

# Application for a project to be referred to an expert consenting panel

**(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)**

*For office use only:*

Project name: Upland Road Retirement Village  
Application number: PJ-0000835  
Date received: 25/11/2022

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: HND Upland Limited and St Andrew's Village Trust Incorporated

Contact person: Grant Seagar

Job title: Project Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

C/ Bentley & Co Limited, PO Box 4492, Shortland Street, Auckland 1140

### Address for service (if different from above)

Organisation: Bentley & Co Limited

Contact person: Anthony Blomfield

Job title: Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service:

Postal address:

PO Box 4492, Shortland Street, Auckland 1140

## Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

17 Upland Road, Remuera, Auckland, 1050, New Zealand

Please find a site plan that identifies the location and the land that is the subject of this application at paragraph 3.2 of the referral application attached.

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Lot 1 Deposited Plan 86731

Copies of the above records of title can be provided on request.

Registered legal land owner(s):

HND Upland Limited owns the relevant land.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

The Applicant is the registered legal land owner, as a result the Applicant is able to undertake the work required for the Project.

## Part III: Project details

### Description

Project name: Upland Road Retirement Village

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The Project is for the construction and operation of an 'Integrated Residential Development' (as defined by the Auckland Unitary Plan - Operative in Part), being a comprehensive care retirement village.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The Project is for the construction and operation of an integrated residential development (as defined by the Auckland Unitary Plan ) which will involve retirement village accommodation units and aged care beds and services. The village will comprise:(a) approximately eleven buildings, each approximately up to 17m in height;(b) approximately 185 one, two and three-bedroom Independent Living Units ("ILU").(c) approximately 58 aged care beds;(d) an amenity building with a range of amenities including lounges and dining areas, activities rooms, a health and wellness centre, a cinema, a gymnasium and associated outdoor amenity spaces;(e) underground parking for approximately 220 spaces, together with approximately 50 uncovered parking spaces for visitors and staff, and internal access roads; and(f) extensive site landscaping.

In order to establish the Project, it will be necessary to:(a) Undertake vegetation clearance within the Site.(b) Undertake bulk earthworks to provide for suitable building platforms, basements, and retaining walls, to accommodate in-ground infrastructure, and to form the internal roading network.(c) Install utility connections and undertake limited upgrades to existing public utilities within the Site, as described in this application.(d) Erect site security fencing and hoardings as appropriate, including Project advertising and site identification.

The Site is held in one Record of Title, and no subdivision (or creation of unit titles) is proposed by the Project.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

Having regard to the size of the Project and the scale of the proposed enabling earthworks, the construction of the Project will occur in stages. At this time, the composition and sequencing of each stage is not confirmed, however, the Project is likely to be staged in the following manner:

1. Stage 1: All bulk earthworks and civil works across the whole site, together with the excavation of basement levels for Buildings A to F and the construction of Buildings A to F and corresponding roads.
2. Stage 2: Excavation of the basement levels for Buildings G to K, and the construction of Buildings G to K and corresponding roads.

The staged construction of the retirement village may also mean that some temporary activities are required during the various phases. These may include:

1. A show suite and a temporary sales office;
2. Temporary advertising hoardings and signs; and
3. A temporary operations office and other temporary construction buildings.

The Applicants anticipate, based on the industry experience of St Andrew's, that the timing of the staging of the construction of the buildings will be driven by the estimated demand for the living units.

### Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Lot 1 Deposited Plan 86731	Auckland Unitary Plan (Operative in Part)	Residential - Mixed Housing Suburban ("MHS") Zone	Natural Heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas overlay  Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd  Macroinvertebrate Community Index – Urban	The site is subject to Plan Change 78: Intensification. While this does not have immediate legal effect as it relates to the Project, the policy and legislation requires that these changes are implemented. At the conclusion of the hearings process for PC78, it is therefore reasonable to expect that these standards will become operative and apply to the Site.

