

## FTC#243 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2023-147 Foundation Village – Building 3 Project

Date submitted:	26 May 2023	Tracking #: BRF-3094	
Security level	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon David Parker, Minister for the Environment	Decisions on recommendations	To be advised

Actions for Minister's Office staff	<b>Return</b> the signed briefing to MfE. <b>Send</b> the attached notice of decisions letter (if signed).
Number of appendices: 6	Appendices: 1. Foundation Village – Building 3 Project (Databox link) 2. Stage 1 Briefing Note and decisions (Databox link) 3. Statutory framework for making decisions (Databox link) 4. Draft Notice of Decisions letter to The Foundation Village Partnership 5. Section 17 Report (Databox link) 6. Comments received from Ministers, local authorities and Te Whatu Ora Health New Zealand (Databox link)

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Samantha Maxwell		
Acting Manager	Rebecca Perrett	s 9(2)(a)	✓
Acting Director	Lorena Stephen	s 9(2)(a)	

## **FTC#243: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions**

### **Key messages**

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1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from The Foundation Village -Partnership to refer the Foundation Village – Building 3 Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-2893) with your initial decisions annotated is in Appendix 2.
3. The project is to construct a retirement village building and associated facilities and infrastructure on an approximately 1.4 hectare site located at 10 and 16 Titoki Street, and 4 Maunsell Road, Parnell, Auckland and to use an approximately 0.12 hectare site at 8 Domain Drive, Parnell, Auckland for temporary construction-related vehicle parking.
4. The project comprises the third and final stage of a comprehensive retirement village development within the block bounded by Titoki Street, Maunsell Road, Parnell Road and George Street (the “Foundation site”), the majority of which is owned by Blind Low Vision NZ. The applicant already holds resource consents to develop other parts of the retirement village. This includes two 4–5 storey buildings (‘Building 1’ and ‘Building 2’) currently under construction on the north-eastern corner of the Foundation site, together with the refurbishment of a scheduled heritage building fronting Titoki Street (Pearson House).
5. The project includes:
  - a. one building up to 13 storeys high (or up to 49 metres high including lift overrun and plant) to be sited between scheduled heritage buildings (Pearson House and the Royal New Zealand Foundation for the Blind office and workshops) and providing –
    - i. approximately 65 independent-living retirement units
    - ii. administrative facilities including a lobby and reception/administration area, areas for staff use, and a kitchen
    - iii. communal facilities for residents’ use such as reception, lounges, bar, café, therapy, salon, swimming pool, health/wellness centre and library
  - b. two levels of basement parking
  - c. a basement-level vehicle connection to Building 2
  - d. vehicle accessways and parking areas
  - e. a pedestrian connection to Pearson House and a suspended pedestrian link at level one to Building 2
  - f. outdoor amenity areas and landscaping.
6. The project will involve activities such as:
  - a. earthworks (including earthworks that disturb potentially contaminated soils)
  - b. taking, diverting and discharging groundwater
  - c. discharging stormwater which may contain contaminants onto land
  - d. constructing a building containing residential units, associated facilities and a basement parking area

- e. constructing or installing infrastructure or structures including roads, accessways, parking areas and infrastructure for three-waters services
  - f. landscaping and planting of open space
  - g. any other activities that are:
    - i. associated with the activities described in paragraphs a to f
    - ii. within the project scope.
7. The project will require land use consents, and water and discharge permits under the Auckland Unitary Plan (AUP) and land use consent under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
  8. The project site is located in the Business – Mixed Use zone, and is an integrated residential development ('IRD'), under the AUP. IRDs (inclusive of retirement villages) are permitted activities in the Business – Mixed Use Zone, subject to compliance with the zone standards. The proposed building height exceeds the current permitted height standard of 18 metres by 31 metres. Auckland Council has yet to issue a decision on Plan Change 78 to the AUP which may increase the permitted height standards relating to the project site. The proposed activities have overall discretionary activity status owing to some of the proposed works occurring within the scheduled extent of place of two Category A buildings on the site which are owned by Blind Low Vision NZ (Pearson House and the Jubilee Building).
  9. Auckland Council acknowledged that the project would add to Auckland's housing stock, has potential to free up other sites for intensification as people relocate to the retirement village, is centrally located, has good access to public transport and represents an efficient use of the site. However, Auckland Council also considered that the project would be more appropriately assessed through standard Council-led consenting process, to allow for wider public scrutiny given the significant breach of the building height zone standard and potential for more than minor adverse effects, particularly on surrounding historic heritage.
  10. We consider that building height and potential adverse effects on heritage values are matters that can be considered and decided by a panel as part of a merit-based assessment with the benefit of a resource consent application.
  11. 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 recommendations for directions to the applicant and a panel, and notification of your decisions.

## Assessment against statutory framework

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12. 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.
13. 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 local authorities, Auckland Transport and Ministers (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.
14. 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

15. You did not request any further information from the applicant under section 22 of the FTCA.

### Section 17 report

16. The Section 17 Report indicates that there are 14 iwi authorities, 8 Treaty settlements and 11 Treaty settlement entities relevant to the project area. The report also identifies 2 additional parties which may have an interest in the project area.
17. No specific cultural or commercial redress provided under the settlements would be affected by the project.
18. 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 the project.

### Comments received

19. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i), Auckland Council and Auckland Transport. The key points of relevance to your decision are summarised in Table A.

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

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

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

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

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

25. Auckland Council considered that the project would be more appropriately assessed through the standard Council-led resource consent process, to allow for wider public scrutiny given the proposed significant breach of the 18m building height standard for this zone, and potential for more than minor adverse effects, particularly on surrounding historic heritage. Auckland Council also advised that Watercare Services Limited have advised that the site has existing downstream wastewater constraints, as well as water supply issues.

26. Auckland Transport considered that based on the level of information provided and specifically the lack of stormwater related assessment, it is neutral on whether this referral should be accepted. Auckland Transport requested that if the project is referred, you require

the applicant to provide an updated traffic assessment report as well as a stormwater management plan with any resource consent application for the project and direct a panel to invite comments from Auckland Transport.

### **Section 18 referral criteria**

27. 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)).
28. The project does not include any ineligible activities, as explained in Table A.
29. 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 consider the project will help achieve the purpose of the FTCA, and thus meet the requirements of section 18(2), as it has the potential to:
  - a. generate employment by providing approximately 385 full time equivalent (FTE) jobs over a 6-year design and construction period and approximately 15 ongoing FTEs once the project is operational
  - b. increase housing supply through the construction of approximately 65 apartment style retirement units
  - c. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.
30. We consider 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**

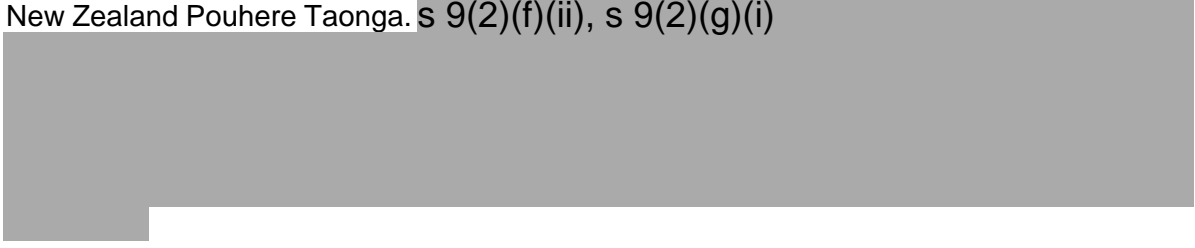
31. Even if the project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the project for any other reason.

#### *Section 23 FTCA matters*

32. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.
33. The proposed building height exceeds the permitted standard for the Business – Mixed Use Zone by 31 metres. This raises the issue of whether it would be more appropriate for the project to go through the standard RMA consenting process to potentially enable more public input on the potential adverse effects of the proposed building height.
34. The AUP provides for exceedance of the site's 18 metre height standard as a restricted discretionary activity with matters of discretion limited to consideration of the effects of the infringement of the standard. The applicant considers the effects of the proposed height will be addressed through the location of the building form internally within the site and stepped height profile.
35. Plan Change 78, which responds to the NPS-UD and RMA requirements, may increase the permitted height standards relating to the project site. Plan Change 78 proposes to enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops. Auckland Council has yet to issue a decision on Plan Change 78, and its decisions are due in March 2025.

36. We note that the George St Mixed-use Development, to be located on a site adjacent to the project site, was referred for fast-track consenting in August 2021 (Schedule 23). This development proposes buildings that exceed the permitted height standard by 38 metres.
37. We consider a panel will be best placed to assess the project's effects (including those associated with building height) with the benefit of a complete resource consent application and appropriate supporting information. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person it considers appropriate (clause 17(8), Schedule 6 of the FTCA) and so may consult as widely as they consider necessary. Therefore, we do not consider that you should decline the referral application 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)).
38. At this stage we consider there is sufficient time before 8 July 2023 for you to progress an Order in Council through Cabinet and for it to be authorised by the Executive Council, should you decide to refer the project. Therefore, we consider you should not decline to refer the project on the basis that there is insufficient time for the project to be referred and considered before the FTCA is repealed (23(5)(g)).

#### *Other matters*

39. The project site is partially covered by a historic heritage overlay in the AUP, which relates to the presence of two Category A scheduled historic heritage places on site (Pearson House and the former Royal New Zealand Foundation for the Blind office and workshops, including the Jubilee Building). Both are owned by Blind Low Vision NZ. Parts of the project will occur within the 'extent of place' of these buildings, including:
- a. an uncovered paved pedestrian link to the south-east / rear of Pearson House, which may require minor modifications to the building.
  - b. a portion of the basement (at its south-east extent) and a portion of the south-eastern elevation (above ground level) within the extent of place of the Jubilee Building).
40. The application site is not a known archaeological site, however there is the possibility that archaeological remains may be present from a previously demolished gymnasium and band room that was constructed in the 1890s, and which may be uncovered as part of the earthworks activities. The applicant has acquired an Archaeological Authority from Heritage New Zealand Pouhere Taonga. s 9(2)(f)(ii), s 9(2)(g)(i)
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41. We consider that the project's potential adverse effects on heritage values are matters that can be considered and decided by a panel as part of a merit-based assessment with the benefit of a resource consent application.

## **Conclusions**

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42. We do not consider that you should decline to refer the project in whole or in part on the basis of the risks and issues identified above. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
43. If you decide to refer the project, we do not consider that you need to specify any additional information that the applicant must submit to a panel under s 24(2)(d) of the FTCA. Our

reasons are detailed in Table A.

44. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on consent application for the project from the following parties:
- a. The Minister for Seniors
  - b. Te Whatu Ora Health New Zealand
  - c. Auckland Transport
  - d. Ngaati Whanaunga Incorporated Society
  - e. Ngāti Koheriki Claims Committee.

## Next steps

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45. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA. We consider you should also give the notice of decisions together with a copy of the application to Ngāti Koheriki Claims Committee and Te Ahiwaru Trust (formerly Makaurau Marae Māori Trust).
46. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
47. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). We will provide you with an amended letter if required. Once you have signed the letter we will assist your office to copy it to all relevant parties.
48. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OIC). 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.<sup>1</sup>
49. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
50. Our recommendations for your decisions follow.

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<sup>1</sup> 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

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1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from The Foundation Village Partnership unless you are satisfied that the Foundation Village – Building 3 Project (project) meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
- b. **Note** 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 whether it could have significant adverse effects.
- c. **Note** 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** 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 (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** 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** the project meets the referral criteria in section 18(3) of the FTCA.
- g. **Agree** 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. generate employment by providing approximately 385 full time equivalent (FTE) jobs over a 6-year design and construction period
  - ii. increase housing supply through the construction of approximately 65 apartment style retirement units
  - iii. progress faster than would otherwise be the case under standard Resource Management Act 1991 process

Yes/No

Yes/No



h. **Agree** to **refer** all of the project to a panel.

Yes/No

i. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to those specified in clause 17 of Schedule 6 of the FTCA:

- i. The Minister for Seniors
- ii. Auckland Transport
- iii. Te Whatu Ora Health New Zealand
- iv. Ngaati Whanaunga Incorporated Society
- v. Ngāti Koheriki Claims Committee.

Yes/No

j. **Agree** to copy the application and notice of decisions to Ngaati Whanaunga Incorporated Society and Ngāti Koheriki Claims Committee in addition to those specified in section 25 of the FTCA.

Yes/No

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

Yes/No

l. **Sign** the notice of decisions letter to the applicant (attached in Appendix 4).

Yes/No

- m. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 report on the Ministry for the Environment's website.

Yes/No

## Signatures

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Rebecca Perrett  
**Acting Manager – Fast-track Consenting**

Hon David Parker  
**Minister for the Environment**

**Date:**

**Table A: Stage 2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker**

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
<b>Name</b> The Foundation Village – Building 3 Project <b>Applicant</b> The Foundation Village Partnership c/- Bentley & Co Ltd <b>Location</b> 10 and 16 Titoki Street, 4 Maunsell Road, and 8 Domain Drive, Parnell, Auckland	<p>The project is to construct a retirement village building and associated facilities and infrastructure, on an approximately 1.4 hectare site located at 10 and 16 Titoki Street, and 4 Maunsell Road, Parnell, Auckland and to use an approximately 0.12 hectare site at 8 Domain Drive, Parnell, Auckland for temporary construction-related vehicle parking.</p> <p>The project comprises the third and final stage of a comprehensive retirement village development within the block bounded by Titoki Street, Maunsell Road, Parnell Road and George Street (the “Foundation site”), the majority of which is owned by Blind Low Vision NZ. The applicant already holds resource consents to develop other parts of the retirement village. This includes two 4–5 storey buildings (‘Building 1’ and ‘Building 2’) currently under construction on the north-eastern corner of the Foundation site, together with the refurbishment of a heritage building fronting Titoki Street (Pearson House).</p> <p>The project includes:</p> <ol style="list-style-type: none"> <li>one building up to 13 storeys high (or up to 49 metres including lift overrun and plant) to be sited between scheduled heritage buildings (Pearson House and the Royal New Zealand Foundation for the Blind office and workshops) and providing – <ol style="list-style-type: none"> <li>approximately 65 independent-living retirement units</li> <li>administrative facilities including a lobby and reception/administration</li> </ol> </li> </ol>	<p>The project is eligible for referral under section 18(3)(a)–(d) as:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include activities on land returned under a Treaty settlement</li> <li>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.</li> </ul>	<p><b>Economic benefits for people or industries affected by COVID-19 (19(a))</b></p> <p>Based on the information provided by the applicant we consider the project may result in the following economic benefits:</p> <ul style="list-style-type: none"> <li>provide approximately 385 full time equivalent (FTE) jobs over a 6-year design and construction period</li> <li>provide approximately 15 ongoing FTEs through the ongoing operation of Building 3 of the retirement village.</li> </ul> <p><b>Economic costs for people or industries affected by COVID-19 (19(a))</b></p> <ul style="list-style-type: none"> <li>N/A</li> </ul> <p><b>Effect on the social and cultural well-being of current and future generations (19(b))</b></p> <p>The project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> <li>generate employment by providing approximately 385 FTEs over a 6-year design and construction period and approximately 15 ongoing FTEs through the operation of Building 3 of the retirement village</li> <li>increase housing supply through the construction of approximately 65 apartment style retirement units.</li> </ul> <p>Potential effects on cultural wellbeing are unknown. The applicant acknowledges that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities. The applicant has begun consultation with iwi authorities whose area</p>	<p><b>Ministers</b></p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>• s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p><b>Local authorities</b></p> <p>Auckland Council considered that the project would be more appropriately assessed through the standard Council-led resource consent process, to allow for wider public scrutiny given the proposed significant breach of</p>	<p><b>Section 23(5) matters:</b></p> <p><b>Insufficient information (23(5)(a))</b></p> <p>We consider the applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.</p> <p><b>More appropriate to go through standard RMA process (23(5)(b))</b></p> <p>The proposed building height exceeds the permitted standard for the Business – Mixed Use Zone by 31 metres. This raises the issue of whether it would be more appropriate for the project to go through the standard RMA consenting process to potentially enable more public input on the potential adverse effects of the proposed building height.</p> <p>The AUP provides for exceedance of the site’s 18 metre height standard as a restricted discretionary activity with matters of discretion limited to consideration of the effects of the infringement of the standard. The applicant considers the effects of the proposed height will be addressed through the location of the building form internally within the site and stepped height profile.</p> <p>Plan Change 78, which responds to the NPS-UD and RMA requirements, may increase the permitted height standards relating to the project site. Plan Change 78 proposes to enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops. Auckland Council has yet to issue a decision on Plan Change 78, and its decisions are due in March 2025.</p> <p>We note that the George St Mixed-use Development, to be located on a site adjacent to the project site, was referred for fast-track consenting in August 2021 (Schedule 23). This development proposes buildings that exceed the permitted height standard by 38 metres.</p> <p>We consider a panel will be best placed to assess the project’s effects (including those associated with building height)</p>	<p><b>In response to key comments:</b></p> <ul style="list-style-type: none"> <li>• s 9(2)(f)(ii), s 9(2)(g)(i)</li> <li>• s 9(2)(f)(ii), s 9(2)(g)(i)</li> <li>• s 9(2)(f)(ii), s 9(2)(g)(i)</li> <li>• In response to Auckland Council’s comments regarding building height and the associated effects on the adjoining and broader area, we consider these effects could be assessed by a panel. Auckland Council identified a number of reports and assessments which would normally be required for a project of this type. We consider the provision of this information is appropriately provided for by the requirements of clauses 9–11 of Schedule 6 of the FTCA.</li> </ul>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>area, areas for staff use, and kitchen</p> <p>iii. communal facilities for residents' use including reception, lounges, bar, café, therapy, salon, swimming pool, health/wellness centre and a library</p> <p>b. two levels of basement parking</p> <p>c. a basement-level vehicle connection to Building 2</p> <p>d. vehicle accessways and parking areas</p> <p>e. a pedestrian connection to Pearson House and a suspended pedestrian link at level one to Building 2</p> <p>f. outdoor amenity areas and landscaping.</p> <p>The project will involve activities such as:</p> <p>a. earthworks (including earthworks that disturb potentially contaminated soils)</p> <p>b. taking, diverting and discharging groundwater</p> <p>c. discharging stormwater which may contain contaminants onto land</p> <p>d. constructing a building containing residential units, associated facilities and a basemark parking area</p> <p>e. constructing or installing infrastructure or structures including roads, accessways, parking areas and infrastructure for three-waters services</p> <p>f. landscaping and planting of open space</p> <p>g. any other activities that are:</p> <p>i. associated with the activities described in paragraphs a to f</p>		<p>of interest includes the area in which the project.</p> <p><b>Is the project likely to progress faster by using this Act? (19(c))</b></p> <p>The applicant considers the fast-track process will allow the project to progress approximately 2 years faster than under standard Resource Management Act 1991 (RMA) processes due to the potential for notification delays with Auckland Council's consenting processes under the latter.</p> <p><b>Will the project result in a public benefit? (19(d))</b></p> <p>Based on the information provided by the applicant we consider that the project may result in the following public benefits:</p> <ul style="list-style-type: none"> <li>• generating employment</li> <li>• increasing housing supply</li> <li>• providing aged care facilities for residents, with accessibility to amenities and services.</li> </ul> <p><b>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</b></p> <p>The applicant considers the project has the potential for adverse environmental effects:</p> <ul style="list-style-type: none"> <li>• during earthworks</li> <li>• during construction activities (including traffic, noise, vibration, sedimentation)</li> <li>• on access and traffic</li> <li>• on infrastructure provision</li> <li>• relating to reverse sensitivity</li> <li>• on landscape and visual amenity values</li> <li>• relating to geotechnical matters (including stability and groundwater)</li> <li>• on heritage values</li> <li>• on archaeological values.</li> </ul> <p>The applicant has prepared some technical assessments including economic impact, urban design and landscape</p>	<p>the 18m building height standard for this zone, and potential for more than minor adverse effects, particularly on surrounding historic heritage.</p> <p>Auckland Council also advised that Watercare Services Limited has advised that the site has existing downstream wastewater constraints, as well as water supply issues.</p> <p><b>Other parties</b></p> <p>Auckland Transport considered that based on the level of information provided and specifically the lack of stormwater-related assessment, it is neutral on whether this referral should be accepted.</p> <p>Auckland Transport requested that if the project is referred, you require the applicant to provide an updated traffic assessment report as well as a stormwater management plan with any resource consent application for the project, and that Auckland Transport is specifically referenced as a person to be invited to comment on the application.</p> <p>All responses received by parties invited to comment are attached in <b>Appendix 6</b>.</p>	<p>with the benefit of a complete resource consent application and appropriate supporting information. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person it considers appropriate (clause 17(8), Schedule 6 of the FTCA) and so may consult as widely as they consider necessary. Therefore, we do not consider that you should decline the referral application 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)).</p> <p>At this stage we consider there is sufficient time before 8 July 2023 for you to progress an Order in Council through Cabinet and for it to be authorised by the Executive Council, should you decide to refer the project. Therefore, we consider you should not decline to refer the project on the basis that there is insufficient time for the project to be referred and considered before the FTCA is repealed (23(5)(g)).</p> <p><b>Inconsistency with a national policy statement (23(5)(c))</b></p> <p>We do not consider the project is inconsistent with any relevant national policy statements.</p> <p><b>Inconsistent with a Treaty settlement (23(5)(d))</b></p> <p>The project is not inconsistent with Treaty Settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The project is located on private land which is not available for Treaty settlement purposes.</p> <p><b>Applicant has poor regulatory compliance (23(5)(f))</b></p> <p>Auckland Council has not raised concerns to indicate the applicant has a poor history of environmental regulatory compliance.</p> <p><b>Insufficient time for the project to be referred and considered before FTCA is repealed (23(5)(g))</b></p>	<ul style="list-style-type: none"> <li>• Auckland Transport identified a number of reports and assessments which would normally be required for a project of this type. We consider the provision of this information is appropriately provided for by the requirements of clauses 9–11 of Schedule 6 of the FTCA. We consider you should agree to include Auckland Transport as a party from whom a panel should invite comment from on any referral application for the project.</li> </ul> <p>We do not consider that you should decline to refer the project on the basis of the risks and issued identified above. 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 you require a panel to invite comments from:</p> <ul style="list-style-type: none"> <li>• The Minister for Seniors</li> <li>• Te Whatu Ora Health New Zealand</li> <li>• Auckland Transport</li> <li>• Ngaati Whanaunga Incorporated Society</li> <li>• Ngāti Koheriki Claims Committee.</li> </ul> <p>We recommend you provide a copy of the application and the notice of decision to the following parties in addition to those specified in section 25 of the FTCA :</p> <ul style="list-style-type: none"> <li>• Ngaati Whanaunga Incorporated Society</li> <li>• Ngāti Koheriki Claims Committee.</li> </ul>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	ii. within the project scope.		<p>effects, heritage impact, transportation, civil engineering, archaeological, geotechnical, contaminated land, noise and vibration and pedestrian wind in support of their view that the project will not have any significant adverse effects.</p> <p><b>Other relevant matters (19(f))</b></p> <ul style="list-style-type: none"> <li>• N/A</li> </ul>		<p>The FTCA will be repealed on 8 July 2023, meaning that a referral order must exist for the project by this date if the project's resource consent applications are to be considered by a panel under FTCA process. The timeframe for completing a referral order following a decision to refer the project is dependent on certain statutory obligations, process steps and the capacity and resourcing of officials. This is becoming increasingly time-pressured as the 8 July deadline approaches.</p> <p>At this stage we consider there is still sufficient time for an Order in Council to be considered by Cabinet and (if approved) authorised by the Executive Council, should you decide to refer the project.</p> <p><b>Other issues and risks:</b></p> <p>The project site is partially covered by a historic heritage overlay in the AUP, which relates to the presence of two Category A scheduled historic heritage places on site (Pearson House and the former Royal New Zealand Foundation for the Blind office and workshops, including the Jubilee Building). Both are owned by Blind Low Vision NZ. Parts of the project will occur within the 'extent of place' of these buildings, including:</p> <ol style="list-style-type: none"> <li>an uncovered paved pedestrian link to the south-east / rear of Pearson House, which may require minor modifications to the building.</li> <li>a portion of the basement (at its south-east extent) and a portion of the south-eastern elevation (above ground level) within the extent of place of the Jubilee Building).</li> </ol> <p>The application site is not a known archaeological site, however there is the possibility that archaeological remains may be present from a previously demolished gymnasium and band room that was constructed in the 1890s, and which may be uncovered as part of the earthworks activities. The applicant has acquired an Archaeological Authority from Heritage New Zealand Pouhere Taonga. s 9(2)(f)(ii), s 9(2)(g)(i)</p>	

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		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
					s 9(2)(f)(ii), s 9(2)(g)(i)	