



FTC #82: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

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Date Submitted:	9 September 2021	Tracking #: BRF-573	O
Security Level	In-Confidence	MfE Priority:	Urgent
		Action sought:	Response by:
To Hon David P	arker, Minister for the Environment	Decision on recommendations in Table	АТВА
			X

Actions for Minister's Office Staff	Return the signed briefing to MfE Send attached letters (if agreed and signed)
Number of attachments: 2	Titles of attachments: 1. Letters from the Minister for the Environment to relevant Ministers of the Crown 2. Copy of application and supporting information – to send with letters to Ministers

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	
Acting Director	Sara Clarke	s 9(2)(a)	

FTC #82: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decision

Key Messages

- We seek your initial decisions on an application for referral to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) for the Federal Street Residences project (the Project), from P0012 Auckland NZ Pty Limited. The applicant company is registered in New Zealand and its parent company, ICD Control Pty Ltd is registered in Australia. It is likely that the applicant is an oversees person within the meaning of the Oversees Investment Act 2005.
- The Project is to develop a 55-level building approximately 183 metres high on a 1641 square metre site in the Auckland central business district, that includes:
 - a. approximately 357 residential units
 - b. retail and commercial tenancy space
 - c. public and private communal open space
 - d. car and bicycle parking.
- 3. The Project is located at 65-71 Federal Street, Auckland Central, Auckland.
- The Project will involve activities such as:
 - a. demolition of existing buildings and infrastructure
 - b. earthworks (including bulk earthworks and disturbance of contaminated land)
 - c. groundwater takes and diversions
 - d. discharges of groundwater, stormwater and contaminants to land
 - e. construction of three waters services
 - f. construction of a multi-level mixed-use building
 - g. construction of vehicle access, loading and parking areas
 - h. any other activities that are -

5.

i. associated with the activities described in a to g; and

ii. within the Project scope

The Project will require land use consent and water and discharge permits under the Auckland Unitary Plan 2016 (AUP) and land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

- . The site is located within the Business City Centre Zone under the AUP. The Project generally aligns with the zone's purpose, which provides for a wide range of activities including commercial, leisure, high-density residential, community and civic services. The permitted height standard in the zone is between 320 and 370 metres, but the permitted height of buildings is controlled by a Maximum Total Floor Area Ratio (MTFAR) of 13:1 (floor area to site area). The proposed building exceeds this standard and will therefore require consent as a non-complying activity.
- 7. We have undertaken an initial (Stage 1) analysis of the application and this is presented along with our recommendations in Table A.

- 8. The Project meets all the eligibility criteria in section 18 of the FTCA, but more analysis is needed to confirm if it 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.
- 9. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from:
 - a. Ministers listed in section 21(6) of the FTCA
 - b. Auckland Council.
- 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 referral of the Project as it 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 referral criteria in section 18 of the FTCA, (which include you being satisfied the Project meet/s 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, section 21 of the FTCA:
 - a. requires you to provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers
 - b. permits you to 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/s (see section 22 of the FTCA).

Action Sought

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

Signature

Stephanie Frame 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

	Will the Project help to achieve the purpose of the FTCA? [section 18(2)]										
Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	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 the 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)]	Recommendations	Minister's decisions
Project name	The Project is to develop a 55-level	The applicant	Based on available	The applicant estimates that	The applicant considers that the	The applicant considers that	Based on the information	The Project has the potential for	The location of the Project site within an	a. Note that section 23(3) of the FTCA permits you to decline the referral	
Federal	tower building	states that	information at	the Project will	Project will provide for the social and	the fast-track	provided we consider that the	adverse environmental	urban environment, and the scale of the	application without inviting comments from the relevant local authorities and	
Street	approximately 183 metres high on a	the Project will be	this stage, we consider the	provide:	cultural wellbeing of	process will allow the Project	Project may result	effects including:	proposed building is	any relevant Ministers.	
Residences	1641 square metre	funded by	Project is	 approximately 	current and future	to progress	in the following		likely to result in high	any relevant ministers.	
Recidences	site in the Auckland	equity held	eligible for	1160 direct	generations as it	approximately	public benefits:	 dominance, 	public interest.	b. Note that you have not yet provided the	
Applicant	central business	by ICD	referral	full-time	will:	15 months		privacy and		application to, nor sought any	
	district, that includes:	Control Pty	because:	equivalent	n revide edditional	faster than	generate 1140	shading effects	The applicant did not	comments on it from, relevant local	
P0012	a. approximately 357	Ltd, which is	 it does not 	(FTE) jobs over a four-	 provide additional housing supply in 	under standard	direct FTE jobs over a four-year	noise and vibration offects	identify any	authorities or relevant Ministers but that	
Auckland NZ	residential units	the ultimate	include any	vear planning	a location well-	Resource	planning and	vibration effects transport effects 	requirement for unit	you are required to do so if you do not	
Pty Limited		holding	prohibited	and	serviced by public	Management	construction	erosion and	title subdivision	decline the application under section	
c/- Tattico	b. retail and	company of P0012	activities	construction	transport and	Act 1991 (RMA) processes, due	period	sediment	consent. We	23(3) of the FTCA.	
Limited	commercial tenancy space	Auckland NZ	 it does not 	period	which has an	to the likelihood	increase	discharge effects	recommend seeking further information	c. Note that section 21(3) of the FTCA	
Linitod	tenancy space	Pty Limited.	include land	 contribution of 	identified housing	of notification	housing supply	 contamination 	from the applicant on	permits you to forward an application	
Location	c. public and private	,	returned	approximately	shortfall	and appeals	in an area with	effects	whether or not a	to, and invite written comments from,	
	open space	The	under a	\$75 million to	provide	under standard	high housing	 groundwater 	subdivision consent is	any other person.	
65-71	d. car and bicycle	applicant	Treaty settlement	regional GDP	employment,	process.	demand	effects	likely to be required.		
Federal	parking.	has provided	 it does not 	We recommend	particularly the targeted		 contribute to well-functioning 			 Note that section 22 of the FTCA 	
Street,	The Project will	а	occur in a	that you seek	employment of	We recommend	urban	The applicant has	The applicant has	permits you to request further	
Auckland	involve activities such	Developer's	customary	additional	under-	seeking	environments by	provided details of	provided information	information from the applicant or	
Central, Auckland	as:	Report which	marine title	information on	represented	feedback from	providing a	mitigation measures to address potential	on consultation	relevant local authorities at any time before you decide whether to accept or	
Auckland		states that ICD Control	area or	the number of	groups and the	Auckland Council on the	variety of	adverse effects and	undertaken with Ngāti	decline an application.	
	a. demolition of	Pty Ltd has	protected	FTE jobs	long-term	appropriateness	housing sizes	has confirmed that	Whātua Orakei and Ngāti Paoa, that they		
	existing buildings	raised more	customary	created per year	unemployed	of using the	with good	technical experts	have both indicated	e. Agree to progress the Federal Street	Yes/No
	and infrastructure	than s	rights area	from the	 reflect the 	FTCA process.	accessibility to	have been engaged	support for the	Residences Project to our Stage 2	
	b. earthworks	9(n	under the Marine and	applicant.	historical use of		jobs, public	to complete a range	Project, and that a	analysis. The Project warrants further	
	(including bulk	capital over	Coastal		the site and the cultural		transport and	of assessments.	Cultural Impact	analysis because it has potential to	
	earthworks and	the last 8	Area		significance of the		open spacessupport a	The applicant	Assessment (CIA) will	achieve the purpose of the FTCA but	
	disturbance of contaminated	years to	(Takutai		site in the building		transition to a	considers that the	not be required. We	we need to consider some matters	
	land)	finance various	Moana) Act		design.		low-emissions	Project will not result in significant	note that Ngāti Paoa	further before providing you with our final advice on the referral application.	
		projects	2011.				economy,	adverse	is currently	inter advice on the referrar application.	
	c. groundwater takes	across New	•		The applicant has		including	environmental	represented by both Ngāti Paoa Iwi Trust	f. Agree to provide the application to, and	Yes/No
	and diversions	Zealand and			stated that their		through the	effects.	and Ngāti Paoa Trust	invite comments from:	
	d. discharges of	has funding			preferred contractor for construction is		reduction in		Board and the	the Ministers listed in section 21(6) of	
	groundwater,	arrangement			Icon Construction.		private vehicle use	The application is	applicant has only	the FTCA	
	stormwater and	s with		_	Icon has identified		u30	for a non-complying	consulted with Ngāti	Auckland Council	
	contaminants to	several non- bank lenders			various strategies		The applicant has	activity under the	Paoa Trust Board.		Yes/No
	land	to supply			which they will use		stated that they	AUP and the	Additionally, there are numerous other	g. Agree to seek further information from	
	e. construction of	any			to provide positive		will be using a	applicant has not	relevant iwi with	the applicant on the following:	
	three waters	additional		X	benefits for the		construction	provided an	whom the applicant	 the number of FTE jobs which will be 	
	services	capital			community,		strategy which	assessment of how	will need to engage	created per year	
	f. construction of a	required.			including a partnership with		includes diverting	it will pass the tests	regarding the	 time required to address FTCA CIA 	
	multi-level mixed-				Amotai (an		80% of	in section 104D of the RMA.	requirement for a	requirements and engagement with	
	use building	We have no			organisation which		construction waste away from landfill		CIIA. This has the	other relevant iwi authorities who	
	g. construction of	concerns			promotes diversity		for other purposes	We recommend that	potential to affect the	have not yet been contacted.	
	vehicle access,	about the			in employment) to		and prioritising the	an assessment of	applicant's readiness	 how the applicant expects that the Project will pass the 'gateway tests' 	
		ability of the			,		and a second and	an assessment of	to lodge resource	rioject will pass the galeway lests	

					Will the Project help to achieve the purpose of the FTCA? [section 18(2)]						
Project details	Project description	Project funding	Is Project eligible for referral? [section 18(3)]	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 the 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)]	Recommendations	Minister's decisions
	loading and parking areas h. any other activities that are - i. associated with the activities described in a to g; and ii. within the Project scope The Project will require land use consent and water and discharge permits under the Auckland Unitary Plan 2016 (AUP) and land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.	applicant to fund the Project.			supply Māori and Pasifika staff, committing to 50% of apprentices being from at-risk groups. The Project site is identified in the AUP as a Site of Significance to mana whenua. The applicant has engaged with Ngāti Whātua Orakei and Ngāti Paoa to incorporate cultural views into the building design.		use of electric instead of diesel generators on site. The applicant has provided a transport assessment which states that the Project will result in less vehicle traffic than the existing land use on site (a commercial car park). This is due to the provision of only 158 carparks, and 320 bike parks on site, and the close proximity to public transport networks.	how the application meets the section 104D tests is sought from the applicant. 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 should the Project be referred.	consent applications with the EPA were the project to be referred. We recommend that you seek additional information from the applicant on how long they anticipate it will take to secure the additional CIAs (or agreements that they are not necessary) that are required under the FTCA process. The applicant states that the proposal relies on the transfer of heritage bonus floor space from other (as yet unidentified) sites within the city centre. We recommend that you seek additional information from the applicant on the availability of heritage floor space and any risks associated with not being able to obtain the rights to this space.	 in section 104D of the RMA whether the Project will include any subdivision the availability of heritage bonus floor area, and any risks if the applicant is unable secure rights to bonus floor area. whether the applicant is an overseas person as defined in the Overseas Investment Act 2005 because its ultimate holding company, ICD Control Pty Ltd (and the entity funding the development), is registered in Australia. If the applicant is an overseas person, whether any Overseas Investment Office approvals or exemptions are required in order for the development to proceed, either because the land is sensitive land, the development is a significant business asset within the meaning of the Oversees Investment Act, or for any other reason. Sign the attached letters to Ministers listed in section 21(6) of the FTCA and the Associate Minister for the Environment (Urban Policy). Note that while awaiting these comments 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. 	Yes/No
	Signed:										
	Hon David Parker Minister for the Environment Date										