

FTC #140: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2022-094 Stellar Project

Application 2022-096 Fleet Street Apartments Project

Date submitted:	7 July 2022	Tracking #: BRF-1861	
Security level:	In-Confidence	MfE priority:	Urgent

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

Actions for Minister's Office staff	Return the signed briefing to MfE. Send attached letters (if signed) with accompanying template and links to application documents.
Number of attachments: 4	Attachments: - Application documents for Stellar Project (Databox link) - Application documents for Fleet Street Apartments Project (Databox link) - Letter to Ministers – inviting comments on Stellar Project and Fleet Street Apartments referral - Template for ministerial comment

Ministry for the Environment contacts

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

FTC#140: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

1. This briefing seeks your initial decisions on applications to refer the following projects to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA):
 - a. Stellar Project, from Dilworth Trust Board
 - b. Fleet Street Apartments Project, from Shackleton Developments Limited and 11 Fleet Limited.
2. The Stellar Project is to redevelop a 4173 square metre site at 76 and 80 Great South Road, Remuera, Auckland to accommodate a 'build-to-rent' mixed-use development. This includes two buildings approximately 36.5 and 37.5 metres high containing approximately 200 apartments, roof top and ground floor amenity areas, commercial floorspace, and bicycle and car parking; and landscaped open spaces and pedestrian accessways.
3. The project will require land use consents and discharge permits under the Auckland Unitary Plan (AUP) and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). The proposed activities have restricted discretionary activity status due to exceedances of permitted standards, including exceeding the building height standards for the Business - Mixed Use zone in the AUP by up to 19.5 metres.
4. The Fleet Street Apartments Project is to redevelop a 671 square metre site at 11 and 13 Fleet Street, Eden Terrace, Auckland to accommodate an eight-storey apartment building (approximately 30.5 metres high) containing approximately 57 apartments, a small office area, residents' shared workspace and parking; and associated infrastructure, accessways, and landscaping.
5. The project will require land use and subdivision consents and water and discharge permits under the AUP. The proposed activities have restricted discretionary activity status due to exceedances of permitted standards, including exceeding the building height standards for the Business – Mixed Use zone in the AUP by up to 12.5 metres.
6. We have undertaken an initial (Stage 1) analysis of the referral applications and this is presented along with our recommendations in Table A.

The projects meet all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if they meet the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
7. We recommend you progress consideration of both applications to the next stage of analysis (Stage 2) and invite comments from the relevant local authority and specific Ministers listed in section 21(6) of the FTCA.
8. We recommend that for both projects, you invite comments from Auckland Transport, and Watercare Services Limited as additional parties under section 21(3) of the FTCA.
9. We recommend that for the Fleet Street Apartments project you request further information from the applicant as detailed in Table A.

Statutory framework summary

10. You are the sole decision maker for the referral applications as the projects will not occur in the coastal marine area.
11. You may decline a referral application before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).
12. If you do not decline a referral application at this stage:
 - a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
 - b. you may provide the application to and invite comments from any other person.
13. 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 a referral application (see section 22 of the FTCA).

Action sought

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

Signature

A handwritten signature in black ink, appearing to read 'S. Frame', is written over a horizontal line.

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

Projects to progress

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
Stellar Project Applicant Dilworth Trust Board c/- Campbell Brown Planning Limited Location 76 and 80 Great South Road, Remuera, Auckland	The project is to redevelop a 4173 square metre site at 76 and 80 Great South Road, Remuera, Auckland to accommodate a 'build-to-rent' mixed-use development. This includes two buildings approximately 36.5 and 37.5 metres high that will accommodate approximately 200 apartments, roof top and ground floor amenity areas, commercial floorspace, and bicycle and car parking, and landscaped open spaces and pedestrian accessways. The project will require land use consents and discharge permits under the Auckland Unitary Plan (AUP) and resource consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). The proposed	The applicant states that the project will be funded through debt funding, which will leverage the applicant's large asset base and low existing debt level. At this stage we do not have any concerns about the applicant's ability to finance the project.	Based on available information at this stage, we consider the project is eligible for referral because: - it does not include any prohibited activities - it does not include land returned under a Treaty settlement - it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.	Based on the information provided by the applicant we consider that the project may result in the following economic benefits: - creating approximately 253 direct and 420 indirect full-time equivalent (FTE) jobs over a 4-year period - contributing approximately \$160 million to national GDP	The project has the potential for positive effects on social wellbeing of current and future generations as it will: - generate employment by providing 253 direct and 420 indirect FTE jobs over a 4-year period - increase housing supply by constructing approximately 200 residential units	The applicant estimates that the FTCA will allow the project to progress 18 to 24 months faster than under standard Resource Management Act 1991 (RMA) processes due to the likelihood of notification and appeals, and current delays in processing consents by Auckland Council. We recommend seeking comment from Auckland Council on the appropriateness of using the FTCA process.	Based on the information provided by the application we consider that the Project may result in the following public benefits: - generating employment - increasing housing supply - contributing to a well-functioning urban environment.	The project has the potential for adverse environmental effects arising from: - earthworks and disturbance of contaminated land - construction activities - traffic - the proposed building potentially dominating, shading, causing loss of privacy for neighbouring properties and affecting the existing amenity and character of the area. The applicant has stated that overall adverse effects will not be significant. We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development. Given there is also the potential for adverse effects on existing infrastructure, including three-waters services networks, we recommend seeking further comment at this stage from Watercare Services Limited.	N/A	a. Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers. b. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA. c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. d. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application. e. Agree to progress the Stellar Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application. f. Agree to provide the application to, and invite comments from: - the Ministers listed in section 21(6)(a)–(m) of the FTCA - the relevant local authority – Auckland Council - the following additional entities/persons under section 21(3) of the FTCA: - Auckland Transport - Watercare Services Limited g. Sign the attached letters to Ministers. h. Note that while awaiting comments from invited parties and further	Yes/No Yes/No Yes/No

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				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	activities have restricted discretionary activity status due to exceedances of permitted standards, including exceeding the building height standards for the Business - Mixed Use zone in the AUP by up to 19.5 metres									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.	
Fleet Street Apartments Project Applicant Shackleton Developments Limited and 11 Fleet Limited c/- Campbell Brown Planning Limited Location 11 and 13 Fleet Street, Eden Terrace, Auckland	The project is to redevelop a 671 square metre site at 11 and 13 Fleet Street, Eden Terrace, Auckland to accommodate an eight-storey apartment building (approximately 30.5 metres high) containing approximately 57 apartments, a small office area, and residents' shared workspace, and associated infrastructure, accessways, parking and landscaping. The project will require land use and subdivision consents and water and discharge permits under the AUP. The proposed activities have restricted discretionary activity status due to exceedances of permitted standards, including exceeding the building height	The applicant states that finance is in place for the entire project but has not provided any more detail on what the funding source for the project is. We recommend that you seek additional information from the applicant on how the project will be funded.	Based on available information at this stage, we consider the project is eligible for referral because: - it does not include any prohibited activities - it does not include land returned under a Treaty settlement - it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.	Based on the information provided by the applicant we consider that the project may result in the following economic benefits: - creating approximately 100 direct FTE jobs over a 3-year period - contributing approximately \$13.3 million to Auckland GDP.	The project has the potential for positive effects on social wellbeing of current and future generations as it will: - generate employment by providing 100 direct FTE jobs over a 3-year period - increase housing supply by constructing approximately 57 residential units.	The applicant estimates that the FTCA will allow the project to progress 6 to 24 months faster than under standard RMA processes due to the likelihood of notification and appeals under standard process. We recommend seeking comment from Auckland Council on the appropriateness of using the FTCA process.	Based on the information provided by the application we consider that the project may result in the following public benefits: - generating employment - increasing housing supply - contributing to a well-functioning urban environment	The project has the potential for adverse environmental effects arising from: - earthworks and disturbance of contaminated land - construction activities - traffic - vegetation clearance/trimming - the proposed building potentially dominating, shading, causing loss of privacy for neighbouring properties and affecting the existing amenity and character of the area. The applicant has stated that overall adverse effects will not be significant. We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and a panel can consider this and any appropriate mitigation, offsetting or compensation to	The application form lists both Shackleton Developments Limited and 11 Fleet Limited as applicants, while also stating that 11 Fleet Limited is under the control of a director of Shackleton Developments Limited and the development will be undertaken by 11 Fleet Limited. We recommend that you seek additional information from the applicant(s) on whether they will be joint applicants for the project or whether 11 Fleet Limited will be the sole applicant. The project land also appears to be owned by Fleet Limited rather than 11 Fleet Limited. We recommend that you seek additional information from the applicant about whether these are the same entity or whether they need to put an agreement in place to allow the applicant to use the land.	a. Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers. b. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA. c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. d. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application. e. Agree to progress the Fleet Street Apartments Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA but we need to consider some matters further before providing you with our final advice on the referral application. f. Agree to provide the application to, and invite comments from: - the Ministers listed in section 21(6)(a)–(m) of the FTCA - the relevant local authority – Auckland Council	Yes/No Yes/No

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
	standards for the Business – Mixed Use zone in the AUP by up to 12.5 metres.							manage adverse effects of the development. Given there is also the potential for adverse effects on existing infrastructure, including three-waters services networks, we recommend seeking further comment at this stage from Watercare Services Limited.		- the following additional entities/persons under section 21(3) of the FTCA: - Auckland Transport - Watercare Services Limited g. Agree to seek further information from the applicant on how the project will be funded, who owns the land in the project site and who will be the applicant. h. Sign the attached letters to Ministers. i. Note that while awaiting comments from invited parties and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.	Yes/No Yes/No

Signed:

Hon David Parker
Minister for the Environment

Date: