

Memorandum on Compliance

File	FTC000053
To:	Terry Calmeyer, Acting Manager Land and Oceans Applications
CC:	Richard Preece, Team Leader Fast-track Consents
From:	Mary McConnell
Date:	7 March 2022
Subject:	Bellgrove: Assessment whether the application complies with clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020

Purpose

1. The purpose of this memo is to assist you in making your decision on whether the Bellgrove application, received by the Environmental Protection Authority (**EPA**) on 28 February 2022, lodged by Michelle Ruske-Anderson on behalf of Bellgrove Rangiora Limited, complies with the requirements of clause 3(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**the Act**).

Conflict of interest

2. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.

The Application

3. A project referred to a panel by a referral order is eligible to be considered by an expert consenting panel. On 26 November 2021, Schedule 37, Bellgrove was included in the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (**the referral order**).
4. Bellgrove Rangiora Limited applied for consent relating to Bellgrove on 28 February 2022.
5. The EPA must either provide the Bellgrove consent application to the expert consenting panel (if complete) or return it to the person who lodged it (if incomplete), as set out in paragraphs 7–16 below.

Project

6. The project is for the subdivision of land in Rangiora and the construction of a housing development and commercial centre.

Fast-track consenting application process

Legislative context

7. Clause 2(1), Schedule 6 of the Act states that a person authorised in accordance with section 15 may apply for a resource consent that would otherwise be required under section 88 of the Resource Management Act 1991 (**RMA**).
8. Clause 3(1), Schedule 6 of the Act states that “*within 5 working days of receiving a consent application or notice of requirement, the EPA must determine whether the application or notice—*
 - (a) *relates solely to 1 or more of the listed projects or referred projects; and*
 - (b) *does not breach clause 2(3)(c) or (4); and*
 - (c) *contains all the information required under clauses 9 to 13.*”
9. Clause 3(2), Schedule 6 of the Act states that “*if the EPA is satisfied that a consent application or notice of requirement complies with the matters listed in subclause (1), the EPA must provide the application or notice to the panel appointed to determine that application or notice.*”
10. Clause 4(1), Schedule 6 of the Act states that “*if the EPA determines that a consent application or notice of requirement does not comply with the requirements of clause 3(1), it must return the application or notice immediately to the person who lodged it, with written reasons for the EPA’s determination*”.

Prerequisites for the application

11. There are a number of prerequisites for an application to be lodged as set out in this table.

Reference to clause in Schedule 6	Preliminary Matter	Comment	Accept/reject
Clause 2(1) or 2(2)	Application is made by authorised person or requiring authority	The Applicant is Bellgrove Rangiora Limited.	Accept
Clause 2(3)(b)	Application is in approved form and manner	Yes	Accept
Clause 2(3)(c)	Application complies with any restrictions and obligations in either:		
	(i) Schedule 2; or	N/A This is a referred project and Schedule 2 does not apply.	Accept
	(ii) Schedule 3 and referral order	Yes Bellgrove Rangiora Limited, the authorised person to apply for a	Accept

		<p>resource consent relating to the project and specified in the referral order.</p> <p>The scope of the application is within that specified in the referral order.</p> <p>The appropriate geographic location is consistent with that specified in the referral order.</p>	
Clause 2(4)(a)	Applications must not relate to an activity that is classified as a prohibited activity in a:		
	(i) Relevant plan or proposed plan	The application does not relate to activities classified as a prohibited activity in a relevant plan or proposed plan.	Accept
	(ii) RMA regulations (including any NES)	The application does not relate to an activity that is classified as a prohibited activity in any RMA regulations (including any NES).	Accept
Clause 2(4)(b)	Applications must not relate to an activity that is to occur within a customary marine title area unless agreed by the appropriate customary marine title group	The application does not relate to an activity that is to occur within a customary marine title area.	N/A
Clause 3(1)(a)	Relates solely to 1 or more of the listed projects or referred projects	The project is a referred project and is identified in Schedule 37 of the COVID-19 Recovery (Fast-track Consenting) Referral Projects Order 2020 (the referral order). The project is consistent	Accept

		with Schedule 24 of the referral order.	
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Conclusions on preliminary matters

12. The application can proceed to an assessment of whether the application contains all the information required under clauses 9 to 12 of Schedule 6 of the Act.

Assessment of compliance table

13. An assessment table against Clauses 9 to 12 of Schedule 6 of the Act is included in Appendix 1.
14. The information provided must be in sufficient detail to correspond to the scale and significance of the effects that the activity is anticipated to have on the environment, taking into account any proposal by a consent applicant or requiring authority to manage adverse effects through conditions, including requiring the preparation of a management plan (Clauses 13(3) and 14 of Schedule 6 of the Act).
15. The information in the application has been assessed on the basis that the scale of the activity is medium, and potentially minor to moderate effects on the environment after taking into account mitigation measures and conditions.
16. My view is that the application **complies** with clause 3(1) of Schedule 6 of the Act and can be provided to the Panel.

Appendix 1: Clauses 9-12

Resource consent application for Bellgrove

Table 1: Checklist of completeness requirements in Clauses 9-12 of Schedule 6 of the Act

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9			
Clause 9(1)(a)	A description of the proposed activity	Yes Section 3 of the AEE	Yes
Clause 9(1)(b)	A description and map of the site at which the activity is to occur	Yes Section 2.1 of the AEE	Yes
Clause 9(1)(c)	Confirmation that the consent application complies with clause 3(1)	Yes Table 1 of the AEE	Yes
Clause 9(1)(d)	The full name and address of:	Yes	Yes
	i. Each owner of the site and of land adjacent to the site	Appendix D to the AEE	
	ii. Each occupier of the site and of land adjacent to the site who, after reasonable enquiry, is able to be identified by the applicant	Yes Appendix D to the AEE	Yes
	Were reasonable inquiries made?	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Appendix D to the AEE	
Clause 9(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Yes Section 3 of the AEE	Yes
Clause 9(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the proposal to which the consent application relates	Yes Section 4 of the AEE	Yes
Clause 9(1)(g)	An assessment of the activity against— (i) Part 2 of the RMA	Yes Section 9.2 of the AEE	Yes
	(ii) the purpose of this Act	Yes Section 9.2.1 of the AEE	Yes

Section 19	<p>(iii) the following matters (set out in section 19 of the Act - whether project helps to achieve purpose of Act):</p> <p>(a) the project's economic benefits and costs for people or industries affected by COVID-19</p> <p>(b) the project's effect on the social and cultural well-being of current and future generations</p> <p>(c) whether the project would be likely to progress faster by using the processes provided by this Act than would otherwise be the case</p> <p>(d) whether the project may result in a public benefit by, for example: generating employment; increasing housing supply; contributing to well-functioning urban environments; providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity; improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity; minimising waste; contributing to New Zealand's efforts to mitigate climate change; and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases); promoting the protection of historic heritage; strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change; or any other benefit(s) identified.</p> <p>(e) whether there is potential for the project to have significant adverse environmental effects, including greenhouse gas emissions:</p> <p>(f) [for referred projects only] any other matter that the Minister considers relevant.</p>	<p>Appendix U to the AEE</p> <p>Section 6.1.2 of the AEE</p> <p>Section 7.3.4 of the AEE</p> <p>Section 8.1 of the AEE</p> <p>Section 6.18 of the AEE</p> <p>Section 10 of the AEE</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 9(1)(h)	An assessment of the activity against -- (a) any relevant provisions in a national environmental standard, including:	Yes Section 4.6 of the AEE and Section 9.4 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Yes Section 4.6 of the AEE and Section 9.2.1 of the AEE	Yes
	ii. Any requirement, condition, or permission in any rules	Yes Section 4.6 of the AEE	Yes
	iii. Any other requirements	Yes Section 10.1 of the AEE	Yes
	(b) Any relevant provisions in any other regulations made under the RMA, including:	Yes Section 4 of the AEE and Section 9.3 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Yes Section 4 of the AEE and Section 9.3 of the AEE	Yes
	ii. Any requirement, condition, or permission in any rules	Yes Section 4 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	iii. Any other requirements	Yes Section 10.1 of the AEE	Yes
	(c) Any relevant provisions in any national policy statement, including:	Yes Section 9.5 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Yes Section 9 of the AEE Appendix W1	Yes
	ii. Any requirement, condition, or permission in any rules	Yes Section 9.5 of the AEE	Yes
	iii. Any other requirements	Yes Section 10.1 of the AEE	Yes
	(d) Any relevant provisions in a New Zealand coastal policy statement, including:	Not Applicable	N/A
	i. Any relevant objectives, policies or rules	Not Applicable	N/A
	ii. Any requirement, condition, or permission in any rules	Not Applicable	N/A
	iii. Any other requirements	Not Applicable	N/A

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(e) Any relevant provisions in any regional policy statement or proposed regional policy statement, including:	Yes Section 9.6 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Yes Section 9.6 of the AEE Appendix W2	Yes
	ii. Any requirement, condition, or permission in any rules	Yes Section 9.6 of the AEE	Yes
	iii. Any other requirements	Yes Section 10.1 of the AEE	Yes
	(f) Any relevant provisions in a plan or proposed plan, including:	Yes Section 4.2, 4.3, 4.4, 4.5 of the AEE and Section 9 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Yes Section 4 of the AEE and Section 9.7, 9.8, 9.9, 9.10 of the AEE Appendix T, Appendix W4, Appendix W2	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	ii. Any requirement, condition, or permission in any rules	Yes Section 4.2, 4.3, 4.4, 4.5 of the AEE	Yes
	iii. Any other requirements	Yes Section 10.1 of the AEE	Yes
	(g) Any relevant provision in any planning document recognised by a relevant iwi authority and lodged with a local authority, including:	Yes Section 9.11 of the AEE	Yes
	i. Any relevant objectives, policies or rules	Yes Section 9.11 of the AEE	Yes
	ii. Any requirement, condition, or permission in any rules	Yes Section 9.11 of the AEE	Yes
	iii. Any other requirements	Yes Section 9.11 of the AEE	Yes
Clause 9(1)(i)	Information about any Treaty settlements that apply in the project area, including— (i) the identification of the relevant provisions in those Treaty settlements	Yes Section 9.1 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	Yes Section 9.1 of the AEE	Yes
Clause 9(1)(j)	The conditions that the applicant proposes for the resource consent	Yes Appendix P to the AEE	Yes
Clause 9(4)(a)	An assessment of the activity's effects on the environment that includes the following information (set out in clause 10 Schedule 6 of the Act): ¹	Yes Section 6 of the AEE	Yes
	(a) an assessment of the actual or potential effects on the environment		
	(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use	N/A	N/A
	(c) if the activity includes the discharge of any contaminant, a description of— (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment	Yes Section 7 of the AEE	Yes
	(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to	Yes	Yes

¹ The application does not need to include any additional information specified in a relevant regional policy statement or plan that that would be required in an assessment of environmental effects under Schedule 4 of the RMA.

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	be undertaken to help prevent or reduce the actual or potential effect of the activity	Section 6 of the AEE	
	(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal	Yes Section 5 of the AEE	Yes
	(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision	N/A	N/A
	(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved	Yes Section 6.20 of the AEE	Yes
	(h) an assessment of any effects of the activity on the exercise of a protected customary right	Yes Section 9.2.2 of the AEE	Yes
Clause 9(4)(b)	An assessment of the activity's effects that also covers the following matters (set out in clause 11 of Schedule 6 of the Act):	Yes Section 6.6 of the AEE	Yes
	(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects		
	(b) any physical effect on the locality, including landscape and visual effects	Yes Section 6.3 of the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity	Yes Section 6.12 of the AEE	Yes
	(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations	Yes Section 6.14, 6.15 of the AEE	Yes
	(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants	Yes Section 6.11, 6.12, 6.17	Yes
	(f) the unreasonable emission of noise	Yes Section 6.9	Yes
	(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Yes Section 6.5	Yes
Clause 9(5)(a)	A cultural impact assessment, provided by or on behalf of the relevant iwi authority	N/A – Not provided	N/A
Clause 9(5)(b)	If a cultural impact assessment is not provided, a statement of reasons given by the relevant iwi authority for not providing that assessment	Yes Section 5.2 and Appendix J to the AEE.	Yes
Clause 9(6)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA)	Section 4 of the AEE	
Clause 9(6)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of clause 30(3))	Not Applicable	N/A
Clause 9(6)(c)	In the case of a referred project, all the additional information required by the relevant referral order.		
	1(a) an assessment (accompanied by engineering plans and prepared in consultation with local authorities) of – <ul style="list-style-type: none"> i. the existing condition and capacity of the relevant infrastructure for three waters services; and ii. any upgrades to that infrastructure that are required to service the housing development and neighbourhood commercial centres; and iii. any funding for carrying out those upgrades (including how they will be funded). 	Yes Appendix F to the AEE	Yes
	1(b) an assessment of the historical, social, architectural, and landmark significance of the historic farm homestead (Belgrove) and its setting	Yes Appendix H to the AEE	Yes
	1(c) an archaeological assessment of the project site	Yes Appendix I to the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
	1(d) the report on a detailed site investigation of any piece of land that is in the project site and is described in clause 5(7) of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011	Yes Appendix N1 and Appendix N2 to the AEE	Yes
	1(e) a stormwater assessment for the project (including an assessment of the results of infiltration testing) and a draft stormwater management plan	Yes Appendix F1 and Appendix F2	Yes
	1(f) a geotechnical report that identifies any relevant risks arising from earthquakes and liquefaction	Yes Appendix G to the AEE	Yes
	1(g) a surface water assessment that— i.includes an assessment of the effects of the project on water quality, water quantity (including stream depletion), and riverbed and bank stability; ii.(ii) takes into account tangata whenua values relating to water	Yes Section 6.12 to the AEE Appendix M1 and Appendix M2 to the AEE	Yes
	1(h) an assessment of the effects of the project on groundwater quality and quantity, including — i.changes in groundwater recharge; and ii.effects on groundwater users; and iii.localised changes in groundwater level; and iv.interference with wells	Yes Section 6.10 and 6.11 of the AEE Appendix M3 and Appendix M4 to the AEE	Yes
	1(i) a draft erosion and sediment control plan for the project site	Yes	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
		Appendix S to the AEE	
	1(j) an assessment of the effects of the project on local ecology and biodiversity, including on the ecology and biodiversity of aquatic fauna	Yes Appendix K to the AEE	Yes
	1(k) an urban design assessment of the development	Yes Appendix L to the AEE	Yes
	1(l) an assessment of the potential transport-related greenhouse gas emissions arising from the project, including (to avoid doubt) while the project is being carried out	Yes Appendix V to the AEE	Yes
	1(m) an integrated transport assessment that— i. addresses the effects of the project on the surrounding road network and intersections; and ii. addresses the cumulative effects of the project on the transport network; and iii. addresses the existing capacity of the public transport system to service additional demand arising from the housing development and commercial neighbourhood centre; and iv. identifies the availability of safe spaces for active modes of transport (including walking and cycling) on the land described in clause 5(3)	Yes Appendix E to the AEE	Yes
	1(n) a draft construction management plan for the project that specifies— i. construction methodology and staging; and ii. measures to manage construction traffic, dust, and noise.	Yes Appendix R to the AEE	Yes

Reference to clause in Schedule 6	Requirement	Is the information present? (include section/page reference)	Is the information provided in sufficient detail? Y/N
Clause 12(1)(a)	The position of all new boundaries	Appendix A to the AEE and Section 3.2 of the AEE	Yes
Clause 12(1)(b)	The areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan	Appendix A to the AEE and Section 3.2 of the AEE	Yes
Clause 12(1)(c)	The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips	Appendix A to the AEE and Section 3.2 of the AEE	Yes
Clause 12(1)(d)	The locations and areas of existing esplanade reserves, esplanade strips, and access strips	Appendix A to the AEE and Section 3.2 of the AEE	Yes
Clause 12(1)(e)	The locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A of the RMA	Appendix A to the AEE and Section 3.2 of the AEE	Yes
Clause 12(1)(f)	The locations and areas of any land within the coastal marine area that is to become part of the common marine and coastal area under section 237A of the RMA	N/A The site is not within the coastal environment	N/A
Clause 12(1)(g)	The locations and areas of land to be set aside as new roads	Appendix A to the AEE and Section 3.2 of the AEE	Yes

ENDS