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan (OIP)	H4.4.1(A8)	Integrated Residential Development	Restricted Discretionary	Whole site
Auckland Unitary Plan (OIP)	H4.4.1(A34)	New buildings	Restricted Discretionary	All buildings
Auckland Unitary Plan (OIP)	C1.9(2)	The Proposal does not comply with the following Mixed Housing Suburban zone standards: - H4.6.4 Building height	Restricted Discretionary	All proposed buildings
Auckland Unitary Plan (OIP)	H4.4.1(A33)	New buildings which do not comply with H4.6.5 Height in relation to boundary but comply with H4.6.6	Restricted discretionary	Buildings A and C

		Alternative height in relation to boundary		
Auckland Unitary Plan (OIP)	E9.4.1(A6)	Development of a new or redevelopment of an existing high contaminant generating car park greater than 5000m2.	Controlled	Whole site
Auckland Unitary Plan (OIP)	E11.4.1(A4)	Earthworks - Greater than 10,000m2 up to 50,000m2 where land has a slope less than 10 degrees outside the Sediment Control Protection Area.	Controlled	Whole site
Auckland Unitary Plan (OIP)	E12.4.1(A6)	Earthworks – Greater than 2,500m2	Restricted Discretionary	Whole site
Auckland Unitary Plan (OIP)	E12.4.1(A10)	Earthworks – Greater than 2,500m3	Restricted Discretionary	Whole site
Auckland Unitary Plan (OIP)	E23.4.2(A53)	Comprehensive development signage	Restricted Discretionary	Whole site
Auckland Unitary Plan (OIP)	E25.4.1(A2)	Noise and vibration during construction that exceeds the relevant standards of: <ul style="list-style-type: none"> <li>- E25.6.27 for construction noise</li> <li>- E25.6.30 for construction vibration</li> </ul>	Restricted Discretionary	Works proximate to the external boundaries of the Site
Auckland Unitary Plan (OIP)	E25.4.1(A2)	Noise arising from vehicle movements on Sunday morning which infringes Standard E25.6.2	Restricted Discretionary	Access from Upland Road
Auckland Unitary Plan (OIP)	E30.4.1(A7)	Discharges of contaminants into air, or into water, or onto or into land from the disturbance of soils	Discretionary	Whole site
Auckland Unitary Plan (OIP)	E40.4.1(A24)	The construction of the Project will exceed the permitted 24 month period pursuant to E40.4.1(A20).	Restricted Discretionary	Whole site
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	Regulation 11(2)	The disturbance of soil which is not a permitted, controlled or restricted discretionary activity.	Discretionary	Whole site

Auckland Unitary Plan (OIP)	C1.9(2)	H4.6.5 Height in relation to boundary	Restricted Discretionary	Buildings A, C, D, G, H, K
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Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No application has been made by the Applicants to the Council in respect of the Project or for any other development within the Site.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

No resource consents or designations are required for the Project by anyone other than the Applicants.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

No other legal authorisations are required for the Project.

### Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

HND currently has sufficient funding (both in terms of available capital and borrowing ability) to complete Stage 1 of the Project. The completion and sale of units within Stage 1 will directly assist with funding to complete Stage 2.

The Applicants intend to commence construction within two to three months of receiving resource consent, to align with the 'earthworks season' (2023 to 2024).

- Land acquired in 2021
- Initial feasibility study conducted in February 2022
- Procurement
  - o Award contract for preferred demolition contractor - July 2023
  - o Award contract for preferred civil works (earthworks) contractor - October 2023
- Design
  - o Architectural and civil preliminary designs completion - March 2023
  - o Detailed design completion - September 2023
- Designations/Consents
  - o Application for Resource Consent - March 2023
  - o Application for Building Consent - September 2023

The Applicants intend to proceed with the Project as soon as possible, however there are a number of constraints that may have an impact on the timing of the Project, including:

1. Contractors can undertake earthworks at any time of the year, but summer periods are preferable for earthworks. The fast-track process will enable earthworks to be undertaken during the summer period of 2023-2024, subject to the timing of a decision

from an Expert Consenting Panel. It is unlikely that consent would be obtained under the RMA prior to the summer period of 2023-2024, and if there were appeals to the Environment Court, consent may not even be obtained in time for the summer period of 2024-2025.

2. The availability of contractors. This may in turn affect the Applicant's ability to use locally sourced contractors for the Project.
3. The availability and cost of materials. Record demand for construction materials and COVID-19 disruptions to supply chains have led to rapid increases in the costs of materials, and many materials have become unavailable. The sooner consent can be obtained for the Project, the sooner the Applicants can secure the relevant materials and provide certainty to its suppliers. Both the Applicant's costings for the Project and the pricing of contractor tenders will be affected by increases in material costs.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The Applicants' experts engaged in a pre-application meeting with staff at the Ministry of the Environment on 22 November 2022, which involved providing a 'briefing' of the Project. The Applicants have not consulted with any other Government ministries or departments.

### Local authorities

Detail all consultation undertaken with relevant local authorities:

The Applicants have commenced discussions with Auckland Council in preparing the application, and Council have allocated resources to engage with the Applicants during the design and consenting processes. A meeting has been arranged for 2 December 2022 for the Applicants to provide an introduction to the Project. The Applicants also intend to progress engagement with relevant Council Controlled Organisations regarding the Project, including Watercare and Auckland Transport. The Applicants will continue to progress engagement with Auckland Council, Watercare and Auckland Transport in parallel to this application.

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

#### Iwi

The Applicants sent letters to the relevant iwi authorities identified in section 6 below on 23 November 2022 to confirm any interest in the Project.

To date, responses have been received from Te Rūnanga o Ngāti Whātua, Te Whakakitenga o Waikato Incorporated and Ngāti Paoa Iwi Trust, which confirm that they either defer their interest to other iwi authorities or have no interest in the Project. The Applicants will continue to progress engagement with iwi in parallel to this application.

#### Other persons / parties

It is the Applicants' view that no other parties are affected by the Project.

Several adjoining landowners have communicated (via a spokesperson) with the Applicants regarding their interest in the Project for the use and development of the Site, and in respect of day-to-day matters regarding the maintenance of the Site.

The Applicants have offered to meet (via the spokesperson) to discuss the Project during the development of the resource consent application.

The Applicants intend to meet with the District Health Board regarding the Project, including in relation to opportunities for the Project to support or supplement services provided by the District Health Board.

Detail all consultation undertaken with the above persons or parties:

See above

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ngāi Tai ki Tāmaki Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Maru Rūnanga Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Paoa Iwi Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. Ngāti Paoa Iwi Trust responded on 23 November 2022 stating that they hope to respond to our query soon.
Ngāti Paoa Trust Board	Letters sent on 23 November 2022 to confirm any interest in the Project. Ngāti Paoa Iwi Trust responded on 23 November 2022 stating that they hope to respond to our query soon.
Ngāti Tamaoho Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Tamaterā Treaty Settlement Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Whanaunga Incorporated Society	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngā Maunga Whakahii o Kaipara Development Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Whātua o Ōrākei Trust Board	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Ākitai Waiohua Wakataua Inc	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Kawerau Iwi Settlement Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Patukirikiri Iwi Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Rūnanga o Ngāti Whātua	Letters sent on 23 November 2022 to confirm any interest in the Project. A response was received on 23 November 2022 stating that they recognise Ngāti Whātua o Ōrākei as the key consultation group.
Te Whakakitenga o Waikato Incorporated	Letters sent on 23 November 2022 to confirm any interest in the Project. A response was received on 24 November 2022, stating that they have no interest in the identified area at this time.



Hauraki Māori Trust Board	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Ahiwaru Iwi Authority	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Ngāi Tai ki Tāmaki Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Maru (Hauraki) Treaty Settlement Negotiators	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Paoa Iwi Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. Ngāti Paoa Iwi Trust responded on 23 November 2022 stating that they hope to respond to our query soon.
Ngāti Paoa Trust Board	Letters sent on 23 November 2022 to confirm any interest in the Project. Ngāti Paoa Iwi Trust responded on 23 November 2022 stating that they hope to respond to our query soon.
Ngāti Tamaoho Settlement Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Tamaterā Treaty Settlement Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Te Ata	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Whanaunga Incorporated Society	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngā Maunga Whakahii o Kaipara Development Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Ākitai Waiohū Settlement Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Kawerau Iwi Settlement Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Patukirikiri Iwi Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Te Rūnanga o Ngāti Whātua	Letters sent on 23 November 2022 to confirm any interest in the Project. A response was received on 23 November 2022 stating that they recognise Ngāti Whātua o Ōrākei as the key consultation group.
Te Whakakitenga o Waikato Incorporated	Letters sent on 23 November 2022 to confirm any interest in the Project. A response was received on 24 November 2022, stating that they have no interest in the identified area at this time.
Hako Tūpuna Trust	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Hako Treaty Settlement Negotiators	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.
Ngāti Whātua o Ōrākei Trust Board	Letters sent on 23 November 2022 to confirm any interest in the Project. No response received to date.

## Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The Project does not involve land returned under a Treaty settlement.

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The Project is not within a customary marine title.

### Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The Project is not within a protected customary rights area.

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

As set out in further detail in the application for direct referral, the effects of the Project have been extensively assessed and can be appropriately managed. The Applicants are confident that all effects can be appropriately managed through the design and layout of the Project, and through conditions of consent concerning its construction and operation, and that, if referred, the input of parties through the FCTA process will be appropriate to enable the Expert Consenting Panel to make a fully informed decision on the Project.

The key effects of the Project are associated with:

1. The bulk and location of the proposed buildings and their amenity effects in respect of dominance, overlooking, shading, loss of privacy, and the character of the neighbouring residentially zoned land;
2. The temporary construction effects (noise, vibration, dust, ground stability, silt and sediment control, and construction traffic);

3. The effects on the capacity of network utility infrastructure;
4. The effects of the disturbance of potentially contaminated soils;
5. The effects of natural hazards (flooding, overland flow) on the Proposal, and the effects of the Proposal relative to the risk of natural hazards to other land and people;
6. The operational effects of the Proposal (noise, traffic); and
7. Signage.

Further information in relation to these and other adverse effects is located in the application for referral **attached**. In considering these effects, the Applicants and their expert team have had the benefit of discussions with Auckland Council.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

The National Policy Statements and Environmental Standards that are relevant to this Project are the:

1. NPS-UD
2. National Policy Statement for Freshwater Management ("**NPS-FM**").
3. New Zealand Coastal Policy Statement ("**NZCPS**").
4. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NES-CS**").
5. National Environmental Standards for Freshwater ("**NES-F**").

The full assessment of the project in relation to these national policy statements and national environmental standards is located in the application for referral **attached**.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The Project represents a significant investment in the local area through construction and operation.

### Economic benefits during construction

Construction has historically been a major driver for growth within New Zealand, directly employing about 292,800 people.

Due to the effects of COVID-19, a number of projects have been delayed due to the periods of lockdown New Zealand underwent in response to the virus. The applications for government support during the lockdown periods for businesses show a significant number of construction businesses (86%) needed support in the form of wage subsidy or other support payments and the highest number of jobs of any sector. Demand has been strong, with a record 49,773 new homes consented in the year ending February 2022. Factors such as skill shortages and supply chain delays have affected the industry’s ability to meet this demand, and are expected to remain in the long term, with the price of construction materials expected to continue to increase on an average of 11% through to the end of 2022. COVID-19 continues to impact workforce availability (including construction-related and freight workers). While the re-opening

of New Zealand's borders may help alleviate some workforce issues, the sector's workforce issues are ongoing and are likely to continue post the COVID-19 pandemic.

Similarly, commercial and residential construction intentions have fallen significantly since February 2020. Longer term impacts are expected to be seen in the deferral of funding for private developments and capital projects in the corporate sector (e.g., for airlines, airports, tourism, retail and hospitality).

As a result, MBIE conclude that the construction sector will be reliant on a pipeline of fast-tracked consent activity, which will also work as a part of the economic recovery and rebuild following COVID-19. Whilst construction demand is predicted to continue to fall, fast-tracked construction activity (such as the Project) will work to offset these losses and fill the gap in terms of employment and construction activity where funding for private developments in heavily impacted sectors is deferred.

The Project has been assessed by Property Economics to represent an approximate **s 9(2)(b)(ii)** direct investment in the local area providing jobs and significant flow-on economic benefits to the Auckland region through the construction phase. This will provide jobs and significant flow-on economic benefits to the local community affected by the economic impacts of COVID-19.

There will be direct benefits for construction workers and project managers, architects, engineers and health and safety consulting service providers. There will also be associated financial and development contributions for the Auckland Council as part of the development.

Indirect benefits include supplies and services purchased by the appointed construction team, or by contractors engaged by the Applicants. These include the wholesale and retail building supplies, and legal, telecommunications, administrative and accounting services. Other professional services, such as real estate and conveyancing services, are expected to benefit as accommodation options are released into the market. Overall, it has been assessed by Property Economics that the Project will result in an overall impact on business activity within Auckland over the construction phase of some \$418 million.

#### Economic benefits during operation

Based on the knowledge and experience of St Andrews, it is estimated that the Project will result in 98 Full-Time Equivalent ("FTE") roles for the operation of the retirement village, which will include staff roles for village management, administration, sales, maintenance and gardening, restaurant and ancillary services, and aged care support.

Around 65% of staff employed for the operation of retirement villages are caregivers and housekeepers. The village will also employ other qualified professionals such as registered nurses, a village manager, property managers and therapists. As set out in the New Zealand Aged Care Workforce Survey 2016, the aged care workforce is predominately made up of women aged 45 and above, which is consistent with the experience of St Andrew's. COVID-19 has had a disproportionate effect on women in the workforce, with women having fared worse than men across key labour market measures since COVID-19 began impacting New Zealand's labour market. Nationally, the seasonally adjusted number of people in employment fell by 31,000 between the March and September 2020 quarters, with over two thirds (22,000) being women. This is reflected in the widespread job losses experienced in sectors that predominately employ women. One sector that has shown this trend is tourism, with job losses in roles such as accommodation, cafes and restaurants.

The Project operations include many wider roles in staffing the resident amenities which will provide opportunities for those in the hospitality sector. The Project therefore presents employment opportunities for people that are likely to have been affected by COVID-19.

The provision of healthcare through the Project would be efficient due to factors such as: (a) Earlier identification of health problems as residents are regularly assessed. (b) Reduced emergency or unnecessary call outs with assessments accessible on Site. (c) Centralised location for healthcare and social welfare services. (d) Lower healthcare costs (hospital stays), and more efficient care with multiple people visited by healthcare professionals in the same location.

The Project would also be cost effective in relation to Council and public services, as the provision of on-site amenities reduces pressure on these services within the local community. Further, capital expenditure and maintenance costs for infrastructure (such as drains and vehicle accessways) within the Site would be borne by the operator of the retirement village. Rates would also be charged on the retirement village as a whole. This reduces both administrative and capital costs for the Council.

Caring for vulnerable people such as parents, grandparents, family or friends can often place a financial, time and emotional burden on carers, especially when this is a full-time responsibility. This burden often falls on a working aged generation and many carers both need to and want to work but are unable to due to this responsibility. The retirement village would enable carers to return to the workforce which may ease the financial situation of the carer while contributing to the local economy. Financial pressures on many carers are likely to be exacerbated by the effects of COVID-19.

#### Flow on effects

The economic impacts of the Project will include flow-on effects. These are outlined at paragraph 10.16 of the application for referral **attached**.

#### Project's effects on the social and cultural wellbeing of current and future generations:

The Project would have a range of positive effects on the wellbeing of multiple generations. In terms of older generations, there are the following social benefits:(a) Elderly people are more vulnerable to fraud and other forms of "elder abuse", which can often be unnoticed or unreported to the wider community. A retirement village environment provides a sense of security as retirement village units are well protected and residents have support networks within the retirement village.(b) The residents and staff within a retirement village are familiar with each other and will build rapport, which provides a sense of community and security to the residents. This is a key advantage of a retirement village model of accommodation, which enables elderly residents to have a strong sense of community, rather than being potentially isolated within their individual homes. (c) The retirement village will provide communal outdoor and indoor areas which will enable residents and their visitors to socialise in a comfortable setting, as well as providing spaces within which social events and activities can be provided to encourage residents to be active and outgoing. The buildings and facilities are likely to be utilised by outside communities and organisations (such is the case with the facilities at the St Andrew's Village), which assists to integrate the village and its residents with the wider community.(d) Other measures to provide a safer community are outdoor lighting, CCTV and well-lit pathways which are provided in accordance with of Crime Prevention Through Environmental Design standards.(e) The Project is being designed with the intention of obtaining a 'Lifemark' rating, which relates to suitable safety and access for ageing people. Through thoughtful design, the village will provide an environment which is tailored to the specific needs of the residents which will enable them to feel safe and comfortable, and to provide for their social and cultural well-being.

For the working age generations, there would be increased employment opportunities and a decreased burden for the family and loved ones of the residents where they would otherwise be family carers, and this has emotional, financial and physical benefits. Due to the proposed location of the retirement village, local residents will also be able to stay within their local communities and remain connected with friends and family.

The development of the Site in the manner proposed provides a 24/7 residential activity, which in turn improves safety and security in the local neighbourhood streets, and adjoining open spaces, with the presence of activity, and passive surveillance.

The construction of high-density, age-appropriate retirement village units will reduce land demand pressure and make further residential housing available as new village residents release their properties to the market, which will both increase housing stock for other household typologies and land for redevelopment and intensification. This increase in housing supply will have a positive effect on the competitive operation of the local market, and help to relieve pressure on the housing market in the long term. A shortage of housing is widely considered to be one of the biggest issues nation-wide, and disproportionately affects younger people.

This Project provides an inclusive environment for older people that is designed so that people remain connected to their communities and have different living options to meet their needs as they change over time. The housing options available will also be in close proximity to green spaces, support services, employment opportunities, shops, and social and cultural networks. Having inclusive environments ensures effective integration with the wider community by providing spaces that encourage positive socio-cultural activity. The Project recognises that these spaces are critical for the wellbeing of residents and for community cohesion.

The Project also strongly aligns with the Government Policy Statement on Housing and Urban Development by enabling further use for urban development in an area that is experiencing strong demand for retirement housing and quality aged care facilities, but lacks supply. The Project will enable more homes to be built, which will increase supply

(and therefore contribute to housing affordability), ensure houses meet the needs of our ageing constituents, support housing solutions for older people in care, and plan for our ageing population.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

#### Comparison of FTCA and RMA processes

The FTCA process offers a number of advantages in terms of time over the standard RMA process. Public and limited notification is precluded under the FTCA. The Panel is only permitted to invite comments from specified persons and a short timeframe is provided for comment. In the case of the Project, it is the Applicants' view that few parties are affected by the Project and none in a more than minor way, based on the anticipated effects outlined above and how they will be managed. The process under the FTCA for providing comment at both the referral and Expert Consenting Panel stage is appropriate and adequate to address concerns that may be expressed about the Project.

Within the current operative planning framework (prior to the provisions of PC78 being made operative), there is a risk that the Project would be subject to either a limited or publicly notified process were an application to be progressed through the standard RMA process. The Applicants do not consider that this is an efficient use of time and resources, and would fail to recognise what will be appropriately contemplated under the planning framework that is expected to be implemented within the next 12 to 18 months.

Notification significantly increases delays and the likelihood of an Environment Court appeal. The two-stage RMA process would create a much longer consenting timeframe for the Project and the risk of delay from a subsequent Environment Court appeal would be likely avoided under the FTCA. Appropriately for the Project, appeals under the FTCA process are limited to points of law and are restricted to those who provided comments, the relevant local authorities, and persons who have an interest in the decision greater than that of the general public.

The experience of the Applicants' experts is that retirement village and large-scale development proposals that go through the Environment Court process (whether by appeal or direct referral) can take at least two years to obtain consent, and will often be consented largely without modification from the proposal represented in the application.

The approximately six-month timeline under the FTCA reflects a significant saving by comparison. As outlined at section 4.24 above, the Applicants will be ready to commence works within two to three months of receiving consent. The FTCA process will provide greater certainty of the timing of consent than a standard RMA process once this progresses to an Environment Court appeal. This certainty enables the Applicants to ensure that the Project remains "shovel ready" in all respects, to progress the works quickly and avoid compounding delays.

Even if the Council were to determine to grant resource consent on a non-notified basis, the risk of a judicial challenge of such a decision is high, as evidenced by a recent judicial challenge to a non-notified resource consent for a terraced housing development within the same neighbourhood as the Site (which found the Council had erred in its approach in finding that there were no affected persons). That decision has resulted in greater conservatism in Council consideration of resource consent applications for intensification, particularly within the MHSZ. After the resource consent was set aside and a new application was lodged, the Council again granted consent on a non-notified basis, for largely the same development as per the original consent. Even once consent had been granted, neighbours sought injunctive relief to prevent progression of the development until a further judicial review of the second decision could be determined. Given recent opposition to new development in the neighbourhood, there is a high likelihood that: (a) Any decision to process a resource consent application would be challenged by way of judicial review, which would delay development. (b) If the application were publicly notified, any substantive decision to grant consent by the Council would be appealed to the Environment Court.

As a result, use of the fast-track process is likely to result in a timing saving of at least two years. Practically, a delayed timeframe under the standard RMA process is likely to exacerbate delays and lead to significant impacts on how the Project can progress with haste, including: (a) Seasonal constraints, including the ability to commence during summer of 2023-2024 during which time earthworks are better able to be managed and works are less affected by inclement weather, together with the ability to source local contractors and supplies, and the ability to source and plant landscaping at appropriate times of the year. (b) Supply chain constraints, including the ongoing construction boom and unprecedented demand for labour and materials, coupled with ongoing global supply chain issues, together with inflationary patterns and the added construction costs that will result when commencing construction and purchasing

materials one to two years later if delays through the RMA process occur which might affect the overall feasibility and design of the Project.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The Project represents an approximate **s 9(2)(b)(ii)** investment in the local area including providing jobs and significant flow-on economic benefits to the local community through the construction phase. This includes jobs in construction work as well as real estate operations.

There are also likely to be flow on effects from the Project for employment and job creation, as detailed in the referral application **attached**.

For further detail, please see the application for referral **attached** at paragraphs 10.29 to 10.35.

Housing supply:

As outlined above, the construction of retirement village accommodation, such as those options provided for in the proposed village, would increase the capacity and range of accommodation options available to the elderly, would reduce land demand pressure and make further residential housing available as new village residents release their properties to the market, to be more efficiently used.

