

FTC #184: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2022-131 Quarterdeck Project

Date submitted:	16 February 2023	Tracking #: BRF-2686	
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"> Return the signed briefing to MfE. Send attached letter (if signed) with accompanying template and links to application documents.
Number of attachments: 3	Attachments: <ol style="list-style-type: none"> Application documents for Quarterdeck Project (pdf/Databox link) Letter to Ministers – inviting comments on Quarterdeck Project referral Template for ministerial comment

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

FTC#184: 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 Box Property Investments Limited to refer the Quarterdeck 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 land and construct approximately 70 residential units within 12 two-storey (up to 6.5 metre) terraced houses and three 4-storey (up to 13.8 metre) apartment buildings at 30 and 40 Sandspit Road and 2 and 4 Reydon Place, Cockle Bay, Howick, Auckland and the adjacent road reserve. The project will include approximately 96 basement car parks for the apartments, communal parking for the terraced houses, and communal outdoor areas.
3. The project will include activities such as site clearance including demolishing buildings or structures, carrying out earthworks, discharging stormwater and contaminants to land, taking and diverting groundwater, constructing residential buildings, basement carparks, constructing and replacing infrastructure, landscaping and planting, and road berm upgrades.
4. The project will require land use and subdivision consents and discharge and water permits under the Auckland Unitary Plan (AUP) and may require resource consents under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011. The proposed activities would have overall non-complying activity status due to including more than one dwelling on a site in the Residential - Single House Zone.
5. In August 2022 Auckland Council notified Plan Change 78 to the AUP (PC78) to implement the National Policy Statement on Urban Development 2020 (NPS-UD) and the Medium Density Residential Standard (MDRS). PC78 seeks to rezone the subject site from Residential – Single House Zone to Mixed Housing – Urban which allows for more intensive residential development, including increasing permitted building height from 8 metres to 11 metres. A pre-hearing conference is anticipated to occur in mid-March 2023.
6. We have undertaken an initial (Stage 1) analysis of the referral application and this is presented along with our recommendations in Table A.
7. The project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you on matters in section 23(5) which may influence your referral decision.
8. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Auckland Council and specific Ministers listed in section 21(6) of the FTCA.
9. We recommend that you invite comments from Auckland Transport and Watercare Services Limited as additional parties under section 21(3) of the FTCA.
10. We also recommend you request further information from the applicant as detailed in Table A.

Statutory framework summary

11. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.

12. 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 (see section 23(2) of the FTCA).
13. 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.
14. 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).

Action sought

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

Signature



Madeleine Berry
Acting Manager – Fast-track Consenting

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)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						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>Name Quarterdeck Project</p> <p>Applicant Box Property Investments Limited</p> <p>c/- Civix Limited</p> <p>Location 30 & 40 Sandspit Road and 2 & 4 Reyburn Place, Cockle Bay, Howick, Auckland</p>	<p>The project is to subdivide land and construct approximately 70 residential units within 12 two-storey (up to 6.5 metre) terraced houses and three 4-storey (up to 13.8 metre) apartment buildings at 30 and 40 Sandspit Road and 2 and 4 Reydon Place, Cockle Bay, Howick, Auckland and the adjacent road reserve. The project will include approximately 96 basement car parks for the apartments, communal parking for the terraced houses, and communal outdoor areas.</p> <p>The project will include activities such as site clearance including demolishing buildings or structures, carrying out earthworks, discharging stormwater and contaminants to land, taking and diverting groundwater, constructing residential buildings, basement carparks,</p>	<p>The application states that the project will be constructed by Clearwater Construction Limited, who have a common director with Box Property Investments Limited). The applicant states that Clearwater Construction Limited has a track record of delivering various other projects of a similar type and scale, including in Auckland, and has significant assets.</p> <p>We note that the application does not refer to the financial ability of the applicant to deliver the project, and only refers to Clearwater Construction Limited. We</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"> it does not include any prohibited activities it does not include land returned under a Treaty settlement 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. 	<p>Based on the information provided by the application we consider the project may result in the following economic benefits:</p> <ul style="list-style-type: none"> generating employment by creating approximately 177 full-time equivalent (FTE) jobs over a two-year design and construction period s 9(2)(b)(ii) 	<p>The applicant considers the project may have positive effects on the social and cultural wellbeing of current and future generations by:</p> <ul style="list-style-type: none"> contributing to job creation and flow-on economic benefits creating housing supply. <p>Potential effects on cultural wellbeing are unknown. The applicant acknowledges that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities.</p>	<p>The applicant considers the project is likely to progress approximately one year faster under the FTCA process than would be the case if the project were considered under a standard Resource Management Act 1991 (RMA) resource consent or plan change process, due to the likelihood of notification and appeals and the time required for Plan Change 78 to progress.</p> <p>Should you agree to progressing this application, we will seek feedback on your behalf from Auckland Council on the use of the FTCA or standard RMA processes.</p>	<p>Based on the information provided by the applicant we consider the project is likely to result in the follow public benefits:</p> <ul style="list-style-type: none"> generating employment increasing housing supply contributing to a well-functioning urban environment. 	<p>The project has the potential to result in some adverse environmental effects, including relating to construction effects and building height. The most significant of these is likely to be the effect of building height and scale, which is greater than is permitted in the Residential – Single House Zone in the AUP (13.8 metres proposed, 8 metres permitted). We note that PC78 to the AUP proposes to re-zone the project site to Mixed Housing – Urban, which has a permitted height of 11 metres. We consider we can best advise you on the appropriateness of the proposed building height after consulting with Auckland Council.</p> <p>We recommend you seek comments from Auckland Council on when they anticipate a hearing will be held and decisions released on PC78.</p> <p>The applicant has confirmed that specialists have prepared technical assessments on the above matters. The applicant considers the project will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting</p>	<p>The applicant has identified that resource consent may be required under the contaminated land provisions of the AUP, but has not identified any consent triggers under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011 (NES-CS). We recommend you seek comment from the applicant on whether consent is required under the NES-CS.</p> <p>The record of title plan for 30 Sandspit Road shows an easement, but the easement is not listed as an instrument on the title document. We recommend you seek comment from the applicant on whether this easement is in place and if so, whether they anticipate it will impact their ability to deliver the project.</p> <p>The applicant will require landowner approval to construct a new wastewater pipe over a neighbouring site and to remove various street trees on Sandspit Road. The</p>	<p>a. Note 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. Note 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. Note 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. Note 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. Agree to progress the Quarterdeck 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. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA the relevant local authority – Auckland Council the following additional entities/persons under section 21(3) of the FTCA: <ul style="list-style-type: none"> Auckland Transport Watercare Services Limited <p>g. Agree to seek further information from the applicant on the</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

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	<p>constructing and replacing infrastructure, landscaping and planting, and road berm upgrades.</p> <p>The project will require land use and subdivision consents and discharge and water permits under the Auckland Unitary Plan (AUP) and may require resource consents under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011. The proposed activities would have overall non-complying activity status due to including more than one dwelling on a site in the Residential - Single House Zone.</p> <p>In August 2022 Auckland Council notified Plan Change 78 to the AUP (PC78) to implement the National Policy Statement on Urban Development 2020 (NPS-UD) and the Medium Density Residential Standard (MDRS). PC78 seeks to</p>	recommend you seek additional information from the applicant on the relationship between Clearwater Construction Limited and Box Properties Limited, and how the project will be funded.						evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the project be referred.	applicant has alternative design solutions if these approvals are not able to be obtained. We recommend you seek comment from the applicant on their anticipated timeframe to obtain these approvals.	<p>relationship between Clearwater Construction Limited and Box Property Investments Limited and how the project will be funded, consents required under the NES-CS, instruments on the record of title and timeframes for approvals in relation to wastewater and from Auckland Council on the expected timing for decisions on Plan Change 78.</p> <p>h. Sign the attached letters to Ministers.</p> <p>i. Note 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>	Yes/No

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	rezone the subject site from Residential – Single House Zone to Mixed Housing – Urban which allows for more intensive residential development, including increasing permitted building height from 8 metres to 11 metres. A pre-hearing conference is anticipated to occur in mid-March 2023.										

Signed:

Hon David Parker
Minister for the Environment

Date: