



## FTC#126 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2021-081 One Tasman Pukeahu Park Project

Date submitted:	31 March 2022	Tracking #: BRF-1144	
Security level:	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	Decisions on recommendations	To be advised

Actions for Minister's Office staff	<p><b>Return</b> the signed briefing to MfE</p> <p><b>Send</b> the attached notice of decisions letter (if signed).</p>
Number of appendices: 8	<p>Appendices:</p> <ol style="list-style-type: none"> <li>One Tasman Pukeahu Park application documents and further information received (Databox link)</li> <li>Stage 1 Briefing Note and decisions (Databox link)</li> <li>Statutory framework for making decisions (Databox link)</li> <li>Additional Briefing Note on seeking further comments (following amendment to applicant name and funding arrangements) (Databox link)</li> <li>Draft Notice of Decisions letter to One Tasman Development Limited Partnership</li> <li>Section 17 Report</li> <li>Comments received from Ministers and local authorities (Databox link)</li> <li>Further information received from applicant post-consultation (Databox link).</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
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Manager	Stephanie Frame	s 9(2)(a)	✓
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## FTC#126: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

### Key messages

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1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from One Tasman Development Limited Partnership for referral of the One Tasman Pukeahu Park Project (project) to an expert consenting panel (panel).
2. A copy of the application is in Appendix 1. This is the third briefing relating to this application. The first (Stage 1) briefing (BRF-1090) with your initial decisions annotated is in Appendix 2.
3. The second briefing (BRF-1302), relating to the amendment of the applicant's name from 'Willis Bond and Company Limited' to 'One Tasman Development Limited Partnership' and details on funding arrangements, is in Appendix 4. You sought and received further comments on the amendment.
4. On 22 March 2022, and after further comments were received, the applicant requested minor variations to the number of proposed residential units (from 213 to 210) and on-site carparks (from 112 to 115). Subsequently, on 30 March 2022, the applicant requested a further minor variation to the number of residential units (from 210 to 218). We do not consider these changes are material in the overall context of the project or your decision-making on it.
5. The project is to redevelop two suburban properties located at 1 and 23 Tasman Street, Mount Cook, Wellington, adjacent to the former Dominion Museum site (now part of the Massey University campus) and the Pukeahu National War Memorial Park, by removing existing buildings and infrastructure and establishing a development that includes:
  - a. approximately 218 residential units contained within –
    - i. one 10-storey building and one 9-storey building (both excluding basement levels that are partly or fully below ground level), respectively up to 37 metres and 33 metres high above ground level (excluding the top of lift overrun), that will also provide communal space for residents and space for retail and/or commercial purposes
    - ii. three buildings up to 3 storeys high (excluding any basement levels that are partly or fully below ground level), that will also provide space for retail and/or commercial purposes, and ancillary uses such as bike storage, waste management and car parking
  - b. outdoor communal spaces.
6. The project will involve activities such as:
  - a. demolishing buildings and infrastructure
  - b. subdividing land
  - c. carrying out earthworks, including disturbing contaminated soil
  - d. taking, diverting and discharging groundwater to land
  - e. discharging stormwater and contaminants to land
  - f. constructing buildings
  - g. constructing vehicle access, loading and parking areas
  - h. constructing infrastructure for three-waters services

- i. landscaping and planting
  - j. operating retail and/or commercial activities
  - k. any other activities that are –
    - i. associated with the activities described in a to j
    - ii. within the project scope.
7. The project requires land use and subdivision consents under the Wellington City District Plan (WCDP) and land use consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). Water and discharge permits are also required under the Proposed Natural Resources Plan for the Wellington Region (operative in part) and the Operative Regional Discharges to Land Plan. The applicant has indicated they are likely to only seek land use consent from a panel and apply separately under standard Resource Management Act 1991 (RMA) process to Wellington City Council (WCC) for subdivision consent and Greater Wellington Regional Council (GWRC) for water and discharge permits.
  8. A resource consent application for the project was lodged with WCC on 7 October 2021. WCC commented that, following their advice to the applicant in December 2021 that public notification would be required, processing of the application was suspended.
  9. The project site is zoned Central Area in the WCDP. Based on the information provided with the application, the development exceeds bulk and location standards, with non-complying activity status for the proposed building height.
  10. There are issues and risks associated with the proposed heights of the buildings and the potential level of public interest due to the proximity to the National War Memorial site and Pukeahu National War Memorial Park. However, the project is supported by Heritage New Zealand Pouhere Taonga (HNZPT), it has potential economic and housing benefits, and its job-creation potential will help to achieve the FTCA's purpose. The potential adverse effects of the project and its ability to achieve sustainable management are matters that can be considered by a panel.
  11. We recommend you accept the referral application under section 24 of the FTCA and refer the project to a panel for fast-track consenting. We seek your decision on this recommendation and on recommendations for directions to the applicant and a panel, and notification of your decisions.

## **Assessment against statutory framework**

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12. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with project referral.
13. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 6) and comments from Ministers and local authorities (in Appendix 7). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
14. We have also considered if there are any reasons for declining the project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

### Further information provided by applicant

15. As advised in BRF-1302, Willis Bond and Company Limited provided further information advising amendment of the applicant name from 'Willis Bond and Company Limited' to 'One Tasman Development Limited Partnership', outlining the relationship between Willis Bond and Company Limited and One Tasman Development Limited Partnership, and detailing funding arrangements for the project.
16. The applicant also separately requested two minor variations to the project: a change in the number of proposed residential units (from 213 down to 210 and subsequently up to 218) and an increase in on-site carparks (from 112 to 115).
17. We have taken this information into account in our analysis and advice.

### Section 17 Report

18. The Section 17 Report indicates that there are three iwi authorities, two Treaty settlements and two Treaty settlement entities relevant to the project area.
19. No specific cultural or commercial redress provided under the settlements would be affected by the project, and the relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the RMA for the project.

### Comments received

20. Comments were received from WCC, GWRC and <sup>§ 9(2)(f)(ii), § 9(2)(g)(i)</sup> Ministers. The key points of relevance to your decision are summarised in Table A.
21. <sup>§ 9(2)(f)(ii), § 9(2)(g)(i)</sup> comments from WCC were received four working days late. Under section 21(5) of the FTCA you are not required to consider comments received after the prescribed 10-working-day period but may do so at your discretion as you have not already made a decision on this application. In this instance the comments are useful in understanding local context, which is reflected in our advice regarding information to be submitted to a panel and panel direction on inviting comment, and therefore we consider it appropriate for you to accept them.
22. <sup>§ 9(2)(f)(ii), § 9(2)(g)(i)</sup> GWRC supported project referral. <sup>§ 9(2)(f)(ii), § 9(2)(g)(i)</sup>
24. WCC opposed project referral and considered the project should continue to proceed through the standard consenting process under the RMA, primarily due to the scale and proximity to the nationally significant National War Memorial and the likely level of public interest. WCC also considered that the project could have potential adverse heritage, wind and amenity effects.
25. WCC and GWRC identified several reports and assessments that would normally be required for a project of this type in this area. We consider that these are generally covered by the requirements of clause 9, Schedule 6 of the FTCA but recommend you require the applicant to submit to a panel the information detailed in Table A, to assist a panel with timely consideration of specific matters raised by WCC and GWRC.

## **Section 18 referral criteria**

26. You may accept the application for project referral if you are satisfied that the project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
27. The project does not include any ineligible activities, as explained in Table A.
28. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the project will help achieve the purpose of the FTCA, and thus meet the requirements of section 18(2), as it has the potential to:
  - a. generate employment by providing approximately 151 full-time equivalent jobs over a 4-year construction period.
  - b. increase housing supply through the construction of approximately 218 residential units
  - c. contribute to a well-functioning urban environment by providing a variety of housing types in a location that has good access to employment opportunities, natural and open spaces, and public transport
  - d. progress faster than would otherwise be the case under standard RMA process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.
29. We consider any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

## **Issues and Risks**

30. Even if the project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the project for any other reason.

### *Section 23 FTCA matters*

31. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.
32. Key issues for the project relate to building height and the potential level of public interest and inability for general public input under FTCA process should you decide to refer the project.
33. The two apartment buildings will have maximum heights of up to 37 metres and 33 metres above ground level (excluding the top of lift overrun). The WCDP provides for a permitted height of 18.6 metres and an additional 35% (up to 25.1 metres) as a restricted discretionary activity subject to controls on building mass (volume). The project does not meet the restricted discretionary conditions and consequently will be assessed as a non-complying activity, exceeding the permitted height by approximately 18 metres and the restricted discretionary height by approximately 11.5 metres. WCC noted the project's effects may include adverse effects on amenity, including from shading, loss of privacy, on changes to the wind environment, and on heritage values arising from dominance of the proposed buildings over the National War Memorial site (including the 51-metre-high Carillon) and the Pukeahu National War Memorial Park.
34. The applicant provided a letter with the referral application from HNZPT that identified a number of heritage places in the immediate vicinity of the project site, including the National War Memorial. HNZPT fully supported the development, as it 'reaches, but is not considered

to overstep, the scale which might cause domination over important heritage assets'. HNZPT also considered the project may provide a 'high-quality development within a heritage-rich area which can add to the wellbeing of the National War Memorial and the Home of Compassion Creche within their park settings'.

35. The potential adverse effects identified by WCC can be considered by a panel as part of a merit assessment. We note that the respective panel decisions for the Kohimarama Comprehensive Care Retirement Village and the Northbrook Wanaka Retirement Village referred projects resulted in reduced building heights to address adverse effects. If you decide to refer the project, we consider that you should require the applicant to provide the panel with a landscape and visual assessment, which specifically includes consideration of the effects on visual quality and amenity values of surrounding properties, the National War Memorial site and Pukeahu National War Memorial Park, a wind tunnel assessment and a heritage assessment.
36. WCC considered the project should continue to proceed through the standard consenting process under the RMA and commented that public notification of consent applications under this process was likely on the basis of adverse effects and special circumstances due to the scale and proximity to the National War Memorial. WCC noted that the National War Memorial is New Zealand's foremost symbolic and commemorative building and there would be a number of parties who would potentially have an interest in the project greater than the public in general.
37. We note that a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA, and can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). If you decide to refer the project, we consider you should specify a panel must invite comments from only some of the additional parties WCC have identified. We note, however, there is a risk that the limited public participation provided under FTCA process for the project may be viewed negatively by the wider community.

## Conclusions

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38. We do not consider the matters noted above provide sufficient reason for declining to refer the project, provided that the applicant provides appropriate information (including the information we recommend you specify) to a panel. We consider that you could accept the application under section 24 of the FTCA and that the project could be referred to a panel with the specifications outlined below.
39. If you decide to refer the project, we consider that you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:
  - a. a three-waters infrastructure assessment
  - b. a landscape and visual assessment
  - c. a shading assessment
  - d. a wind tunnel assessment
  - e. a heritage assessment.
40. The above information is required to assist a panel in assessing the adverse effects of the project.
41. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on consent applications for the project from the

following parties:

- a. The Ministry of Foreign Affairs and Trade, as the authority responsible for liaison with respect to the international memorials at the Pukeahu National War Memorial Park
- b. Veterans' Affairs New Zealand, due to their association with the National War Memorial
- c. Royal New Zealand Returned and Services Association, due to their association with the National War Memorial
- d. Mount Cook Mobilised, a group representing the community of Mount Cook
- e. Associate Minister for the Environment (Urban Policy).

## Next Steps

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42. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA. We consider you should also give the notice of decisions together with a copy of the application to the parties identified in paragraph 40 of this briefing.
43. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
44. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 5). Once you have signed the letter, we will assist your office to copy it to all relevant parties.
45. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OiC). Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.
46. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
47. Our recommendations for your decisions follow.

## Recommendations

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1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from One Tasman Development Limited Partnership unless you are satisfied that the One Tasman Pukeahu Park Project (project) meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** when assessing whether the project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
- c. **Note** before deciding to accept the application for project referral under section 24(1) of the FTCA you must consider:
  - i. the application
  - ii. the report obtained under section 17 of the FTCA
  - iii. any comments and further information sought and provided within the required timeframe.
- d. **Note** if you are satisfied that all or part of the project meets the referral criteria in section 18 of the FTCA you may:
  - i. refer all or part of the project to an expert consenting panel (panel)
  - ii. refer the initial stages of the project to a panel while deferring decisions about the project's remaining stages
  - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
- e. **Note** if you do refer all or part of the project you may:
  - i. specify restrictions that apply to the project
  - ii. specify the information that must be submitted to a panel
  - iii. specify the persons or groups from whom a panel must invite comments
  - iv. set specific timeframes for a panel to complete their process.
- f. **Agree** the project meets the referral criteria in section 18 (3) of the FTCA.

Yes/No
- g. **Agree** the project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
  - i. generate employment by providing approximately 151 full-time equivalent jobs over a 4-year construction period.
  - ii. increase housing supply through the construction of approximately 218 residential units
  - iii. contribute to a well-functioning urban environment by providing a variety of housing types in a location that has good access to employment opportunities, natural and open spaces, and public transport

- iv. progress faster than would otherwise be the case under standard RMA process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.
- Yes/No
- h. **Agree to refer** all of the project to a panel.
- Yes/No
- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:
- i. an assessment of –
    - 1. the existing condition and capacity of the relevant infrastructure for three-waters services
    - 2. any upgrades to that infrastructure that are required in connection with the project
    - 3. any funding required to carry out those upgrades (including how they will be funded)
  - ii. a landscape and visual assessment of the development, including –
    - 1. photomontages taken from a range of public vantage points to show the scale of the proposed buildings in relation to surrounding buildings, the National War Memorial site and Pukeahu National War Memorial Park
    - 2. an assessment of the effects of the development on the visual quality and amenity values of the surrounding properties, including the National War Memorial site and Pukeahu National War Memorial Park
  - iii. an analysis of the shadowing effects of the two high-rise buildings in the development
  - iv. a wind tunnel assessment (relating to wind tunnel effects connected with the high-rise buildings) that is prepared by a suitably qualified and experienced person
  - v. a heritage assessment that is prepared by a heritage expert that considers the heritage context of the site and includes an assessment of the effects of the development on the values of heritage features in the surrounding area.
- Yes/No
- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to those specified in clause 17 of Schedule 6 of the FTCA:
- i. The Ministry of Foreign Affairs and Trade
  - ii. Veterans' Affairs New Zealand
  - iii. Royal New Zealand Returned and Services Association
  - iv. Mount Cook Mobilised
  - v. Associate Minister for the Environment (Urban Policy).
- Yes/No
- k. **Agree** to copy the application and notice of decisions to the following parties additional to those specified in section 25 of the FTCA:

- i. The Ministry of Foreign Affairs and Trade
- ii. Veterans' Affairs New Zealand
- iii. Royal New Zealand Affairs and Service Association
- iv. Mount Cook Mobilised.

Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the project to a panel in accordance with your decisions recorded herein.

Yes/No

- m. **Sign** the notice of decisions letter to the applicant (attached in Appendix 5).

Yes/No

- n. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 Report on the Ministry for the Environment's website.

Yes/No

## Signatures

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Stephanie Frame  
**Manager – Fast-track Consenting**

Hon David Parker  
**Minister for the Environment**

**Date:**

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a-d))	Section 18(2) - Does the project help achieve the purpose of the FTCA (as per section 19)?			
<p><b>Name</b> One Tasman Pukeahu Park Project</p> <p><b>Applicant</b> One Tasman Development Limited Partnership</p> <p><b>Location</b> 1 and 23 Tasman Street, Mount Cook, Wellington</p>	<p>The project is to redevelop two suburban properties located at 1 and 23 Tasman Street, Mount Cook, Wellington, adjacent to the former Dominion Museum site (now part of the Massey University campus) and the Pukeahu National War Memorial Park, by removing existing buildings and infrastructure and establishing a development that includes:</p> <p>a. approximately 218 residential units contained within –</p> <p>i. one 10-storey building and one 9-storey building (both excluding basement levels that are partly or fully below ground level), respectively up to 37 metres and 33 metres high above ground level (excluding the top of lift overrun), that will also provide communal space for</p>	<p>The project is eligible under section 18(3)(a–d) as:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include activities on land returned under a Treaty settlement</li> <li>it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul>	<p><b>Economic benefits for people or industries affected by COVID-19 (19(a))</b></p> <p>The applicant has provided an economic assessment that estimates the project will:</p> <ul style="list-style-type: none"> <li>engage approximately 30 consultant and sub-consultant firms with an average of 8 full time equivalent (FTE) jobs over 4 years</li> <li>provide an average of 143 FTE construction related jobs over 4 years</li> <li>provide ongoing employment opportunities from site maintenance and the commercial activities (café and resident services manager).</li> </ul> <p><b>Economic costs for people or industries affected by COVID-19 (19(a))</b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p><b>Effect on the social and cultural well-being of current and future generations (19(b))</b></p> <p>The project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> <li>generate employment through the provision of approximately 151 FTE jobs over 4 years and ongoing employment</li> <li>increase housing supply through the construction of approximately 218 residential units in a range of typologies.</li> </ul> <p><b>Is the project likely to progress faster by using this Act? (19(c))</b></p> <p>The applicant considers that the fast-track process will allow the project to progress approximately 12–18 months faster than under standard Resource Management Act (RMA) process, due to the likelihood of public notification and</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p><b>Section 23(5) matters:</b></p> <p><b>Insufficient information (23(5)(a))</b></p> <p>The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.</p> <p><b>More appropriate to go through standard RMA process (23(5)(b))</b></p> <p>Despite the comments from WCC, that the National War Memorial is New Zealand’s foremost symbolic and commemorative building and there would be a number of parties who would potentially have an interest in the project greater than the public in general, we do not consider it would be more appropriate for the project to proceed through the standard RMA consenting process.</p> <p>We note that a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA, and can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). If you decide to refer the project, we also consider you should specify a panel must invite comments from some of the additional parties WCC have identified. We note the risk that the limited public participation provided under FTCA process may be viewed negatively by the wider community.</p> <p>Key issues for the project relate to building height and the potential level of public interest and inability for general public input under FTCA process should you decide to refer the project.</p> <p>The project will be assessed as a non-complying activity, exceeding the permitted height in the Wellington City District Plan by up to approximately 18 metres and the restricted discretionary height by up to approximately 11.5 metres. WCC consider adverse effects may include</p>	<p>In response to key comments:</p> <ul style="list-style-type: none"> <li>s 9(2)(f)(ii), s 9(2)(g)(i)</li> <li>we consider you should specify a panel must invite comments on consent applications from four of the parties identified by WCC: the Ministry of Foreign Affairs and Trade, Veterans’ Affairs New Zealand, the Royal New Zealand Returned and Services’ Association and Mount Cook Mobilised (a representative community group). We note a panel can also invite comments from any other person they consider appropriate (clause 17(8), Schedule 6 of the FTCA).</li> <li>WCC and GWRC identified several reports and assessments that would normally be required for a project of this type in this area. We consider that these are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but recommend you require the applicant to submit to a panel certain specific information with their resource consent applications, as detailed below, to assist a panel with timely consideration of the applications.</li> </ul> <p>We consider that you could accept the referral application under section 24 of the FTCA and refer all of the project to a panel, as it has</p>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>residents and space for retail and/or commercial purposes; and</p> <p>ii. three buildings up to 3 storeys high (excluding any basement levels that are partly or fully below ground level), that will also provide space for retail and/or commercial purposes, and ancillary uses such as bike storage, waste management and car parking</p> <p>b. outdoor communal spaces.</p>		<p>subsequent appeal under standard process.</p> <p><b>Will the project result in a public benefit? (19(d))</b></p> <p>Based on the information provided by the applicant we consider that the project may result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generating employment</li> <li>increasing housing supply</li> <li>contributing to well-functioning urban environments</li> </ul> <p><b>Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e))</b></p> <p>The applicant has advised that the project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> <li>urban design effects relating principally to urban form and townscape due to the two proposed apartment buildings exceeding the building heights permitted under the operative Wellington City District Plan</li> <li>heritage effects given the proximity of the site to historic sites of interest to the community</li> <li>cultural effects</li> <li>wind effects</li> <li>traffic and transportation effects</li> <li>effects on land stability, water quality and general amenity arising from earthworks, demolition, and construction.</li> </ul> <p>The applicant has stated that overall adverse effects will not be significant.</p> <p>We note that a panel can consider this and any appropriate mitigation, offsetting, or compensation to manage adverse effects of the development.</p> <p><b>Other relevant matters (19(f))</b></p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><b>Local authorities</b></p> <p>Greater Wellington Regional Council (GWRC) supported project referral and did not identify any significant concerns, including in relation to environmental compliance history. GWRC's noted that conditions imposed on consents (if granted by a panel) should be consistent with conditions imposed on other similar developments, and sufficient to manage the adverse environmental effects from the development. GWRC noted a number of reports and assessments normally required for a project of this nature and scale:</p> <ul style="list-style-type: none"> <li>erosion and sediment control plan</li> <li>dewatering management and ground settlement plan</li> <li>detailed site investigation for contaminated land</li> <li>contaminated site management plan</li> <li>operational stormwater assessment/infrastructure report</li> </ul> <p>Wellington City Council (WCC) opposed project referral and considered it more appropriate for the project to continue through the standard RMA process due to the scale and proximity to significant heritage features which give rise to particular public interest in what occurs on this site.</p> <p>WCC identified several potential benefits generated by the project including generating economic and employment benefits, providing additional housing, removing a large and complex earthquake-prone development and replacing it with housing built to a high seismic resilience and providing an opportunity to contribute to the public space and pedestrian amenity, as well as interaction between the private site and the public open space. WCC also acknowledged that the proposal is a high-quality design and has been designed to fit the context of the site.</p> <p>WCC noted that the applicant refers to proposed heights in the Wellington Council Spatial Plan and the draft District Plan Review, both of which they considered should not be given any weight.</p> <p>The council also identified there will be adverse amenity, wind and heritage effects. In relation to the latter, WCC considered the height of the tower buildings has the potential to affect how the public interprets and responds to the heritage values associated with the National War Memorial site. WCC also considered that the proposed tower buildings will detract from the nearby landmark carillon.</p>	<p>the adverse amenity effects of the project, including shading and privacy effects, wind effects, and the adverse effects from the height of the buildings on the heritage values associated with the National War Memorial site (including the 51-metre-high carillon) and the Pukeahu National War Memorial Park.</p> <p>The applicant provided a letter from Heritage New Zealand Pouhere Taonga (HNZPT) fully supporting the development, who consider it 'reaches, but is not considered to overstep, the scale which might cause domination over important heritage assets. HNZPT also considered the project may provide a 'high-quality development within a heritage-rich area which can add to the wellbeing of the National War Memorial and the Home of Compassion Creche within their park settings'.</p> <p>We consider that the potential adverse effects identified by WCC can be considered by a panel as part of a merit assessment. We note that the respective panel decisions for the Kohimarama Comprehensive Care Retirement Village and the Northbrook Wanaka Retirement Village referred projects resulted in reduced building heights to address adverse effects.</p> <p><b>Inconsistency with a national policy statement (23(5)(c))</b></p> <p>We do not consider the project is inconsistent with any relevant national policy statements.</p> <p><b>Inconsistent with a Treaty settlement (23(5)(d))</b></p> <p>The project does not directly affect any Treaty settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The project site does not include any land needed for Treaty Settlement purposes.</p> <p><b>Applicant has poor regulatory compliance (23(5)(f))</b></p>	<p>the potential to generate employment, increase housing supply and contribute to a well-functioning urban environment.</p> <p>We also recommend you require the applicant to provide the following information with an application for resource consent to a panel:</p> <ul style="list-style-type: none"> <li>an assessment of – <ul style="list-style-type: none"> <li>the existing condition and capacity of the relevant infrastructure for three-waters services</li> <li>any upgrades to that infrastructure that are required in connection with the project</li> <li>any funding required to carry out those upgrades (including how they will be funded)</li> </ul> </li> <li>a landscape and visual assessment of the development, including – <ul style="list-style-type: none"> <li>photomontages taken from a range of public vantage points to show the scale of the proposed buildings in relation to surrounding buildings, the National War Memorial site and Pukeahu National War Memorial Park</li> <li>an assessment of the effects of the development on the visual quality and amenity values of the surrounding properties, including the National War Memorial site and Pukeahu National War Memorial Park</li> </ul> </li> <li>an analysis of the shadowing effects of the buildings in the development</li> <li>a wind tunnel assessment (relating to wind tunnel effects connected with the high-rise buildings) that is prepared by a suitably qualified and experienced person</li> <li>a heritage assessment prepared by a heritage expert that considers the heritage context of</li> </ul>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the project help achieve the purpose of the FTCA (as per section 19)?			
			<p>The applicant has engaged with, and received letters of support from:</p> <ul style="list-style-type: none"> <li>• Hikoikoi Management Ltd</li> <li>• Heritage New Zealand Pouhere Taonga (HNZPT)</li> <li>• Ministry for Culture and Heritage</li> <li>• Massey University</li> <li>• Wellington High School</li> <li>• Wellington Tenth's Trust.</li> </ul>	<p>WCC was concerned that the project could set a precedent for the area, whereby future proposals would need to be assessed in the same way for consistency and fairness. WCC has advised that should the consent application already lodged for the project continue to proceed through standard RMA process, it would be publicly notified.</p> <p>WCC identified a number of parties that would potentially have an interest greater than the public in general. These include owners/occupiers of a number of private properties potentially affected by shading, and the following groups:</p> <ul style="list-style-type: none"> <li>• The Ministry of Culture and Heritage</li> <li>• The Ministry of Foreign Affairs and Trade</li> <li>• The Parliamentary Service</li> <li>• Veterans' Affairs New Zealand</li> <li>• Royal New Zealand Returned and Services Association</li> <li>• Massey University</li> <li>• Capital Hill Limited</li> <li>• Wellington High School</li> <li>• The New Zealand Transport Agency</li> <li>• The Basin Reserve Trust</li> <li>• The Embassy of the People's Republic of China in New Zealand</li> <li>• The Mt Victoria Residents' Association</li> <li>• Mount Cook Mobilised</li> <li>• Inner-City Wellington (Residents' and Business Association Incorporated)</li> </ul> <p>All responses received by parties invited to comment are attached at <b>Appendix 7</b>.</p>	<p>GWRC and WCC have not identified any specific details or history of poor regulatory compliance by the applicant.</p> <p><b>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</b></p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p><b>Other issues &amp; risks:</b> N/A</p>	<p>the site and includes an assessment of the effects of the development on the values of heritage features in the surrounding area</p> <p>We also recommend you direct a panel to invite comments on any resource consent applications for the project from:</p> <ul style="list-style-type: none"> <li>• The Ministry of Foreign Affairs and Trade</li> <li>• Veterans' Affairs New Zealand</li> <li>• Royal New Zealand Returned and Services Association</li> <li>• Mount Cook Mobilised</li> <li>• Associate Minister for the Environment (Urban Policy).</li> </ul>