

17 February 2023

Fast Track Consenting

Attn: Madeleine Berry

Via email: fasttrackconsenting@mfe.govt.nz

Dear Madeleine

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Further Information Response - Metlifecare Retirement Village, Karori Project (MfE Ref. BRF-2679)

This letter addresses the request for further information (RFI) received on 15 February 2023 under section 22 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, relating to the Metlifecare Retirement Village, Karori Project submitted by Metlifecare Retirement Villages Limited.

Please find our response to the individual questions in the RFI request outlined below:

	Query	Response
1	<i>Information on the process to vary/discharge the encumbrance on record of title WN55/247 in favour of The Selwyn Foundation including the anticipated timing to undertake this process and whether you anticipate that this process will impact on your ability to deliver the project.</i>	The encumbrance on record of title WN55/247 will not affect Metlifecare's ability to undertake the proposed development. The encumbrance specifically provides for Metlifecare to request the release of the obligations under the encumbrance should a substantial redevelopment of the village take place. The Selwyn Foundation is required to act reasonably in considering any request. Further, the encumbrance records that it can be discharged should there be no residents in care from the time that the Selwyn Foundation owned the village. Given the age and frail condition of the care residents, it is very likely that there will be no residents from the time of the acquisition (March 2022) still residing within the existing care home by the time the redevelopment occurs. It is anticipated that the process to release the encumbrance from the site will be concluded well in advance of redevelopment works commencing.
2	<i>Information on whether you anticipate the Notice 7586723.1 on record of title WN55/247 will impact on your ability to deliver the project.</i>	Notice 7586723.1 on record of title WN55/247 notes that the site is registered as a retirement village. The effect of the memorial on the title is to protect the rights of residents who reside in a retirement village under an occupational right agreement (ORA), particularly in a non-going concern sale or insolvency situation. The village presently operates as a care home only and there are no residents residing in the village under an ORA. Accordingly, the memorial has no practical effect and will not impact the ability of Metlifecare to deliver the project.

We trust that the above addresses the queries raised. Please do not hesitate to contact me should you require any further information.

Yours sincerely | Nāku noa, nā

Barker & Associates Limited



Evita Key

Senior Associate

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