

## FTC #209: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2022-128 Mātai Moana Te Taumata o Te Motu Kairangi Project

Date submitted:	5 April 2023	Tracking #: BRF-2894
Security level:	In-Confidence	MfE priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	to be advised

Actions for Minister's Office staff	<ol style="list-style-type: none"> <li><b>Return</b> the signed briefing to MfE.</li> <li><b>Send</b> attached letter (if signed) with accompanying template and links application documents.</li> </ol>
Number of attachments: 2	<p>Attachments:</p> <ol style="list-style-type: none"> <li>Application documents for Mātai Moana Te Taumata o Te Motu Kairangi Project (Databox link)</li> <li>Letter to Ministers – inviting comments on Mātai Moana Te Taumata o Te Motu Kairangi Project referral</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Melissa McGrath		
Acting Manager	Rebecca Perrett	s 9(2)(a)	✓
Acting Director	Lorena Stephen	s 9(2)(a)	

## FTC#209: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Key messages

1. This briefing seeks your initial decisions on an application from Taranaki Whānui Limited to refer the Mātai Moana Te Taumata o Te Motu Kairangi Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to subdivide approximately 15-hectares of land at 6, 7 and 20 Main Road, and 209-234 Nevay Road, Mount Crawford, Maupuia, Wellington (Watts Peninsula), and construct a comprehensive urban development on that land. The project will require an easement for a new cable car connection across 258 Nevay Road<sup>1</sup>, and an easement for access, development and use on 296 Shelly Bay Road, Maupuia, Wellington, for the cable car terminus. A large part of the project site contains the former Mount Crawford Prison. You have received a high volume of correspondence on the project from interested individuals and groups that is generally in opposition.
3. The project will provide approximately 650-700 residential units in a range of typologies, including approximately 490 units in approximately 23 apartment buildings between three and eight storeys in height, and terraced, duplex and detached houses. The project also includes construction and operation of approximately 700 square metres gross floor area of buildings for unspecified commercial and community activities, and construction and operation of a public cable car between Shelly Bay and the commercial area of the development.
4. The project includes upgrade works within the Main Road and Nevay Road road reserves, upgrading a right of way within Part Section 20 Watts Peninsula District to form road intended to vest with Wellington City Council (WCC), creation of public and private open spaces, landscaping and planting, and construction of supporting infrastructure including roads and reserves, accessways, car-parking areas and three-waters services. The project also includes a new or upgraded water reservoir, on the same site as an existing water reservoir, on Section 11 SO 528811 owned by WCC and the Nevay Road road reserve.
5. The project will require subdivision and land use consents under the operative Wellington City District Plan (WCDP), land use consent under the Wellington City Proposed District Plan (PDP), land use consent and a discharge permit under the Proposed Natural Resources Plan for the Wellington Region, discharge permits under the Regional Freshwater Plan and the Regional Plan for Discharges to Land for the Wellington Region, and consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. The proposed activities will have overall discretionary activity status under all applicable plans and regulation.
6. Most of the project site is located in the Open Space B zone under the WCDP except for the cable car terminus that is located in the Business 1 zone. Part of the site is within a Māori heritage precinct - Matakai-kai-poinga Landscape Feature Precinct, containing a number of sites of significance to tangata whenua, and also within Designation K1 –Justice, Wellington Prison. The WCDP details that the Open Space B zone is valued for its natural character and informal open spaces, is generally characterised by minimal built development, and

<sup>1</sup> At the time of lodgement of the referral application, 258 Nevay Road, Mount Crawford, Maupuia is a 73.97-hectare site legally described as Section 100 SO 528811 (Gazetted for Defence Purposes). It is acknowledged that if the project is referred, the legal description for the project site may differ at the time of application to a panel due to the reconfiguration of land for disposal (discussed further in paragraph 9 of this briefing).

often includes areas of ecological value. The Business 1 zone provides for a range of activities including commercial and business activities, recreational activities and local community services.

7. WCC notified its PDP in July 2022. Under the PDP the majority of the project site is located in the Natural Open Space zone and the cable car terminus site is located in the Mixed Use zone. The project site is covered by multiple overlays under the PDP including sites of significance to Māori, Ridges and Hilltops, Coastal Environment, Special Amenity Landscape, Significant Natural Area, Flood Hazard (Shelly Bay land only) and Designation MCOR1 – Wellington Prison. The anticipated outcomes for the site under the PDP are similar to those under the WCDP. WCC anticipates hearings on the relevant chapters of the PDP to commence in November 2023.
8. The various land areas forming the project site are owned by either the Crown, Shelly Bay Taikuru Limited or WCC. The Crown land is currently held and administered by Land Information New Zealand (LINZ) and is intended to be transferred to Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (MHUD). The applicant has a Memorandum of Understanding in place with MHUD to undertake due diligence on the development potential of the Crown land and anticipates it will enter into a development agreement with MHUD for the project. The applicant has provided letters in support of the referral application from MHUD and Shelly Bay Taikuru Limited.
9. Cabinet agreed in 2011<sup>2</sup> that Watts Peninsula should be protected as a national destination that brings together the natural environment with venues for celebration and enjoyment of national heritage, recreation, culture and arts. LINZ is currently leading a programme of work<sup>3</sup> to establish a 72-hectare reserve on the Peninsula. Cabinet agreed to dispose of 11.7-hectares of land at Mount Crawford in 2016<sup>4</sup>, and a further 3.3-hectares in 2017<sup>5</sup>, under the Public Works Act 1981. The proposed development is located within the area of Crown land to be disposed of, except for the proposed cable car connection that will extend over the proposed 72-hectare reserve.
10. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
11. The project meets all the eligibility criteria in section 18(3) of the FTCA and we consider that it may help to achieve the FTCA's purpose. More analysis is needed to confirm if the project meets the purpose of the FTCA and to enable us to advise you on matters in section 23(5) which may influence your referral decision. Key issues are:
  - a. the need to obtain further approval/agreements from other parties, including the Minister of Housing, MHUD and WCC, to acquire land and/or deliver the project. This may affect the project delivery timeframe
  - b. key components of the project such as the commercial and community buildings/activities are yet to be confirmed. This may affect the project delivery timeframe
  - c. there may be a high level of public interest in development on the project site.
12. Although there is a risk that processing of a referral order may not be completed in the remaining available time, we recommend you progress consideration of the application to

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<sup>2</sup> CAB Min (11) 34/7

<sup>3</sup> <https://www.linz.govt.nz/our-work/crown-property-management/projects-and-hazard-management/helping-establish-new-reserve-watts-peninsula>

<sup>4</sup> CAB-16-MIN-0654

<sup>5</sup> CAB-17-MIN-0312

the next stage of analysis (Stage 2) and invite comments from WCC and Greater Wellington Regional Council (GWRC) and specific Ministers listed in section 21(6) of the FTCA.

13. We recommend that you invite comments from the Minister of Corrections as an additional Minister under section 21(6)(n) of the FTCA, and Wellington Water Limited as an additional party under section 21(3) of the FTCA.
14. We also recommend you request further information from the applicant and WCC as detailed in Table A.

### Statutory framework summary

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15. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
16. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
  - a. if you are satisfied the project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
  - b. for any other reason (as specified in sections 23(2) and 25(5) of the FTCA) including that there is insufficient time for referral of the application before the FTCA is repealed.
17. If you do not decline the referral application at this stage:
  - a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
  - b. you may provide the application to and invite comments from any other person.
18. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

### Timeframe for referral

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19. The FTCA will be repealed on 8 July 2023, meaning that a referral order must be in force for the project by this date if the project's approvals are to be considered by a panel under FTCA process.
20. The timeframe for processing the referral application is dependent on certain statutory obligations and the capacity and resourcing of officials. The ability for a referral order for the project to be successfully completed, even if you make a decision to refer the project, is becoming increasingly time-pressured as the 8 July deadline approaches.


### Action sought

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21. Please indicate your decisions on the recommendations in Table A.

### Signature

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Rebecca Perrett  
**Acting Manager – Fast-track Consenting**

Released under the provision of  
the Official Information Act 1982



**Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker**

**Project to progress**

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
<p><b>Name</b> Mātai Moana Te Taumata o Te Motu Kairangi Project</p> <p><b>Applicant</b> c/- Hannah McCashin Incite</p> <p><b>Location</b> 6, 7 and 20 Main Road and 209-234 and 258 Nevay Road, Mount Crawford, Maupuia, Wellington (Watts Peninsula)</p> <p>296 Shelly Bay Road, Maupuia, Wellington (Legally described as Part Section 3 Watts Peninsula DIST, Part Lot 4 Block XII DP 858, Section 1 SO 24508 and Part Lot 1 DP 4741, Sections 1 and 3 SO477035, Sections 4,6 and 7</p>	<p>The project is to subdivide approximately 15-hectares of land, and construct a comprehensive urban development on that land. The project will require an easement for access, development and use for a new cable car connection A large part of the project site contains the former Mount Crawford Prison.</p> <p>The project will provide approximately 650-700 residential units in a range of typologies, including approximately 490 units in approximately 23 apartment buildings between three and eight storeys in height, and terraced, duplex and detached houses. The project also includes construction and operation of approximately 700 square metres gross floor area of buildings for unspecified commercial and community activities, and construction and operation of a public cable car between Shelly Bay and the commercial</p>	<p>The applicant has provided inconsistent information on funding. We understand the project may be jointly funded by the applicant and The Wellington Company (TWC), or alternatively the applicant will enter into a joint venture with an iwi collective to fund the entire project.</p> <p>The applicant states they have a track record of completed smaller scale residential developments.</p> <p>The applicant states that it will undertake all construction and development work with The Wellington Company (TWC) as a development partner. To date the applicant has not provided evidence to confirm that TWC will be a financial partner in the project and we recommend</p>	<p>Based on available information at this stage, we consider the project is eligible for referral because:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul> <p>The FTCA's purpose is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing</p>	<p>The applicant estimates the project will:</p> <ul style="list-style-type: none"> <li>provide approximately 2,192 direct full-time equivalent (FTE) jobs over an 11-year construction period</li> </ul> <p>We recommend seeking information from the applicant to confirm the number of on-going FTE jobs to align with our analysis of other referral applications.</p> <p>We note the project's 11-year construction period may not achieve the FTCA's purpose of 'urgently' promoting employment, however job generation is spread across the 11-year period with an average of 525 direct FTE jobs per year over the first half of the project's construction.</p>	<p>The applicant considers the project will provide for social wellbeing by:</p> <ul style="list-style-type: none"> <li>providing sustainable and affordable housing in an area the applicant considers has a housing shortfall</li> <li>providing security of housing tenure through a range of housing types and options</li> <li>generating employment</li> <li>providing opportunities for recreation and public amenity</li> </ul> <p>The applicant notes the project will retain the whenua in the ownership of Taranaki Whānui in perpetuity and will provide for Taranaki Whānui's cultural wellbeing.</p> <p>The applicant also notes that a cultural design approach has been applied to the project to reflect the aspirations and values of Te Atiawa ki Taranaki Whānui, including rangatiratanga, kaitiakitanga, manaakitanga, wairuatanga, kotahitanga and whanaungatanga, with the spirit of kotahitanga as an integral part of the design.</p>	<p>The applicant estimates the FTCA process will allow the project to progress three to four years faster than rezoning under the district plan review process and subsequent resource consents under standard RMA processes.</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from Wellington City Council and Greater Wellington Regional Council on the appropriateness of using the FTCA process.</p>	<p>Based on the applicant's information we consider 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>increasing connectivity via a public cable car connection between Shelly Bay and the proposed 72-hectare reserve.</li> </ul>	<p>The applicant considers the project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> <li>on landscape and visual amenity values</li> <li>access and traffic effects</li> <li>ecological effects</li> <li>temporary construction effects, including noise and vibration</li> <li>effects relating to urban design and character</li> <li>geotechnical effects</li> <li>heritage and cultural effects</li> </ul> <p>The applicant has provided some preliminary technical assessments in support of their view that the project will not have any significant adverse effects.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects should the project be referred.</p>	<p>You have received a high volume of correspondence on the project from interested individuals and groups that is generally in opposition. This indicates there is likely to be a high level of public interest.</p> <p>The applicant has outlined a number of further approvals/agreements that are required for the land to be acquired for the project. We have identified this as a key issue/risk to the project delivery timeframe.</p> <p>The Crown land involved in the project is identified in the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 as right of first refusal (RFR) land. The applicant has advised that if Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (MHUD) do not acquire and on-sell the land to them, they will acquire the Crown land via the RFR process. We recommend you seek further information from the applicant to confirm that this alternative process will not impact project delivery or timing.</p> <p>The project site is covered by Designation K1 - Justice, Wellington Prison under the operative Wellington City District Plan, and Designation MCOR1 has been included/rolled over in the proposed Wellington City Proposed District Plan</p>	<p>a. <b>Note</b> that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers.</p> <p>b. <b>Note</b> that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA.</p> <p>c. <b>Note</b> that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. <b>Note</b> that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application.</p> <p>e. <b>Agree</b> to progress the Mātai Moana Te Taumata o Te Motu Kairangi Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application.</p> <p>f. <b>Agree</b> to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> <li>the Ministers listed in section 21(6)(a)–(m) of the FTCA</li> <li>the Minister for Corrections as an additional relevant Minister under section 21(6)(n) of the FTCA</li> <li>the relevant local authorities</li> </ul>	<p>Yes/No</p> <p>Yes/No</p>



Project details	Project description	Project funding	Is project eligible for referral? [section 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
SO 477035, Sections 1 and 2 SO 581456, Section 100 SO 528811, Lot 8 DP515825 and Part Section 20 Watts Peninsula DIST, Section 11 SO 528811) Main Road and Nevay Road road reserves.	area of the development.  The project includes upgrade works within road reserve, upgrading a right of way to form road intended to vest with Wellington City Council (WCC), creation of public and private open spaces, landscaping and planting, and construction of supporting infrastructure including roads and reserves, accessways, car-parking areas and three-waters services. The project also includes a new or upgraded water reservoir, on the same site as an existing water reservoir.  The project involves activities such as subdividing land, carrying out earthworks, discharging stormwater (which may contain contaminants) onto land or into water, constructing residential and commercial units, removing vegetation, constructing or installing infrastructure or structures including roads, cable car and pedestrian accessways, and infrastructure for	that you seek further information from the applicant to confirm the applicant's ability to physically deliver the project, their working relationship with TWC and project funding.	investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.  The economic and social impacts of the COVID-19 global pandemic are on-going, evolving and will be long lasting.  Enabling progression of shovel-ready projects that promote employment and investment that can deliver economic and other social and public benefits is one way that the government can continue to support the recovery and response to these effects.  The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.						(PDP). The Minister of Corrections is the requiring authority for the designation, therefore we recommend you seek comment on the referral application from the Minister of Corrections.  The project site is covered by Designation WIAL1 - Wellington Airport Obstacle Limitations Surfaces under the PDP. The applicant is engaging with Wellington International Airport Limited (WIAL), however considers no formal approval is required from WIAL and there will be no impact on project delivery or timing.  The project involves installation of three waters infrastructure. We recommend you invite comment on the referral application from Wellington Water Limited as they administer potable water, stormwater and wastewater infrastructure in the Wellington region.	<ul style="list-style-type: none"> <li>– Wellington City Council and Greater Wellington Regional Council</li> <li>• Wellington Water Limited as an additional entity under section 21(3) of the FTCA:</li> </ul> <p>g. <b>Agree</b> to seek further information from the applicant to confirm their ability to physically deliver the project, their working relationship with TWC and project funding, the number of on-going FTE jobs, progress of land transfer and titles, and whether the alternative process to acquire the land will not impact on project delivery or timing.</p> <p>h. <b>Agree</b> to seek further information from Wellington City Council on the appropriateness of using the FTCA process and comment on the applicant's proposal to undertake works on the water reservoir and WCC land within Section 11 SO 528811 and works with road reserves, and any necessary approvals required and timing of those.</p> <p>i. <b>Agree</b> to seek further information from Greater Wellington Regional Council on the appropriateness of using the FTCA process.</p> <p>j. <b>Sign</b> the attached letters to Ministers.</p> <p>k. <b>Note</b> that while awaiting comments from invited parties and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	<p>three waters services.</p> <p>The project will require subdivision and land use consents under the operative Wellington City District Plan (WCDP), land use consent under the Wellington City Proposed District Plan (PDP), land use consent and a discharge permit under the Proposed Natural Resources Plan for the Wellington Region, discharge permits under the Regional Freshwater Plan and Regional Plan for Discharges to Land for the Wellington Region, and consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. The proposed activities will have discretionary activity status under all applicable plans</p>										

Signed:

Hon David Parker  
Minister for the Environment

Date: