

FTC #190 Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2022-119 Summerset Rotorua Project

Application 2022-122 33 Main Highway Project

Date submitted:	2 March 2023	Tracking #: BRF-2761	
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"> Return the signed briefing to MfE. Send attached letters (if signed) with accompanying template and links to application documents.
Number of attachments: 4	<p>Attachments:</p> <ol style="list-style-type: none"> Application documents for Summerset Rotorua Project (Databox link) Application documents for 33 Main Highway Project (Databox link) Letter to Ministers – inviting comments on Summerset Rotorua and 33 Main Highway Projects referral Template for ministerial comment

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Samantha Maxwell		
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Director	Caroline Hart	s 9(2)(a)	

FTC#190: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

1. This briefing seeks your initial decisions on applications to refer the following projects to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA):
 - a. Summerset Rotorua Project, from Summerset Villages (Rotorua) Limited
 - b. 33 Main Highway Project, from Wakefield Group Holdings Ltd.

Summerset Rotorua Project

2. The Summerset Rotorua Project is to construct and operate a retirement village and a separate commercial hub on an approximately 14.2 hectare site located at 171-193 Fairy Springs Road, Fairy Springs, Rotorua. The retirement village provides approximately 280 independent living units, 100 units comprising assisted living suites, memory care suites and beds, and resident indoor and outdoor facilities. The commercial building provides for activities such as medical facilities, childcare, café, and convenience retail. The project includes separate parking areas for the retirement village and commercial hub, landscaping, stormwater management and temporary activities for staged construction.
3. The project will require land use and subdivision resource consents under the Rotorua Lakes District Plan (RLDP), land use consent and discharge permit under the Bay of Plenty Regional Council Natural Resources Plan, and resource consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
4. The project is located in the Commercial Zone 5 – City Entranceway Tourism (COMZ5) and in the Water Zone (where the Waiowhoro Stream traverses the site) under the Rotorua District Plan. The COMZ5 zone focuses on concentrating outdoor adventure tourism attraction (and supporting activities) along the northern and southern entranceways into Rotorua. The project site is the only COMZ5 zoned land on the eastern side of Fairy Springs Road.
5. The proposed activities would have overall non-complying activity status as they are retirement village and commercial activities on sites zoned for City Entrance Tourism. The applicant considers that the project is not contrary to the relevant objectives and policies of the RLDP, which the applicant considers will allow the project to pass the 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA).

33 Main Highway Project

6. The 33 Main Highway Project is to develop an approximately 4.6 hectare site located at 33 Main Highway, Ōtaki to subdivide land and construct approximately 143 residential units (stand-a-lone and semi-detached), and supporting infrastructure including roads, vehicle and pedestrian and cycle accessways, car-parking areas and three-waters services.
7. The project will require subdivision and land use consents under the Kāpiti Coast District Plan (KCDP), land use consent and discharge permits under the Greater Wellington Proposed Natural Resources Plan and land resource consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
8. The project is located in the General Residential Zone under the KCDP. This zone identifies urban areas where residential activities are the primary activity. The zone generally has low density and detached built form.

9. The proposed activities would have overall non-complying activity status under the KCDP due to the density of residential subdivision and development. The applicant considers that overall, the project will not be contrary to the relevant objectives and policies of the KCDP, and that adverse effects can be mitigated so they will be no more than minor, which the applicant considers will allow the project to pass the 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA).

Analysis of Projects

10. We have undertaken an initial (Stage 1) analysis of the referral applications and this is presented along with our recommendations in Table A.
11. The projects meet all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if they meet 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.
12. We recommend you progress consideration of both applications to the next stage of analysis (Stage 2) and invite comments from the relevant local authorities and specific Ministers listed in section 21(6) of the FTCA.
13. We recommend that for the Summerset Rotorua Project, you invite comments from the Minister for Seniors as an additional Minister under section 21(6)(n) of the FTCA, and Waka Kotahi NZ Transport Agency (Waka Kotahi), Kiwi Rail, and Lakes District Health Board as additional parties under section 21(3) of the FTCA.
14. We also recommend that for the Summerset Rotorua Project you request further information from Rotorua Lakes District Council as detailed in Table A.
15. We recommend that for the 33 Main Highway Project, you invite comments from Waka Kotahi as an additional party under section 21(3) of the FTCA.

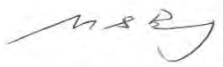
Statutory framework summary

16. You are the sole decision maker for the referral applications as the projects will not occur in the coastal marine area.
17. You may decline a 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).
18. If you do not decline a 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.
19. 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 a referral application (see section 22 of the FTCA).

Action sought

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

Signature



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

Projects 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)]		
Name Summerset Rotorua Project Applicant Summerset Villages (Rotorua) Limited Location c/- Russell McVeagh 171-193 Fairy Springs Road, Rotorua	<p>The Summerset Rotorua Project is to construct and operate a retirement village and a separate commercial hub on an approximately 14.2 hectare site located at 171-193 Fairy Springs Road, Rotorua. The retirement village provides approximately 280 independent living units, 100 units comprising assisted living suites, memory care suites and beds, and resident indoor and outdoor facilities. The commercial building provides for activities such as medical facilities, childcare, café, and convenience retail. The project includes separate parking areas for the retirement village and commercial hub, landscaping, stormwater management and temporary activities for staged construction.</p> <p>The project involves activities such as subdividing land, removal of structures, removing vegetation, carrying out earthworks, discharging stormwater onto land, constructing units, landscaping</p>	<p>The applicant, Summerset Villages (Rotorua) Limited, has stated they have significant experience in projects of this nature and has financing in place (without reliance on pre-sales) to fund the project to completion.</p> <p>Given the applicant's strong track record of delivering property development throughout New Zealand, we do not have any concerns about the applicant's ability to fund 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"> 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>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"> provide approximately 1819 FTE jobs over a 7-year design and construction period contribute approximately \$11.3 million to GDP 	<p>The project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> generate employment by providing approximately 1819 FTEs over a 7-year development period and approximately 50 ongoing FTEs through the ongoing operation of the retirement village increase housing supply through the construction of approximately 280 independent living units, and approximately 100 assisted living suites and memory care suites and beds. <p>Potential effects on cultural wellbeing are unknown. The applicants acknowledge 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 that the fast-track process will allow the project to progress approximately 18 months faster than under standard Resource Management Act 1991 (RMA) process for a plan change and subsequent consents.</p> <p>We recommend seeking comment from Rotorua Lakes District Council and Bay of Plenty Regional Council on the appropriateness of using the FTCA process.</p>	<p>Based on the information provided by the applicant we consider that the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment increasing housing supply provide aged-care facilities for residents, with accessibility to amenities and services. <p>We recommended seeking comments from the Minister for Seniors and the Lakes District Health Board.</p>	<p>The applicants consider the project has the potential for adverse environmental effects:</p> <ul style="list-style-type: none"> during earthworks and construction activities on urban design, character and amenity on transportation. <p>The applicant has noted they have preliminary technical assessments related to transportation, urban design and landscape visual, infrastructure, geotechnical and ecological in support of their assessment and that the project will not have any significant adverse 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 a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.</p>	<p>As the project site is located near to State Highway 36, which is managed by Waka Kotahi Zealand Transport Agency (Waka Kotahi), we recommend you seek comment from Waka Kotahi on the impact on the state highway.</p> <p>The project requires infrastructure to convey stormwater through a rail embankment owned by Kiwi Rail. We recommend you seek comment from Kiwi Rail on the likelihood of a deed of grant being processed.</p>	<p>a. 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.</p> <p>b. 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.</p> <p>c. Note 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. 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.</p> <p>e. Agree to progress the Summerset Rotorua 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. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA the Minister for Seniors as an additional relevant Minister under section 21(6)(n) of the FTCA the relevant local authorities – Rotorua Lakes District Council and Bay of Plenty Regional Council the following additional entities/persons under section 21(3) of the FTCA – Waka Kotahi NZ Transport Agency, Kiwi Rail and Lakes District Health Board 	<p>Yes/No</p> <p>Yes/No</p>

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>and planting of open space, constructing or installing infrastructure or structures including roads and accessways, and infrastructure for three waters services.</p> <p>The project will require land use and subdivision resource consents under the Rotorua Lakes District Plan (RLDP), land use consent and discharge permit under the Bay of Plenty Regional Council Natural Resources Plan, and resource consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>									<p>g. Agree to seek further information from Rotorua Lakes Council on how the project aligns with PC9.</p> <p>h. Sign the attached letters to Ministers.</p> <p>i. Note that while awaiting comments from invited parties, 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>Name</p> <p>33 Main Highway Project</p> <p>Applicant</p> <p>Wakefield Group Holdings Ltd c/- Cuttriss Consultants Limited</p> <p>Location</p> <p>33 Main Highway, Ōtaki, Kapiti Coast</p>	<p>The 33 Main Highway Project is to develop an approximately 4.6 hectare site located at 33 Main Highway, Ōtaki to subdivide land and construct approximately 143 residential units (stand-alone and semi-detached), and supporting infrastructure including roads, vehicle and pedestrian and cycle accessways, car-parking areas</p>	<p>The applicant is the legal owner of the site.</p> <p>The applicant has development funding facilities in place with Wairarapa Building Society and land funding facilities with KiwiBank.</p> <p>Given the applicant's</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 	<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"> provide approximately 240 FTE jobs over a 5-year development period contribute approximately \$31.9 million to GDP 	<p>The project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> generate employment by providing approximately 240 FTEs over a 5-year development period increase housing supply through the 	<p>The applicant considers that the fast-track process will allow the project to progress approximately 5 months faster than under standard Resource Management Act 1991 (RMA) process for a plan change and subsequent consents.</p> <p>We recommend seeking comment from Kapiti Coast District Council and</p>	<p>Based on the information provided, the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment increasing housing supply. 	<p>The applicants consider the project has the potential for adverse environmental effects:</p> <ul style="list-style-type: none"> during earthworks and construction activities on urban design, character and amenity on transportation. <p>The applicant has noted they have preliminary technical assessments related to transportation, urban design and</p>	<p>The project site is located adjacent to State Highway 1. We therefore recommend that you seek comment on the application from Waka Kotahi New Zealand Transport Agency.</p> <p>Upgrades are required to waste water services. The applicant has provided two solutions the preferred option connects to</p>	<p>a. 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.</p> <p>b. 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.</p> <p>c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p>	

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>and three-waters services.</p> <p>The project involves activities such as subdividing land, removing vegetation, carrying out earthworks, discharging stormwater onto land, constructing residential units, landscaping and planting of open space, constructing or installing infrastructure or structures including roads and accessways, and infrastructure for three waters services.</p> <p>The project will require subdivision and land use consents under the Kāpiti Coast District Plan (KCDP), land use consent and discharge permits under the Greater Wellington Proposed Natural Resources Plan and land resource consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>	strong track record of delivering property development throughout New Zealand, we do not have any concerns about the applicant's ability to fund the Project.	occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.		<p>construction of approximately 143 residential units.</p> <p>Potential effects on cultural wellbeing are unknown. The applicants acknowledge that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities.</p>	Greater Wellington Regional Council on the appropriateness of using the FTCA process.		<p>landscape visual, infrastructure, and geotechnical support of their assessment that the project will not have any significant adverse 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 a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.</p>	Council's existing system through a neighbouring property. If approval through the neighbouring site is not obtained, the project includes an on-site solution.	<p>d. 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.</p> <p>e. Agree to progress the 33 Main Highway 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. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA the relevant local authorities – Kāpiti Coast District Council and Greater Wellington Regional Council the following additional entities/persons under section 21(3) of the FTCA – Waka Kotahi NZ Transport Agency <p>g. Sign the attached letters to Ministers.</p> <p>h. Note that while awaiting comments from invited parties 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>

Signed:

Hon David Parker
Minister for the Environment

Date