendix 2.
3. The project is to construct and operate a retirement village on an approximately 11.4-hectare site located at 1506 Springs Road, Lincoln, Canterbury. The retirement village will include approximately 200 independent-living residential units, a two-storey care home building that accommodates approximately 60 assisted-living suites, and ancillary facilities, including a clubhouse and pavilion for resident activities. The project also includes works within Springs Road road reserve to upgrade the site access, development of outdoor recreation areas, landscaping, car parking areas, and any necessary upgrades to three-waters infrastructure.
4. The project will involve activities such as:
 - a. carrying out earthworks (including earthworks that disturb potentially contaminated soil)
 - b. taking and diverting groundwater for the purpose of construction dewatering
 - c. discharging stormwater (which may contain contaminants) and groundwater onto land or into water
 - d. constructing and operating a retirement village (including its ancillary facilities)
 - e. landscaping and planting, including for private open space
 - f. constructing or installing infrastructure or structures, including roads, private accessways for vehicles, parking areas and infrastructure for three waters services
 - g. carrying out other activities that are:
 - i. associated with the activities described in paragraphs (a) to (f)
 - ii. within the scope of the project as described in paragraph 3.
5. The project will require land use consents under the operative Selwyn District Plan (SDP), land use consent, water and discharge permits under the Canterbury Land and Water Regional Plan (CLWRP), and land use consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
6. The majority of the project site is in the Business 2B zone under the SDP with a small part of the site in the Living 3 zone due to a misalignment of legal boundary and zone mapping. The Business 2B zone provides for industrial, retail, storage and car parking activities as permitted, and retirement villages are a discretionary activity.
7. Selwyn District Council (SDC) notified its Proposed District Plan (PDP) in October 2020. SDC notified Variation 1 to the PDP in August 2022 to incorporate the Medium Density Residential Standards (MDRS). Under the PDP the project site is located in the General Industrial Zone and the project would be a non-complying activity. The applicant has submitted against the

PDP in support of a submission to rezone the project site for residential use. The notified version of Variation 1 did not propose any zoning changes to the project site and it is unclear whether there is scope for this to occur as a result of the submission process. The SDC website details that Variation 1 hearings will be completed in May/June 2023 and SDC noted the earliest that the zoning of the project site would change through the PDP and Variation 1 would be August/September 2023 when decisions are released on the PDP. If you decide to refer the project it is uncertain what the zoning of the project site will be at the time resource consent applications are lodged with a panel.

8. SDC neither supported nor opposed project referral but noted there is an element of uncertainty for the applicant on the PDP process and outcomes, and considered the key issue for the project is the appropriateness of residential activity on the site and the impact on industrial land supply in the district. Environment Canterbury Regional Council (ECan) supported project referral but noted the project site is located within a Greenfield Priority Area for business and under Policy 6.3.6(5) of the Canterbury Regional Policy Statement (CRPS) “activities in this area should be restricted to industrial activities, and that commercial use in these areas is restricted”. ECan also raised concern with the take and use of groundwater under the CLWRP.
9. We consider the project meets the purpose of the FTCA and the matters raised by SDC and ECan are not reasons you should decline the referral application. These matters are discussed further in the issues and risks section of this briefing.
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, SDC and ECan (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 confirmed the number of on-going full-time equivalent jobs associated with the project. We have taken this information into account in our analysis and advice.

Section 17 report

15. The Section 17 report identifies Te Runanga o Ngāi Tahu as the sole iwi authority and Treaty settlement entity under the one Treaty settlement relevant to the project area.

16. The Section 17 report outlines cultural/commercial redress provided by the Treaty settlement, including acknowledgements and apologies relating to recognition of rangatiratanga which have implications for engagement and participation of Ngāi Tahu in resource management decision-making in their rohe.
17. No specific cultural or commercial redress provided under the settlement would be affected by the project and there are no co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the project.

Comments received

18. Comments were received from ^{s 9(2)(f)(ii), s 9(2)(g)(i)} SDC and ECan. The key points of relevance to your decision are summarised in Table A.
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. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [REDACTED]
23. ^{s 9(2)(f)(ii), s 9(2)(g)(i)} [REDACTED]
24. SDC neither supported nor opposed project referral but noted there is an element of uncertainty for the applicant on the PDP process and outcomes. SDC noted a key issue relating to the project is the appropriateness of residential zoning of the site and the impact on industrial land supply in the district of removing industrial zoning of the site (as currently included in the PDP). SDC noted growth modelling identifies a shortfall in the supply of residential land in Lincoln and additional residential land would help SDC meet its obligations under the National Policy Statement on Urban Development 2020 (NPS-UD).
25. SDC noted that there is a level of uncertainty of the possible zoning outcomes for the project site. SDC noted the earliest that the zoning of the project site would change through the PDP and Variation 1 would be August/September 2023 when decisions are released on the PDP.
26. ECan supported project referral but noted the project site is located within a Greenfield Priority Area for business and under Policy 6.3.6(5) of the CRPS "activities in this area should

be restricted to industrial activities, and that commercial use in these areas is restricted". ECan noted the take and use of groundwater under the CLWRP is either permitted due to its small scale or a prohibited activity, and it accepted that based on the applicant's preliminary advice there should be no interception of groundwater. ECan noted the site has a complex hydrogeographic setting and considered that careful consideration should be given to the management of construction activities to avoid adverse effects on groundwater.

27. SDC and ECan noted several reports and assessments that would normally be required for a project of this type.

Section 18 referral criteria

28. You may accept the application for project referral if you are satisfied the project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
29. The project does not include any ineligible activities, as explained in Table A. ECan noted that the take and use of groundwater under the CLWRP is either permitted due to its small scale or a prohibited activity. We note the applicant has specifically stated the project will only 'take' groundwater for the purpose of dewatering for carrying out excavations and has identified this is a restricted discretionary activity. We also note ECan has accepted that based on the applicant's preliminary advice there should be no interception of groundwater. We consider there is sufficient information available, for the purposes of the referral decision, for you to be satisfied the project does not include a prohibited activity.
30. 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 919 direct full-time equivalent (FTE) jobs over an approximately 7-year design and construction period and approximately 66 ongoing FTE jobs through the ongoing operation of the retirement village
 - b. increase housing supply for aged persons through the construction of approximately 200 residential units
 - c. progress faster than would otherwise be the case under standard RMA process.
31. 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

32. 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

33. 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.
34. Section 23(5)(b) of the FTCA enables you to decline a project if it is more appropriate for the project to go through standard RMA consenting processes. We have considered whether it would be more appropriate for the project to be considered under standard RMA consenting processes, particularly given decisions on the PDP are yet to be completed and the zoning outcomes for the site are uncertain.

35. Both the PDP and potentially Variation 1 are relevant to the project site. SDC noted 1 original submission on the PDP was received from Next Level Developments (the previous project site owner) to rezone the project site for residential use. The applicant made a further submission in support. The SDC website details that 114 original submissions on the MDRS were received on Variation 1, and SDC have not identified any specific submissions relating to the project site. The PDP proposes to rezone the project site to General Industrial Zone and the project would be a non-complying activity under the proposed rule framework. The notified version of Variation 1 did not propose any zoning changes to the project site and it is unclear whether there is scope for this to occur as a result of the submission process, therefore the extent to which Variation 1 would impact on the project site is unknown.
36. SDC noted a key issue relating to the project is the appropriateness of the current residential zoning of the site (as submitted on by the applicant) and the impact on industrial land supply in the district of removing industrial zoning of the site (as currently proposed in the PDP). SDC also noted growth modelling identifies a shortfall in the supply of residential land in Lincoln and additional residential land would help SDC meet its obligations under the NPS-UD. ECan noted the project site is located within a Greenfield Priority Area for business and under Policy 6.3.6(5) of the CRPS "activities in this area should be restricted to industrial activities, and that commercial use in these areas is restricted". However, we note the SDP currently provides for the project as a discretionary activity and the SDP and CRPS do not preclude consideration of the project.
37. We consider there are risks that referring the project could be viewed negatively by submitters on the PDP and Variation 1, and we have considered whether it would be more appropriate for the project to be considered under standard RMA process following decisions on the PDP and Variation 1. However, we note that only 1 original submission from the previous project site owner and 1 further submission from the applicant were received on the project site's zoning under the PDP, and at this stage the extent to which Variation 1 would impact on the project site is also unknown. If you decide to refer the project it is uncertain what stage the PDP and Variation 1 process will be at, or what the project site zoning will be, when the applicant lodges resource consent applications with a panel. Therefore, we consider it would be more appropriate for a panel to decide whether any submitters on the PDP or Variation 1 should be invited to comment on resource consent applications before it, rather than directing a panel to do so.
38. If you decide to refer the project, we note 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), so may consult as widely as they consider appropriate.
39. For the reasons outlined above, we do not consider you should decline the project because it is more appropriate to go through the standard consenting processes under the RMA (section 23(5)(b) of the FTCA) and we also do not consider it necessary for a panel to be directed to invite comments from submitters on the PDP or Variation 1.
40. Section 23(5)(c) enables you to decline a project if the project is inconsistent with a relevant national policy statement. The NPS-UD defines SDC as a tier 1 territorial authority and if you decide to refer the project a panel must have regard to any relevant provisions of the NPS-UD when considering a consent application. The applicant considers the project meets the objectives and policies of the NPS-UD as the project will contribute to the overall supply of housing in the district, thereby contributing to housing affordability, and no concerns have been raised in comments. 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).
41. Section 23(5)(g) enables you to decline a project if there is insufficient time for the application to be referred and considered before the FTCA is repealed. At this stage we consider there

is sufficient time before 8 July 2023 for you to progress an Order in Council through Cabinet and for it to be authorised by the Executive Council, should you decide to refer the project. Therefore, we consider you should not decline to refer the project on the basis that there is insufficient time for the project to be referred and considered before the FTCA is repealed (23(5)(g)).

Conclusions

42. We do not consider that you should decline to refer the project in whole or in part on the basis of the risks and issues identified above. You could accept the application under section 24 of the FTCA and refer all of the project to a panel. If you decide to refer the project, we do not consider that you need to specify any additional information that the applicant must submit to a panel under s 24(2)(d) of the FTCA.
43. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from the following groups:
 - a. Minister for Seniors
 - b. Mahaanui Kurataiao Limited.

Next steps

44. 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. We consider you should also give the notice of decisions together with a copy of the application to Mahaanui Kurataiao Limited.
45. 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.
46. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). Once you have signed the letter we will assist your office to copy it to all relevant parties.
47. 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
48. 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.
49. Our recommendations for your decisions follow.

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 the referral application from Arvida Group Limited unless you are satisfied that the Lincoln Retirement Village Project (project) meets all 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 decline the application for project referral under section 23 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 creating approximately 919 direct full-time equivalent (FTE) jobs over an approximately 7-year design and construction period and approximately 66 ongoing FTE jobs through the ongoing operation of the retirement village
 - ii. increase housing supply for aged persons through the construction of approximately 200 residential units
 - iii. 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)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to the parties listed in clause 17 of Schedule 6 of the FTCA:

- i. Minister for Seniors
- ii. Mahaanui Kurataiao Limited.

Yes/No

- j. **Agree** to copy the application and notice of decisions to Mahaanui Kurataiao Limited in addition to those parties specified in section 25 of the FTCA.

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.

Signatures




Rebecca Perrett
Acting 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 - does the project help achieve the purpose of the FTCA (as per section 19)?			
Name Lincoln Retirement Village Project Applicant Arvida Group Limited c/-Ben MacGibbon, Development Manager Location 1506 Springs Road, Lincoln, Canterbury (Lot 6004 DP 558331)	<p>The project is to construct and operate a retirement village on an approximately 11.4-hectare site located at 1506 Springs Road, Lincoln, Canterbury. The retirement village will include approximately 200 independent-living residential units, a two-storey care home building that accommodates approximately 60 assisted-living suites, and ancillary facilities, including a clubhouse and pavilion for resident activities. The project also includes works within Springs Road road reserve to upgrade the site access, development of outdoor recreation areas, landscaping, car parking areas, and any necessary upgrades to three-waters infrastructure.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> carrying out earthworks (including earthworks that disturb potentially contaminated soil) taking and diverting groundwater for the purpose of construction dewatering discharging stormwater (which may contain contaminants) and groundwater onto land or into water constructing and operating a retirement village 	<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>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <p>The applicant estimates the project will:</p> <ul style="list-style-type: none"> provide approximately 919 direct full-time equivalent (FTE) jobs over a 7-year design and construction period and approximately 66 ongoing FTE jobs through the ongoing operation of the retirement village contribute a total of \$204 million to the GDP. <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <p>The applicant considers the project will contribute to social wellbeing by providing approximately 200 residential units for retirement living, creating economic benefits and generating employment.</p> <p>Is the project likely to progress faster by using this Act? (19(c))</p> <p>The applicant estimates the FTCA process will allow the project to progress 9 months faster than under standard RMA processes due to the likelihood of notification and a hearing and potential for appeals under standard process. We consider the applicant's estimate to be reasonable.</p> <p>Will the project result in a public benefit? (19(d))</p> <p>Based on the applicant's information we consider the project may result in the following public benefits:</p>	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p>	<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>We have considered whether it would be more appropriate for the project to be considered under standard RMA consenting processes, particularly given decisions on the PDP are yet to be competed and the zoning outcomes for the site are unknown.</p> <p>Both the PDP and potentially Variation 1 are relevant to the project site. SDC noted 1 original submission was received from Next Level Developments (the previous project site owner) to rezone the project site for residential use under the PDP. The applicant made a further submission in support. The SDC website details that 114 original submissions on the MDRS were received on Variation 1, and SDC have not identified any specific submissions relating to the project site. The PDP proposes to rezone the project site to General Industrial Zone and the project would be a non-complying activity under the proposed rule framework. The notified version of Variation 1 did not propose any zoning changes to the project site and it is unclear whether there is scope for this to occur as a result of the submission process, therefore the extent to which Variation 1 would impact on the project site is unknown.</p> <p>SDC noted a key issue relating to the project is the appropriateness of the current residential zoning of the site (as submitted on by the applicant) and the impact on industrial land supply in the district of removing industrial zoning of the site (as currently proposed in the PDP). SDC also noted growth modelling identifies a shortfall in the supply of residential land in Lincoln and additional residential land would help SDC meet its obligations under the NPS-UD. ECan noted the project site is located within a Greenfield Priority Area for business and under Policy 6.3.6(5) of the CRPS "activities in this area should be restricted to industrial activities, and that commercial use in these areas is restricted". However, we note the SDP currently provides for the project as a discretionary activity and the SDP and CRPS do not preclude consideration of the project.</p> <p>We consider there are risks that referring the project could be viewed negatively by submitters on the PDP and Variation 1, and we have considered whether it would be more appropriate for the project to be considered under standard RMA process following decisions on the PDP and Variation 1. However, we note that only 1 original submission from the previous project site owner and 1 further submission from the applicant were received on the project site's zoning under the PDP, and at this stage the extent to which Variation 1 would impact on the project site is also unknown. If you decide to refer the project it is uncertain what stage the PDP and Variation 1 process will be at, or what the project site zoning will be, when the applicant lodges resource consent applications with a panel. Therefore, we consider it would be more appropriate for a panel to decide whether any submitters on the PDP or Variation 1 should be</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) 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 <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 - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>(including its ancillary facilities)</p> <p>e. landscaping and planting, including for private open space</p> <p>f. constructing or installing infrastructure or structures, including roads, private accessways for vehicles, parking areas and infrastructure for three waters services</p> <p>g. carrying out other activities that are:</p> <p>i. associated with the activities described in paragraphs (a) to (f)</p> <p>ii. within the scope of the project as described above.</p> <p>The project will require land use consents under the operative Selwyn District Plan (SDP), land use consent, water and discharge permits under the Canterbury Land and Water Regional Plan (CLWRP), and land use consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>		<ul style="list-style-type: none"> generating employment increasing housing supply for aged persons <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The applicant considers the project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> amenity and urban design effects transport effects infrastructure and servicing effects earthworks and construction effects cultural effects effects related to contaminated soils noise effects. <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>SDC neither supported nor opposed project referral but noted there is an element of uncertainty for the applicant on the PDP process and outcomes. SDC noted a key issue relating to the project is the appropriateness of residential zoning of the site and the impact on industrial land supply in the district of removing industrial zoning of the site (as currently included in the PDP). SDC noted growth modelling identifies a shortfall in the supply of residential land in Lincoln and additional residential land would help SDC meet its obligations under the National Policy Statement on Urban Development 2020 (NPS-UD).</p> <p>SDC also identified procedural issues with respect to submissions from the applicant on the PDP and a withdrawn submission to Variation 1, which has resulted in a level of uncertainty of the possible zoning outcomes for the project site. SDC noted that the earliest the zoning of the project site would change through the PDP would be August/September 2023 when decisions are released on the PDP.</p> <p>SDC noted a number of reports and assessments that would normally be required for a project of this type, including an urban design assessment, traffic assessment, engineering feasibility, planning assessment, economic feasibility, detailed site investigation (contaminated land), geotechnical assessment and flood hazard assessment.</p> <p>ECan supported project referral but noted the project site is located within a Greenfield Priority Area for business and under Policy 6.3.6(5) of the Canterbury Regional Policy Statement (CRPS) "activities in this area should be restricted to industrial activities, and that commercial use in these areas is restricted". ECan noted the take and use of groundwater under the CLWRP is either permitted due to its small scale or a prohibited activity, and it accepted that based on the applicant's preliminary advice there should be no interception of groundwater. ECan noted the site has a complex hydrogeographic setting and considered that careful consideration will need to be given to the management of construction activities to avoid adverse effects on groundwater</p> <p>ECan noted a number of reports and assessments that would normally be required for a project of this type, including an assessment of groundwater effects, a detailed hydrogeological assessment, description of the proposed design and operation of the stormwater network, plans of proposed earthworks and infrastructure, assessment of potential adverse effects on water quality, assessment of the potential for adverse effects on both surface and groundwater quality and a remediation action plan.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>invited to comment on resource consent applications before it, rather than directing a panel to do so.</p> <p>If you decide to refer the project, we note 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), so may consult as widely as they consider appropriate.</p> <p>For the reasons outlined above, we do not consider you should decline the project because it is more appropriate to go through the standard consenting process under the RMA (section 23(5)(a) of the FTCA) and we also do not consider it necessary for a panel to be directed to invite comments from submitters on the PDP or Variation 1.</p> <p>Inconsistency with a national policy statement (23(5)(c))</p> <p>Section 23(5)(c) enables you to decline a project if the project is inconsistent with a relevant national policy statement. The NPS-UD defines SDC as a tier 1 territorial authority and if you decide to refer the project a panel must have regard to any relevant provisions of the NPS-UD when considering a consent application. The applicant considers the project meets the objectives and policies of the NPS-UD as the project will contribute to the overall supply of housing in the district, thereby contributing to housing affordability, and no concerns have been raised in comments. 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 any land needed for Treaty Settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>SDC and ECan have confirmed that they do not have any records of enforcement action being taken against the applicant.</p> <p>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>The FTCA will be repealed on 8 July 2023, meaning that a referral order must exist for the project by this date if the project's resource consent applications are to be considered by a panel under FTCA process. The timeframe for completing a referral order following a decision to refer the project is dependent on certain statutory obligations, process steps and the capacity and resourcing of officials. This is becoming increasingly time-pressured as the 8 July deadline approaches.</p> <p>Other issues and risks:</p> <p>N/A</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>  <p>We do not consider you should decline to refer the project in whole or in part on the basis of the issues and risks identified. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel.</p> <p>We recommend you direct a panel to invite comments on any resource consent applications for the Project from:</p> <ul style="list-style-type: none"> Minister for Seniors Mahaanui Kurataiao Limited <p>We recommend you provide a copy of the application and notice of decisions to Mahaanui Kurataiao Limited in addition to those parties specified in section 25 of the FTCA.</p>