

FTC#90 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2021-060 Federal Street Residences

Date Submitted:	14 October 2021	Tracking #: BRF-771	
Security Level	In-Confidence	MfE Priority:	Urgent

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

Actions for Minister's Office Staff	Return the signed briefing to MfE.
Number of appendices: 6	<p>Appendices:</p> <ol style="list-style-type: none"> 1. Federal Street Residences application documents and further information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to P0012 Auckland NZ Pty Limited, Ngāti Koheriki Claims Committee 5. Section 17 Report 6. Comments received from Ministers and Auckland Council

Ministry for the Environment contacts

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FTC#90: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key Messages

1. This briefing relates to the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from P0012 Auckland NZ Pty Limited for referral of the Federal Street Residences project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-573) with your initial decisions annotated is in Appendix 2.
3. The Project is located at 57-71 Federal Street, Auckland Central, Auckland. It is to demolish an existing 7-storey carpark and develop a 55-level building approximately 183 metres high 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.
4. The Project will involve activities such as:
 - a. demolition of an existing building and infrastructure
 - b. earthworks (including disturbance of contaminated land)
 - c. groundwater takes, diversions and discharges to land
 - d. diversions and discharges of stormwater and contaminants to the stormwater networks
 - 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:
 - i. associated with the activities described in a to g; and
 - ii. within the Project scope as described in paragraph 3.
5. Construction of a building which exceeds the Maximum Total Floor Area Ratio rule (total floor area to site area) of 13:1 is a non-complying activity under the provisions of the Business – City Centre Zone of the Auckland Unitary Plan (AUP). As such, resource consent can only be granted if the requirements of section 104D of the Resource Management Act 1991 (RMA) can be satisfied, in relation to the significance or otherwise of adverse effects or the overall alignment with the AUP objectives and policies applying to the site.
6. We note that Auckland Council considers it unlikely the Project will have significant effects and the applicant also considers the Project is capable of passing the section 104D 'gateway' tests, despite the proposed building being the second highest building in Auckland (after the Sky Tower), and despite the fact that it may well obstruct some of the view from the Sky Tower if it is constructed as proposed. We consider that a panel will be able to scrutinise these assessments with the benefit of more comprehensive information on environmental effects, should the Project be referred.

7. We recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-track consenting. We seek your decision on this recommendation and on our recommendations on directions to the applicant and a panel, and notification of your decisions.

Assessment against Statutory Framework

8. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with Project referral.
9. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from Ministers and Auckland Council (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
10. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

11. In response to your request under section 22 of the FTCA the applicant provided further information on the following:
 - a. the number of full-time equivalent (FTE) jobs which will be created per year of the Project
 - b. the time required to engage with iwi regarding Cultural Impact Assessment(s)
 - c. whether the Project will pass the 'gateway tests' in section 104D of the RMA
 - d. whether the Project will require resource consent for subdivision
 - e. the availability of heritage bonus floor area¹ to increase the allowable floor area in the development
 - f. whether the applicant is an overseas person as defined in the Overseas Investment Act and any implications of this.
12. We have taken this information into account in our analysis and advice.

Section 17 Report

13. The Section 17 Report indicates that there are 15 iwi authorities, seven Treaty settlements and 13 Treaty settlement entities relevant to the Project area.
14. The report outlines Treaty settlement redress including Crown acknowledgements and apologies relating to the building of relationships based on respect for the Treaty of Waitangi

¹ The Auckland Unitary Plan allocates scheduled historic sites with additional 'bonus heritage floor area' to encourage the retention and enhancement of scheduled historic heritage and identified special character buildings by enabling those buildings to sell or transfer their unrealisable floor space to another site.

and its principles, which have implications for engagement and participation of iwi in resource management decision-making in their rohe.

15. The relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for this project. While it is unlikely that any specific cultural or commercial redress provided under the settlements would be affected by the proposed project the entities associated with ownership and management of the Tūpuna Maunga should be given opportunity to provide comment to a panel because of the significant height of the proposed new building. For this reason, the report includes the Tūpuna Taonga o Tāmaki Makaurau Trust and the Tūpuna Maunga Authority as relevant Treaty settlement entities.

Comments received

16. Comments were received from various Ministers and Auckland Council. The key points of relevance to your decision are summarised in Table A.

17. s 9(2)(f)(ii), s 9(2)(g)(i)

18. s 9(2)(f)(ii), s 9(2)(g)(i)

19. s 9(2)(f)(ii), s 9(2)(g)(i)

20. Auckland Council considered it appropriate to refer the Project, and that the Project is unlikely to result in significant adverse effects. Auckland Council's response included comment from Auckland Transport and Watercare Services Limited (Watercare) that the applicant should be required to provide an Integrated Transport Assessment, a Construction Traffic Management Plan, details of developer contributions to the upgrade of Federal Street and Kingston Street, and a three waters capacity assessment.

Section 18 referral criteria

21. You may accept the application for Project referral if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
22. We confirm that the Project does not include ineligible activities, and therefore satisfies the requirements of section 18(3) of the FTCA, as explained in Table A.
23. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We confirm that the Project will help to achieve the purpose of the FTCA, and thus satisfy the requirements of section 18(2) as it has the potential to:

- a. have positive effects on social wellbeing by:
 - i. providing additional housing supply in a location well-served by public transport
 - ii. providing employment (including employment targeted to under-represented groups and the long-term unemployed)
 - iii. reflecting the historical use and cultural significance of the site in the building design
 - b. generate employment by providing approximately 327 direct FTE jobs per year over a four-year planning and construction period
 - c. increase housing supply through the provision of approximately 357 residential units for owner-occupier and rental uses
 - d. contribute to a well-functioning urban environment by providing:
 - i. a variety of housing sizes with on-site amenities and good accessibility to jobs and public transport
 - ii. ground floor public realm space
 - e. support a transition to a low emissions economy through a reduction in private vehicle use (by providing vehicle parking spaces for only 50% (approximately) of the residential units)
 - f. minimise waste by diverting 80% of construction waste away from landfill to be re-used for other purposes
 - g. progress faster than would otherwise be the case under standard RMA process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.
24. We consider that any actual and potential effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and Risks

25. Even if the Project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the Project for any other reason.
- Section 23 FTCA matters*
26. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and a summary of our analysis of these matters is in Table A. Note that you may accept an application even if one or more of those reasons apply.
27. The location of the Project site adjacent to the Auckland Sky Tower within the Auckland central business district, and the scale of the proposed building is likely to result in high public interest. As such, there may be an expectation from some members of the public that there should be an opportunity for public consultation. However, we note that the Project is generally consistent with the objectives and policies of the AUP and the NPS-UD and a panel can consider any adverse effects related to the height and scale of the Project. We do not consider that you should decline to refer the Project on the basis that it would be more appropriate for the Project to go through the standard consenting process under the RMA (section 23(5)(b)).

Other matters

28. We have identified issues further to the matter identified above and our analysis of these is in Table A.
29. The Project 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). We note that while the proposed building exceeds this standard as it has a floor area ratio of 29:1, the proposed building height will enable the positive density and design elements of the Project to be achieved. The Project will require consent as a non-complying activity. Under clause 32 of Schedule 6 of the FTCA a panel is required to consider whether the Project meets the 'gateway tests' in section 104D of the RMA. The applicant has provided an assessment of how they expect that the application would pass the 'gateway tests', which we consider to be reasonable. This notwithstanding, we consider that a panel can assess whether the application passes the gateway tests along with the overall effects assessment.

Conclusions

30. We do not consider there are any significant reasons for you to decline to refer the Project. We consider that you could accept the application under section 24 of the FTCA and that all of the Project could be referred to a panel.
31. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:
 - a. a three waters infrastructure capacity assessment
 - b. a wind tunnel assessment
 - c. details of the interim street design to be implemented prior to Auckland Council's scheduled upgrades to Federal Street and Kingston Street
 - d. an integrated transport assessment.
32. The above information is required to inform a panel of the actual and potential adverse effects of the Project.
33. If you decide to refer the Project we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from:
 - a. Auckland Transport, as the Project may result in adverse effects on Auckland Transport's roading corridor during construction and operation, and they are responsible for the safe and efficient operation of the local roading network
 - b. Skycity Entertainment Group, as the Project may affect the views to and from the Skytower building at 72 Victoria Street and they may not be identified as an adjacent landowner under clause 17 of Schedule 6 of the FTCA
 - c. Watercare, as the Project may adversely affect wastewater system capacity which is managed by Watercare, and any solutions will require collaboration with Watercare
 - d. Ngāti Koheriki Claims Committee, as requested by the Minister for Treaty of Waitangi Negotiations.
34. We consider that if you decide to refer the Project, the referral application and notice of

decisions should also be copied to Ngāti Koheriki Claims Committee, as requested by the Minister for Treaty of Waitangi Negotiations.

35. Our recommendations for your decisions follow.

Next Steps

36. You must give notice of your decisions on the referral application, and the reasons for them, to the applicants and the persons, entities and groups listed in section 25 of the FTCA.
37. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.
38. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
39. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.²

² Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

1. We recommend that you:

- a. **Note** that section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
 - b. **Note** that when assessing whether the Project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the Project's economic benefits **and** costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply) and also whether it could have significant adverse effects.
 - c. **Note** that before deciding to accept the application for Project referral under section 24(1) of the FTCA **you** must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments and further information sought and provided within the required timeframe.
 - d. **Note** that if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the Project to an expert consenting panel (a panel)
 - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
 - e. **Note** that if you do refer all or part of the Project you may:
 - i. specify restrictions that apply to the Project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
 - f. **Agree** that the Project meets the referral criteria in section 18 (3) of the FTCA.
- Yes/No
- g. **Agree** that the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. have positive effects on social wellbeing by:
 1. providing additional housing supply in a location well-served by public transport
 2. providing employment (including employment targeted to under-represented groups and the long-term unemployed)
 3. reflecting the historical use and cultural significance of the site in the building design

- ii. generate employment by providing approximately 327 direct full-time equivalent jobs per year over a four-year planning and construction period
- iii. increase housing supply through the provision of approximately 357 residential units
- iv. contribute to a well-functioning urban environment by providing:
 - 1. a variety of housing sizes with good on-site amenities and accessibility to jobs and public transport
 - 2. ground floor public realm space
- v. support a transition to a low emissions economy through a reduction in private vehicle use (by providing vehicle parking spaces for only 50% (approximately) of the residential units)
- vi. minimise waste by diverting 80% of construction waste away from landfill
- vii. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.

Yes/No

- h. **Agree to refer** all of the Project to a panel.

Yes/No

- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional **information** that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:
 - i. an assessment of the condition and capacity of existing infrastructure for three waters services, and the extent of any upgrades required to service the development
 - ii. a wind tunnel assessment, prepared by a suitable qualified and experienced person
 - iii. details of the interim street design to be implemented prior to Auckland Council's scheduled upgrades to Federal Street and Kingston Street
 - iv. an integrated transport assessment, including modelling and analysis for the construction and operation phases of the Project, that covers:
 - 1. vehicle access and manoeuvrability, including safe sight distances and other measures to provide pedestrian safety and priority
 - 2. vehicle loading, including the operation of loading bays
 - 3. effects (including queuing effects) of additional traffic generated by the Project, including on the operation and safety of the local road network and measures to ensure queuing does not occur on the road reserve
 - 4. parking, including vehicle parking allocation and consideration of the feasibility of providing the minimum cycle parking required by rule E27.6.2.5 of the Auckland Unitary Plan.

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:

- i. Auckland Transport
- ii. Skycity Entertainment Group
- iii. Watercare Services Limited
- iv. Ngāti Koheriki Claims Committee.

Yes/No

- k. **Agree** to copy the referral application and notice of decisions to Ngati Koheriki Claims Committee.

Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer Federal Street Residences project to a panel in accordance with your decisions recorded herein.

Yes/No

- m. **Sign the attached (Appendix 4)** notice of decisions to P0012 Auckland NZ Pty Limited.

Yes/No

- n. **Note** that to ensure compliance with section 25(3) of the FTCA, you must ensure that the decisions, the reasons, and the Section 17 Report are published on the Ministry for the Environment's website. We will work with your office to complete this task.

Signatures



Stephanie Frame
Manager – Fast Track Consenting

Date

Hon David Parker
Minister for the Environment

Date

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
Project name Federal Street Residences Applicant P0012 Auckland NZ Pty Limited c/- Tattico Limited Location 65-71 Federal Street, Auckland Central, Auckland	<p>The Project is to demolish an existing 7-storey carpark and develop a 55-level building approximately 183 metres high that includes:</p> <ul style="list-style-type: none"> a. approximately 357 residential units b. retail and commercial tenancy space c. public and private communal open space d. car and bicycle parking. <p>The Project will involve activities such as:</p> <ul style="list-style-type: none"> a. demolition of an existing building and infrastructure b. earthworks (including disturbance of contaminated land) c. groundwater takes, diversions and discharges to the stormwater network d. diversions and discharges of 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: 	<p>The Project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> • it does not include any prohibited activities • it does not include activities on land returned under a Treaty settlement • it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 	<p>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <p>The applicant estimates that the Project will provide:</p> <ul style="list-style-type: none"> • approximately 327 full-time equivalent (FTE) jobs per year over a four-year planning and construction period • a contribution of approximately \$75 million to regional GDP over the course of the Project <p>Economic costs for people or industries affected by COVID-19 (19(a))</p> <p>N/A</p> <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <p>The applicant considers that the Project will provide for the social and cultural wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> • provide additional housing supply in a location well-served by public transport which has an identified housing shortfall • provide employment, including employment targeted to under-represented groups and the long-term unemployed • reflect the historical use of the site and the cultural significance of the site in the building design <p>The applicant states that their preferred contractor for construction is Icon Construction. Icon has identified various strategies which they will use to provide positive benefits for the community, including a partnership with Amotai (an organisation which promotes diversity in employment) to supply Maori and Pasifika staff, committing to 50% of apprentices being from at-risk groups.</p> <p>The Project site is identified in the Auckland Unitary Plan (AUP) as a Site of Significance to Mana Whenua. The applicant has engaged with Ngāti Whātua Ōrākei and Ngāti Paoa to incorporate cultural views in the building design.</p> <p>Is the Project likely to progress faster by using this Act? (19(c))</p> <p>The applicant considers that the fast-track process will allow the Project to progress approximately 15 months faster than under standard Resource Management Act 1991 (RMA) processes, due to the likelihood of notification and appeals under standard process.</p>	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</p> <p>The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA.</p> <p>More appropriate to go through standard RMA process (23(5)(b))</p> <p>We do not consider it would be more appropriate for all or part of the Project to proceed through the standard consenting process under the RMA.</p> <p>Inconsistency with a national policy statement (23(5)(c))</p> <p>We do not consider the Project is inconsistent with any relevant national policy statements.</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The Project does not directly affect any Treaty settlement redress.</p> <p>Involves land needed for Treaty settlements (23(5)(e))</p> <p>The Project site does not include any land needed for Treaty settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>Auckland Council noted that the applicant has been issued with two 'notices to fix' under the Building Act and that these are both now recorded as compliant. We do not consider that the referral application should be declined on this basis.</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>We accept Auckland Transport's request for the applicant to be required to submit to a panel an integrated transport assessment and details of the interim street design to be implemented prior to Auckland Council's scheduled upgrades to Federal Street and Kingston Street.</p> <p>We note Watercare's comment that additional analysis is required to understand the capacity of the downstream wastewater system and any upgrades required, and consider that the applicant should provide a three waters infrastructure assessment which addresses the capacity of the existing infrastructure to service the development and any upgrades which will be required.</p> <p>There are no reasons to decline to refer the Project. We recommend that you accept the application under section 24 of the FTCA and refer all of the Project to a panel.</p> <p>We recommend that you provide your notice of decisions to Ngāti Koheriki Claims Committee.</p> <p>We also recommend you make the following directions to a panel:</p>

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	<p>i. associated with the activities described in a to g; and</p> <p>ii. within the Project scope as described above.</p>		<p>Will the Project result in a public benefit? (19(d))</p> <p>Based on the information provided we consider that the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> • generation of 327 FTE jobs per year over a four-year planning and construction period • increasing housing supply in an area with high housing demand • contributing to well-functioning urban environments by providing a variety of housing sizes with good accessibility to jobs, public transport, and open spaces • supporting a transition to a low-emissions economy, including through the reduction in private vehicle use (less than 0.5 carparks are provided per unit) • minimising waste by diverting 80% of construction waste away from landfill <p>Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e))</p> <p>The Project has the potential for adverse environmental effects including:</p> <ul style="list-style-type: none"> • dominance, privacy and shading effects • noise and vibration effects • transport effects • erosion and sediment discharge effects • contamination effects • groundwater effects <p>The applicant has provided details of mitigation measures to address potential adverse effects and has confirmed that technical experts have been engaged to complete a range of assessments. The applicant considers that the Project will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full assessment of environmental effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects should the Project be referred.</p> <p>We note that the Project may result in obstructed view to and from the Skytower building, and that the owners of the building may not be identified as adjacent landowners under clause 17 of Schedule 6 of the FTCA. We recommend that you require a panel to seek comment on a resource consent application from Skycity Entertainment Group, as the owners of the Skytower.</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p> <p>Auckland Council considered that this is an appropriate Project to refer to a panel. The council's planning, urban design and landscape architecture specialists all considered that the Project is unlikely to result in significant adverse effects, while noting that opportunities for design refinement still remain. The council noted several reports which would normally be required for an application of this nature in this area, including on: landscape, urban design, wind tunnel effects, transport, acoustic effects, infrastructure, contamination, geotechnical effects, iwi consultation, an integrated transport assessment, and various management plans. We consider that these are generally covered by the requirements of clause 9 Schedule 6 of the FTCA.</p> <p>Auckland Council's response included comments from their Council-controlled organisations Auckland Transport and Watercare Services Limited (Watercare).</p> <p>Auckland Transport requested that if the Project is referred, the applicant be required to provide an integrated transport assessment which includes assessment of the following key areas:</p> <ul style="list-style-type: none"> • pedestrians, including safety, amenity and inter-visibility toward vehicle access • access, including tracking, vehicle access/waiting areas, queuing effects, trip generation and distribution • loading, including tracking and effects on the surrounding road network 	<p>Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p>Other issues & risks:</p> <p>The location of the Project site within an urban environment, and the scale of the proposed building is likely to result in high public interest and there may be an expectation from some members of the public that there should be an opportunity for public consultation. We note that Auckland Council is generally supportive of Project referral and a panel can consider any adverse effects related to the height and scale of the Project, and we do not consider that you should decline to refer the Project on this basis.</p> <p>The Project 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 significantly exceeds this standard and will therefore require consent as a non-complying activity. Under clause 32 of Schedule 6 of the FTCA a panel is required to consider whether the Project meets the 'gateway tests' in section 104D of the RMA. The</p>	<ul style="list-style-type: none"> • invite comment from Ngāti Koheriki Claims Committee, Watercare, Skycity Entertainment Group and Auckland Transport <p>We also recommend that you require the applicant to submit the following information with any consent application lodged with the Environmental Protection Authority:</p> <ul style="list-style-type: none"> • an assessment of the condition and capacity of existing infrastructure for three waters services, and the extent of any upgrades required to service the development • a wind tunnel assessment, prepared by a suitable qualified and experienced person • details of the interim street design to be implemented prior to Auckland Council's scheduled upgrades to Federal Street and Kingston Street • an integrated transport assessment, including modelling and analysis for the construction and operation phases of the Project, that covers: <ul style="list-style-type: none"> a. vehicle access and manoeuvrability, including safe sight distances and other measures to provide pedestrian safety and priority b. vehicle loading, including the operation of loading bays c. effects (including queuing effects) of additional traffic generated by the Project, including on the operation and safety of the local road network and measures to ensure queuing does not occur on the road reserve

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
			<p>Other relevant matters (19(f))</p> <p>The location of the Project site within an urban environment, and the scale of the proposed building is likely to result in high public interest.</p> <p>The applicant states that the Project relies on the transfer of heritage bonus floor space (HBFS) from other sites within the city centre. They have identified the Northern Club and St Matthew's in the City as having sufficient HBFS available for this Project, but will be seeking consent to use a Light and Outlook bonus floor space allowance as part of this application as well, to reduce the amount of HBFS required.</p>	<ul style="list-style-type: none"> parking, including vehicle parking allocation and consideration of feasibility of providing the minimum cycle parking required by the AUP. <p>Auckland Transport also requested that the applicant provide a Construction Traffic Management Plan and details of the proposed implementation/delivery of street upgrades required to support the Project, including developer contributions/funding to support scheduled upgrades to Federal and Kingston Streets.</p> <p>Watercare noted that there are some capacity constraints in the wastewater system downstream of the Project site, and that more detailed analysis is required to assess the impact of the development on the network and the extent of upgrades required.</p> <p>All responses received by parties invited to comment are attached at Appendix 6.</p>	<p>applicant has provided an assessment of how they expect that the application would pass the 'gateway tests', and we consider that a panel can assess whether the application passes the gateway tests along with their overall effects assessment.</p>	<p>d. parking, including vehicle parking allocation and consideration of feasibility of providing the minimum cycle parking required by rule E27.6.2.5 of the Auckland Unitary Plan.</p>

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Schedule of Appendices and Attachments

Appendix 1 – Federal Street Residences – Application form and additional information received

Appendix 2 – BRF-573 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decisions on Federal Street Residences project

Appendix 3 – Statutory framework for making decisions

Appendix 4 – Draft Notice of Decisions letter to P0012 Auckland NZ Pty Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers and Auckland Council

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