

BEFORE AN EXPERT CONSENTING PANEL

CONCERNING THE LINCOLN RETIREMENT VILLAGE PROJECT

IN THE MATTER

of the COVID-19 Recovery (Fast Track Consenting) Act 2020 (the **FTA**) and the deliberations and final decision of the Expert Consenting Panel appointed under Clauses 2, 3, and 4 of Schedule 5 of the FTA to consider the application for consents for the Lincoln Retirement Village

Expert Consenting Panel

Christina Sheard (Chair)
Puawai Swindells-Wallace (Member)
Nathan O'Connell (Member)

Comments received under Clause 17(4) of Schedule 6 to the FTA:

5 April 2024

Details of any hearing if held under Clause 21 of Schedule 6 to the FTA:

No hearing was held (refer to Clause 20, Schedule 6 to the FTA)

Date of Hearing if held:

Nil

Date of Decision:

10 May 2024

Date of Issue:

13 May 2024

**RECORD OF DECISION OF THE EXPERT CONSENTING PANEL UNDER
CLAUSE 37 OF SCHEDULE 6 TO THE FTA**

TABLE OF CONTENTS

A. EXECUTIVE SUMMARY	3
B. INTRODUCTION AND PROCEDURE	3
Introduction	3
Procedure	6
C. LEGAL FRAMEWORK	8
D. MANA WHENUA	10
Māori cultural values and interests	10
Mahaanui Iwi Management Plan (“MIMP”)	11
CIA Proposed Conditions	13
The Application	14
Panel findings and conditions in relation to Tangata Whenua Values	15
E. EVALUATION OF EFFECTS	15
Existing environment	15
Cultural effects	16
Economic effects	16
Landscape, visual effects and urban design	17
Servicing	19
Transport effects	20
Stormwater and surface water quality effects during operation	23
Groundwater effects	25
Natural Hazards Effects	26
Noise effects	27
Earthworks and construction effects	27
Effects on Greenhouse Gas Emissions	29
Contaminated Land	29
Positive effects	30
F. PLANNING INSTRUMENTS	30
National Policy Statement on Urban Development 2020 (NPS-UD)	30

National Policy Statement for Freshwater Management 2020 (NPS-FM)	32
Canterbury Regional Policy Statement (RPS)	33
Canterbury Land and Water Regional Plan (LWRP)	35
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)	36
Canterbury Air Regional Plan (CARP)	36
ODP & PODP	36
MIMP	36
Other	37
G. CONDITIONS.....	37
H. STATUTORY PURPOSES.....	38
Part 2 of RMA 1991	38
Purpose of Covid Fast Track Act.....	39
I. FINAL DECISION.....	39

A. EXECUTIVE SUMMARY

- [1] The Lincoln Retirement Village Project ("**Proposal**") is a referred project listed in Schedule 99 to the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
- [2] The Panel visited the site at 1506 Springs Road, Lincoln on 16 April 2024.
- [3] The Panel grants consent to the Proposal, subject to the conditions set out in Appendix 1.
- [4] The Panel's reasons for its decision are set out below.
- [5] Under cl 37(7) of Schedule 6 of the COVID-19 Recovery (Fast-Track Consenting Act) 2020 ("**FTA**"), the consent lapses two years from the date of commencement unless:
 - (a) The consent is given effect to; or
 - (b) The Council extends the period after which the consent lapses in accordance with Section 125 of the Resource Management Act 1991.

B. INTRODUCTION AND PROCEDURE

Introduction

- [6] Arvida Group Limited ("**Applicant**") has applied for resource consents to construct and operate a 200-unit retirement village and associated facilities on land situated at 1506 Springs Road, Lincoln, Canterbury ("**Site**").
- [7] The proposed retirement village is located on 11.4 ha of currently vacant land on Springs Road, The Lincoln Retirement Village Resource Consent Application dated 22 December 2023 ("**Application**") describes the development as comprising the following features:
 - (a) 200 independent-living residential units;
 - (b) A single-storey Care Facility that contains 36 assisted-living suites; and
 - (c) Ancillary facilities, including a Clubhouse, maintenance shed, residents shed, pavilion and outdoor recreation areas.
- [8] The Application describes the retirement village as providing:
 - (a) A diverse range of housing options;
 - (b) Centralised communal buildings with outdoor amenity and activity spaces;
 - (c) Shared communal facilities, including a Residents Clubhouse, Café, and ancillary buildings arranged across the Site which offer a range of social and recreational opportunities;

- (d) A range of living options, from independent living with options for care support as required, through to Care Facility living with full nursing support;
- (e) Comprehensive connectivity within the Site between facilities and residences and linking to the wider community; and
- (f) Open space and landscaping to provide outdoor social, recreation and activity spaces, with visual amenity.

[9] The location of the Site is shown below.



Source: Application, Figure 1, page 4.

- [10] The Site is zoned Medium Density Residential (“**MDR**”) in the Partially Operative Selwyn District Plan (“**PODP**”) and is located in the Lincoln B Development Area. The MDR zone provisions in the PODP are now operative. A limited number of the rules in the Operative Selwyn District Plan remain relevant to the Application as set out in Attachment 20 of the Application.
- [11] Section 3 of the Application provides a summary of the resource consents required for the Proposal under the PODP, Canterbury Land and Water Regional Plan (“**LWRP**”), the National Environmental Standard for Freshwater (“**NES-F**”) and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“**NES-CS**”). A range of controlled, restricted discretionary, discretionary consent ‘triggers’ are identified. A summary of the consents required is as follows:
 - (a) Land use consent (Section 9, Resource Management Act 1991 (“**RMA**’)) for:

- (i) A Retirement Village in the MDR zone under the PODP as a discretionary activity.
 - (ii) Non-compliant street-facing glazing for residential units under the PODP as a restricted discretionary activity.
 - (iii) Non-compliant outdoor living spaces for residential units under the PODP as a restricted discretionary activity.
 - (iv) Non-compliant landscaping along the road boundary under the PODP as a restricted discretionary activity.
 - (v) Non-compliant queueing space and exceedance of vehicle movements under the PODP as a restricted discretionary activity.
 - (vi) An exceedance of permitted earthworks volume and depth under the PODP as a restricted discretionary activity, and under the ODP as a discretionary activity.
 - (vii) New buildings in a Plains Flood Management Area where a flood assessment certificate has not been obtained under the PODP as a discretionary activity.
 - (viii) The excavation of material over an aquifer, where there will be less than 1 m of undisturbed material between the deepest part of the excavation and the aquifer and the works occur within 50 m of a surface water body under the LWRP as a restricted discretionary activity.
- (b) Land use consent (Section 13, RMA) for:
- (i) Disturbing the bed of a river (Springs Road Drain) under the LWRP as a discretionary activity.
 - (ii) Installing a culvert in the bed of a river under the LWRP as a discretionary activity.
- (c) Water permit (Section 14, RMA) for:
- (i) Taking water for the purposes of dewatering under the LWRP as a restricted discretionary activity.
- (d) Discharge permit (Section 15, RMA) for:
- (i) Discharge of construction phase stormwater (including from dewatering and contaminants) to land and/or surface water under the LWRP as a discretionary activity.
 - (ii) Discharge of built phase stormwater to land and/or surface water under the LWRP as a discretionary activity.
- (e) Consent under the NES-F for reclamation of a river (Springs Road Drain) and installation of culverts as a discretionary activity.

- (f) Consent under the NES-CS as a controlled activity.

[12] Overall, the Proposal requires resource consent as a discretionary activity.

Procedure

Meetings / site visit

[13] The Panel conducted a site visit on 16 April 2024. The site visit concentrated on the Application Site and the immediate surrounding area along Springs Road.

[14] The Panel conducted meetings on:

- (a) 11 March 2024 by Teams;
- (b) 8 April 2024 by Teams;
- (c) 16 April 2024 (Site visit followed by an in person meeting);
- (d) 30 April 2024 by Teams;
- (e) 9 May 2024 by Teams.

Invitations to comment

[15] The Panel invited comments on the Proposal from those parties listed in Clauses 17(6) and (7) of Schedule 6 to the FTA on 13 March 2024. To avoid any prejudice to non-electronic recipients and ensure all recipients have at least 10 working days to comment, the Panel considered it appropriate to allow 15 working days before the written reply had to be received by the Panel. Therefore, comments were required by 5 April 2024.

[16] A late comment was received from Environment Canterbury ('ECan') on 17 April 2024. The Panel determined it was appropriate to accept the additional comment, as doing so would not prejudice any participants to the process.

[17] In total, comments were received from 7 parties. A summary of the comments received on the Application is set out below. The summary is intended to identify the key issues raised in each comment received. It is not intended to be comprehensive. The Panel carefully considered each comment received, and the issues raised, when evaluating the effects of the Proposal and its consistency or otherwise with the relevant planning instruments.

- (a) **Mahaanui Kurataiao Limited:** Mahaanui Kurataiao Ltd is authorised to act on behalf of Te Taumutu Rūnanga in relation to environmental matters. Te Taumutu Rūnanga is opposed to the

pipings of Springs Road Drain and seeks that the drain is naturalised. This matter is discussed in Part D below.

- (b) **Heritage New Zealand Pouhere Taonga (“HNZPT”)**: HNZPT did not object to the Project and supported the comments and recommendations made within the Cultural Impact Assessment, prepared by Mahaanui Kurataiao Ltd. In particular, HNZPT agreed with the comments made by Mahaanui Kurataiao Ltd in relation to the naturalization of Springs Road Drain. HNZPT confirmed that there are no places within the proposed development site that are entered on the New Zealand Heritage List/Rārangī Kōre.
- (c) **Minister for Seniors**: Hon Casey Costello broadly supports the development as it will increase the supply of homes for older people and provide additional aged care facilities. Ms Costello notes that the Application proposes the upgrading of the road frontage to a standard urban cross-section, which will include a 1.8m wide footpath to link to an existing footpath, bordering another residential development to the north of the site. Ms Costello requested that the proposed footpath is included a condition of the resource consent.
- (d) **Property Council New Zealand (“PCNZ”)**: PCNZ generally favours development and support legislation that provides a framework to enhance economic growth, development, liveability and growing communities. PCNZ did not comment specifically on this Application.
- (e) **Lincoln South Residential & Lincoln Southwest Residential Ltd**: Lincoln South Residential Limited (“LSRL”) and Lincoln Southwest Residential Limited (“LSWRL”) are the owners of the properties located at 1491, 1521, and 1532 Springs Road. LSRL and LSWRL’s comments focus on the stormwater discharge to the Springs Road Drain, the Springs Road frontage works and the proposed water supply connections. In particular, their comments raise concerns over stormwater discharges over their land. This matter is discussed further in Part E.
- (f) **Selwyn District Council (“SDC”)**: SDC’s comments covered urban design issues (including east-to-west pedestrian connection, overall landscaping and footpaths), building matters, transportation, engineering (including three waters and transport and roading), development contributions and proposed consent conditions. SDC’s comments are addressed throughout this decision.
- (g) **Environment Canterbury (“ECan”)**: ECan’s comments were centred around the Proposal’s alignment with the Canterbury Regional Policy Statement and the LWRP. The comments covered various aspects of hydrogeology (take and use of groundwater, construction effects, artesian flows, dewatering and contaminated land), stormwater discharges, resource consents sought and construction effects.

[18] In accordance with Clause 18(5), copies of all comments received were sent to the Applicant for a response.

- [19] The Applicant provided its response to the comments received pursuant to Clause 19 on 12 April 2024. An extension was provided by the Panel for the Applicant to respond to the late comments from ECan. The Applicant's response to ECan's comments was received on 24 April 2024.

Requests for further information

- [20] No requests for further information were made.

Invitation for comments on draft conditions

- [21] On 30 April 2024, the Panel issued Minute 3 inviting comments from the Applicant (and all those who responded to the invitation for comment under Clause 17(2) of the FTA) in relation to draft conditions of resource consent that had been prepared by the Panel, based on versions circulated earlier by the Applicant and SDC.
- [22] Comments were received in relation to the draft conditions on 7 May 2024, from the following:
- (a) The Applicant
 - (b) Selwyn District Council
 - (c) Environment Canterbury
 - (d) Heritage New Zealand Pouhere Taonga
- [23] The Applicant generally agreed with the draft conditions proposed by the Panel and did not seek any substantial changes. Correspondence from HNZPT was in support of the conditions as drafted with no further comments. SDC provided further clarifications and comments on the draft conditions but did not include any additional drafting suggestions. ECan provided amendments and proposed some additional conditions. These amendments are discussed further in Part G of this decision.

C. LEGAL FRAMEWORK

- [24] The Application is a 'referred project', which is a project which has been referred to the Expert Consenting Panel by an Order in Council by relevant Ministers taking into account the relevant criteria and matters in Section 18 and 19 of the FTA.
- [25] The relevant legal framework for considering and determining referred projects has been considered and established in a number of previous expert consenting panel decisions, including within section C of the decision by the panel appointed to determine the application for a comprehensive care retirement village at Kohimarama, Auckland dated 12 May 2021 ("**Kohimarama Decision**"). Like others before us, the Panel respectfully adopts that analysis.
- [26] In summary, the key requirements for considering a referred project are set out in Clauses 31 and 32 of Schedule 6 to the FTA. They provide that:

(1) *When considering a consent application in relation to a referred project and any comments received in response to an invitation given under section 17(3), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of [the FTA], have regard to -*

(a) *any actual or potential effects on the environment of allowing the activity; and*

(b) *any measures proposed or agreed to by the consent applicant to ensure positive effects on the environment to offset or compensate for any adverse effects that will or may result from allowing the activity; and*

(c) *any relevant provisions of any of the documents listed in clause 29(2); and*

(d) *any other matter the panel considers relevant or reasonably necessary to determine the consent application.*

(2) *In respect of the matters listed under subclause (1), a panel must apply section 6 of [the FTA] (Treaty of Waitangi) instead of section 8 of the Resource Management Act 1991 (Treaty of Waitangi).*

[27] As the Panel observed in the Kohimarama Decision:

...[c]lause 31(1) has significant similarities to s 104 RMA, but with the addition of scope to consider offset and compensation and that consideration is subject not just to Part 2 of the RMA but also, the purpose of this Act.¹

[28] In the case of Part 2 of the RMA, Section 6 of the FTA must be applied rather than Section 8 of the RMA. The dual statutory purposes are addressed further in Part I below.

[29] Clause 31(3) specifies a further mandatory matter to have regard to where an activity is in an area where a planning document prepared by a customary marine title group under Section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 applies. This sub-clause does not apply to the Proposal.

[30] Sub-clauses 31(4) to (6) set out matters which the Panel may or must disregard.

[31] Sub-clause (4) provides:

When forming an opinion for the purposes of subsection (1)(a), a panel may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

[32] The Panel records that it has not disregarded any adverse effects in terms of the above discretion.

[33] No issues arise in terms of the matters set out in Sub-clauses (5) and (6).

¹ Kohimarama Decision, 12 May 2021, at [37].

- [34] The Panel has considered the “other matters relevant to decisions” set out in Sub-clauses (7) to (12) of cl 31. In terms of Sub-clauses (7), the Application describes the Proposal as a discretionary activity overall. The Panel agrees and has assessed it on that basis. The Panel has determined that no issues arise in terms of the matters in Sub-clauses (8) to (12).
- [35] Clause 32 sets out “further matters relevant to considering consent applications for referred projects”. As a discretionary activity application, section 104B of the RMA applies.
- [36] Clause 35 provides that the Panel may grant a resource consent subject to the conditions it considers appropriate, and sections 108, 108A – 112 and 220 of the RMA apply to any conditions imposed.
- [37] The Expert Consenting Panel’s decision concerning the Northbrook Wanaka Retirement Village (“**Northbrook Decision**”) includes a helpful discussion of the legal framework that applies to conditions of consent in the context of the FTA. The Panel adopts the same approach in respect of the present Proposal.

D. MANA WHENUA

Māori cultural values and interests

- [38] A Cultural Impact Assessment (“**CIA**”) was prepared by Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga who hold mana whenua over the project’s location, as it is within their takiwā. The CIA was included as Attachment 12 to the Application.
- [39] The Proposal does not directly impact any Statutory Acknowledgment areas. HNZPT has confirmed that there are no places within the proposed development site that are entered on the New Zealand Heritage List/Rārangi Kōrer.
- [40] As discussed in the Mahaanui Iwi Management Plan (“**MIMP**”), the Application site is located within the Te Waihora Co-Governance Area, a cultural landscape classification which recognises the significance of Te Waihora and its margins and wetlands. The protection, restoration, and enhancement of waterways in this area is highlighted as being of particular importance to Te Taumutu Rūnanga.
- [41] There are a range of conditions proposed that implement the recommendations within the CIA including erosion and sediment control, accidental discovery protocol (including contamination), indigenous vegetation, dewatering discharges including the use of treatments, and stormwater design. An advice note is also included seeking alignment of the Project with Ngāi Tahu subdivision guidelines. An outline of the conditions recommended by the Kaitiaki of Te Taumutu Rūnanga is set out in paragraph 51 below.
- [42] It was clear to the Panel, from both the CIA and comments received from Mahaanui Kurataiao Limited, that mana whenua are particularly concerned with the piping of Springs Road Drain. The CIA recommended

the naturalisation of Spring Road Drain as a condition of consent (see condition 8 outlined in paragraph 51 below).

- [43] It was equally clear, from the CIA and comments received from Mahaanui Kurataiao Limited, that Te Taumutu Rūnanga places importance on protecting, restoring and enhancing waterways and in particular on restoring ecological and cultural values including mahinga kai. Te Taumutu Rūnanga also seeks to facilitate the interconnectedness of waterways in this catchment.
- [44] HNZPT also agreed with the comments made in the CIA in relation to the naturalisation of Springs Road Drain, and noted that water management and care in the Lincoln area is important to Māori heritage values and continuing cultural activities.
- [45] In the Panel's experience, it is important that the design outcomes, physical works, infrastructure and landscape treatment are managed sensitively to mitigate potential adverse effects on cultural values.

Mahaanui Iwi Management Plan ("MIMP")

- [46] As the CIA notes, the MIMP sets out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The MIMP has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.
- [47] Part 4.0 of the CIA identifies the policy matters in the MIMP that are relevant to the Application, and provides some commentary on those policies. In summary, the relevant policies are:
 - (a) 5.1 Kaitiakitanga:
 - (i) Recognition of manawhenua – policies K1.1, K1.2 and K1.3.
 - (ii) Te Tiriti O Waitangi – policy K2.3.
 - (b) 5.3 Wai Māori:
 - (i) Changing the way water is valued - policies WM2.1, WM2.2, WM2.3 and WM2.4.
 - (ii) Water quality – policies WM6.1, WM6.16, WM6.17, WM6.22 and WM6.23.
 - (iii) Activities in the beds and margins of rivers and lakes – policies WM12.4 and WM12.5.
 - (iv) Wetlands, waipuna and riparian margins – policy WM13.1.
 - (v) Drain management – policy WM14.1.
 - (c) 5.4 Papatūānuku:

- (i) Subdivision and development – policy P4.3.
 - (ii) Stormwater – policies P6.1, P6.2.
 - (iii) Soil conservation – policies P9.1, P9.2, P9.3 and P9.4.
 - (iv) Contaminated land – policy P10.1.
 - (v) Earthworks – policies P11.1, P11.8 and P11.9.
- (d) 5.5 Tāne Mahuta:
- (i) Mahinga kai – policies TM1.1, TM1.4, TM1.6 and TM1.8.
 - (ii) Indigenous Biodiversity – policies TM2.1, TM2.2, TM2.8 and TM2.10.
 - (iii) Restoration of indigenous biodiversity – policy TM3.1.
- (e) 5.8 Ngā tūtohu whenua:
- (i) Wāhi tapu me wāhi taonga – policies CL3.1 and CI3.8
- (f) 6.11 Te Waihora:
- (i) Cultural Health of Te Waihora – policies TW4.1 and TW4.3.

[48] The CIA outlines concerns that drains should be managed in the same way as natural waterways and should be subject to the same policies, objectives, rules and methods. Policy WM14.1 of the MIMP requires that drains are managed that protect Ngāi Tahu values associated with freshwater, including:

- (a) Riparian margins are protected and planted; and
- (b) Maintenance methods are appropriate to maintaining riparian edges and fish passage.

[49] The CIA states as follows (at pages 10-11):

It is understood that part of the proposed works associated with the development of the retirement village is to pipe and fill in Springs Road Drain to create a footpath and kerb and channel. Springs Road Drain flows into the Āraiara/L2 River which ultimately discharges into Te Waihora. Āraiara was an important mahinga kai area for local Ngāi Tahu, with several specific kāinga mahinga kai (foodgathering places) located on the river from its source to its entry at Te Waihora. Policy WM14.1 in Section 5.3 (Wai Māori) of the Mahaanui IMP requires that drains are managed as natural waterways and are subject to the same policies, objectives, rules, and methods that protect Ngāi Tahu values associated freshwater. The Mahaanui IMP clearly states that all waterways must be protected, restored, and enhanced.

The naturalisation of the drain will restore ecological and cultural values including mahinga kai. Naturalisation will also facilitate the interconnectedness of waterways in this catchment as per the traditional resource management approach of Ki Uta Ki Tai. From this

approach, naturalisation of this drain as part of the wider network contributes to wider restoration of indigenous biodiversity and cultural health of the taiao. This ultimately gives effect to Te Mana o Te Wai - the fundamental concept in the National Policy Statement for Freshwater Management (NPS-FM). Te Mana o Te Wai sets a hierarchy of obligations in which the health and wellbeing of waterbodies and freshwater ecosystems comes first. It refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment.

As such, Springs Road Drain must be naturalised and must not be piped.

CIA Proposed Conditions

- [50] The CIA records that the Kaitiaki of Te Taumutu Rūnanga has reviewed the Application and that they have used the policies in the MIMP to provide a framework for assessing the effects of the Proposal on cultural values. The policies from the MIMP also provide guidance on how any effects can best be avoided, mitigated and/or remedied.
- [51] Kaitiaki of Te Taumutu Rūnanga recommended the following consent conditions and advice:
1. *All erosion and sediment control measures installed must be constructed, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury:*
 - a. *Where measures prove to be inadequate, works must cease until appropriate and effective controls are in place. These new measures must be approved by Canterbury Regional Council and Selwyn District Council.*
 - b. *All disturbed surfaces must be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation.*
 2. *An accidental discovery protocol (ADP) must be in place during all earthworks to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).*
 3. *Native flora must be planted on site (as proposed in the Landscape Plan) to enhance the cultural landscape, increase indigenous habitat, bind soils, and help with the uptake of nutrients.*
 4. *An accidental contamination discovery protocol must be in place during works.*
 5. *If dewatering is required, the preference is that dewatering water is discharged to land (using appropriate land-based methods) or other appropriate mechanisms such as settlement tanks.*
 6. *If conditions are unsuitable for the discharge of dewatering water to land and is to discharge to Springs Road Drain, the discharge must:*
 - a. *Be captured and tested prior to discharge (i.e., in a settlement tank).*
 - b. *Meet the 50 mg/L total suspended solids limit.*

7. *The use of flocculants should be avoided where possible. If required, a Chemical Treatment Plan (CTP) must be prepared.*
8. *Springs Road Drain must be naturalised.*
9. *The stormwater system must be designed to protect the land/soil used as the receiving environment and groundwater must be protected:*
 - a. *Sufficient separation of stormwater basins to highest seasonal groundwater must be maintained.*
 - b. *The stormwater system must be regularly maintained through routine inspections and removal of debris, sediment, and hydrocarbons.*
 - c. *An effective filtration mechanism (such as heavy metal traps) must be installed and regularly maintained to treat dissolved contaminants in stormwater (e.g., dissolved metals, nutrients, and organics) for the protection of the environment.*
10. *As per policy P8.1 in the Mahaanui IMP, discharge to land should be:*
 - a. *Appropriate to the soil type and slope, and the assimilative capacity of the land on which the discharge activity occurs;*
 - b. *Avoid over-saturation and therefore the contamination of soil, and/or run off and leaching; and*
 - c. *accompanied by regular testing and monitoring of one or all of the following: soil, foliage, groundwater and surface water in the area.*

[52] An advice note was also requested that the Applicant should incorporate the matters set out in the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent including greywater/rainwater capture and reuse, minimising impervious cover, use of rain gardens and swales, avoiding building material that generates contaminants.

The Application

[53] The Application states that all the recommendations in the CIA have been adopted save for the recommendation to avoid piping the drain along the Springs Road frontage.

[54] The Applicant acknowledged the Rūnanga's position on the piping of Springs Road Drain in section 39 of the Application. However, the Applicant considers the piping is required to enable the construction of a footpath and widened frontage that will ensure the road frontage aligns with the neighbouring Verdeco Park Subdivision and provide a connection from the Site to Lincoln Township. The frontage upgrades and piping of Springs Road Drain were included in the Application in response to a request from Selwyn District Council.

[55] The Verdeco Park subdivision also resulted in the piping of the drain upstream for road frontage upgrades. Commentary from the Kaitiaki of Te Taumutu Rūnanga note that they were not given the opportunity for meaningful consultation on the Verdeco Park Subdivision, including frontage and piping of drains. If such consultation had taken place, then the Kaitiaki would have been opposed to any piping as part of this development as well.

- [56] In response to the comments from mana whenua, the Applicant again acknowledged Mahaanui Kurataiao Limited's concerns but reiterated that the piping of Springs Road Drain is needed to ensure the road frontage aligns with the Verdeco Park subdivision, provides a connection to Lincoln Township and has been requested by Selwyn District Council.

Panel findings and conditions in relation to Tangata Whenua Values

- [57] The Panel noted on its site visit that the 'drain' along the road frontage comprises more of a grassed shallow channel or depression than any type of formed 'drain'. The grass in this area also appeared to have been mowed. Section 39.5 of the Application also notes that due to the ephemeral nature of the drain, it does not hold any ecological values. While Mahaanui Kurataiao Limited's comments express concern that the conclusion that the drain contains low ecological values is not based on any ecological evidence, the Panel is satisfied that given the nature of the existing 'drain', and the benefits of an upgraded footpath that will connect to Verdeco Park and Lincoln Township, that the naturalisation of the stream is not justified in this instance.

E. EVALUATION OF EFFECTS

Existing environment

- [58] The assessment of environmental effects (sections 4 and 23 of the Application) and the technical reports (including the JTB Architects and Rough Milne Mitchell Landscape Architects architectural design, urban design and landscape design statements) contain a description of the existing environment. Together with the Panel's site visit, the Panel considers the Application contains sufficient information for it to have a sound understanding of the existing environment against which the effects of the Proposal are to be assessed.
- [59] It appears that the description of the existing environment is not a matter in contention between the Applicant and other participants in the consenting process with the exception of the nature of the drain along the Springs Road frontage. Mana whenua question whether the drain has 'low ecological value'. The Applicant describes it as a drain that is ephemeral in nature and "does not inherently hold any ecological values".
- [60] The Application Site is 11.41 hectares in area and is currently vacant. The Application Site is topographically flat and does not contain any other relevant features. It is located on the western side of Springs Road at the south-western end of the Lincoln township.
- [61] The Application notes that there was previously a residential dwelling on the Application Site adjacent to Springs Road which has since been removed, along with historical stockpiles on the northern third of the Site which were created as part of the construction of the Verdeco Park subdivision.
- [62] The Application Site has a MDR zoning in the PODP and is located in the Lincoln B Development Area. The ODP includes a future roading connection to Springs Road, an indicative roading connection to the south and indicative pedestrian/cycle connections to surrounding land.

- [63] The Application notes that the Site could be potentially susceptible to several geotechnical hazards and is identified as being in the Plains Flood Management Overlay in the PODP.

Cultural effects

- [64] The potential cultural effects of the Application are discussed in Part D above.

Economic effects

Application

- [65] An assessment of the economic impacts of the Proposal was undertaken by Property Economics Limited (Attachment 13 of the Application). Property Economics' report concludes that:

The direct impact on the Construction and Construction Services sectors associated with direct employment measure approximately 919 FTE years over the 7-year construction period. Direct economic injection from construction and development phases equate to around \$204m.

The total economic impact on business activity within Selwyn as a result of the subject development over a 7-year period is estimated to be \$210 million (NPV) . In terms of employment multipliers this would contribute around 3306 FTEs during the peak development and operation year within Selwyn, with a total of over 1,720 FTE years over the 7- year development period.

The Fast Track process and development of the retirement village sooner than the standard RMA process would provide multiple economic benefits to the community including increased housing supply, more competitive residential environment, increased market certainty, increased housing choice, decreased marginal infrastructure costs and local employment and economic activity growth.

- [66] An update to that report was undertaken by Property Economics on 21 November 2023 following adjustments to the Proposal. Property Economics concluded that the Proposal presents a significant opportunity for the local economy to grow and sustain new jobs and income as well as a providing a significant economic injection into the local economy.

Comments received

- [67] No comments were received specifically addressing the Proposal's economic effects.

Panel findings

- [68] The Panel accepts the Economic Report's conclusions in relation to potential economic benefits associated with the Proposal. The Panel finds that the Proposal will have generally positive economic effects, as outlined above.

Landscape, visual effects and urban design

Application

- [69] An Urban Design Assessment of the Proposal was undertaken by Rough Milne Mitchell Landscape Architects (Attachment 15). The assessment considers the effect of the Proposal on the receiving environment.
- [70] The Urban Design Assessment describes the Site, its context and character, describes the Proposal and lists relevant policies and matters of discretion for a retirement village in the MDR zone which provide guidance for the assessment of adverse effects (noting that the proposal is to be assessed as a discretionary activity).
- [71] The Application notes that the MDR zone enables urban development in this location subject to it being compatible with its residential surroundings and responding appropriately to the interface with neighbouring streets. Consent is required under the following rules of the PODP that relate to, or incorporate, urban design/landscape matters:
- (a) MRZ-R9 Retirement village;
 - (b) MRZ-REQ7 Windows to street;
 - (c) MRZ-REQ8 Outdoor living space; and
 - (d) MRZ-REQ9 Outlook space.
- [72] Section 23 of the Application concludes that the scale of and density of the Proposal, site layout, design and distribution of the massing, and landscape design has sought to mitigate the potential impact of the retirement village on the receiving environment. Furthermore, the Proposal is considered to achieve the urban design outcomes sought through the PODP and manage effects appropriately, with a number of positive effects. The adverse effects on the locality (amenity, landscape and visual) are considered **less than minor**, and can be managed through the proposed consent conditions.

Comments received

- [73] SDC considers that, overall, the urban design is in alignment with best practice, the requirements contained in the PODP, and with the DEV-LIB - Lincoln B Development Area Plan. The effects of the non-compliance with the urban design standards outlined above were considered not significant, and given the nature of this development as a retirement village, any effects resulting from the identified non-compliances are anticipated to be internalised within the site and no more than minor.
- [74] Issues raised within the SDC comments included (without limitation):
- (a) SDC considers that sufficient tree canopy at the public-private interface is highly important for amenity and climate reasons. The Applicant should address landscaping along the road frontage part of the landscape plan.

- (b) Clarification was sought in relation to the external pedestrian and cycle connections, specifically which connections will be gated, and the gated hours.
- (c) SDC recommends footpaths on both sides of the street within the village.
- (d) SDC suggested that it should be indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.

[75] In response, the Applicant was open to revising the landscape design as part of the detailed design stage and accepted pedestrians and cyclists using the gated connections during daytime hours. However, the Applicant wishes to reserve the right to restrict access for any reasonable reason. The Applicant also did not consider a dual footpath to be appropriate due to design constraints.

[76] LSRL and LSWRL seek a 2.5m footpath instead of 1.8m and for a shared footpath from the northern boundary to be constructed to connect to the already constructed footpath by Verdeco Park subdivision. The Applicant's transport specialist Andrew Leckie provided an additional assessment in response to LSRL comments. The Applicant does not consider it appropriate or necessary to upgrade a footpath beyond the boundaries of the Application site and does not consider that shared 2.5m path is desirable.

Panel findings and conditions imposed

[77] The Panel accepts the conclusions reached in the Application, as supported by the relevant assessment and design statement in relation to the nature and extent of landscape, visual and amenity effects of the Proposal. The Proposal will positively contribute to the character of the street scene, successfully incorporates CPTED principles and is a well-planned and thoughtfully designed environment that caters to the needs of senior living.

[78] The conclusions in the Application rely on the implementation of the Landscape Plans included with the Application. As noted by SDC, the interface of the development with Springs Road is particularly important. A condition is proposed to ensure that the landscape design for the street frontage is in accordance with the Masterplan and Landscape Boundary Treatment Plan and that the landscaping proposal is submitted to SDC for certification.

[79] Subject to the inclusion of this condition, the Panel considers that the potential impacts on landscape and the urban design effects have been appropriately managed and will result in a number of positive effects.

Servicing

Application

- [80] The Application Site is not currently connected to services. Attachment 5 of the Application summarises the future servicing requirements of the site as follows:

Wastewater – Private residential wastewater reticulation network at the Site will comprise gravity and low-pressure sewer pipelines.

Trade Waste – A separate private wastewater reticulation network is proposed to convey flows from the care centre, laundry and café via a sampling and measuring point located on the Site boundary.

Water Supply – An extension of the Council owned Springs Road water main is required to service the Site. The Site will have a private potable water supply reticulation, and two connections to the extended Springs Road watermain (one of which is to provide for the fire water supply). There are also two existing water supply bores on the site which will be retained. There are no consents associated with these bores and therefore groundwater take is limited to the permitted activity standards in the LWRP (5 L/s and 10 m³/day).

Telecommunications and Power – There is a sufficient electricity and telecommunications supply available from Springs Road and via the Verdeco Park residential subdivision to service the Site and this has been confirmed by the providers.

Comments received

- [81] LSRL and LSWRL support the proposal to extend the existing 200 NB uPVC watermain to the southernmost boundary of the development and have it upsized to 300 NB. However, LSRL and LSWRL wish to see the construction of the watermain extension coordinated with their works on the neighbouring land. The Applicant has responded that based on its knowledge of the construction programme for the LSRL and LSWRL development, the construction of the Proposal would commence prior to the LSRL and LSWRL design being completed, and a conflict would not arise.
- [82] SDC has recommended that a potable water flow meter and privately owned and maintained 'RPZ' backflow preventer are installed at each of the two supply points at the Application Site boundary. In addition, water should not be extracted from the SDC reticulation until a flow meter and a certified and tested 'RPZ' arrangement is established.
- [83] SDC proposes the following conditions:
- (a) That a potable water flow meter and privately owned and maintained 'RPZ' backflow preventer are installed at each of the two supply points at the Application Site boundary.
 - (b) That any water, wastewater and stormwater connections completed under a building consent exemption are to comply with the Council's Engineering Code of Practice and obtain engineering approval.

- (c) That the applicant enter into a Developers Agreement with the Council for the extension of the water main with a diameter sufficient to service future development located to the south of the site.

[84] In response, the Applicant:

- (a) Accepts a condition for the installation of a flow meter and privately owned and maintained RPZ backflow preventor.
- (b) Accepts a requirement to comply with the SDC's Engineering Code of Practice; and
- (c) Accepts the need for a 'Developers Agreement' in relation to the extension of the water main but considers this matter should be resolved post-consent.

[85] SDC has also sought an advice note that requires that no irrigation from the Council water supply. The Applicant notes that such a restriction is not practicable and would limit the ability of occupiers that may wish to water their private gardens.

[86] In relation to water supply servicing, ECan commented on the potential need for additional consent to take water for potable purposes and the need to consider cumulative effects of the take. In response, the Applicant confirmed that the Proposal includes no groundwater takes for potable water supply (or firefighting water supply) and that the water supply will be obtained from the SDC public water supply network.

Panel findings and conditions imposed

[87] The Panel finds that the Site is able to be adequately provided with connections to services. The Panel considers that the following matters should be resolved outside the resource consent process:

- (d) The timing of the upgrade of the watermain; and
- (e) Arrangements with SDC regarding funding and construction of the upgrade to the watermain.

[88] In addition, the Panel considers that an advice note in the conditions ensuring no fixed permanent irrigation system (for the purpose of irrigating large open spaces) is appropriate and would not limit the use of garden hoses for small domestic irrigation purposes.

Transport effects

Application

[89] The Application is supported by an Integrated Transport Assessment prepared by Stantec New Zealand (Attachment 16) ("ITA"). Paragraph 23.99 of the Application sets out minor non-compliances with permitted

activity standards for parking space dimensions, cycling parking, queuing space and traffic generation.

[90] The ITA concludes that:

- (a) The Proposal will generate approximately half the level of traffic that a residential development on the Site could generate.
- (b) The proposed vehicle access arrangements on Springs Road, tying into a proposed western kerbline position consistent with that outside Verdeco Park, are appropriate for the activity.
- (c) The vehicle crossing design proposed will ensure the low volumes of traffic turning to and from the site will do so at slow speeds, with pedestrian priority achieved.
- (d) Vehicles will safely be able to turn to and from the site, with negligible effect on the safety and efficiency of Springs Road.
- (e) The village is well-designed for active travel modes, with a network of pedestrian facilities and all roads suitable for shared use by cyclists.
- (f) Good pedestrian connectivity is proposed to Springs Road as well as the surrounding reserves and the future development to the south.
- (g) Village residents, visitors and staff will be able to make use of any future bus route in the area, with suitable crossing provision across Springs Road an important consideration for when the eastern side of the road is developed.

[91] The Application concludes that any adverse safety and efficiency effects on the transport network are considered to be **less than minor** and will be appropriately managed.

Comments received

[92] Comments received from SDC include:

- (a) A request for secondary access to the south for walking and cycling and a separate footpath linking into the site along the internal southern access link;
- (b) A recommendation of increased provision of cycling parking;
- (c) A suggested condition regarding the upgrade of Springs Road site frontage to an urban standard with kerbing footpaths;
- (d) A request that the design and construction of roads and pathways, including intersections and connection points should be designed and constructed in accordance with the 'Safe System Approach';
- (e) A suggestion that there should be an arrangement between the Applicant and SDC to build a footpath or bridge that connects from the Applicant site to the existing path network with the reserve;

- (f) Suggestion for a bus stop area; and
- (g) A requirement to further consider how all the needs along Springs Road will be met.

- [93] The Applicant has accepted that pedestrians and cyclists may use the southern access subject to a reserved right to restrict access when reasonable. The Applicant did not support a separate footpath nor increased cycling parking at this stage.
- [94] The Applicant did not consider a Safe System Audit to be necessary at the concept design stage or detailed design stage for this Proposal.
- [95] The Applicant's transport specialist, Andrew Leckie, provided the following additional assessment regarding SDC's comments on pedestrian connectivity and the needs of Springs Road in the immediate area:

Pedestrian connectivity to Springs Road is assessed in section 8.1 of the ITA. It is agreed that pedestrian crossing provision over Springs Road will be essential. However, the appropriate time to consider pedestrian crossing provisions will be as part of the Lincoln 8 Development Area subdivision and consenting, when pedestrian provision, access arrangements, likely desire lines and road formation on the eastern side of the road will be known.

The reserve connections to the north and west will allow connectivity to Verdeco Park. There is no footpath on Springs Road north of Verdeco Park and there is no crossing provision over Springs Road outside Verdeco Park. Accordingly, it was assessed that a footpath connection along Springs Road between the Lincoln Retirement Village site frontage and Verdeco Park was not necessary as part of the village development. Such provision would typically sit with adjacent landowners when/if they develop, or with Council as part of programmed works to support growth. The proposed development does not preclude Council providing a footpath on Springs Road north of the Lincoln Retirement Village.

...

As outlined in section 7 of the ITA, it is considered that there is no need for a flush median or right turn lane for the Lincoln Retirement Village based on the low village traffic generation combined with urban vehicle speeds and the low passing traffic volumes on Springs Road in the interim. The future function of the road, lane arrangements / line marking, and where the eastern kerblines should be constructed can be considered as part of the future subdivision and consenting processes associated with development of the Lincoln 8 Development Area which is a significantly larger development.

It is agreed that a coordinated approach to access on Springs Road will be necessary, and the proposed kerb and access arrangements enable flexibility for Council to plan the wider corridor requirements. The proposed village access location is appropriately separated from the Lincoln 8 Development Area road as indicated on the ODP. Lincoln South Residential Limited on the eastern side Springs Road will need to take account of the Lincoln Retirement Village access location when planning other access arrangements on Springs Road.

- [96] The Applicant noted that a bus stop could be incorporated on the Lincoln Retirement Village frontage at a later stage.

Panel findings and conditions imposed

- [97] The Panel accepts the analysis and conclusions reached in the ITA supporting the Application. The Panel finds that appropriate provision has been made for safe access into, from and around the site for pedestrians, cyclists and vehicles. In response to matters raised by SDC the Panel finds that:
- (a) Given the projected traffic volumes, a safe system audit is not necessary;
 - (b) It will be sufficient to allow pedestrians and cyclists to move through the site outside the 'gated hours' and during the 'gated hours' security will need to be maintained;
 - (c) Adequate provision has been made for emergency vehicle access;
 - (d) An adequate number of cycle parks has been provided given that this development is a seniors living facility;
 - (e) A pedestrian crossing and connections to the north and west are best addressed once the layout of the surrounding land uses is known;
 - (f) There is scope to incorporate a bus stop into the Springs Road frontage should a bus service be implemented.
- [98] The Panel finds that traffic generated by the Proposal will be low, and is unlikely to have any noticeable effect on traffic congestion on the surrounding network. The conditions of consent will ensure safe entrance and egress from the Site and movements within the Site.

Stormwater and surface water quality effects during operation

Application

- [99] The Proposal will result in a significant increase in impervious area. The Applicant commissioned a Stormwater Management Report prepared by Fraser Thomas Limited (see Attachment 8 of the Application). Paragraphs 2.36 to 2.37 of the Application provide a description of the proposed stormwater management and discharges during the operational and construction phase of the Proposal.
- [100] The Application Site is located within a L2 River Catchment. The L2 River discharges into Lake Ellesmere. As discussed above in Part D, it is proposed that the Springs Road drain is to be piped and filled in along the entirety of the Application Site frontage with Springs Road, and a 1.8m wide footpath and kerb and channel constructed along the road berm.
- [101] The Stormwater Management Report explains that stormwater from the Site will be managed via a piped network discharging through first flush basins and raingardens and flowing into infiltration basins or into Springs Road. Pre-treatment will be provided by trapped sumps on internal roads. Run off from carparks and run off captured by sumps on the Springs Road boundary will be conveyed to proprietary devices and an underground first

flush basin. Secondary stormwater management will be provided for by utilising the roads as overland flowpath conveyance in the 1% AEP that will be directed to infiltration basins or Springs Road.

- [102] In terms of peak flows, the proposed stormwater management system will capture and infiltrate all contributing stormwater for rainfall events up to and including a 1% AEP storm for the northern and southwestern catchments. Peak flows from the site to the Springs Road drain will also be reduced from pre-development levels.
- [103] The trapped sumps will intercept large debris. The stormwater contaminant load is likely to be low due to the low overall Site coverage and the low traffic volumes. Any minor contaminants will be treated within the first flush basins prior to discharge to infiltration basins or exiting to the Springs Road drain.
- [104] The Application concludes that overall, with the implementation of the proposed conditions of consent (Attachment 18), any adverse effects from stormwater on the surface water quality and quantity are considered **to be less than minor**.

Comments received

- [105] ECan did not raise concerns about the proposed stormwater management system. ECan did query whether the Verdeco Park stormwater infrastructure has been designed with the intention of also servicing this Site. ECan considered a thorough assessment of the potential for adverse effects on both surface and groundwater quality should be provided. In response, the Applicant confirmed that the Verdeco Park infrastructure was not specifically designed to service the Site. An additional assessment was undertaken by engineering specialists, Fraser Thomas Consultants, which concluded that the modelling the 0.5% AEP flow shows no adverse flood level effects from the increased flows to the Verdeco Stormwater management infrastructure for any Verdeco Park lots.
- [106] LSRL and LSWRL opposes any stormwater discharge to the Springs Road Drain. The Applicant's engineering specialist Alistair McNabb provided an additional assessment, which included a confirmation that the preliminary design for the Proposal shows a significant reduction of flows to Springs Road and the existing drain within the LSRL site.

Panel findings and conditions imposed

- [107] In terms of overland flows, the Panel considers that the preliminary stormwater management design for the Site will reduce the current stormwater flows discharging to the Springs Road Drain.
- [108] The Panel accepts that the stormwater treatment mechanisms proposed (including rain gardens, treatment swales, passive irrigation to garden beds, first flush basins and infiltration basins) will ensure that stormwater quality will not worsen as a result of the development and may in fact improve.

- [109] Stormwater management conditions are proposed to ensure that the stormwater management system is designed in accordance with the Stormwater Management Report included in the Application.

Groundwater effects

Application

- [110] Groundwater and ground conditions are described in the Stormwater Management Report and the Geotechnical Report (Attachments 8 and 9). The proposed earthworks are occurring over an unconfined or semi-confined aquifer system. Therefore, there is the potential that uncontrolled excavations could expose groundwater or remove the overlying materials which protect the aquifer.
- [111] It is expected that dewatering may be required on an intermittent basis as part of the construction works. The discharge of dewatering water will be controlled by limiting the rate and duration of pumping from groundwater. The contractor will implement appropriate measures when required, with the final methodology approved prior to dewatering being undertaken on-site. For these reasons, the potential adverse effects of the dewatering take on groundwater and other users is considered to be less than minor and temporary.
- [112] Management of stormwater during the construction phase in accordance with the Erosion and Sediment Control and Dust Management Report is anticipated to ensure that groundwater quality is not impacted by sediment.
- [113] No interception of groundwater by stormwater infrastructure is expected.
- [114] There are no Community Drinking Water Supply sites or Protection Zones located on the Site. The Proposal is not anticipated to adversely impact the quality of community drinking water.
- [115] Contaminated groundwater is also not expected to be encountered. The Application's assessment of effects noted at 23.51 that the expected discharge of stormwater to groundwater is to be incidental and slow, and with the anticipated contaminants binding to sediment, it is expected that any water entering the ground will not convey or mobilise contaminants.
- [116] With the proposed conditions of consent in place, the Application concludes that the effects of the development on groundwater are likely to be **less than minor**.

Comments received

- [117] ECan notes that the extent of the potential effects of the earthworks on groundwater, including springs and surrounding wells can be managed by way of conditions of consent.
- [118] ECan also notes concerns about what methods will be used to manage the risk of penetrating the confining layer resulting in artesian flows. The Applicant asked Fraser Thomas Consultants to provide a response to

ECan's comments on construction dewatering effects. The response notes that the design of the underground infrastructure will mitigate the risk of penetrating the confining layer and in the unlikely event that a confined aquifer is pierced appropriate capping or similar methodology would be installed to sustain original underground flow paths. It is proposed that the Dewatering Management Plan, included in the resource consent conditions, will address the concerns raised by ECan including the risk of penetrating the aquifer layer.

Panel findings and conditions imposed

- [119] The Panel considers the conditions proposed in the groundwater dewatering consent and the groundwater discharge consent will appropriately manage the effects of dewatering during the construction stage. The conditions include requirements for a pre-construction site meeting with Ecan, a Dewatering Management Plan, monitoring of dates, rates and duration of groundwater takes.

Natural Hazards Effects

Application

- [120] The Application Site is identified as being in the Plains Flood Management Overlay in the PODP. Due to the scale of the development and earthworks, the Application notes that a Flood Assessment Certificate was not able to be provided by SDC. Instead, the Applicant has proposed a consent condition that requires finished floor levels for all buildings to a minimum 300mm above 0.5% AEP flood. The Stormwater Management Report concludes that any flooding effects are likely to be **less than minor**.
- [121] The Site was also identified as being underlain by soils inferred to be alluvial sediments, ranging gravel depths, and has liquefaction characteristics. The Geotechnical Report prepared by Fraser Thomas Limited (Attachment 9) concludes that the Site is generally suitable for the Proposal subject to the imposition of appropriate conditions. The proposed conditions require the foundations to be designed, observed and certified by an appropriately experienced chartered engineer or geotechnical engineer.

Comments received

- [122] No comments were received in relation to flooding or geotechnical issues.

Panel findings

- [123] The Panel considers that the proposed geotechnical and flooding conditions will be sufficient to avoid any adverse effects of the Proposal in terms of land instability and flooding issues.

Noise effects

Application

- [124] The Application is was not supported by a specific Acoustic Report. However, the Erosion and Sediment Control and Dust Management Report by Fraser Thomas Limited (Attachment 6) notes:²

Noise will be produced by construction machinery and equipment during normal working hours over the construction period. Construction noise shall meet the limits in and be measured and assessed in accordance with the requirements of NZS 6803P:1999 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work", as required. Work shall not continue on the site if compliance with the above standard is not achieved. Mitigation measures to reduce noise levels will be implemented, if required.

- [125] In relation to operational noise effects, the Application notes that:³

*The Lincoln Retirement Village essentially operates as a residential activity with low night time noise. The Site entrances will be closed at night. There will generally be no night-time activities that will attract large numbers of people to the Site or create excessive levels of noise. Therefore, **no adverse noise effects are expected beyond the zone's expectation for residential development and use.***

- [126] Accordingly, the Applicant notes that construction works will comply with NOISE-R2 and NOISE-R14 of the PODP.

Comments received

- [127] No comments were received specifically addressing potential construction and operational effects associated with the Proposal.

Panel findings

- [128] The Panel is satisfied that noise associated with both construction and operation of the Proposal can be appropriately managed to comply with NOISE-R2 and NOISE-R14 of the PODP. The Construction Management Plan will include noise management measures.

Earthworks and construction effects

Application

- [129] Earthworks are required for Site preparation, building platforms, hard landscaping and stormwater infrastructure. The Application acknowledges that earthworks can cause noise, dust, sedimentation,

² At page 11.

³ At page 75.

erosion and drainage effects in relation to neighbouring properties and wider environment.

[130] A Construction Management Plan will be prepared by a suitably qualified practitioner and will include (without limitation):

- (a) A copy of Erosion and Sediment Control Plan (that will also be submitted to and certified by ECan);
- (b) A Dust Management Plan (that will form part of the Erosion and Sediment Control Plan);
- (c) Construction methodology, construction works with the potential to impact the immediate environment, management procedures, and public interface management;
- (d) Noise management measures;
- (e) Procedures for storage of fuel and/or lubricants; and
- (f) A Temporary Traffic Management Plan must be prepared by an appropriately qualified person;

[131] The Application's assessment of effects for the earthworks and construction effects contained in Section 23.102- 23.116 are as follows;

*Subject to the implementation of erosion and sediment control measures and the proposed conditions of consent, construction effects are considered to be **less than minor**.*

...
*There are no special or uncommon features for this Site and no identified natural hazards beyond flooding and liquefaction such that any impacts on land stability can be mitigated using commonly adopted design and construction practices. Based on this, any adverse effects relating to land stability will be **less than minor**.*

...
*[...] any adverse effects on visual amenity, landscape context and character, views, outlook, overlooking and privacy are considered to be in keeping with those anticipated in an urban area and **less than minor**.*

*Overall, the proposed earthworks will be consistent with the expected surrounding environment and are necessary to develop the Site for residential use. Therefore, the effects on amenity arising from earthworks are considered **less than minor**.*

Comments received

[132] In addition to relevant comments from SDC mentioned elsewhere in this decision, SDC also proposed several earthworks specific conditions. These seek that earthworks are to be carried out in accordance with New Zealand Standard (NZS) 4431:2022 Code of Practice for Earth Fill for Residential Development and that completed earthworks receive the appropriate certification which is to be provided to the Council. The Applicant agreed to the inclusion of these conditions.

Panel findings and conditions imposed

- [133] The Panel is satisfied that the earthworks and construction effects can be managed in accordance with standard construction management methods. The conditions will ensure that a Construction Management Plan is prepared and implemented, including erosion and sediment control measures.

Effects on Greenhouse Gas Emissions

- [134] A full assessment of the Proposal's impacts on greenhouse gas emissions was addressed at the referral stage of the application. Benefits of the Proposal include increased residential density and provision of facilities on Site that will reduce the need for residents to travel. The close proximity of the Proposal to Lincoln Township will enable travel by foot or mobility scooter to local amenities.

Contaminated Land

Application

- [135] A review of previous site investigations, remedial action plans, and site validation reporting was undertaken by Fraser Thomas Limited (Attachment 7).
- [136] Previous soil contamination investigations identified several potential soil contamination sources at the Application Site including historical stockpiling, a dwelling and associated septic tank (no longer on site) and potential heavy metal and pesticide contamination of paddocks from historical site use.
- [137] The Application concludes:⁴

... the Site has been remediated to a residential standard and is suitable for the proposed retirement village development, noting that consent is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS) as a controlled activity as soils are still above background concentrations.

Based on the soil sampling results as noted earlier, there is no risk to future site occupants and groundwater users from the site soils. Due to the exceedance of background concentrations, offsite disposal locations for any unusable soils removed from the site would be limited to facilities authorised to receive such waste materials. Disposal at a facility would require approval from the respective operators.

A Construction Management Plan will be prepared and will include a section on the management of soil disturbance works in relation to contamination covering earthworks, trenching and building footings/foundation. This will likely involve stockpiling of stripped materials (topsoil and subsoils) and testing of excess materials to be

⁴ At page 77.

taken off-site to determine whether they can be disposed of as cleanfill or managed fill, along with accidental discovery protocols.

Subject to conditions requiring the notification of works to Council prior to commencement, disposal of soil to an appropriate facility, and the submission of a completion report, the Site will be appropriately managed so as to avoid adverse effects on human health from residual contaminants.

Comments received

- [138] As the Application notes that the remediation work has already been undertaken on the Application Site to remove affected stockpiles. ECan considers that the actual and potential effects of the Proposal will be managed by a Remediation Action Plan and associated conditions.

Panel findings and conditions imposed

- [134] The Panel is satisfied that the risk of encountering further contamination is low and the requirement to implement a Remediation Action plan will ensure that any unanticipated contamination is appropriately managed to avoid any potential adverse effects on human health.

Positive effects

- [139] As noted above, the Proposal will have economic and housing benefits. Other positive effects are also identified by the Applicant including contributing to a well-functioning urban environment for the purposes of the National Policy Statement on Urban Development 2020, providing improving housing infrastructure, minimising waste, mitigating climate change effects, promoting protection of historic heritage and providing facilities to service the growing proportion of New Zealand's population that is over 75.
- [140] The Panel accepts that the Application will have a range of positive social, economic and environmental benefits, and has the potential to make a positive contribution to the district's economic wellbeing and recovery.

F. PLANNING INSTRUMENTS

- [141] The Application referred the Panel to several National Policy Statements and National Environmental Standards. The Applicant's assessment in respect to each of the relevant provisions is considered adequate and is adopted for the purpose of this decision, noting the following summary and additional consideration/assessment.

National Policy Statement on Urban Development 2020 (NPS-UD)

- [142] The NPS-UD became operative in August 2020, and it sets out national objectives and policies for planning well-functioning urban environments. It is focused on enabling growth by requiring Councils to provide development and infrastructure capacity, and it seeks efficient land-use to address housing affordability and to meet the future needs of communities.

- [143] Objective 1 of the NPS-UD requires that “*New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future*”. Policy 1 of the NPS-UD requires planning decisions contribute to well-functioning urban environments, which are defined with reference to minimum requirements within that Policy 1.
- [144] Based on the urban design, landscape, traffic and economic reports prepared in support of the Application, the Panel finds that the Proposal will contribute to a well-functioning urban environment in the context of the immediate site surrounds and broader Selwyn urban environment. The Proposal will assist with provision of a variety of housing options in Lincoln area, including higher density housing with good accessibility to community services and open spaces including by way of public transport. The Application also provides information in relation to effects on competitive operation of land and development markets, supporting reductions in greenhouse gas emissions and providing resilience to the current and future effects of climate change. The Panel agrees with the Applicant that the Proposal will allow future residents to provide for their social and economic wellbeing.
- [145] Objective 2 seeks that “*Planning decisions improve housing affordability by supporting competitive land and development markets*”. The Applicant submits the Proposal will result in additional residential dwellings and care facilities for older persons, which represents a significant contribution to the housing supply, which in turn will relieve pressure on the housing market. The Application noted that the Proposal may free up around 236 dwellings, and therefore, assisting with housing market mobility. The Panel has no expert analysis that contradicts the conclusions of the economic evidence before the Panel and accordingly accepts the Applicant’s expert report.
- [146] The Panel considers the Proposal to be consistent with Objective 4 which seeks that “*New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations*”. A new retirement village creating housing for older persons in an area of high demand is an efficient use of the Application Site and will assist in helping the needs of the community within the district by providing well-located accommodation for a growing segment of the population being those aged over 65.
- [147] Also of relevance is Objective 5 which requires “*planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)*” and Policy 9 which requires Local Authorities in taking account of the principles of Te Tiriti to (among other things) provide opportunities for Māori involvement in decision making on resource consent. These issues are dealt with above in Part D, which addresses issues of relevance to Mana Whenua. In summary, the Panel is satisfied that the principles of Te Tiriti have been taken into account.
- [148] Finally, Objective 8 seeks that “*New Zealand’s urban environments: (a) support reductions in greenhouse gas emissions; and (b) are resilient to*

the current and future effects of climate change". The Applicant has provided limited analysis in relation to Objective 8(a), other than noting that the increased density resulting from the Proposal will enable optimal use of the Application Site. While there may be consequential reductions in greenhouse gas emissions from the Proposal, these have not been quantified. In respect of Objective 8(b), the Application Site is within the Flood Management Area and Liquefaction Management Area, with the Applicant submitting that adequate mitigation in respect to these matters is provided through the setting of a minimum floor level and engineered foundations as a requirement of the conditions of consent.

- [149] In summary, the Panel finds the Proposal to be generally consistent with the directly relevant objectives and policies of the NPS-UD.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

- [150] The NPS-FM sets out the objectives and policies that direct local government to manage freshwater in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. The objective of the NPS-FM is to ensure that freshwater is managed to prioritise: first, the health and well-being of water bodies and freshwater ecosystems, then the health needs of people, and lastly the ability of people and communities to provide for their social, economic, and cultural well-being now and into the future. This is intended to reflect the fundamental concept of the NPS-FM of "*Te Mana o te Wai*" – the fundamental importance of water.

- [151] In this case, there are two relevant waterbodies associated with the Proposal, the Springs Road Drain and groundwater. The Applicant's assessment in section 16.8 of the Application is considered adequate and is adopted by the Panel. The key points of the Applicant's assessment are:

- (a) The construction phase of the Proposal will employ erosion and sediment control measures to avoid contaminants entering either of the waterbodies or the groundwater. The majority of stormwater treated and discharged into land with limited discharge to surface water bodies, will protect any waterbody and freshwater ecosystems.
- (b) The piping and filling of the Springs Road drain is required in order to implement an upgraded urban frontage. The drain has little to no ecological value and is used to convey stormwater. The drain is described as being highly modified and largely dry, which was confirmed by the Panel's site visit.
- (c) Recommendations contained in the CIA have been adopted to ensure that Māori values, including the principles of *Te Mana o te Wai*, are provided for in the Project. This however excludes the recommendation to avoid piping the Springs Road Drain.
- (d) As there is no consumptive take of water proposed, the Project will not contribute to overallocation in terms of water quality or quantity.

- (e) The Application Site is not located in a Community Drinking Water Protection Zone or in close proximity to any Community Drinking Water Supply Bores.

[152] In summary, the Panel finds the Proposal to be consistent with the directly relevant objectives and policies of the NPS-FM.

Canterbury Regional Policy Statement (RPS)

[153] The RPS provides an overview of the resource management issues in the Canterbury region, and sets out the objectives, policies and methods to achieve integrated management of natural and physical resources to address environmental, social, and economic issues.

[154] The Panel has considered the Application against all relevant chapters and find the following chapters to be directly relevant to the Proposal:

- (f) Chapter 5 Land-Use and Infrastructure;
- (g) Chapter 6 Recovery and Rebuilding of Greater Christchurch;
- (h) Chapter 7 Freshwater;
- (i) Chapter 9 Ecosystems and Indigenous Biodiversity;
- (j) Chapter 10 Beds of River and Lakes and their Riparian Zones;
- (k) Chapter 11 Natural Hazards; and
- (l) Chapter 16 Contaminated Land.

Each of these are summarised and discussed below.

[155] Chapter 5 seeks to promote urban and rural residential developments that have regard to the efficient use and development of resources, while ensuring any adverse effects on the environment are avoided, remedied or mitigated. Consolidation and integration with existing infrastructure is promoted, while ensuring that regionally significant infrastructure and the strategic transport network are not adversely impacted by any new development. Chapter 5 also seeks to maintain, and where appropriate, enhance the overall quality of the natural environment, while avoiding conflict between incompatible activities.

[156] The potential adverse effects of this Proposal on the environment are dealt with elsewhere in this decision, however, the Panel accepts that the Proposal represents an efficient use and development of the Application Site. Further, the Panel finds the Proposal will enable the greater Christchurch community to provide for its well-being through the provision of retirement units without impacting on regionally significant infrastructure.

[157] Chapter 6 deals with the recovery and rebuilding of greater Christchurch, providing a resource management framework to enable and support earthquake recovery. Chapter 6 and seeks business and residential development that gives effect to the following principles of urban design, to the extent appropriate to the context:

- (a) Turangawaewae;
- (b) Integration;
- (c) Connectivity;
- (d) Safety;
- (e) Choice and Diversity;
- (f) Environmental Sustainable Design; and
- (g) Creativity and Innovation.

- [158] The urban design and landscape analysis before the Panel confirms the Proposal will create a high-quality living environment while the built form will generally align with the key principles of urban design. The Proposal will offer an alternative housing type and density, compared to typical low and medium density residential development, and the units reflect the changing needs and circumstances of the older persons community within the district. It will also enable older persons to reside locally and retain their sense of place and belonging while fostering a sense of friendship and fellowship with other residents.
- [159] Chapter 7 addresses the sustainable management of fresh water; the protection of intrinsic values of waterbodies and their riparian zones; water quantity and land uses; and freshwater quality. The relevant objectives are detailed in Table 4 of the Application and broadly seek to enable people and communities to provide for their economic and social wellbeing, including for recreational and amenity values, while safeguarding the life-supporting capacity of ecosystems and their processes, indigenous species and the mauri of freshwater. Chapter 7 also seeks to avoid, remedy or mitigate adverse effects of land uses on the flow of water in surface waterbodies, while considering the cultural significance of the waterbody and maintaining water quality.
- [160] The Application notes that the Proposal is not anticipated to alter values relating to life supporting capacity, ecosystem processes or indigenous species, or natural character. The Proposal's design has been developed to safeguard the life supporting capacity of air, water, soil, and ecosystems, with management plans prepared to ensure that adverse effects (in construction and operation) are appropriately managed.
- [161] Chapter 9 seeks to restore or enhance ecosystems and indigenous biodiversity, in appropriate locations, particularly where it can contribute to Canterbury's distinctive natural character and identity and to the social, cultural, environmental and economic wellbeing of its people and communities. The indigenous landscaping included in the Proposal are purported to enhance ecosystems and indigenous biodiversity across the Application Site. Upon review of the Application (and in conjunction with the Panels' site visit), the Panel finds that the Springs Road roadside drain is mostly dry and has been artificially created to drain the road. Chapter 9 seeks restoration of waterbodies in '*appropriate locations*'. The Panel finds that given the nature of the drain, its low ecological values and the benefits from an upgraded urban frontage that piping the drain is appropriate in this instance.

- [162] The outcomes sought by the objectives in Chapter 10 are to maintain flood capacity; provide for the planting and removal of vegetation; ensure that significant bed and riparian zone values are maintained or enhanced, while avoiding significant adverse effects on the values of the bed and their riparian zones. For the reasons outlined in the preceding paragraphs, the Panel is satisfied the Proposal will also meet the intent of Chapter 10.
- [163] Chapter 11 provides a framework for managing natural hazard risk. The Project is not located in a high hazard area, however as already discussed, the Application Site does include flooding, geotechnical and liquefaction hazards. The Panel has assessed the Proposal against the relevant objectives and policies in this Chapter and find that they are met provided the recommended measures are implemented and any effects appropriately mitigated and managed.
- [164] Objective 17.2.1 in Chapter 16 seeks to protect people and the environment from the adverse effects of contaminated land, with the Policies seeking to identify contaminated land, ensure adequate site investigation is undertaken and the effects of any contamination managed. While the Application site has been identified as a HAIL site, remediation works have already been undertaken. The Panel is satisfied that the conditions imposed will be adequate to mitigate adverse effects from residual contaminants and satisfy this Chapter.
- [165] In summary, the Panel finds the Proposal to be consistent with the directly relevant objectives and policies of the RPS.

Canterbury Land and Water Regional Plan (LWRP)

- [166] The LWRP sets out how land and water are to be managed in the region. The Objectives set out in Section 3 are directly relevant to the Proposal and broadly seek to achieve an integrated natural resource to recognise and enable Ngāi Tahu cultural, traditions, customary uses and relationships with land and water. Further, Section 3 seeks to recognise water is essential to all life and is respected for its intrinsic value, while ensuring the natural character values of freshwater bodies are protected, with the quality and quantity of water in fresh water bodies managed to safeguard the life-supporting capacity of the ecosystems and ecosystem process, including supporting indigenous species. Associated policies (Section 4) relate to:
- (a) Discharge of contaminants to land or water;
 - (b) Stormwater and community wastewater systems;
 - (c) Earthworks, land excavation and deposition of material into land over aquifers;
 - (d) Abstraction of water; and
 - (e) Activities in Beds of Lakes and Rivers.
- [167] Having regard to the information provided in the Application, the Panel finds that by the imposition of appropriate conditions of consent, as amended by ECan and agreed to by the Applicant, the Proposal will provide for the outcomes sought by the LWRP.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

- [168] As already mentioned, the Application is supported by a report which reviewed previous site investigations, remedial action plans, and site validation reporting (Attachment 7). The Application's conclusions on the contamination effects are contained in Part E of this decision and will not be repeated here.
- [169] The purpose of the NES-CS is to ensure that land impacted by contaminants is identified and managed appropriately prior to development of the land. As identified, consent is required under the NES-CS as a controlled activity.
- [170] ECan anticipates that actual and potential effects of the Proposal in relation to contaminated land will be able to be appropriately managed through a Remediation Action Plan and associated conditions of consent. The Selwyn District Council did not comment on this matter. The Panel accepts the position of the Applicant and the findings contained in Attachment 7 and concludes the Site can be appropriately managed so as to avoid adverse effects on human health from residual contaminants.

Canterbury Air Regional Plan (CARP)

- [171] The CARP sets out how Environment Canterbury intends to manage air pollution from home heating, industry and other sources like outdoor burning, dust and odour. The Panel accepts that the preparation and implementation of a dust management plan in accordance with Schedule 2 of the CARP will mean the Proposal complies with rule 7.32 and be permitted.
- [172] The Panel has assessed the Application against the relevant objectives and policies of the CARP. We find that with appropriate conditions this Plan can be satisfied.

ODP & PODP

- [173] An assessment against the ODP and PODP was carried out in section 18 of the Application. Table 7 sets out the non-compliances with various plan standards. An assessment of the relevant objectives and policies in the PODP is set out in Attachment 19 to the Application, with the compliance assessment (including for the ODP) contained in Attachment 20.
- [174] The Panel has had regard to all of the relevant objectives, policies and rules in reaching our decision. We have had regard to Attachments 19 and 20 and the relevant commentary from SDC which considers that the Proposal is consistent with the objectives and policies of both district plans.
- [175] The Panel considers there is no benefit in repeating the assessment of relevant ODP/PODP provisions and overall accepts the conclusions of the Applicant with respect to the district plans.

MIMP

- [176] In relation to the MIMP, the matters that are relevant to the Proposal have been identified earlier in the decision in Part D.
- [177] The piping of Springs Road Drain is opposed by mana whenua, who seek for the drain to be naturalised, otherwise the Rūnanga will consider themselves to be an adversely affected party.
- [178] Recognising there is disagreement with the Rūnanga regarding the piping of Springs Road drain, the mitigation of potential adverse effects on Māori cultural values and interests will be achieved through adherence and compliance with current and future ECan and SDC planning provisions developed and endorsed in partnership with mana whenua.

Other

- [179] For completeness, for all other National Policy Statements or National Environmental Standards not directly commented on above, the Panel records acceptance of the Applicant's and Selwyn District Council's analysis that no substantive issues arise which might influence the Panel's decision whether or not to grant consent to the Proposal.

G. CONDITIONS

- [180] Draft conditions were provided by the Applicant with the Application. SDC suggested some amendments as part of its comments on the Application, which were largely but not entirely accepted by the Applicant in its response to comments. ECan also provided additional comments regarding the conditions sought. The Applicant updated its draft conditions in response.
- [181] The Panel's draft conditions were circulated to the Applicant and persons invited to provide comments on 30 April 2024. Comments were received from the Applicant, SDC, ECan and HNZPT by 7 May 2024.
- [182] The Panel has made a number of minor amendments to the conditions circulated for comments, in response to the comments received as well as some incidental or consequential changes. We do not propose to comprehensively describe all of the changes made following receipt of comments. The Panel does however wish to note that the following changes from SDC and ECan that were adopted or rejected by the Panel:
- (a) The Panel does not consider that a Safe System Audit is necessary for the reasons outlined in Part E above. In addition, as discussed above, the Panel considers that pedestrian connectivity to the wider existing environment is best addressed once the layout of the surrounding land uses is known and the area is developed.
 - (b) The Panel also considers that a condition requiring a fencing covenant to be included on the title is unnecessary. No subdivision is proposed and the units will remain in a single ownership. The conditions already require the implementation of the boundary landscape treatment in accordance with the relevant plans and there is also a requirement to maintain landscaping and fencing.

- (c) The Panel has made amendments to the dewatering consent and conditions to provide for the temporary take and diversion of surface water in line with ECan's request.
- (d) As requested by ECan, the Panel has amended the operational stormwater discharge consent to ensure that the stormwater management system is designed in accordance with the Stormwater Management Report lodged with the application.
- (e) ECan suggested an amendment to refer to the "commencement or recommencement of works" for various conditions. The Panel considers this wording is unclear. For example, would a halt of the works for a weather event trigger a "recommencement" of the works? The Panel considers that the words "or recommencement" are unnecessary.
- (f) The Panel has adopted the changes requested by SDC in terms of limiting the ability to use the potable water supply for irrigation of common areas.

[183] Other condition amendments of note, and various comments received on conditions, are addressed in the body of this decision when evaluating the Proposal's effects.

H. STATUTORY PURPOSES

[184] Clause 31(1) of Schedule 6 to the FTA provides (emphasis added):

When considering a consent application in relation to a referred project and any comments received in response to an invitation given under section 17(3), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of this Act, have regard to—

[185] This Clause requires that consideration of consent applications under the FTA is subject to both Part 2 of the RMA and to the purpose of the FTA. One purpose is not to be given primacy or emphasis over the other. Accordingly, the provision requires that the purpose of each enactment is be applied equally when considering the Proposal.

[186] We agree with the Expert Consenting Panels in the Kohimarama Decision and Northbrook Decisions that it is a cornerstone of the FTA's dual purposes that, given the short duration of the FTA, the short-term economic benefits of a project should not result in bad long-term planning outcomes.

Part 2 of RMA 1991

[187] The Panel has considered and accepts the Applicant's assessment of Part 2 of the RMA at section 13 of the Application. including the Applicant's view that the Proposal will promote the sustainable management of natural and physical resources.

Purpose of Covid Fast Track Act

[188] The Applicant assesses the purpose of the FTA at section 14 of the Application. The Panel accepts that the Proposal will advance the purpose of the FTA by providing residential dwellings and care facilities for older persons, resulting in significant additional direct and indirect employment in Selwyn and the wider region which will assist to support New Zealand's recovery from the economic and social impacts of COVID-19, while continuing to promote the sustainable management of natural and physical resources.

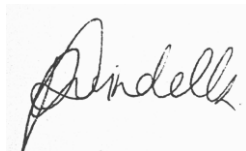
I. FINAL DECISION

[189] The Panel has determined that consent should be granted to the Proposal subject to the conditions attached as Appendix 1.

[190] The Panel records, in relation to clauses 38 and 45 of Schedule 6 to the FTA, that a person entitled to appeal is to file any appeal with the High Court no later than 15 working days after the date on which the person was notified of the decision of the Panel under Clause 38(1).



Christina Sheard (Chair)



Puawai Swindells-Wallace (Member)



Nathan O'Connell (Member)

APPENDIX 1 – CONDITIONS