



FTC#152 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2022-084 Jervois Quay Project

Date submitted:	1st September 2022	Tracking #: BRF-1614	
Security level	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	to be advised

Actions for Minister's Office staff	<p>Return the signed briefing to MfE.</p> <p>Send the attached notice of decisions letter (if signed).</p>
Number of appendices: 7	<p>Appendices:</p> <ol style="list-style-type: none"> Jervois Quay application and further information received (Databox link) Stage 1 Briefing Note and decisions (Databox link) Statutory framework for making decisions (Databox link) Draft Notice of Decisions letter to MFC Development Limited Partnership Section 17 Report (Databox link) Comments received from Ministers, local authorities, Wellington Water and Heritage New Zealand Pouhere Taonga (Databox link) Further information received post-consultation (Databox link).

Ministry for the Environment contacts

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FTC#152: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key messages

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 MFC Development Limited Partnership to refer the Jervois Quay Project (project) to an expert consenting panel (panel).
2. A copy of the application is in Appendix 1. This is the second briefing on this application. The first (Stage 1) briefing (BRF-1465) with your initial decisions annotated is in Appendix 2.
3. The project is to demolish an overbridge across Wakefield Street and redevelop a site located at the corner of Jervois Quay and Wakefield Street, Wellington by:
 - a. removing a temporary building used by the Royal New Zealand Ballet
 - b. demolishing other existing infrastructure
 - c. constructing and operating an eight-storey mixed-use building up to 39 metres high (including a plant room on the roof), for educational and cultural activities, and retail and commercial tenancies
 - d. providing open spaces, including a pedestrian link from Cuba Street to the waterfront and an internal pedestrian cross-site link through the building
 - e. constructing or installing infrastructure or structures associated with the project
 - f. establishing a loading zone within the Wakefield Street road reserve.
4. The project site is part of the area bounded by Jervois Quay and Wakefield, Victoria and Harris Streets that is owned by Wellington City Council (WCC) and contains significant civic buildings including the Wellington Central Library/Te Matapihi, Town Hall, City Gallery and the Michael Fowler Centre. The latter lies immediately adjacent to the proposed building. The project site will remain in council ownership and will be leased by the applicant.
5. The project will involve activities such as:
 - a. removing or demolishing buildings and infrastructure
 - b. carrying out earthworks, including disturbing contaminated soil
 - c. taking, diverting and discharging groundwater to land
 - d. discharging stormwater and contaminants to land
 - e. constructing buildings and other structures
 - f. undertaking physical works within the road reserve
 - g. constructing or installing infrastructure or structures for three-waters services and vehicle and pedestrian access
 - h. landscaping and planting
 - i. operating educational, cultural, retail and commercial activities
 - j. any other activities that are –
 - i. associated with the activities described in a to i
 - ii. within the project scope as described in paragraph 3.

6. The project will require land use consents under the Operative Wellington City District Plan (WCDP) and may require consents under the Proposed Wellington City District Plan. The project will also require water and discharge permits under the Proposed Natural Resources Plan for the Wellington Region and the Wellington Regional Plan for Discharges to Land, 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). The applicant lodged a resource consent application for the project with WCC on 3 March 2022. The council has yet to make a decision on notification.
7. The project is located in the Central Area zone and the Civic Centre Heritage Area (CCHA) in the WCDP. The proposed activities have overall discretionary activity status owing to the new building exceeding the 'absolute maximum height standard' for the CCHA by approximately 12 metres.
8. While WCC supported the project in principle, it opposed project referral, on the basis that the project should continue through standard RMA consenting process. This was due primarily to unresolved wastewater and stormwater infrastructure matters and the potential effects of the proposed building height on surrounding properties and the wider environment. Subsequently, the applicant has engaged further with Wellington Water Limited (Wellington Water) and provided evidence that the infrastructure issues can be satisfactorily resolved. We consider that a panel is able to consider the adverse effects of the project, including those arising from the proposed building height, as part of its merit-based assessment under FTCA process.
9. We therefore 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

10. 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.
11. 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 5) and comments from local authorities, Ministers and other invited parties (in Appendix 6). 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.
12. 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

13. In response to requests under section 22 of the FTCA the applicant provided further information on how many ongoing full-time equivalent (FTE) jobs will be created by the project, and on management of two significant on-site infrastructure assets (an existing approximately 100-year-old stormwater culvert and a wastewater storage tank). We have taken this information into account in our analysis and advice; details are in Table A.

Section 17 report

14. The Section 17 Report indicates that Treaty settlements with Taranaki Whānui ki Te Upoko o Te Ika and Ngāti Toa Rangatira are relevant to the project area. The Port Nicholson Block Settlement Trust and Te Rūnanga o Toa Rangatira Incorporated are the relevant iwi authorities for the project.
15. 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 Resource Management Act 1991 (RMA) for the project.
16. The report notes the project site lies very close to the coastal marine area of Wellington Harbour and identifies two groups which have applied for customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011 in this area.

Comments received

17. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i), WCC, Greater Wellington Regional Council (GWRC), Wellington Water and Heritage New Zealand Pouhere Taonga (HNZPT). The key points of relevance to your decision are summarised in Table A.
18. s 9(2)(f)(ii), s 9(2)(g)(i)
19. s 9(2)(f)(ii), s 9(2)(g)(i)
20. s 9(2)(f)(ii), s 9(2)(g)(i)
21. s 9(2)(f)(ii), s 9(2)(g)(i)
22. s 9(2)(f)(ii), s 9(2)(g)(i)
23. GWRC supported project referral and identified several reports and assessments that would normally be required for a project of this type in this area.
24. WCC opposed project referral and considered the project should continue to proceed through the standard consenting process under the RMA, primarily due to unresolved wastewater and stormwater infrastructure matters and the potential effects of the proposed building height on surrounding properties and the wider environment.
25. We consider that the reports and assessments identified by GWRC and WCC 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.

26. Wellington Water made no comment on project referral but raised concerns about effects on the existing stormwater culvert and wastewater storage tank noted in paragraph 13. The applicant subsequently engaged further with Wellington Water and has provided agreed meeting minutes. These confirm that the applicant considers there is a workable solution and the effects on water infrastructure assets are unlikely to present a barrier to project referral. Wellington Water has not raised significant concerns and indicates that any issues can be resolved through a consenting process.

Section 18 referral criteria

27. 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)).
28. The project does not include any ineligible activities, as explained in Table A.
29. 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 270 FTE jobs over a 3-year construction period and approximately 25 FTE jobs in the retail area, 90 FTE jobs for education staff, and enable 800 FTE jobs in the commercial office space
 - b. contribute to a well-functioning urban environment and provide for the social well-being of current and future generations by providing employment opportunities and flow-on economic benefits, additional educational, cultural, retail and commercial premises, and public open space in central Wellington
 - c. 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.
30. 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

31. 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

32. 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.
33. The key issue for the project is whether it would be more appropriate to go through standard RMA consenting processes, as recommended by WCC, due to the potential effects of the proposed building height on surrounding buildings and the visual amenity of the precinct.
34. The proposed building, including the roof-based plant room, will be up to 39 metres high above ground level. The WCDP provides for an 'absolute maximum height of 27 metres' within the CCHA. The applicant noted that the proposed building height is at a scale that will help to retain the landmark value of the Michael Fowler Centre. The proposed building

consists of three parts:

- a. the 'west wedge', which is the closest part to the Michael Fowler Centre, that will be 19.1 metres high
 - b. the central 'lantern' that will be up to 39 metres high
 - c. the 'east wedge', which is the part furthest from the Michael Fowler Centre, that will be 26.9 metres high.
35. WCC advised that although it has yet to make a decision on notification of the current resource consent application for the project, public notification is a possibility if it proceeds under standard RMA process. This was because of the height of the building, the visual prominence of the site from the wider environment, and because several adjacent property owners may be directly affected by the proposal.
36. WCC commented that the council's heritage advisor generally supported the project but had raised concern about the height of the central 'lantern' and requested that it be lowered by 4 metres. We note that with this recommendation, the height of the new building would still exceed the 'absolute maximum height standard' by approximately 8 metres.
37. We consider the potential adverse effects of the building height identified by WCC can be considered by a panel as part of a merit assessment. 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, and a shading assessment.
38. 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). A panel must consider any comments received from these parties in considering a consent application under the FTCA. There is a risk that the limited public participation provided under FTCA process for the project may be viewed negatively by the wider community given the central Wellington location and high visibility of the site as well as the building height. However, overall, we do not consider that you should decline the referral application on the basis that it would be more appropriate for the project to go through the standard consenting process under the RMA (section 23(5)(b)).

Conclusions

39. We do not consider there are any significant reasons for you to decline to refer the project in whole or in part. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
40. If you decide to refer the project, we consider 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 assessment
 - e. a heritage assessment.
41. The above information is required to assist a panel in assessing the adverse effects of the

project.

42. 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 additional to those listed in clause 17 of Schedule 6 of the FTCA:
 - a. Wellington Tenth Trust
 - b. Wellington Water Limited
 - c. Muaūpoko Tribal Authority Incorporated.

Next steps

43. 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 Wellington Tenth Trust, the applicants for customary marine title identified in Attachment 5 of the Section 17 report, Wellington Water Limited and Muaūpoko Tribal Authority Incorporated.
44. 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.
45. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). Once you have signed the letter, we will assist your office to copy it to all relevant parties.
46. 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.¹
47. 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.
48. Our recommendations for your decisions follow.

¹ Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

49. 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 MFC Development Limited Partnership unless you are satisfied that the Jervois Quay 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 270 FTE jobs over a 3-year construction period and approximately 25 FTE jobs in the retail area, 90 FTE jobs for education staff and enable 800 FTE jobs in the commercial office space
 - ii. contribute to a well-functioning urban environment and provide for the social well-being of current and future generations by providing employment opportunities and flow-on economic benefits, additional educational, cultural, retail and commercial premises, and public open space in central Wellington
 - iii. 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 the relevant infrastructure for three-waters services that identifies –

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 development
3. any funding required to carry out those upgrades (including who will provide that funding)
4. assessment of options for access in relation to the existing wastewater tank
5. information on any discussions held, and any agreements made, between the applicant and Wellington City Council or Wellington Water (or both)

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, particularly the Michael Fowler Centre
2. an assessment of the effects of the development on the visual quality and amenity values of the surrounding properties, including the Michael Fowler Centre

iii. an assessment of the shadowing effects of the building on adjacent buildings, streets and other outdoor public space (both in and outside the project site)

iv. a wind assessment report relating to the effects of the building on the wind environment 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 heritage values 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 the parties listed in clause 17 of Schedule 6 of the FTCA:

- i. Wellington Water Limited
- ii. Wellington Tenth Trust
- iii. Muaūpoko Tribal Authority Incorporated.

Yes/No

- k. **Agree** to copy the application and notice of decisions to the following parties in addition to those specified in section 25 of the FTCA.
- i. Wellington Tenth Trust
 - ii. applicants for customary marine title in Wellington Harbour under the Marine and Coastal Area (Takutai Moana) Act 2011, identified in Attachment 5 of the Section 17 Report
 - iii. Wellington Water Limited
 - iv. Muaūpoko Tribal Authority Incorporated.

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 4).

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



Stephanie Frame
Manager – Fast-track Consenting

Hon David Parker
Minister for the Environment

Date:

Table A: Stage 2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker

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(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
<p>Jervois Quay Project</p> <p>Applicant MFC Development Limited Partnership c/- Willis Bond & Co</p> <p>Location The site is part of the Wellington City Council (WCC)-owned civic precinct located at the intersection of Jervois Quay and Wakefield Street.</p>	<p>The project is to demolish an overbridge across Wakefield Street and redevelop a site located at the corner of Jervois Quay and Wakefield Street, Wellington by:</p> <ol style="list-style-type: none"> removing a temporary building used by Royal New Zealand Ballet demolishing other existing infrastructure constructing and operating an eight-storey mixed-use building up to 39 metres high (including a plant room on the roof), which will provide for educational and cultural activities, and retail and commercial tenancies providing open spaces, including a pedestrian link from Cuba Street to the waterfront and an internal pedestrian cross-site link through the building constructing or installing infrastructure or structures associated with the project establishing a loading zone within the Wakefield Street road reserve <p>The project site is part of the area bounded by Jervois Quay and Wakefield, Victoria and Harris Streets that is owned by WCC and contains significant civic buildings including the Wellington Central Library/Te Matapihi, Town Hall, City Gallery and the Michael Fowler Centre.</p>	<p>The project is eligible for referral under section 18(3)(a)–(d) as:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include activities on land returned under a Treaty settlement 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. 	<p>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <p>The applicant estimates that the project will:</p> <ul style="list-style-type: none"> contribute approximately \$70 million to regional GDP engage approximately 30 consultant and sub-consultant firms to undertake services associated with the detailed design, project management and procurement of construction of the project provide approximately 50, 130 and 90 full time equivalent (FTE) jobs in 2023, 2024 and 2025 respectively result in ongoing post-construction employment of 6.8 FTE jobs from the ongoing maintenance of the site full employment opportunities generated from the retail and commercial tenants that will occupy the building. This includes approximately 25 FTE jobs in the retail area, 90 FTE jobs for education staff and enable 800 FTE jobs in the commercial office space <p>Economic costs for people or industries affected by COVID-19 (19(a))</p> <ul style="list-style-type: none"> N/A <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <p>The applicant considers the project will provide for the social well-being of current and future generations as it will:</p> <ul style="list-style-type: none"> provide a range of amenities and services including commercial, retail, cultural and education in an area with proximity to public transport, pedestrian linkages, and public and open space 	<p>Ministers</p> <p>§ 9(2)(f)(ii), § 9(2)(g)(i)</p> <p>§ 9(2)(f)(ii), § 9(2)(g)(i)</p> <p>§ 9(2)(f)(ii), § 9(2)(g)(i)</p> <p>§ 9(2)(f)(ii), § 9(2)(g)(i)</p> <p>Local authorities</p> <p>Greater Wellington Regional Council (GWRC) supported project referral, as the matters that need to be addressed through a regional consenting process are typical of other large scale urban developments. The only concern GWRC had is that should a consent be granted, the conditions are consistent with other similar developments, and sufficient to manage the adverse environmental effects. They also noted several reports and assessments which would normally be required of a project of this kind, including:</p> <ul style="list-style-type: none"> Contaminated Site Management Plan 	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</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>More appropriate to go through standard RMA process (23(5)(b))</p> <p>Despite WCC opposing project referral primarily due to the potential effects of the proposed building height on surrounding properties and the wider environment, 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). We note the risk that the limited public participation provided under FTCA process may be viewed negatively by the wider community.</p> <p>We consider that the potential adverse effects identified by WCC can be considered by a panel as part of a merit assessment.</p> <p>Inconsistency with a national policy statement (23(5)(c))</p> <p>We do not consider the project is inconsistent with any relevant national policy statements.</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The project does not directly affect any Treaty settlement redress.</p> <p>Involves land needed for Treaty settlements (23(5)(e))</p>	<p>In response to key comments:</p> <ul style="list-style-type: none"> With respect to the request from the Minister for Treaty of Waitangi Negotiations to seek comment from two customary marine title applicants, we note that as these parties are identified in the Section 17 Report, your specific direction to a panel is not required. We consider you should specify a panel must invite comments from the Wellington Tenth Trust as recommended § 9(2)(f)(ii), § 9(2)(g)(i) We consider you should agree to the request from WCC that the applicant be required to provide assessments of the potential effects of the development on surrounding properties, in terms of amenity including shading, as well as on three-waters infrastructure. <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 the potential to generate employment and contribute to a well-functioning urban environment.</p> <p>We recommend you require the applicant to provide the following information with their applications for resource consent:</p> <ol style="list-style-type: none"> an assessment of the relevant infrastructure for three-waters services that identifies – <ol style="list-style-type: none"> the existing condition and capacity of the relevant infrastructure for three-waters services any upgrades to that infrastructure that are required in connection with the development

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(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>The latter lies immediately adjacent to the proposed building. The project site will remain in council ownership and will be leased by the applicant.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> removing or demolishing buildings and infrastructure carrying out earthworks, including disturbing contaminated soil taking, diverting and discharging groundwater to land discharging stormwater and contaminants to land constructing buildings and other structures undertaking physical works within the road reserve constructing or installing infrastructure or structures for three-waters services and vehicle and pedestrian access landscaping and planting operating educational, cultural, retail and commercial activities any other activities that are – <ol style="list-style-type: none"> associated with the activities described in a to i within the project scope as described in paragraph 3. <p>The project will require land use consents under the Operative Wellington City District Plan (WCDP) and</p>		<ul style="list-style-type: none"> improve pedestrian connectivity through the site. <p>Is the project likely to progress faster by using this Act? (19(c))</p> <p>The applicant considers that the fast-track process will allow the project to progress approximately 12-18 months faster than under the standard Resource Management Act 1991 (RMA) processes, due to the likelihood of public notification and subsequent appeal.</p> <p>Will the project result in a public benefit? (19(d))</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"> generating employment contributing to a well-functioning urban environment. <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The applicant has advised that the project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> heritage effects given the proximity of the site to historic sites of interest to the community urban design effects landscape effects wind effects transportation effects noise effects earthworks effects contaminated land effects effects on infrastructure temporary construction effects <p>The applicant has stated that overall adverse effects will not be significant.</p> <p>We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the project be referred.</p>	<ul style="list-style-type: none"> Erosion and Sediment Control Plan Dewatering Management Plan Detailed Site Investigation (DSI) for Contaminated Land Operational Stormwater Assessment/Infrastructure Report <p>Wellington City Council (WCC) opposed project referral, however, supported both the development of this currently underutilised site and the overall design outcomes and response to the development. They acknowledge the proposal is a high-quality design and significant effort has been made by the applicant to develop a proposal that responds to the context of the site and surrounding environment. The proposal has support of the majority of internal advisors, including urban design and heritage advisors. WCC highlighted a number of benefits that the proposal will generate, including:</p> <ul style="list-style-type: none"> providing economic and employment benefits for the duration of the development and construction period providing additional commercial accommodation space within the Wellington central business district utilisation of a currently underutilised and visually prominent central Wellington site providing an opportunity to enhance the pedestrian amenity (including shelter) between the lower end of Cuba Street and the Wellington waterfront with an opportunity for interaction between the development site and the wider public open space <p>WCC had concerns about the potential effects of the proposal on the amenity of the surrounding properties (including the Amora Hotel). They would like information to be provided on the potential amenity effects of the development on surrounding buildings/activities including daylight, shading, outlook and privacy. WCC and Wellington Water also had concerns with regard to the proposal to build over the existing stormwater culvert and wastewater storage tank and has requested further information with regard to civil/infrastructure design of the development.</p> <p>Other parties</p> <p>HNZPT did not oppose project referral. They noted that the site is adjacent to listed and scheduled</p>	<p>The project site does not include any land needed for Treaty Settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>GWRC and WCC have not identified any specific details or history of poor regulatory compliance by the applicant.</p> <p>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p>Other issues and risks:</p> <p>We have identified another issue further to the matters identified above. Constructing a new building above existing water assets (a stormwater line and large wastewater tank) may isolate these assets and make them unable to be accessed for repair and maintenance. We requested further information from the applicant on this matter. The applicant has provided agreed minutes from a meeting with WW which shows that the applicant considers there is a workable solution and the effects on water assets is unlikely to present a barrier to referral. WW has not raised significant concerns and indicates that any issues can be resolved through a consenting process. The main access point of the wastewater storage tank will not be built over, and a new secondary access hatch will be built as the previous secondary hatch will be built over. Vehicle access to the tank would not be affected, which will enable WW to undertake repair and maintenance. With regard to the stormwater culvert, the final structural bay at the eastern end of the new building would be cantilevered from level 1 up, so no foundations would be built over the stormwater culvert. The</p>	<ol style="list-style-type: none"> any funding required to carry out those upgrades (including who will provide that funding) assessment of options for access in relation to the existing wastewater tank information on any discussions held, and any agreements made, between the applicant and Wellington City Council or Wellington Water (or both) <p>b. a landscape and visual assessment of the development, including –</p> <ol style="list-style-type: none"> photomontages taken from a range of public vantage points to show the scale of the proposed buildings in relation to surrounding buildings, particularly the Michael Fowler Centre an assessment of the effects of the development on the visual quality and amenity values of the surrounding properties, including the Michael Fowler Centre an assessment of the shadowing effects of the building on adjacent buildings, streets and other outdoor public space (both in and outside the project site) a wind assessment report relating to the effects of the building on the wind environment that is prepared by a suitably qualified and experienced person 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 heritage values in the surrounding area. <p>We recommend you direct a panel to invite comments on any resource</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(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	may require consents under the Proposed Wellington City District Plan. The project also will require water and discharge permits under the Proposed Natural Resources Plan for the Wellington Region and the Wellington Regional Plan for Discharges to Land, 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). The applicant lodged a resource consent application for the project with WCC on 3 March 2022. The council has yet to make a decision on notification.		<p>Other relevant matters (19(f))</p> <ul style="list-style-type: none"> N/A 	<p>heritage places and is part of the scheduled Civic Square heritage area. HNZPT noted that the applicant intends to apply for an archaeological authority from HNZPT, which will provide an opportunity to assess potential archaeological values and appropriate management of any archaeological resources.</p> <p>Wellington Water (WW) responded with no comment on project referral but raised concerns regarding the projects potential impact on two significant water assets that are on the development site, specifically:</p> <ul style="list-style-type: none"> an underground wastewater storage tank servicing the Michael Fowler Centre a stormwater main that is an approximately 100-year-old ovoid brick pipe <p>The project will have implications for Wellington Water's ongoing and future operational management and replacement, and result in increased risk to the assets during construction.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>space would be used by building occupiers for bike parking or a similar activity that it is relatively easy to relocate at short notice. An easement instrument will protect WW rights to access and repair/maintain the culvert.</p> <p>If you decide to refer the application, we recommend requiring the applicant to provide a three-waters infrastructure assessment. However, we consider that a panel would be best placed to consider whether the other information suggested by WCC and WW is required from the applicant, and therefore we do not recommend this information is requested in the referral order.</p>	<p>consent applications for the project from:</p> <ul style="list-style-type: none"> Wellington Tenth Trust Wellington Water Limited Muaūpoko Tribal Authority Incorporated. <p>We also recommend you agree to copy the application and the notice of decision to:</p> <ul style="list-style-type: none"> Wellington Tenth Trust applicants for customary marine title in Wellington Harbour under the Marine and Coastal Area (Takutai Moana) Act 2011, identified in Attachment 5 of the Section 17 Report. Wellington Water Limited Muaūpoko Tribal Authority Incorporated.