

## FTC #186: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2022-129 Jamaica Rise Project

Date submitted:	23 February 2023	Tracking #: BRF-2759	
Security level:	In-Confidence	MfE priority:	Urgent

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

Actions for Minister's Office staff	<ol style="list-style-type: none"> <li><b>Return</b> the signed briefing to MfE.</li> <li><b>Send</b> attached letter (if signed) with accompanying template and links to application documents.</li> </ol>
Number of attachments: 3	<p>Attachments:</p> <ol style="list-style-type: none"> <li>Application documents for Jamaica Rise Project (pdf/Databox link)</li> <li>Letter to Ministers – inviting comments on Jamaica Rise Project referral</li> <li>Template for ministerial comment</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Zen Gerente		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

## **FTC#186: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions**

### **Key messages**

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1. This briefing seeks your initial decisions on an application from Grenada North Nominees Limited to refer the Jamaica Rise Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to subdivide approximately 23.1 hectares of land at 133, 143, 148, 155, 158, 161, 169, 171, 174, 175, 176, 178, 179, 182, 186, 198 Jamaica Drive, Grenada North, Wellington (Jamaica Drive site), and construct a residential development comprising of approximately 213 residential units, including approximately 52 units within eight apartment buildings that are each 3 storeys high. The project includes the construction of supporting infrastructure, including roads and reserves intended to vest with Wellington City Council, accessways and three-waters services.
3. The project will also include associated works within the Takapu Road and State Highway 1 road reserves to upgrade the intersection, new stormwater infrastructure and a recreation area at 2 Takapu Road, Grenada North (Grenada North Reserve) and a new water reservoir, on the same site as the existing reservoir, at 38 Caribbean Drive, Grenada North (Caribbean Avenue Reserve). The Grenada North and Caribbean Avenue Reserves are owned by Wellington City Council (WCC).
4. The project will require subdivision and land use consents under the operative Wellington City District Plan (WCDP) and land use consent and a discharge permit under the Proposed Natural Resources Plan for the Wellington Region.
5. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
6. The Jamaica Drive site is in the WCDP's Urban Development Area (UDA) and is covered by the Lincolnshire Farm Structure Plan (LFSP) which is included in the operative WCDP. The UDA applies to greenfield land to the north of Wellington City that has been identified as suitable for urbanisation and provides for the continuation of rural activities whilst the land is progressively rezoned for urban development. The LFSP sets out a framework for transforming approximately 400-hectares of land from a rural environment to a mixed semi-rural and urban environment over a 10-15+ year period. The Jamaica Drive site is identified partly for rural-residential development and partly for low density residential development under the LFSP. Grenada North Reserve and Caribbean Avenue Reserve are zoned Open Space B under the operative WCDP.
7. WCC notified its Proposed District Plan (PDP) in July 2022. The Jamaica Drive site is located in the Future Urban Zone (FUZ) and is covered by the Lincolnshire Farm Development Area overlay (LFDA) that also covers a larger geographical area extending to the south. The LFDA overlay is proposed to replace the LFSP and provides for medium density residential development where practical, a variety of housing types, a local centre and industrial business area, and provision of a natural open space network. The Jamaica Drive site is identified for medium density residential development under the LFDA. WCC anticipates hearings on the relevant chapters of the PDP to commence in November 2023.
8. If the project is referred, it will be assessed against the operative WCDP framework as a non-complying activity. The applicant identifies that the development of the Jamaica Drive site does not align with the LFSP and will be contrary to the objectives and policies of the operative WCDP due to density but is consistent with the PDP and aligns with the intended land use under the LFDA overlay. The applicant considers the adverse effects will be no

more than minor, which will allow the project to pass at least one of the 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA).

9. The project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if it meets 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.
10. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Wellington City Council and Greater Wellington Regional Council and specific Ministers listed in section 21(6) of the FTCA.
11. We recommend that you invite comments from Transpower New Zealand Limited, Wellington Water Limited and Waka Kotahi New Zealand Transport Agency as additional parties under section 21(3) of the FTCA.
12. We also recommend you request further information from the applicant and Wellington City Council as detailed in Table A.

### Statutory framework summary

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13. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
14. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
  - a. if you are satisfied the project does not meet 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).
15. If you do not decline the 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.
16. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

### Action sought

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

### Signature

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P.P.  
Madeleine Berry  
**Acting Manager – Fast-track Consenting**

**Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker**

**Project to progress**

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)]		
<p><b>Name</b> Jamaica Rise</p> <p><b>Applicant</b> Grenada North Nominees Limited</p> <p>c/- Cuttriss Consultants Ltd</p> <p><b>Location</b> 133, 143, 148, 155, 158, 161, 169, 171, 174, 175, 176, 178, 179, 182, 186, 198 Jamaica Drive, 2 Takapu Road, and 38 Caribbean Drive, Grenada North, Wellington</p> <p>Takapu Road and State Highway 1 (SH1) road reserves</p>	<p>The project involves activities such as subdividing land, carrying out earthworks, discharging stormwater (which may contain contaminants) onto land or into water, constructing residential units, landscaping and planting of open space, constructing or installing infrastructure or structures including roads and accessways, an artificial wetland and infrastructure for three waters services.</p>	<p>The application details the project is fully funded but no further information has been provided.</p> <p>We recommend you seek additional information from the applicant on how the project will be funded, including whether any funding will be provided by third parties, any impacts on project timing or delivery, and confirmation that all required roading and three-water infrastructure upgrades will be funded by the applicant.</p>	<p>Based on available information at this stage, we consider the project is eligible for referral because:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>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.</li> </ul>	<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>creating 344 direct and indirect full-time equivalent (FTE) jobs over a 4-year construction period</li> <li>contributing approximately \$45.7 million to GDP.</li> </ul> <p>We recommend seeking information from the applicant to differentiate between the number of direct versus indirect FTE jobs to align with our analysis of other referral applications.</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>contribute to job creation and flow-on economic benefits</li> <li>increase housing supply through construction of 213 residential units</li> <li>provide opportunities for recreation and public amenity.</li> </ul> <p>The application includes a Cultural Impact Assessment (CIA) from Te Rūnanga o Toa Rangatira in support of the project.</p> <p>The applicant has also engaged with Port Nicholson Block Settlement Trust who have advised that Taranaki Whānui do not wish to provide a CIA.</p>	<p>The applicant considers the project is likely to progress 1 – 1.5 years faster under the FTCA process than would be the case if the project were considered under a standard Resource Management Act 1991 (RMA) process due to the potential for public notification and appeals under standard process.</p> <p>We recommend seeking comment from Wellington City Council (WCC) on the appropriateness of using the FTCA process.</p>	<p>Based on the information provided by the applicant we consider 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 recreation benefits</li> <li>increasing water supply infrastructure capacity.</li> </ul>	<p>The applicant notes the project has the potential for adverse environmental effects, including:</p> <ul style="list-style-type: none"> <li>earthworks and construction effects</li> <li>traffic and transport effects</li> <li>reverse sensitivity effects related to road noise from SH1</li> <li>effects on character and amenity.</li> </ul> <p>The applicant has provided preliminary technical assessments in support of their view that the project will not have any significant adverse effects.</p> <p>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.</p>	<p>A small area of the Jamaica Drive site is covered by a transmission line buffer under the Wellington City District Plan. Transmission lines are also located less than 100m to the west of the proposed water reservoir on the Caribbean Drive Reserve. We therefore recommend you invite comment on the referral application from Transpower New Zealand Limited.</p> <p>The project involves installation of three waters infrastructure. We recommend you invite comment on the referral application from Wellington Water Limited as they administer potable water, stormwater and wastewater infrastructures in Wellington.</p> <p>The Jamaica Drive site includes proposed residential units within 100m of SH1 and the project includes works within the SH1 road reserve that require approval from Waka Kotahi New Zealand Transport Agency under section 176 of the RMA. We therefore recommend</p>	<p>a. <b>Note</b> 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.</p> <p>b. <b>Note</b> 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.</p> <p>c. <b>Note</b> that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person.</p> <p>d. <b>Note</b> 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.</p> <p>e. <b>Agree</b> to progress the Jamaica Rise 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.</p> <p>f. <b>Agree</b> to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> <li>the Ministers listed in section 21(6)(a)–(m) of the FTCA</li> <li>the relevant local authorities – Wellington City Council and Greater Wellington Regional Council</li> <li>the following additional entities/persons under section 21(3) of the FTCA: Transpower New Zealand Limited, Wellington Water Limited and Waka Kotahi New Zealand Transport Agency.</li> </ul>	<p>Yes/No</p> <p>Yes/No</p>

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									<p>you invite comment on the referral application from Waka Kotahi.</p> <p>The applicant has identified that it requires landowner approval from WCC to undertake works within, and register easements over, the Grenada North and Caribbean Avenue Reserves. Easements are also registered on the applicant's land in favour of WCC. The applicant has a Memorandum of Understanding with WCC; however, we recommend you seek comments from WCC on any other formal approvals required from them that may impact on the applicant's timeframe for project delivery.</p> <p>The Wellington Proposed District Plan (PDP) contains rules that have immediate legal effect. We recommend you seek further information from the applicant on any additional rules under the PDP relevant to the project, the activity status and any additional consents required.</p> <p>The applicant advised there are no relevant interests on the titles owned by the applicant except for a consent notice that WCC have agreed in principle to remove should a panel grant resource consents for</p>	<p>g. <b>Agree</b> to seek further information from the applicant on the details of funding, direct and indirect FTE jobs, activity status and consents required under the PDP, consent notice implications, details of consultation with WELL related to registered interests on the titles, status of approvals required from Waka Kotahi, connection between the applicant and Carrus Properties Limited, and confirmation of the presence or absence of natural inland wetlands and the consequences for project consenting.</p> <p>h. <b>Agree</b> to seek comments from Wellington City Council if there are any additional approvals required that may impact on the applicant's timeframe for project delivery.</p> <p>i. <b>Sign</b> the attached letters to Ministers.</p> <p>j. <b>Note</b> 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.</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

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									<p>the project. We recommend you seek clarification from the applicant on whether a panel can grant consent for the project with the consent notice in place, and how the applicant envisages this could occur (e.g., a volunteered consent condition relating to the consent notice cancellation).</p> <p>Easements in favour of Wellington Electricity Lines Limited (WELL) are registered in some of the titles for the project site. We recommend you seek further information from the applicant on any consultation undertaken with WELL, existing WELL infrastructure on site that may be affected, any approvals required from WELL for the project to proceed, and any impacts on project timing or delivery.</p> <p>The applicant has provided details on Carrus Properties Limited's track record of compliance instead of the applicants. We recommend you seek further information from the applicant on its connection with Carrus Properties Limited, and any compliance history of the applicant.</p> <p>The topographical map indicates low lying areas to the south of the Jamaica</p>		

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									Rise site and within 100m from the proposed lots, within 100m to the north and west of the proposed filled area in Grenada North Reserve and within 100m to the southwest of the proposed water reservoir. We recommend you seek confirmation from the applicant on the presence or absence of natural inland wetlands within, and within 100m of, the project site, and any additional consent/s required.		

Signed:

Hon David Parker  
Minister for the Environment

Date: