

Response ID ANON-URZ4-5FQA-2

Submitted to Fast-track approval applications
Submitted on 2024-05-03 15:03:45

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Ministry of Justice

2 Contact person

Contact person name:
Simon Hampson

3 What is your job title

Job title:
Manager Capital Delivery

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

National Office, Ministry of Justice, SX10088, Wellington

7 Is your address for service different from your postal address?

No

Organisation:
N/A

Contact person:
N/A

Phone number:
0

Email address:
N/A

Job title:
N/A

Please enter your service address:

N/A

Section 1: Project location

Site address or location

Add the address or describe the location:

The project area includes 7,925m² of land located at 40 Elliot Street, Papakura. Refer to Locality Plan included as Attachment 1.

File upload:

Attachment 1 - Locality Plan.pdf was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Attachment 2 - Record of Title and Interests.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

His Majesty the King

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The Record of Title states the 'purpose' of the site is "for Justice and Community Wellbeing Purposes", which is consistent with the intent of this application.

Section 2: Project details

What is the project name?

Please write your answer here:

Papakura District Courthouse (New) Project

What is the project summary?

Please write your answer here:

A project for a Notice of Requirement to designate the site at 40 Elliot Street, Papakura, for the following purposes:

"Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for the aforementioned purposes."

The designation of the Site would provide for the construction and ongoing operation of the proposed Papakura District Courthouse, to replace the existing courthouse in Papakura that is no longer fit for purpose. The courthouse will be ready to be used in the 2026/2027 year.

What are the project details?

Please write your answer here:

The Requiring Authority (Minister for Courts) seeks to designate an area of approximately 7,925m² of land located at 40 Elliot Street, Papakura ('the Site') (Legal Description Lot 2 DP 468814). The purpose of the designation will be for the purposes set out above.

This project will replace the existing Papakura District Court, located at 252 Great South Road, which is a leaky building in poor condition which poses a significant risk of being unusable in the short to medium term. If the District Court is not urgently replaced, there is a risk of significant disruption within the Auckland court network which is already facing capacity issues.

The preliminary architectural and landscape plans for the proposed Papakura District Courthouse are provided as Attachment 3. A high level summary of the project is provided below:

- The designation will be for "Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for the aforementioned purposes".
- The designation of this site would provide for construction of a courthouse (justice facility) which is proposed to be contained within one building with a total GFA of approximately 1,920m². This includes the courtrooms, registry, judge's chambers and facilities, public areas (including waiting rooms and customer service), circulation routes and custodian areas.
- The designation of this site would also enable ancillary works, including earthworks, connection to the reticulated stormwater, wastewater and water supply infrastructure network, landscaping and the construction of the vehicle crossing, parking areas and accessway within the project area. The ongoing operation, maintenance, development and potential upgrade or replacement of the Courthouse would also be provided for, with the designation being generally consistent with designations for other District Courts in the Auckland Region.

The project is part of the Ministry's 10-year infrastructure investment plan to restore and modernise buildings across the Ministry of Justice's property portfolio which was considered by Cabinet in July 2020. Funding for the project has been allocated in the Ministry's capital projections. Subject to a business case for the project being approved by the Minister of Justice, the Ministry anticipates work on building the new courthouse to begin immediately in the 2024/25 year and the new courthouse being ready to be used in the 2026/27 year. A letter of support from the Ministry of Justice is provided as Attachment 4.

Any works within the designation would be subject to the Outline Plan of Works process under Section 176A of the Resource Management Act 1991 ('RMA') unless otherwise authorised under the Act or provided for by an Outline Plan Waiver. The detailed design of the proposal is being refined and will be provided with the application in due course.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

In terms of staging, the proposed site works, including the demolition the existing RSA building is tentatively scheduled for September 2024 to November 2024. All on-site construction works will commence between April 2025 to June 2026.

Considering the large scale of this project, and the urgency around delivery timeframes, the building construction will utilise modular prefabrication, arrange around a central demountable in-situ structure, to achieve efficiency in construction timeframes and reduced costs. Therefore, the building components will be constructed off site, transported to site and fitted out on site in a timely manner, without the need for construction staging. The designation will enable the future operation and necessary upgrades to the Papakura District Courthouse.

What are the details of the regime under which approval is being sought?

Please write your answer here:

The Requiring Authority (Minister for Courts) seeks a Notice of Requirement to designate the site, under the Resource Management Act 1991 (RMA).

This also includes Outline Plan of Works approval pursuant to Section 176A of the RMA.

Resource Consent is also likely to be required under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health.

Section 176A of the RMA creates a general requirement for requiring authorities to submit an Outline Plan of Works (OPW) prior to carrying out work within a designation. However, s176A(2)(b) provides that a requiring authority need not submit an OPW if the details of the proposed public work, as referred to in Section 176A(3) are incorporated into the designation.

Extensive information about the proposed courthouse is provided in this notice of requirement, including the information normally required to be provided in the OPW under s176A(3) so as to enable works to commence on construction of the substation as soon as the appeal period for the designation is closed and the designated added directly into the District Plan.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Auckland Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

The MoJ has not previously lodged a notice of requirement application for the same or similar project.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

As His Majesty the King owns and has full control over all the land that is the subject of this application for a referred project, the Ministry of Justice will not require approval from someone other than the applicant to undertake works within the project area. It will require approval from Auckland Transport under the Local Government Act 1974 or the Public Works Act 1981 in order to complete works within the Road Reserve in order to implement the upgrades to the crossing. In the usual way, the Ministry of Justice will also require approvals from relevant infrastructure providers in order to connect to public infrastructure services.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

The proposed staging is outlined as follows:

- Procurement will be completed August 2024
- Detailed design works will be completed January 2025
- On-site construction works will commence April 2025
- Completion date is scheduled for June 2026

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Relevant Iwi Authorities (based off Auckland Council website)

- Ngāi Tai ki Tāmaki
- Ngāti Maru
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata
- Te Ahiwaru – Waiohū
- Te Ākitai Waiohū
- Waikato - Tainui

Relevant Local Authorities

- Auckland Council

Other Relevant Authorities

- NZ Police – Regional Team
- NZ Police and Corrections
- Department of Corrections
- First Security
- Courthouse Design Committee
- Ministry of Justice Registry and Security

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Iwi authorities

Moj have been consulting with iwi groups, including representatives from Waikato – Tainui, Ngati Ākitai Waiohū, Ngāti Tamaoho and Ngāti Te Ata Waiohū. Various hui's have been held these iwi groups to introduce the project and present the preliminary concept design. Three iwi groups (Ngati Ākitai Waiohū, Ngāti Tamaoho and Ngāti Te Ata Waiohū) have expressed interest in further engagement and input into the design and this will continue as the development is progressed. In particular, the key focus areas will be exploring opportunities to incorporate cultural design elements into the design and wider servicing strategy, in particular, the stormwater management approach.

Local Authorities

The project has been discussed with Auckland Council, from a resource consent perspective, including an initial pre-application meeting with Council and attendance at an Urban Design Panel. Consultation with local authorities is on-going and will continue as the project is progressed.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

No works are proposed to be undertaken under the Public Works Act 1981.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The project area is located on land that is not located within a statutory acknowledgement area. Further, the land within the project area is identified under the Ngā Mana Whenua o Tamaki Makaurau Collective Redress Act 2014, as per the certificate registered on the record of title. Refer to Attachment 1 for further details.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Not applicable.

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

There are no identified parcels of Māori land within the project area.

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

The project is not proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area.

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

The project would not occur in a protected customary rights area.

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Built Form and Character

The proposed notice of requirement will enable future works within the designated area, including the construction of the proposed district courthouse in Papakura. The project area is located within the Residential - Mixed Housing Urban zone which provides for non-residential activities, including justice facilities which are provided for within the AUP definition of 'Community Facilities'. Conditions are proposed to manage the built form and scale of the courthouse building, which will ensure the proposal is in keeping with the planned urban character and amenity within Papakura. On the basis of the proposed conditions, new buildings on the land will be subject to a similar assessment irrespective of whether a designation or the Auckland Unitary Plan rules apply to the site. In this regard, it is not considered that the designation will give rise to any material difference in potential adverse effects associated with the future built form on the land. Accordingly, it is considered the proposed project will be appropriate will be appropriate in terms of built character and amenity. The proposed list of conditions is provided as Attachment 5.

Earthworks and Construction

Erosion and Sediment Controls

The required earthworks for the project will be carried out in accordance with best practice erosion and sediment control measures to ensure that dust and sediment runoff effects are avoided and minimised. Earthworks are also programmed to be carried out during the summer earthworks season to reduce potential for sediment discharges. All works will be appropriately managed via conditions, in particular, the requirement for all works to be in accordance with Auckland Council's GD05 Erosion and Sediment Control Guidelines. Refer to Attachment 5 for further details.

Construction Noise and Traffic

To mitigate and minimise construction noise effects that could be experienced by closest receivers, a Construction Noise and Vibration Management Plan (CNVMP) will be prepared and implemented throughout the duration of the construction period for the project. In our view, this management framework for construction noise effects is considered to represent the best practicable option for enabling construction of the project while avoiding and protecting people from the unreasonable emission of noise. Refer to Condition 10 in Attachment 5 for further details.

With respect to construction traffic, a Temporary Traffic Management Plan (TTMP) will be prepared and submitted to Council to ensure construction vehicle movements are appropriately managed. Refer to Condition 7 in Attachment 5 for further details.

Contamination

Soil disturbance associated with the proposed construction of the project at the Site triggers consideration under the NES for Assessing and Managing Contaminants in Soil (NES-CS). A Preliminary and Detailed Site Investigation (PSI/DSI) has been prepared by WWLA for the proposed courthouse development which is included as Attachment 6. A condition is proposed in Attachment 5, requiring the preparation of a Site Management Plan (SMP) prior to any site development or earthworks. This condition will ensure that any adverse effects on human health and the environment will be avoided, remediated or mitigated during the earthworks and construction phase of the project.

Archaeology

There are no known archaeological sites or features within the project area on the Archsite database. Notwithstanding, as a precautionary measure, an accidental discovery condition is proposed in Condition 8(f) of Attachment 5 to manage cultural and heritage effects.

Transport

The proposed designation is subject to transport conditions to ensure traffic, access and parking arrangements are appropriately managed. This includes the preparation of a Comprehensive Integrated Transport Assessment (ITA) and a Temporary Traffic Management Plan, included as Attachment 5. A

high-level summary of transport effects is provided in the transport memorandum prepared by Gray Matter, included as Attachment 7. In summary, the traffic generation anticipated by the proposed courthouse can be accommodated within the existing transport network, and sufficient provision for on-site vehicle and bike parking is provided as part of the proposal. The increased traffic generation to the project area will not result in adverse traffic effects, with a small 4% increase anticipated. Specific provision for active transport modes has been made on the site, with clear pedestrian routes from Elliot Street and across the site to support safe pedestrian movements. Overall, it is considered that the traffic effects can be appropriately managed.

Infrastructure and Servicing

A high-level summary of infrastructure and servicing effects is included in the engineering memorandum prepared by BCD Group, included as Attachment 8. In summary, there is a high degree of confidence that the project area will be appropriately serviced with respect to three waters infrastructure (stormwater, wastewater and water supply), power and telecommunications and that there is sufficient capacity within the existing network to accommodate the proposed courthouse development. Conditions are included on the designation to ensure adequate provision for servicing is made on the site and flooding and stormwater effects are appropriately mitigated. Refer to Conditions 13 and 14 of Attachment 5 for further details.

Stormwater and Flooding

A high-level assessment of effects in relation to flooding and stormwater is included in the attached memorandum prepared by BCD Group, included as Attachment 8. In summary, the effects of stormwater will be managed by proposed Condition 13 of Attachment 5 which requirements the preparation of a Stormwater Management Plan, which will include a range of measures to manage stormwater runoff volumes and mitigate flood risk. Overall, there are no stormwater or flooding constraints to development that cannot be avoided, remedied, or mitigated.

Noise effects

The potential effects of noise generation are proposed to be managed by the Ministry of Justice using proposed conditions that require noise limits to not exceed those limits set out in the Auckland Unitary Plan, as outlined in Attachment 5. The Acoustic assessment prepared by Acoustic Engineering Services is included as Attachment 9, which confirms potential adverse effects will be minimal and appropriate for proposal. For the above reasons, the designation is not expected to result in noise effects that are different to those already occurring or anticipated to occur at the Site and in the surrounding environment.

Lighting

Lighting associated with the Courthouse would comply with the Auckland Unitary Plan lighting standards, and will provide adequate lighting provision for the proposed community facility. The potential for adverse lighting effects associated with the proposed designation of the site can be mitigated through compliance with the proposed lighting condition outlined in Attachment 5. A copy of the preliminary lighting concept is provided in Attachment 3.

Ecology

There are no significant ecological features within the project area, including streams or natural wetlands. The site is setback over 160m from the Pahurehure Inlet, and stormwater effects will be appropriately managed by proposed Condition 13 of the designation (refer Attachment 5) which requires the preparation of a Stormwater Management Plan. As such, there will be no adverse effects with respect to ecology.

Cultural Values

As discussed above, MoJ has proactively engaged with four iwi authorities that are understood to have interest in the project area and any future development of the site. This includes Te Ākitai Waiohū, Ngaati Te Ata Waiohū, Waikato - Tainui and Ngaati Tamaoho. Further engagement with iwi authorities will be undertaken as the project progresses, including but not limited to aspects of the proposal in relation to stormwater management, planting and landscaping and cultural design influence.

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

It is considered that the project will be in accordance with the relevant national policy statements and national environmental standards

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National Policy Statement on Urban Development 2020 (NPS-UD)

The NPS-UD enables the development of land and infrastructure for urban land uses while recognising the national significance of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing. The term 'well-functioning' is set out in Policy 1, which seeks that urban environments amongst other outcomes, have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of active and public transport. The policy seeks that this is provided for in a way that supports reductions in greenhouse gas emissions and is resilient to the likely current and future effects of climate change. The project is considered to be in keeping with the relevant objectives and policies for the following reasons:

- In accordance with Objective 1 and Policy 1, the project is part of a comprehensively planned development, which will contribute to achieving a well-functioning urban environment. The project will enable important Justice Facility services to be located within an area that is highly accessible for the district that it serves, which will in turn contribute to meeting the needs of the growing community within the surrounding residential areas;
- In accordance with Objective 6, the development of land will be integrated with the funding and provision of infrastructure upgrades, including transport, stormwater, water and wastewater infrastructure; and
- In accordance with Objective 8, the project will support a reduction in greenhouse gas emissions by locating employment opportunities and other amenities in close proximity to surrounding residential land uses and public transport, including the existing bus stop located within 500m of the site, at the corner of Elliot Street and Rushgreen Avenue. Further, the project will be resilient to the current and future effects of climate change through the provision of a stormwater management plan and flood hazard assessment which will ensure that stormwater or flooding constraints to development will be avoided, remedied, or mitigated as necessary.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

The NPS-FM seeks to manage natural and physical resources to prioritise firstly, the health and well-being of water bodies and freshwater ecosystems, secondly, the health and needs of people, and thirdly the ability to provide for the social, economic, and cultural well-being of people and communities. The project will be designed to be in keeping with the relevant objective and policies of the NPS-FM that relate to land development. In particular:

- In accordance with Policy 3, stormwater runoff within the project area will be comprehensively managed to ensure that the effects of the use and development of the land do not adversely affect downstream catchments and freshwater bodies;
- In accordance with Policies 6 and 7, there will be no loss of stream and wetland within the project area;
- In accordance with Policy 8, there are no significant outstanding water bodies as identified under the AUP (OP) located within the project area; and
- The proposed Project is considered to provide for the social, economic, and cultural well-being of people and communities as it will deliver new employment opportunities and a community service, while being consistent with the Freshwater NPS for the reasons outlined above.

National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The purpose of the NESCS is to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed (and remediated if necessary). A Preliminary and Detailed Site Investigation (PSI/DSI) has been prepared by WWLA for the proposed courthouse development which is included as Attachment 6. Condition 15 of the proposed designation (included as Attachment 5) requires the preparation Site Management Plan (SMP) which will ensure that any adverse effects on human health and the environment will be avoided, remediated or mitigated during the earthworks and construction phase of the project. Overall, the scale and nature of environmental effects associated with contaminated land are limited, and it is considered that the potential adverse effects associated with land contamination can be appropriately managed and will not create significant adverse effects on the environment or human health.

National Environmental Standards for Freshwater 2020 (NESF)

The NESF sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Of particular relevance to the project are clauses which manage works affecting rivers and streams and works in and around natural wetlands. There are no natural wetlands within, or in close proximity to the project site, therefore no consents will be required under the NESF.

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

A timeline has been prepared which shows that the project will be able to be fully constructed by mid-2026, whereby by going through the standard process, necessary approvals will result in the project being delivered 18 months later due to processing delays and the likelihood for hearing delays. The fast track process would also provide for significant cost efficiencies as a result of the processing efficiencies.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The project is a relatively straightforward one. It does not raise novel issues, and the effects are known and easily quantifiable. This proposal does not involve a form of development which deviates from those earlier processes in any significant way. This suggests that the matter will be one which is relatively simple for the Panel to consider and which will not require significant resource to be allocated to it (e.g.: to engage experts to peer review assessments).

Has the project been identified as a priority project in a:

Central government plan or strategy

Please explain your answer here:

Yes. The project is part of the Ministry of Justice 10-year infrastructure investment plan to restore and modernise buildings across the Ministry of Justice's property portfolio which was considered by Cabinet in July 2020.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The current Papakura District Courthouse is a leaky building which continues to have significant negative effects for building users. Ensuring the air quality in the building is suitable for ongoing occupation remains a concern. The building is at significant risk of being unusable in the short to medium term which would lead to significant disruption within the Auckland court network which is already facing capacity issues. It is not cost effective to remediate the building due to its poor condition. Even if it was remediated, the courthouse would still suffer from operational issues and security concerns. For this reason, the project has been identified as a priority, with funding for the project having been allocated in the Ministry's capital projections.

Therefore, the Ministry of Justice (the Ministry) has a commitment to invest approximately \$ 9(2)(b)(ii) in capital expenditure to build a new modular courthouse on the site. This investment builds resilience into the justice system and addresses the building condition, mitigates risk of building closure and provides a safer, healthier place to work. The outcome of this work includes an improvement in the wellbeing of court staff and overall experience of all persons participating in or accessing justice services at Papakura District Court.
Refer to Attachment 4.

Will the project:

contribute to a well-functioning urban environment

Please explain your answer here:

This project is for a non-residential activity, and therefore will not increase housing supply. However, the project will contribute to a well-functioning urban environment to provide for the continued function and operation of a community facility in Papakura.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Overall, the project represents a significant redevelopment of an existing unused site, and provides for the ongoing operation of a regionally significant Justice Facility which once completed is projected to provide for continued employment of over 29 staff (including two resident judges), and access to justice services for approximately 300 people per day. The construction stage of the development involves investment of approximately \$ 9(2)(b)(ii) in capital expenditure and represents significant immediate employment generation in the construction sector and long-term employment in the operation and maintenance of the Justice Sector.

The project will enable the accelerated construction and delivery of a high priority project, with the existing District Court not being fit for purpose and posing a significant risk of disruption within the entire Auckland Court network which is constrained with capacity issues.

This significance investment builds resilience into the justice system and addresses the existing unfit building condition, mitigates risk of building closure and provides a safer, healthier place to work.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Not applicable.

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Not applicable.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Yes, the project will support climate change mitigation. In particular, the project area is setback over 160m from the Pahurehure Inlet, and therefore, the potential risk of coastal inundation or sea level rise is low, and is not a risk that would prevent future development of the site.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

Yes, the project will support adaptation, resilience, and recovery from natural hazards, particularly in relation to flooding. Conditions are proposed as a part of the Notice of Requirement to ensure appropriate flood mitigation measures are in place to manage natural hazard risk.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The proposal will replace an existing district court which is housed in a leaky building which has air quality issues. The development will not result in any impact on significant environmental issues.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The project is considered to be consistent with relevant local and regional planning documents, including:
Auckland Future Development Strategy 2023-2053

The Auckland Future Development Strategy 2023-2053 (FDS) incorporates a strategic framework which identifies spatial outcomes and principles for growth within the Auckland region. The FDS identifies four main spatial environments, being existing urban areas, future urban areas, rural areas, and business areas, and also identifies spatial priorities where the greatest benefits of investment can be achieved.

The FDS is underpinned by five key principles in order to achieve a well-functioning urban environment with a quality compact urban form:

- Principle 1: Reduce greenhouse gas emission.
- Principle 2: Adapt to the impacts of climate change.
- Principle 3: Make efficient and equitable infrastructure investments.
- Principle 4: Protect and restore the natural environment.
- Principle 5: Enable sufficient capacity for residential and business growth in the right place at the right time.

Overall, the project is consistent with these principles. In particular, the project area is located within the urban zoned area and will enable capacity for increased community facilities (resulting in improvement in the wellbeing of court staff and overall experience of all persons participating in or accessing justice services within the Papakura District) to be realised while contributing to a reduction in greenhouse gas emissions due to the District Court's strategic location being close to public transport and surrounding residential and business land uses.

Regional Policy Statement (RPS)

The objectives and policies of the RPS that are considered to be relevant to the proposal are:

B2 – Urban Growth and Form

The project is consistent with objective B2.2.1(1) to achieve a quality compact urban form with a high-quality urban environment by the development of the new District Courthouse which includes a high quality designed community facility surrounded by quality landscaped open spaces. The project will stimulate greater productivity and economic growth in this part of the Auckland region, and support the effectiveness and success of public transport in this location with respect to the bus network that is within walking distance to the site. The land use will enable social vitality through the improvement in the wellbeing of court staff and overall experience of all persons participating in or accessing justice services at Papakura District Court. Cultural vitality is also enabled with the proposed design and landscape strategy and the proposed stormwater management framework which are aligned with mana whenua values.

B3 – Infrastructure, Transport and Energy

The objectives and policies for infrastructure under B3.2.1 and B3.2.2 are principally focused on ensuring the importance of infrastructure is recognised and there is appropriate provision of this. With reference to objective B3.2.1(1), the development and upgrading of infrastructure (as necessary) is specifically enabled which in this case includes achieving the necessary connections to existing bulk infrastructure.

With respect to transport objective B3.3.1(1), the proposal is consistent with this by requiring an Integrated Transport Assessment to determine necessary road upgrades. Following the initial Traffic assessment, an upgrade to the existing crossing is proposed to be of an urban standard and safely support the movement of people, goods and services in an efficient and effective manner. In doing so, this would also be consistent with policy B3.3.2(5) in terms of land use and transport integration to the extent that the necessary transport infrastructure is planned, funded and staged to integrate with urban growth of this proposal. Development of the centre at this location in walking distance to existing bus network infrastructure would also mean that the project is efficiently served by a key public transport service and private vehicle trips will inherently reduce.

B6 – Mana Whenua

The project is consistent with objectives B6.2.1(1) and (2) and policy B6.2.2(1) due to the consultation and engagement with Mana Whenua groups that have occurred to date. The Ministry of Justice is committed to consult with the relevant iwi representatives and engage with the interested iwi groups on an ongoing basis for all stages of the project. This process is also consistent with policy B6.2.2(1) in terms of providing the opportunity for Mana Whenua to actively participate in the sustainable management of natural and physical resources, and building and maintaining partnerships and relationships with iwi authorities.

B7 – Natural Resources

The relevant objectives and policies of B7.3 seek to ensure that degraded freshwater systems are enhanced and the loss of freshwater systems is minimised. There is an emphasis to integrate the management of subdivision, use and development and freshwater systems, identify degraded freshwater systems and to avoid the permanent loss and significant modification of lakes, rivers, streams and wetlands unless no practicable alternatives exist or mitigation measures are implemented to address the adverse effects arising from the loss in freshwater system functions and values.

It is considered that the project is consistent with this policy direction. Stormwater quality and quantity runoff from the site will as a result of the implementation of a stormwater management plan, protect any downstream water bodies from being degraded, thereby giving effect to objective B7.2.1(2).

The site is largely void of any significant vegetation and largely limited to street trees along the Elliot Street frontage. There are no Significant Ecological Areas across the site either and therefore the policies under B7.2.2 do not apply to the proposal.

B10 – Environmental Risk

The memorandum prepared by BCD Group confirms that there are no flooding constraints to development that cannot be avoided, remedied or mitigated, thereby giving effect to objective B10.2.1(2) and (3). The proposal is also consistent with objective B10.2.1(4) because the flood modelling proposed to be undertaken and stormwater management plan approach will also be required to factor in the effects of climate change on natural hazards, including future climate change temperature rises. The conveyance and function of overland flow paths will be maintained by managing the entry and exit points as part of the earthworks and stormwater design and thereby achieving objective B10.2.1(6).

AUP Objectives and Policies

The objectives and policies in the following AUP chapters that are considered to be relevant to the proposal are:

- E1 – Water Quality and Integrated Management
- E3 – Lakes, rivers, streams and wetlands
- E10 – Stormwater Management Area Flow 1 and 2
- E11 and E12 – Land Disturbance Regional and District
- E23 – Signs
- E25 – Noise and Vibration
- E27 – Transport
- E30 – Contaminated Land
- E36 – Natural Hazards and Flooding
- H5 – Mixed Housing Urban Zone

The ones we consider to be particularly relevant having regard to the potential effects of the project are summarised below.

E1 – Water Quality and Integrated Management

Chapter E1 gives effect to the NPS - FM. The objectives are to progressively improve the quality of freshwater in areas where this is degraded; and the mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.

A stormwater management plan is required as a condition of the proposed Notice of Requirement which will incorporate a water sensitive design philosophy as well as necessary hydrological mitigation for all impervious surfaces within the development. This includes the design of stormwater treatment devices consistent with Auckland Council's GD05 "Water Sensitive Design for Stormwater".

E27 – Transport

The relevant transport objectives and policies seek to encourage that land use and transport (including public transport, walking and cycling) is integrated in a manner that enables adverse effects of traffic generation on the transport network to be managed. In addition, the objectives and policies ensure that parking and access is designed, located and accessed safely and efficiently for pedestrians and vehicles within and outside the site.

The project is considered to be consistent with these objectives and policies as it provides for an integrated transport network with public, vehicular, cycling and walking transport modes provided for within the development.

E36 – Natural Hazards and Flooding

The project has been assessed to be in keeping with the objectives and policies of chapter B10 of the RPS through the proposed conditions of the Notice of Requirement. For these reasons, it is considered that the proposal will be consistent with the policy direction contained under chapter E36 of the AUP.

H5 – Mixed Housing Urban Zone

The project area is located within the Mixed Housing Urban Zone under the AUP(OP). The specific objectives relevant to the proposal seek that non-residential activities provide for the communities social, economic and cultural wellbeing while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood. The relevant policies require that development achieves attractive and safe streets and public open spaces, and that there is recognition of the functional and operational requirements of activities and development. Policy 8 seeks that non-residential development is provided for in a way that:

(a) support the social and economic well-being of the community; (b) are in keeping with the with the scale and intensity of development anticipated within the zone; (c) avoid, remedy or mitigate adverse effects on residential amenity; and (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and Business – Town Centre Zone.

The proposal is considered to be consistent with these relevant objectives and policies for the reasons below:

- The project will enable the delivery of a non-residential activity that provides for the communities social, economic and cultural wellbeing. This includes an improvement in the wellbeing of court staff and overall experience of all persons participating in or accessing justice services at Papakura District Court. The scale and intensity of development enabled by the designation will be managed through conditions that reflect the key Mixed Housing Urban Zone building bulk and location standards that are set out in the AUP. On the basis of the proposed conditions, new buildings on the land will be subject to similar assessment of building bulk and form, irrespective of whether a designation or the District Plan rules apply to the site. In this regard, it is not considered that the designation will give rise to any material difference in potential adverse effects associated with the future built form on the land, and development will achieve compatibility with the scale and intensity of development anticipated by the MHU zone.
- The proposed courthouse design will achieve attractive and safe streets and open spaces through the building form and design, as well as the proposed landscaping strategy which provides for an enhanced streetscape.
- The proposed courthouse design reflects the key functional and operational requirements of the justice facility, through the provision of separate visitor parking to the staff and judge carparking, the general layout of the development and location and design of access points into the building, and the internal configuration and design of the building. The design has been developed to achieve consistency with the Ministry's internal design requirements in this regard.
- The development will not detract from the vitality of Business Zones.

Anything else?

Please write your answer here:

No

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

No, the project will not be affected by climate change and natural hazards, particularly in relation to potential flood hazards.

As assessed in the memorandum prepared by BCD Group (Attachment 8), all stormwater and flood hazard modelling will account for the long term effects of climate change. Infrastructure will accordingly be designed and sized to accommodate climate change and natural hazards. Through the conditions of the designation the project will be resilient to future climate change and any risk of being impacted by the effects of climate change or natural hazards will be appropriately avoided, remedied or mitigated.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The Ministry of Justice has not been subject to compliance and/or enforcement actions in the past.

Ministry of Justice is a substantial government entity with a history of constructing, maintaining and operating high quality and large scale developments, and operating under designations. The Ministry of Justice takes a long term and strategic approach to the development, maintenance and upgrading of the property portfolio.

The Ministry of Justice is proposing to invest around **s 9(2)(b)(ii)** in capital expenditure to build a new modular courthouse on a site already owned by the Ministry. This investment builds resilience into the already strengthened justice system and addresses the building condition, mitigates risk of building closure and provides a safer, healthier place to work.

The project is part of the Ministry's 10-year infrastructure investment plan to restore and modernise buildings across the Ministry of Justice's property portfolio which was considered by Cabinet in July 2020. Funding for the project has been allocated in the Ministry's capital projections.

Load your file here:

Attachment 4 - Letter from Ministry of Justice.pdf was uploaded

Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Alisa Neal

Important notes