



FTAA-2605-1230: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Oakland Estates

Date submitted	21 July 2027	Tracking	26-BRF-01859
Security level	In-Confidence	Priority	Urgent

To	Action sought	Response by
Hon Chris Bishop Minister for Infrastructure	Decisions on recommendations	28 July 2027

Actions for Minister's Office staff	Return the signed briefing to: FTAreferrals@mfe.govt.nz Send email to Ministers to invite written comments
Number of appendices: 6	Appendices: 1. Statutory framework for making decisions 2. Application documents for Oakland Estates 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from parties invited under section 17 6. Draft Notice of Decisions

Ministry contacts

Name	Position	Telephone	1 st contact
Helen Willis	Principal Author		
Stephanie Frame	Manager	s 9(2)(a)	✓
Ilana Miller	General Manager	s 9(2)(a)	



Project location



Image 1: project location in the wider regional context

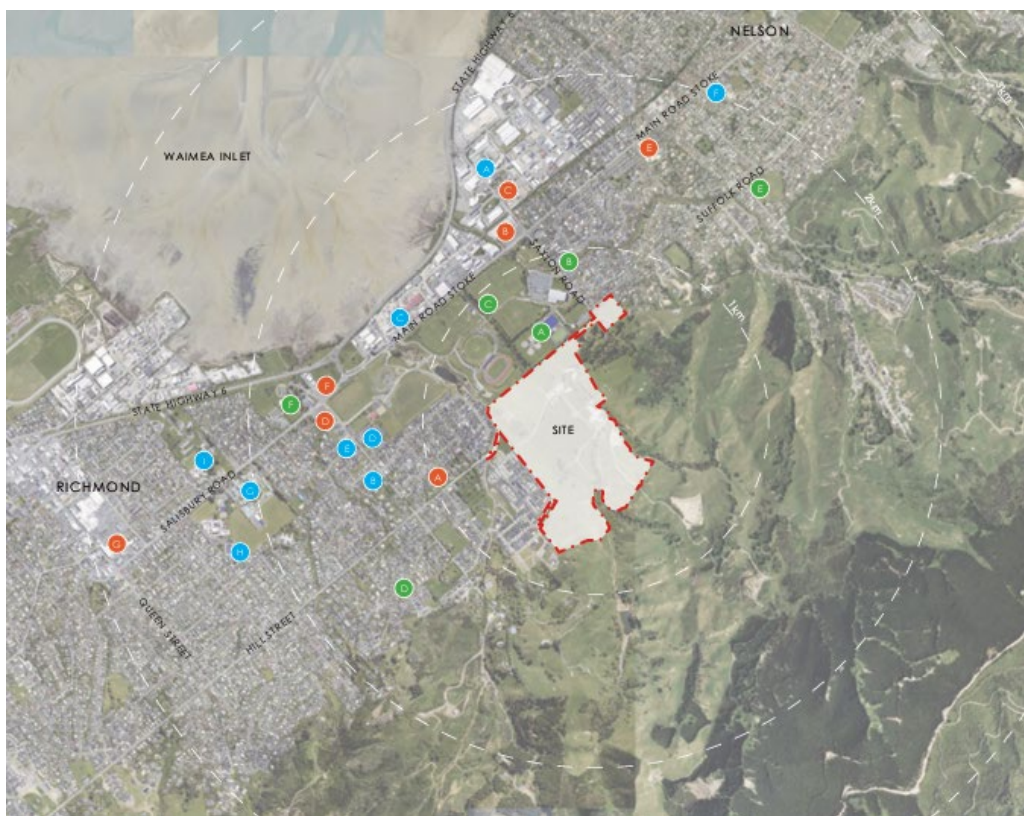


Image 2: project location in the local context



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Oakland Estates Nelson Limited (the applicant) to refer the Oakland Estates project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-01374) with your initial decisions annotated is in Appendix 3.
3. The project is a residential development with supporting commercial service activities on approximately 58 hectares of rural land at 467 Suffolk Road, Stoke, Nelson.
4. The project includes:
 - a. approximately 580 – 740 residential units, including the potential for a retirement village and associated health and communal facilities
 - b. commercial areas comprising approximately 6,000m² – 7,800m² of floorspace to service the development and surrounding area
 - c. open space and recreation areas including walking tracks, green links, water margins and a stormwater management area
 - d. ancillary infrastructure and remedial works in the wider area, including earthworks, connections to the public water, wastewater and transport networks, a reservoir and offset/restoration planting.
5. The applicant notes that while it is not confirmed at this stage if the project will include a retirement village or if this will be substituted for additional residential units, the overall number of units (and associated benefits) delivered by the project will remain the same.
6. The project site is currently utilised as a farm (known as Oaklands Farm) totalling 209 hectares. The project footprint includes approximately 58 hectares of this, with the balance of land intended to retain its farm use.
7. The project will require the proposed approvals:
 - a. resource consents under the Resource Management Act 1991
 - b. approvals under the Wildlife Act 1953
 - c. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
8. We recommend you **accept** the referral application. We seek your decisions on this recommendation, proposed directions to the expert panel, and notification of your decisions.

Assessment against statutory framework

9. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
10. Before accepting the project, you must consider the following:



- a. the application (in Appendix 2)
 - b. the section 18 Treaty settlements report (in Appendix 4)
 - c. any comments from invited parties (in Appendix 5) received within the specified time frame (in Appendix 5).
11. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

12. The Section 18 Treaty settlements and other obligations report (the Report) identifies the following iwi authorities and Treaty settlement entities as relevant to the project area: the eight Te Tau Ihu iwi (Ngāti Toa Rangatira, Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, Te Ātiawa o Te Waka-a-Māui, Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau) and the Wakatū Incorporation.
13. The Report identifies the following Treaty settlements as relevant to the project area: Ngāti Toa Rangatira Claims Settlement Act 2014; Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014; and Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne Claims Settlement Act 2014.
14. The Report notes that these Treaty Settlement Acts provide for a statutory acknowledgement for all eight Te Tau Ihu iwi over the Te Tau Ihu coastal marine area, which includes the Waimea Inlet. While the project area does not include or adjoin the coastal marine area, it is within a catchment which flows into Waimea Inlet and these statutory acknowledgements are therefore relevant.
15. The Report notes that a consent authority under the RMA and relevant Treaty settlements must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder. The Report considers the process of inviting comment from these groups under the Act comparable to these requirements.
16. The Report further considers that the invitation to Treaty settlement entities to comment on the referral application is consistent with the conservation protocols agreed with Ngāti Kōata and Ngāti Rārua to consult with them on applications to relocate indigenous species (such as the Wildlife Act 1953 authority sought by the applicant). If the project is referred, any panel will be required to invite comments from these iwi under section 53(2) of the Act.
17. None of the 11 Māori groups invited to comment on the project under section 17(1)(d) of the Act provided a response.
18. There are no matters raised in the Report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

19. There are no relevant documents or procedural requirements under section 16 which apply to your referral decision.

Written comments received

20. Comments were received from Nelson City Council (NCC), five Ministers, the Department of Conservation (DOC) and Heritage New Zealand Pouhere Taonga (HNZPT). The key points of relevance to your decisions are summarised in Table A and the full comments are attached at Appendix 5. A summary of the comments is provided below:
- a. NCC does not consider there are any reasons to decline project referral and considers the project could contribute to meeting regional housing demand shortfalls. NCC identifies no competing applications for the project site, nor any resource consents where sections 124C(1) or 165ZI of the RMA would apply
 - b. The Associate Minister of Housing has no objection to project referral and considers the project will contribute to increasing housing supply in the Nelson Region
 - c. The Minister for Seniors supports project referral and considers it will provide significant housing benefits under section 22(2)(a)(iii)
 - d. The Minister for Economic Growth considers the project may have significant regional economic benefits and contribute to a well-functioning urban environment
 - e. The Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development support project referral
 - f. The Minister for Arts, Culture and Heritage responded with no comment
 - g. DOC does not state a view on project referral but considers it likely that any environmental effects associated with the project can be managed to appropriate levels
 - h. HNZPT notes the archaeological features likely to be present within the project area and emphasises the need for tangata whenua consultation and provision of a Cultural Impacts Assessment with any substantive application.
21. The following parties were also invited to comment on the project application, but no responses were received by the time of this briefing:
- a. the Minister of Conservation
 - b. the Minister for Regional Development
 - c. 11 Māori groups identified under section 18 of the Act.

Reasons to decline

22. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We have considered these matters in detail in Table A. We have not identified any reasons under section 21(3) that you must decline the application for referral.
23. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you would consider when deciding whether to decline an application and these are set out in Table A where we have considered these matters in detail. We also provide a summary of these below.
24. The applicant has identified that the project may involve activities with a prohibited activity status under the National Environmental Standards for Freshwater, including works within or near natural inland wetlands.



25. More detailed work is required to confirm if these works will indeed trigger prohibited activity status, but to exercise precaution we recommend that for the purposes of your referral decision it should be assumed the project will require activity prohibited under the RMA (section 13(4)(i)). While this is a potential ground for declining a referral application under section 21(5) of the Act, section 21(6) clarifies that the presence of a prohibited activity does not, in itself, preclude referral.
26. The potential for works with a prohibited activity status does not trigger any ineligibility criteria in section 5 of the Act and no comments received raised concerns in this regard.
27. The project site is located within the Rural Zone and contains 24 hectares of LUC 3 land; however, the applicant does not consider that this would be subject to key protections under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) because the project site is identified for future urban development under the Nelson-Tasman Future Development Strategy. No comments received contradicted this position. We consider the detailed assessment of effects on highly productive land is more appropriately undertaken by an expert panel at the substantive approvals stage should the project be referred.
28. Whilst these are reasons for you to decline the referral application under section 21(4) (and we note that you may do so at your discretion), we consider an expert panel is better placed to consider these matters, informed by the necessary technical information, specialist expertise and with the ability to impose conditions to manage any adverse effects which may arise.
29. We recommend that you do not decline the referral application on these grounds, or on any other grounds under sections 21(4) or (5) of the Act.

Reasons to accept

30. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
31. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
 - a. it is a development project because it involves the construction and operation of a large-scale residential development comprising approximately 580 – 740 dwellings, a potential retirement village, a commercial and retail centre, open space areas and associated infrastructure
 - b. it will have significant regional benefits because it will:
 - i. increase housing supply and address identified housing needs in the Nelson Region through the delivery of approximately 580 – 740 residential dwellings, including a range of housing typologies and potential for retirement living options
 - ii. contribute to a well-functioning urban environment through the delivery of a master-planned residential community supported by commercial and retail activities, open space and associated infrastructure, with access to services and amenities
 - iii. deliver significant economic benefits, including provision of approximately 1,630 full-time equivalent (FTE) years of employment and approximately \$145 million in wages and salaries during the 5-7 year development period, approximately \$292 million in Gross Domestic Product (GDP), and ongoing employment and economic generation associated with the commercial aspects of the development.



- c. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in more timely and cost-effective way than under normal processes, as the project would otherwise require approvals under multiple specified Acts, with an increased likelihood for delays and appeals
- d. it is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is sufficiently advanced and the applicant has indicated there is resourcing in place to process the application efficiently and provide certainty around timeframes to ensure the project remains 'shovel ready'.

Conclusions

- 32. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process with the specifications outlined below.
- 33. We consider that if you decide to refer the project, you should specify the following matters under section 27 of the Act:
 - a. the following as persons or groups from whom a panel must invite comments from in addition to those specified in section 53:
 - i. the Minister for Seniors, as the project may involve retirement living, and as a party that was invited under section 17(5) to comment on the application as any other person.

Next steps

- 34. The Secretary for the Environment (the Secretary) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
- 35. If you decide to refer the project, the Secretary must also give notice of your decision to:
 - a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.
- 36. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
 - a. the referral application
 - b. any comments received under section 17
 - c. the report obtained under section 18.
- 37. We will undertake this action on your behalf.



38. We have attached a draft notice of decisions letter to the applicant based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
39. Our recommendations for your decisions follow.



Recommendations

40. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Oakland Estates Nelson Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Oakland Estates project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. any comments received under section 17 and provided within the required timeframe in Appendix 5.

Yes / No

- c. **Agree** that to exercise precaution, to assume for the purposes of your referral decision that the project does involve works with a prohibited activity status under section 13(4)(i).

Yes / No

- d. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. it is a development project that would have significant regional benefits [section 22(1)(a)] because:

- (1) it will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [section 22(2)(a)(iii)] by:

- providing approximately 580 – 740 residential dwellings, including a range of housing typologies and the potential for retirement living options, in the Nelson Region where there is an identified housing demand shortfall
- delivering a master-planned residential community supported by commercial and retail activities, open space and associated infrastructure, with access to services and amenities

- ii. it will deliver significant economic benefits [section 22(2)(a)(iv)], including provision of approximately 1,630 full-time equivalent years of employment and approximately \$145



million in wages and salaries during the 5-7 year development period, approximately \$292 million in Gross Domestic Product, and ongoing employment and economic generation associated with the commercial aspect of the development

- iii. Referring the project would facilitate its delivery [section 22(1)(b)(i)] by enabling it to be processed in more timely and cost-effective way than under normal processes, as the project would otherwise require approvals under multiple specified Acts, with an increased likelihood for delays and appeals
- iv. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process [section 22(1)(b)(ii)] because the project is sufficiently advanced and the applicant has indicated there is resourcing in place to process the application efficiently and provide certainty around timeframes to ensure the project remains 'shovel ready'.

Yes / No

- e. **Agree** there is no reason the project must be declined under section 21(3).

Yes / No

- f. **Agree** to accept the referral application under section 21(1) and refer the whole project to the fast-track approvals process under section 26(2).

Yes / No

- g. **Agree** to specify Oakland Estates Nelson Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

- h. **Agree** to specify under section 27(3)(b)(iii) of the Act, to specify the Minister for Seniors as an additional person from whom a panel must invite comments from in addition to those specified in section 53.

Yes / No

- i. **Agree** that the Secretary for the Environment will provide your notice of decisions to:
 - i. Anyone invited to comment on the application including local authorities, relevant administering agencies and relevant Māori groups



- ii. the panel convener
- iii. The Environmental Protection Authority (EPA).

Yes / No

Signatures

Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
Project details	Project Name	Applicant	Project Location
	Oakland Estates	Oakland Estates Nelson Limited	467 Suffolk Road, Stoke, Nelson
Project description	The project is a residential development with supporting commercial service activities on approximately 58 hectares of rural land. The project includes: a. approximately 580 – 740 residential units, including the potential for a retirement village and associated health and communal facilities b. commercial areas comprising approximately 6,000m² – 7,800m² of floorspace to service the development and surrounding area c. open space and recreation areas including walking tracks, green links, water margins and a stormwater management area d. ancillary infrastructure and remedial works in the wider area, including earthworks, connections to the public water, wastewater and transport networks, a reservoir and offset/restoration planting. The applicant notes that while it is not confirmed at this stage if the project will include a retirement village or if this will be substituted for additional residential units, the overall number of units (and associated benefits) delivered by the project will remain the same. The project will require the proposed approvals: a. resource consents under the Resource Management Act 1991 (RMA) b. approvals under the Wildlife Act 1953 c. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. The project site is currently utilised as a farm (known as Oaklands Farm) totalling 209 hectares. The project footprint includes approximately 58 hectares of this, with the balance of land intended to retain its farm use.		
Minister invites comments / requests information	Comments from invited parties		
	Local authorities <i>Nelson City Council (NCC)</i> NCC confirms there are no competing applications for the project site, nor any resource consents where sections 124C(1) or 165ZI of the RMA would apply. NCC identifies a likely long-term housing capacity shortfall in the Nelson Region and considers the project could contribute to meeting future housing demand shortfalls. NCC notes the project site has been identified for residential development in relevant planning strategies and that this type of development is therefore anticipated. NCC notes further work is required to understand infrastructure requirements in the area. NCC does not consider there are any reasons to decline project referral under section 21(5). Ministers <i>Associate Minister of Housing</i> The Minister has no objection to project referral. The Minister notes Nelson is experiencing strong housing demand and considers the project will contribute to increasing housing supply. The Minister considers the potential retirement village will help respond to projected demographic change – noting that the Nelson population is projected to be 32.6% aged 65+ by 2048 (amongst the highest in the country). Although the project site has rural zoning, the Minister notes that it has been identified for future urban development in the Nelson Tasman Future Development Strategy (FDS). The Minister considers the project to be broadly consistent with this growth direction although the yield may be lower than anticipated by the FDS. The Minister notes the project’s proximity to the existing urban area, supporting consolidation along the State Highway 6 corridor and providing access to nearby Stoke services. <i>Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development</i> The Minister supports project referral and encourages the applicant and the panel to have due regard to relevant Treaty settlement legislation and instruments, and any feedback from relevant Māori groups as set out in the section 18 report. <i>Minister for Arts, Culture and Heritage</i> The Minister responds with no comment.		

	<i>Minister for Economic Growth</i> The Minister considers the project may have significant regional economic benefits under section 22(2)(a)(iv) of the Act (quoting the applicant’s economic assessment) and may be relevant to section 22(2)(a)(iii) given the scale of proposed housing supply and the projects’ potential contribution to a well-functioning urban environment. <i>Minister for Seniors</i> The Minister considers the project suitable for referral, noting that it will likely meet section 22(2)(a)(iii) by increasing the supply of housing, addressing housing needs, or contributing to a well-functioning urban environment. The Minister welcomes the opportunity to comment on any substantive application in further detail. We recommend that, should you decide to accept the referral application, you specify in the Notice of Decisions the Minister for Seniors as an additional person from whom a panel must be invited to comment on the substantive application in addition to those specified in section 53. Administering agencies <i>Department of Conservation (DOC)</i> DOC considers there is insufficient information to determine the level of any actual and potential environmental effects but considers it likely that effects can be managed to appropriate levels with appropriate design and conditions (and notes the information is sufficient for the referral stage). DOC considers it may be beneficial to seek further information under section 20 prior to any referral decision, to ensure the project includes all required approvals. In particular, DOC recommends consideration of whether any culverts, diversions, fish passage devices or fish transfers may be required for the project, which could require Complex Freshwater Fisheries Approvals (and which is not currently sought). DOC considers the applicant should engage with it prior to any substantive application. No other matters relevant to your referral decision have been identified. <i>Heritage New Zealand Pouhere Taonga (HNZPT)</i> HNZPT notes potential for subsurface archaeological features to be present within the project area – notably in form of building foundations, rubbish pits, roading, post holes, long drops or wells which will require an archaeological authority for proposed works which may modify or destroy these sites. HNZPT notes the project area has cultural values for tangata whenua, although there are no known archaeological sites of Māori origin in its vicinity. HNZPT notes that appropriate consultation with tangata whenua should be undertaken and a Cultural Impacts Assessment provided with any substantive application. HNZPT also anticipates further engagement with the applicant regarding the development of archaeological assessments and required conditions.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: – would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title – would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area – is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the CMA – would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement and would not occur on Schedule 4 land – would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA – would not occur on Schedule 4 land as confirmed by the records of titles – would not occur on a national reserve as confirmed by the records of titles – would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the record of titles – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA – is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have adequate information to inform your decision.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional	<i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i> The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision. The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant:

or national benefits [section 22(1)(a)]

Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]

The applicant considers the project will increase housing supply in the Nelson Region where there is currently a material shortfall in housing supply over the medium term. The applicant considers the project directly addresses this housing need by offering a diverse mix of typologies, including the potential for a retirement village.

The applicant considers the project will contribute to a well-functioning urban environment because the proposed 580 – 740 residential dwellings will be serviced by a new commercial centre and retail area, and the project has been master-planned to coordinate the delivery of private infrastructure to ensure proposed homes can be serviced appropriately and functionally. The applicant further notes the project's provision of a range of open spaces within walking or cycling distance from proposed residential dwellings – further contributing to a well-functioning urban environment.

NCC considers the project could contribute to meeting future housing demand shortfalls in the Nelson Region. The Associate Minister of Housing considers the project will contribute to increasing housing supply and is consistent with outcomes for the existing urban area. The Minister for Economic Growth and the Minister for Seniors consider the project will likely meet section 22(2)(a)(iii) by increasing housing supply and contributing to a well-functioning urban environment.

Based on the applicant's assessment and comments provided, we consider that the project will increase the supply of housing, address housing needs and contribute to a well-functioning urban environment. We therefore recommend that you **refer the project under section 22(2)(a)(iii).**

Will deliver significant economic benefits [s22(2)(a)(iv)]

The applicant provides an Economic Assessment with its referral application which considers the project will deliver significant economic benefits in the form of:

- a. approximately 1,630 full time equivalent (FTE) years of employment for the 5–7 year development period
- b. approximately \$145 million in wages and salaries for the development period
- c. approximately \$292 million in GDP
- d. approximately 96 additional FTE years of employment operationally as a result of the proposed commercial activity, as well as an additional \$6 million in annual wages and salaries, and more than \$10 million in GDP.

The applicant considers the project will also result in a material increase in available housing supply in the Nelson Region's 'constrained' housing market while contributing to improving the land market competition. The Economic Assessment concludes that there is constrained supply of land that is available and readily development for residential purposes within the wider Nelson Region which is likely to become more acute over time.

The applicant confirms that the economic benefits would remain largely the same regardless of whether the proposal includes a retirement village or additional residential units. This is due to the economic modelling being based on a 'mid-point' of 650 dwellings, with 100 of these being retirement units. The applicant advises that the economic assessment has assumed that if the retirement village is smaller or not delivered at all, the balance would be made up of additional residential dwellings, meaning the headline economic benefits remain the same. The applicant further advises that a small variation in the precise figures may occur due to differences in build cost per square metres and average gross floor area (GFA) between typologies, but that these differences are immaterial at the project level. In addition, the applicant advises that the economic assessment has not modelled ongoing employment benefits that may arise from employment associated with the retirement village, therefore the figures remain unaffected in that respect.

The Minister for Economic Growth considers the project may have significant regional benefits in line with section 22(2)(a)(iv).

We consider that the project will deliver significant economic benefits for the Nelson Region and recommend that you **refer the project under section 22(2)(a)(iv).**

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]

The applicant considers the project will support climate change mitigation by promoting a consolidated urban form in proximity to urban areas, employment, education and community facilities, which reduces reliance on vehicles and supports lower transport-related emissions. The project will integrate active transport connections, pedestrian and cycle infrastructure, and linkages to public transport networks.

The applicant further considers that the proposed landscaping, ecological restoration and riparian enhancement planting will contribute to carbon sequestration over time while increasing climate resilience through improved shading, stormwater management and habitat connectivity.

We consider that the applicant's assessment more closely aligns with criteria in section 22(2)(a)(iii) (contributing to a well-functioning urban environment) and we do not recommend you refer the project on the basis of section 22(2)(a)(viii).

Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]

The applicant considers the project will support climate change adaptation and reduce risks arising from natural hazards by incorporating a comprehensive stormwater approach, while avoiding urbanisation within the flood affected areas mapped under the Nelson Resource Management Plan 2004.

We consider this assessment relates primarily to standard design and mitigation measures rather than benefits arising from the project itself and given the project's strong alignment with other section 22 criteria (namely providing significant economic and housing benefits) we do not recommend you refer the project on the basis of section 22(2)(a)(viii).

Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]

The applicant and Nelson City Council note that the project site has been identified in the Nelson Tasman Future Development Strategy (2022 – 2052) (NTFDS) as a greenfield expansion area and considers that projects of this nature are anticipated for the area, to help deliver housing capacity required over the next 30 years. The project is therefore consistent with the NTFDS. The applicant also provides high level assessment which

	considers the project is consistent with the Nelson Regional Policy Statement (Chapters 6 and 7) by providing for protection against natural hazards and ensuring the development considers landscape and natural features present on the project site. DOC comments that no inconsistencies have been identified with local or regional planning documents, but that further consideration is required at any substantive stage. While we consider that the project may be consistent with provisions of the NTFDS, we consider there is insufficient information available at the referral stage to conclude that the project is consistent with local or regional planning documents to the extent required to support this criterion and, given the project's strong alignment with other section 22 criteria (namely providing significant economic and housing benefits) we do not recommend you refer the project on the basis of section 22(2)(a)(x).
Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant considers the fast-track approvals process will facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes, as the fast-track approvals process enables the consideration of required approvals as a single substantive application within one authority, and limits the likelihood for notification or costly appeals. Timeframes under the Act are shorter and stricter than those under normal processes, which the applicant considers will benefit an application of this type (given its scale and zoning). We agree with this assessment. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers the project is unlikely to materially affect the efficient operation of the fast-track approvals process because there is already resourcing in place to process the application efficiently, and provide certainty around timeframes to enable the project remains 'shovel ready.' We agree with this assessment.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> We consider the project is a development project that would have significant regional benefits as anticipated by subsection 1 of the Act. If you agree, there is no reason to decline the application for referral under this subsection. <i>The Minister is satisfied the project involves an ineligible activity</i> We consider you can be satisfied the project does not involve an ineligible activity. If you agree, there is no reason to decline the application for referral under this subsection. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your decision on the referral application. If you agree, there is no reason to decline the application for referral under this subsection. <u>We have not identified any reason that you must decline the application under section 21(3).</u>
Minister may decline [section 21(4) and 21(5)(a-h)]	<i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i> <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> No specific inconsistencies have been identified within the section 18 Treaty settlements report. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> The section 18 Treaty settlements report has not identified any matter which would make it more appropriate for the proposed approvals to be authorised under another Act or Acts. <i>The project may have significant adverse effects on the environment</i> The applicant considers the project will not generate significant adverse environmental effects as any adverse effects can be appropriately avoided, remedied or mitigated to be less than minor. Identified effects include: - transport effects - earthworks effects - infrastructure effects

- flooding effects
- ecology effects
- heritage value effects
- cultural effects.

The project site is located within the Rural Zone and contains 24 hectares of LUC 3 land; however, the applicant does not consider that this would be subject to key protections under the National Policy Statement for Highly Productive Land 2022, due to the fact that the project site is identified for future urban development under the Nelson-Tasman Future Development Strategy.

We also note that comments from Nelson City Council do not mention any presence of Highly Productive Land (HPL) but rather highlight that the project site is suitable for this nature of development. Should any HPL be found to exist on the project site, this would likely be a factor in any consideration by an expert panel if the project is referred.

DOC considers that any adverse environmental effects can be appropriately remedied or mitigated through project design. The applicant notes that a full and comprehensive Assessment of Environmental Effects will be undertaken as part of any substantive application. We consider that any potential adverse effects from the project on the environment, including any (potential) HPL matters, can be further assessed and managed at the substantive stage by an expert panel who can seek technical advice and impose conditions as appropriate, with the benefit of a full application.

We do not consider you should decline to refer the application on this basis.

The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals

The applicant notes that there have not been any compliance or enforcement actions taken against it under a specified Act. Nothing raised in comments indicates otherwise.

The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes

No comments received from invited parties have indicated that the project area includes land necessary for Treaty settlement purposes.

The project includes an activity that is a prohibited activity under the Resource Management Act 1991

The applicant notes that the project may involve works with a prohibited activity status under clause 53 of the National Environmental Standards for Freshwater (NES:F), namely for earthworks or vegetation clearance within 10m of a natural inland wetland, or the diversion of water or discharge of water into water within 100m of a natural inland wetland. The applicant also notes that reclamation of some streams and wetlands with lower ecological values may be required to facilitate the development which may involve prohibited activity status for works affecting a natural inland wetland, given the site is not within an urban zone and therefore unlikely to qualify for the urban development exclusion under rule 45C of the NES:F.

While the applicant has advised that more detailed work is required to confirm if these works around wetlands will trigger a prohibited activity, we recommend that in exercise precaution, for the purposes of your referral decision it should be assumed that the project will require activity prohibited under the RMA (section 13(4)(i)). We note that while this is a potential ground for declining a referral application under section 21(5) of the Act, section 21(7) clarifies that the presence of a prohibited activity status does not, in itself, preclude referral. We further note that the (potential) prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act and that comments from DOC did not highlight any issues surrounding potential effects of any proposed works on wetlands.

As above, any expert panel will assess in further detail the potential for adverse environmental effects arising from the project, including any relating to works affecting wetlands with a (potential) prohibited activity status. We do not recommend that you decline the referral application based on prohibited activity.

A substantive application for the project would have one or more competing applications.

Nelson City Council has not identified any competing applications for the project.

In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)

Nelson City Council has not identified any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA would apply.

Any other matter

We have not identified any other matter or reasons to consider declining the referral application.

We do not recommend you decline the application.

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in section 22
 - b. you are satisfied the project involves an ineligible activity (section 5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.
5. You can decline an application before or after inviting comments under section 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities
 - b. the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
 - c. any other relevant portfolio Ministers
 - d. the relevant administering agencies
 - e. the Māori groups identified by the responsible agency
 - f. the owners of Māori land in the project area (if applicable)
 - g. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.