Contributing to well-functioning urban environments:

The Project is to be located within a large site, which is currently zoned for suburban development and intensification PC78 (in response to the NPS-UD) reinforces this intended outcome, and forecasts a corresponding change to characteristics of the neighbourhood.

The Project is an appropriate and anticipated use of the land (reinforced by the restricted discretionary activity status that applies to the nature of the proposed activity under the AUP), and represents an efficient use of a large site in a manner which will contribute to an increase in the provision of housing capacity, intensity, variety and choice for the elderly, as well as the wider neighbourhood.

Such an activity and intensity of development will enhance and support the social and economic well-being of the community.

The scale of the Project, while being different to the prevailing built characteristic on neighbouring sites, has been carefully designed in respect of its relationship with neighbours, and the interface of the Site to adjoining properties and the wider context.

Set within the context of a spacious site, while of a greater scale than the prevailing one-two storey residential development in the locality, the proposed retirement village will integrate well with (and contribute to) the established urban neighbourhood and the future planned character.

The Project is considered to achieve a positive interface with the surrounding residential environment, maintaining the amenity of surrounding properties, and ensuring a private and secure environment for future village residents. As part of the development of the Project, any required private infrastructure, and upgrades to public infrastructure, will be funded by the Applicants, including drains, roads, and other capital requirements within the village. At the same time, substantial development contributions will be generated to by the Project **s 9(2)(b)(ii)**), for the construction of public infrastructure external to the village.

The Project will generate less daily traffic movements than the level of traffic generated by a 'standard' residential development, with such movements occurring outside of the peak commuter periods.

The arrangement of access, parking and servicing have been assessed as being appropriately designed and will meet the relevant standards of the Unitary Plan, and industry recognised best practice standards, with traffic outcomes that match the needs of the retirement village, and which can be readily sustained by the local transportation and roading environment, with access and connectivity for a range of travel modes, from cars to mobility scooters.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The proposed retirement village would contribute to improving housing infrastructure in the Remuera area, and through both construction and ongoing operations would increase employment outcomes and productivity. The Project will also result in more than **s 9(2)(b)(ii)** in development contributions for the Council (and other contributions will be generated to Watercare Services Limited) which will support local public growth infrastructure, public community reserves (including environmental initiatives) and employment from infrastructure and reserve projects.

The Site is currently occupied by a defunct and dilapidated aged care facility. The buildings within the Site are currently in poor condition and represent a risk to health and safety. Within the previous eight months, several break ins have occurred at the Site and various infrastructure and materials have been stolen, with some occurrences involving persons operating or switching off old transformer equipment which is a significant risk to safety. The longer the buildings are left to remain in poor condition, the worse this situation will become. The Project will replace all of the existing buildings and services, and all contaminated soils will be removed and remediated. The Project will significantly improve the condition of the Site, and the quality of urban development which will contribute to the enhancement of the neighbourhood character.

#### Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The Site does not contain any coastal, freshwater or other natural feature, and the Project will not affect air quality or indigenous biodiversity. The Project will involve significant and comprehensive landscaping which will include native tree species to contribute to the surrounding urban ecology.

#### Minimising waste:

The Project would use land and construction resources efficiently given the increased density of the development and would enable the optimisation of existing housing released into the market as residents move into the village, that is typically large enough to accommodate multiple people and families and/or enabling further intensification of those properties, instead of necessitating further lower density large dwellings to be constructed.

The Applicants intend to target achieving a Homestar 7 Rating for the Project, which will involve careful management of demolition and construction processes relative to the efficient use of resources and waste materials.

Efficiencies will be achieved by the Project due to the intensified and self-contained nature of the development that provides amenities onsite and reduces the need for residents to travel.

Through the provision of on-site amenities, services and recreation opportunities, communal transport for residents and provision for cycle parking and end of trip facilities, the village will reduce the need for vehicle use (and the associated carbon emissions) compared with more standard residential development.

#### Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The scale and intensity of the Project has advantages over traditional lower density development in reducing greenhouse gas emissions, and the Site's location and accessibility to local services, amenities, and public transport infrastructure will be beneficial with regards to emissions from private vehicle use.

The Applicants intend that the design, construction and operation of the Project will achieve the current 'Homestar 7 Rating' from the New Zealand Green Building Council. St Andrew's have achieved such a rating for recent construction and development projects which are comparable to the buildings and activities proposed for the Project. A Homestar 7 Rating will necessitate the use of specified construction methods and materials to reduce wastage and environmental impacts, and specific energy efficient design and operational requirements which are intended to improve the overall quality of life of the residents while achieving reductions in greenhouse gas emissions.

As compared to traditional residential development, the village is inherently a lower generator of vehicle movements, minimising resultant emissions. There are also a range of amenities provided on-site that reduce the need for residents to travel.

The Project involves comprehensive landscaping throughout the Site (including specimen trees) which will be maintained by full time onsite gardeners. That new flora will have the effect of absorbing carbon (carbon sink) from the atmosphere.



#### Promoting the protection of historic heritage:

The Site is not identified as containing any recorded and unrecorded archaeological deposits. It has been extensively modified by development during the operation and expansion of the Caughey Preston Rest Home, and it is unlikely that any archaeological remains are contained within the previously developed areas of the Site.

To date, the Applicants have not received any feedback from iwi regarding historic cultural heritage of the Site.

Notwithstanding the above, for completeness, it is appropriate that accidental discovery protocols (by way of conditions) apply in the event that archaeological features, artefacts or koiwi (human remains) are discovered.

#### Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The Project would help to increase the social resilience of its residents in the event of a natural disaster by looking after the residents that are likely to otherwise be vulnerable if living on their own. For example, in relation to stormwater management and flooding risks, freeboard is provided in accordance with the NZ Building Code, owing to accessibility requirements for older residents. Further, if the home of a resident is destroyed by a disaster and it cannot be rebuilt on the original site or in reasonable vicinity, they will receive the full market value of their home. The village will be serviced by emergency water and power generation on site to ensure resilience for its residents through natural hazard events.

#### Other public benefit:

The proportion of New Zealand's population over 75 is anticipated to grow rapidly over the next 48 years, with an anticipated increase of more than 1 million (or 17% of the projected population). In addition, people over 75 are living longer which requires further housing and creates a greater need for age-specific services such as dementia and palliative care. This project would help address those needs as there would be an Aged Care centre incorporated on site in conjunction with the Retirement Village apartments.

The residents of retirement village units are provided with 'wraparound' services and care while they remain able and independent. The provision of such services prolongs the health and abilities of residents and delays the need for entry into residential aged care, which in turn delays and alleviates the burden on the health system.

Aged care facilities provide a place where older people can receive care and rehabilitation after surgery or medical events before it is safe for them to return to their home. This is known as "interim or step down care" which is run in partnership with the local public hospital, and assists in freeing up hospital bed capacity, as well as providing a 'continuum of care' to the residents of the retirement village as their care needs change over time. There is growing demand for Integrated Villages which offer both independent retirement living options and residential aged care, and the Remuera area lacks supply for these types of villages, and aged care living more generally, particularly given the closure of the Caughey Preston facility previously at the Site, together with the recently announced closure of the Mercy Parklands site. Overall, approximately 1,000 aged care beds were lost in New Zealand in 2022. The establishment of aged care beds will contribute to alleviating these issues being faced by the aged care sector. The overall design of the village, and the aged care building specifically, has been undertaken with the benefit of the experience of St Andrew's, to ensure that these facilities are designed in a manner that will meet the Ministry of Health certification requirements.

The Project would contribute to increasing the safety of its residents and reducing the wider crime rate by reducing the real and perceived risk of crime to its residents, using "Safety in Design" principles and reducing the risk of road accidents involving the elderly.

#### Whether there is potential for the project to have significant adverse environmental effects:

There is no potential for the Project to have significant adverse environmental effects. As outlined in section 8 above, adverse effects will be avoided, remedied or mitigated through both the design of the village and through conditions.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

There is no potential for the Project to have significant adverse environmental effects. As outlined in section 8 above, adverse effects will be avoided, remedied or mitigated through both the design of the village and through conditions.

The Auckland Council GIS indicates that most of the Site is clear of any flooding risk except for the north-eastern corner of the Site, which is identified as being subject to a 'flood prone area'. The floor levels and layout of the nearest buildings have been specifically designed to avoid risks to the health and safety of residents, staff and visitors (and neighbouring properties). Based on the recent experience of St Andrew's as part of the development of their landholding in Glendowie, it is intended that the design, construction and operation of the Project will achieve the current Homestar 7 Rating, which includes measures to manage the effects of climate change and of the contribution of development to greenhouse gases.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
No details	

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Jacob Burton

25/11/2022

**Signature of person or entity making the request**

**Date**

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with

the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.

- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.