

## FTC#246 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2022-129 Jamaica Rise Project

Date submitted:	29 May 2023	Tracking #: BRF-2940	
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: 7	Appendices: 1. Jamaica Rise Project application and further information received (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 Grenada North Nominees Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers, Greater Wellington Regional Council, Wellington City Council, Transpower New Zealand Limited and Waka Kotahi New Zealand Transport Agency (Databox link) 7. Further information received post-consultation (Databox link).

### Ministry for the Environment contacts

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

## **FTC#246: 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 Grenada North Nominees Limited to refer the Jamaica Rise Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. A copy of the application is in Appendix 1. This is the second briefing on this application. The first (Stage 1) briefing (BRF-2759) with your initial decisions annotated is in Appendix 2.
3. The project is to subdivide a site covering approximately 23 hectares of land at 133, 143, 148, 155, 158, 161, 169, 171, 174, 175, 176, 178, 179, 182, 186 and 198 Jamaica Drive, Grenada North, Wellington (Jamaica Drive site) and construct a residential development comprising of approximately 213 residential units, including approximately 52 residential 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 (WCC), accessways and three-waters services.
4. 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 WCC.
5. The project will involve activities such as:
  - a. subdividing land
  - b. carrying out earthworks
  - c. discharging stormwater (which may contain contaminants) onto land or into water
  - d. constructing residential units
  - e. developing land for private open space and public reserves, including landscaping and planting
  - f. constructing an artificial wetland for the purpose of stormwater management
  - g. constructing or installing infrastructure or structures, including roads and accessways, and infrastructure for three waters services, including a water reservoir
  - h. any other activities that are:
    - i. associated with the activities described in a to g
    - ii. within the scope of the project as described in paragraphs 3 and 4.
6. 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.
7. 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. The project does not align with the LFSP. Grenada North Reserve and Caribbean Avenue Reserve are zoned Open Space B under the operative WCDP.

8. 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 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 and the project is consistent with this.
9. Ten submissions were received on the LFDA and no submissions opposed the proposed medium density residential use of the project site. WCC anticipates hearings on the relevant chapters of the PDP to commence in November 2023.
10. The project has non-complying activity status under the WCDP and a panel would be required to consider whether any resource consent application for the project meets at least one of the two 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA). 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. The applicant acknowledges 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 considers it is consistent with the PDP and aligns with the intended land use under the LFDA. WCC commented that more weight should be given to the objectives and policies of the PDP over the operative WCDP, and agreed with the applicant that the project will be consistent with the objectives and policies of the PDP.
11. No parties invited to comment opposed project referral.
12. 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 a panel, and notification of your decisions.

## Assessment against statutory framework

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13. 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.
14. 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, WCC, Greater Wellington Regional Council (GWRC), Transpower New Zealand Limited (Transpower) and Waka Kotahi New Zealand Transport Agency (Waka Kotahi) (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.
15. 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

16. In response to your request under section 22 of the FTCA the applicant provided further information on project funding, direct and indirect jobs, activity status and consents required under the PDP, consent notice implications, details of consultation with Wellington Electricity Lines Limited (WELL), status of approvals required from Waka Kotahi, the relationship between the applicant and Carrus Properties Limited, and confirmation there are no natural inland wetlands affected by the project. We have taken this information into account in our analysis and advice.

### Section 17 report

17. The Section 17 report identifies two iwi authorities, two Treaty settlements and two Treaty settlement entities relevant to the project area.
18. No specific cultural or commercial redress provided under the settlements would be affected by the project and the relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the RMA for the project.

### Comments received

19. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i) WCC, GWRC, Transpower and Waka Kotahi. 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. WCC did not oppose project referral and requested to be involved with the applicant to work on conditions. WCC noted specific matters to be considered such as proposed open space, natural hazards and reverse sensitivity effects in relation to nearby non-residential activities and State Highway 1, but noted these can be addressed through the consent process. WCC considered more weight should be given to the objectives and policies of the PDP over the operative WCDP, and agreed with the applicant that the project will be consistent with the objectives and policies of the PDP.
25. GWRC did not oppose project referral and noted that consent conditions offered by the applicant should be consistent with GWRC standard conditions. GWRC did not identify any environmental regulatory compliance history for the applicant (Grenada North Nominees

Limited) but noted that the sole shareholder, Carrus Properties Limited, has ten charges laid against it under the RMA that have not been determined yet.

26. WCC and GWRC noted several reports and assessments that would normally be required for a project of this type.
27. Transpower did not oppose project referral and noted its assets are located outside the development area and in proposed reserve land, and that the topography and height of the line indicates that vegetation will be able to be managed.
28. Waka Kotahi neither supported nor opposed project referral and noted it supports a multi-modal approach to development to promote a range of transport options and avoid increasing reliance on private vehicles for travel. Waka Kotahi advised that prior approval is required to work within the state highway corridor to improve the Takapu Road and State Highway 1 intersection. Waka Kotahi noted it is a key stakeholder for the project and requested if the project is referred that the panel direct the applicant to consult with Waka Kotahi, given the requirement to gain approval under the Government Rounding Powers Act 1989 (GRPA) for the intersection upgrade.

### **Section 18 referral criteria**

29. 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)).
30. The project does not include any ineligible activities, as explained in Table A.
31. 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 172 direct, and 172 indirect, full-time equivalent jobs over a 4-year design and construction period
  - b. increase housing supply through the construction of approximately 213 residential units
  - c. have positive effects on social well-being by providing public open space for recreational purposes
  - d. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.
32. 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**

33. 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*

34. 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.
35. Section 23(5)(b) of the FTCA enables you to decline a project if it is more appropriate for the project to go through standard RMA consenting processes. We have considered whether it

would be more appropriate for the project to be considered under standard RMA consenting process, particularly given the wider community may expect the project to be preceded by the PDP becoming operative since hearings and decisions on the PDP are yet to be completed.

36. The Jamaica Drive site is in the WCDP's UDA and is covered by the LFSP which is included in the operative WCDP. The Jamaica Drive site is identified partly for rural-residential development and partly for low density residential development under the LFSP. The Jamaica Drive site is located in the FUZ and is covered by the LFDA under the PDP. The LFDA 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.
37. WCC's summary of submissions identifies that 10 submissions were received on the LFDA, and no submissions opposed the proposed medium density on the project site. We consider there are risks that referring the project could be viewed negatively by the wider community, particularly the 10 submitters on the LFDA, who may expect to be involved in a standard consenting process under the RMA. However, none of the submitters are in opposition to the proposed medium density residential use enabled on the project site in the LFDA, WCC supported project referral and both the applicant and WCC considered the project will be consistent with the objectives and policies of the PDP.
38. 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 they consider appropriate (clause 17(8), Schedule 6 of the FTCA), so may consult as widely as they consider appropriate.
39. For the reasons outlined above, we do not consider you should decline the project because it is more appropriate to go through the standard consenting process under the RMA (section 23(5)(a) of the FTCA) and we also do not consider it necessary for a panel to be directed to invite comments from submitters on the LFDA.
40. Section 23(5)(f) enables you to decline a referral application if the applicant has a poor history of environmental regulatory compliance. GWRC noted that Carrus Properties Limited, the sole shareholder of Grenada North Nominees Ltd (the applicant), has ten charges (all relating to one development) for earthworks and associated sediment run-off, laid against it under the RMA. The charges are before the District Court and the outcome of these charges is yet to be determined. The application considers that earthworks effects associated with this project will be controlled by erosion and sediment control measures. The applicant also proposes that a Construction Earthworks Management Plan will be prepared in line with GWRC guidelines, and proposed conditions of consent to address these matters will be included with the resource consent applications to a panel. We also note that GWRC did not oppose project referral, including due to compliance history. On this basis we do not consider that you should decline the referral application on the basis of section 23(5)(f) of the FTCA (poor history of environmental regulatory compliance).
41. Section 23(5)(g) enables you to decline a project if there is insufficient time for the application to be referred and considered before the FTCA is repealed. 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*

42. If the project is referred, it will be assessed against the operative WCDP framework as a non-

complying activity. A panel would be required to consider whether any resource consent application for the project meets at least one of the two 'gateway tests' in section 104D of the RMA. 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. We consider this can be appropriately determined by a panel and therefore we do not consider that you should decline the referral application on this basis. We do not consider that you should decline to refer the project on the basis that it would not meet the gateway tests in s 104D of the RMA.

43. We note the applicant acknowledges the proposed 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 considers it is consistent with the PDP and aligns with the intended land use under the LFDA. WCC commented that more weight should be given to the objectives and policies of the PDP over the operative WCDP, and agreed with the applicant that the project will be consistent with the objectives and policies of the PDP. The weight given to a proposed plan is determined on a case-by-case basis under the RMA and includes consideration of the extent to which the PDP has progressed through the plan development process. If the project is referred, the panel will determine the appropriate weight to be given to the PDP at the time a consent application is lodged.
44. Consent Notice 8516760.3 is registered on the record of title for the project site that restricts development within certain areas, restrict the materials and colours of buildings and limits the height of buildings to no more than 5 metres on two of the existing lots. The referral application identified that a variation or cancellation of the consent notice would be required for the project to proceed, and we understand a panel does not have the powers to consider this under the FTCA. The applicant considers there is no impediment to a panel granting resource consents that are inconsistent with a consent notice, and the applicant would seek the cancellation post resource consent (if granted). The applicant also provided a letter from WCC noting WCC does not see any impediment to the cancellation of the consent notice should the application be granted consent under the FTCA, and no concerns have been raised in WCC's comments. We note this is a risk to the applicant's ability to carry out the project, but we do not consider you should decline to refer the project because of this matter.
45. Waka Kotahi advised that prior approval is required under the GRPA to work within the state highway corridor to improve the Takapu Road and State Highway 1 intersection. We note this presents a risk to project timing and delivery; however, Waka Kotahi acknowledged it is working with the applicant, and is largely aligned, on proposed consent conditions of its approval under the GRPA. We recommend if you decide to refer the project you direct a panel to invite comment from Waka Kotahi to ensure the status of the approval under the GRPA and Waka Kotahi's views on the proposed development are known. We do not consider you should decline to refer the project because of this matter.
46. Easements in favour of Wellington Electricity Lines Limited (WELL) are registered on some of the titles for the project site. WELL has advised the applicant that the local network has reached its 'security criteria' limits but there are current planning projects to increase the available capacity and the 'security criteria' limits. The applicant has confirmed the project may require realignment of the 11kv WELL line that traverses the site and we recommend that if the project is referred, you direct a panel to invite comments from WELL.

## Conclusion

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47. 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.
48. 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.

49. 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 applications for the project from the following parties:
- a. Transpower New Zealand Limited
  - b. Waka Kotahi New Zealand Transport Agency
  - c. Wellington Water Limited
  - d. Wellington Electricity Lines Limited.

## Next steps

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50. 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 Wellington Electricity Lines Limited.
51. 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.
52. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). Once you have signed the letter, we will assist your office to copy it to all relevant parties.
53. 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>
54. 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.
55. 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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56. 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 Grenada North Nominees Limited unless you are satisfied that the Jamaica Rise 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 172 direct, and 172 indirect, full-time equivalent jobs over a 4-year design and construction period
  - ii. increase housing supply through the construction of approximately 213 residential units
  - iii. have positive effects on social well-being by providing public open space for recreational purposes

Yes/No

- iv. progress faster than would otherwise be the case under standard Resource Management Act 1991 process.
- 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. Transpower New Zealand Limited
  - ii. Waka Kotahi New Zealand Transport Agency
  - iii. Wellington Water Limited
  - iv. Wellington Electricity Lines Limited.
- Yes/No
- j. **Agree** to copy the application and notice of decisions to Wellington Electricity Lines Limited 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

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

Yes/No

## Signatures

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A handwritten signature in black ink, appearing to read 'R Perrett', enclosed within a thin black rectangular border.

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> Jamaica Rise Project  <b>Applicant</b> Grenada North Nominees Limited  c/- Cuttriss Consultants Ltd  <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  Takapu Road and State Highway 1 (SH1) road reserves	The project is to subdivide a site covering approximately 23.1 hectares of land at 133, 143, 148, 155, 158, 161, 169, 171, 174, 175, 176, 178, 179, 182, 186 and 198 Jamaica Drive, Grenada North, Wellington (Jamaica Drive site) and construct a residential development comprising of approximately 213 residential units, including approximately 52 residential 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.  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	The project is eligible for referral under section 18(3)(a)–(d) as: <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 under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul>	<b>Economic benefits for people or industries affected by COVID-19 (19(a))</b>  Based on the information provided by the applicant, we consider the project may result in the following economic benefits: <ul style="list-style-type: none"> <li>provide approximately 172 direct, and 172 indirect, full-time equivalent (FTE) jobs over a 4-year design construction period</li> <li>contribute approximately \$45.7 million to GDP.</li> </ul> <b>Economic costs for people or industries affected by COVID-19 (19(a))</b> <ul style="list-style-type: none"> <li>N/A</li> </ul> <b>Effect on the social and cultural well-being of current and future generations (19(b))</b>  The project has the potential for positive effects on the social wellbeing of current and future generations as it will: <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 public open space for recreational opportunities.</li> </ul> The application includes a Cultural Impact Assessment (CIA) from Te Rūnanga o Toa Rangatira in support of the project.  The applicant has also engaged with Port Nicholson Block Settlement Trust who have advised that Taranaki Whānui do not wish to provide a CIA.  <b>Is the project likely to progress faster by using this Act? (19(c))</b>  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)	<b>Ministers</b> s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i)  <b>Local authorities</b>  WCC did not oppose project referral and requested to be involved working with the applicant on conditions of any consent. WCC noted specific matters to be considered such as proposed open space, natural hazards and reverse sensitivity effects in relation to nearby non-residential activities and State Highway 1, but noted these can be addressed through the consent process. WCC considered more weight should be given to the objectives and policies of the PDP over the operative Wellington City District Plan (WCDP), and agreed with the applicant that the project will be consistent with the objectives and policies of the Proposed District Plan (PDP). Greater Wellington Regional Council (GWRC) did not oppose project referral and noted that consent conditions offered by the applicant should be consistent with GWRC standard conditions. GWRC did not identify any environmental regulatory compliance history for the	<b>Section 23(5) matters:</b>  <b>Insufficient information (23(5)(a))</b>  The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.  <b>More appropriate to go through standard RMA process (23(5)(b))</b>  We have considered whether it would be more appropriate for the project to be considered under standard RMA consenting process, particularly given the wider community may expect the project to be preceded by the PDP becoming operative since hearings and decisions on the PDP are yet to be completed.  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 Jamaica Drive site is identified partly for rural-residential development and partly for low density residential development under the LFSP. The Jamaica Drive site is located in the Future Urban Zone (FUZ) and is covered by the Lincolnshire Farm Development Area overlay (LFDA) under the PDP. The LFDA 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's summary of submissions identifies that 10 submissions were received on the LFDA, and no submissions opposed the proposed medium density on the project site. We consider there are risks that referring the project could be viewed negatively by the wider community, particularly the 10 submitters on the LFDA, who may expect to be involved in a standard consenting process under the RMA. However, none of the submitters are in opposition to the proposed medium density residential use enabled on the project site in the LFDA, WCC supported project referral and both the applicant and	<b>In response to key comments:</b> <ul style="list-style-type: none"> <li>s 9(2)(f)(ii), s 9(2)(g)(i)</li> <li>we note that WCC and GWRC identified a number of potential effects of the project, and reports and assessments which would normally be required for a project of this type. We consider these reports are generally covered by the requirements of clause 9 Schedule 6 of the FTCA and WCC and GWRC will have the opportunity to comment on a resource consent application to a panel. We therefore do not consider you need to require the applicant to provide all the information specified by WCC and GWRC in their resource consent applications to a panel</li> <li>in relation to the request from WCC that it is involved working with the applicant on conditions of any consent, we note that you cannot direct the panel to require the applicant to work with WCC on conditions of any resource consent. However, WCC can provide comments to a panel on proposed consent conditions.</li> <li>in relation to the comments from Waka Kotahi, we recommend if you decide to refer the project you direct a panel to invite comment from Waka Kotahi to ensure the status of the approval under the GRPA and Waka Kotahi's views on the proposed development are known</li> </ul> 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. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel for the following reasons: <ul style="list-style-type: none"> <li>the project will provide approximately 172 direct, and 172 indirect, full-time</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>Grenada North and Caribbean Avenue Reserves are owned by Wellington City Council (WCC).</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> <li>subdividing land</li> <li>carrying out earthworks</li> <li>discharging stormwater (which may contain contaminants) onto land or into water</li> <li>constructing residential units</li> <li>developing land for private open space and public reserves, including landscaping and planting</li> <li>constructing an artificial wetland for the purpose of stormwater management</li> <li>constructing or installing infrastructure or structures, including roads and accessways, and infrastructure for three waters services, including a water reservoir</li> <li>any other activities that are: <ol style="list-style-type: none"> <li>associated with the activities described in a to g</li> <li>within the scope of the project as described above.</li> </ol> </li> </ol>		<p>process due to the potential for public notification and appeals under standard process.</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 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> </ul> <p><b>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</b></p> <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 its 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><b>Other relevant matters (19(f))</b></p> <p>Landowner approval (from Wellington City Council (WCC)) will be needed for the proposed works within Grenada North and Caribbean Avenue Reserves. WCC have raised no concerns with this and have provided positive feedback on the applicant's active engagement to date with WCC's parks team.</p>	<p>applicant (Grenada North Nominees Limited) but noted that the sole shareholder, Carrus Properties Limited, has ten charges laid against it under the RMA that are still going through the litigation process.</p> <p>WCC and GWRC noted several reports and assessments that would normally be required for a project of this type.</p> <p><b>Other parties</b></p> <p>Transpower did not oppose project referral and noted its assets are located outside the development area and in proposed reserve land, and that the topography and height of the line indicates that vegetation will be able to be managed.</p> <p>Waka Kotahi neither supported nor opposed project referral and noted it supports a multi-modal approach to development to promote a range of transport options and avoid increasing reliance on private vehicles for travel. Waka Kotahi advised that prior approval is required to work within the state highway corridor to improve the Takapu Road and State Highway 1 intersection. Waka Kotahi noted it is a key stakeholder for the project and requested if the project is referred that the panel direct the applicant to consult with Waka Kotahi, given the requirement to gain approval under the Government Rooding Powers Act 1989 (GRPA) for the intersection upgrade.</p> <p>All responses received by parties invited to comment are attached in <b>Appendix 6</b>.</p>	<p>WCC considered the project will be consistent with the objectives and policies of the PDP.</p> <p>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 they consider appropriate (clause 17(8), Schedule 6 of the FTCA), so may consult as widely as they consider appropriate.</p> <p>For the reasons outlined above, we do not consider you should decline the project because it is more appropriate to go through the standard consenting process under the RMA (section 23(5)(a) of the FTCA) and we also do not consider it necessary for a panel to be directed to invite comments from submitters on the LFDA.</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 does not directly affect any Treaty settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The project site does not include any land needed for Treaty Settlement purposes.</p> <p><b>Applicant has poor regulatory compliance (23(5)(f))</b></p> <p>WCC did not raise any environmental compliance concerns regarding the applicant.</p> <p>GWRC noted that Carrus Properties Limited, the sole shareholder of Grenada North Nominees Ltd (the applicant), has ten charges (all relating to one development) for earthworks and associated sediment run-off, laid against it under the RMA. The charges are before the District Court and the outcome of these charges is yet to be determined. The application considers that earthworks effects associated with this project will be controlled by erosion and sediment control measures. The applicant also</p>	<p>equivalent jobs over a 4-year design and construction period</p> <ul style="list-style-type: none"> <li>the project will increase housing supply through construction of approximately 213 residential units</li> <li>the project will have positive effects on social well-being by providing public open space for recreational purposes</li> <li>the project will progress faster than would otherwise be the case under standard Resource Management Act 1991 process.</li> </ul> <p>We recommend you require a panel to invite comments from:</p> <ul style="list-style-type: none"> <li>Transpower New Zealand Limited</li> <li>Waka Kotahi New Zealand Transport Agency</li> <li>Wellington Water Limited</li> <li>Wellington Electricity Lines Limited.</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>Wellington Electricity Lines Limited.</li> </ul>

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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)?			
					<p>proposes that a Construction Earthworks Management Plan will be prepared in line with GWRC guidelines, and proposed conditions of consent to address these matters will be included with the resource consent applications to a panel. We also note that GWRC did not oppose project referral, including due to compliance history. On this basis we do not consider that you should decline the referral application on the basis of section 23(5)(f) of the FTCA (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> <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>If the project is referred, it will be assessed against the operative WCDP framework as a non-complying activity. A panel would be required to consider whether any resource consent application for the project meets at least one of the two 'gateway tests' in section 104D of the RMA. 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. We consider this can be appropriately determined by a panel and therefore we do not consider that you should decline the referral application on this basis. We do not consider that you should decline to refer the project on the basis that it would not meet the gateway tests in s 104D of the RMA.</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)?			
					<p>We note the applicant acknowledges the proposed 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 considers it is consistent with the PDP and aligns with the intended land use under the LFDA. WCC commented that more weight should be given to the objectives and policies of the PDP over the operative WCDP, and agreed with the applicant that the project will be consistent with the objectives and policies of the PDP. The weight given to a proposed plan is determined on a case-by-case basis under the RMA and includes consideration of the extent to which the PDP has progressed through the plan development process. If the project is referred, the panel will determine the appropriate weight to be given to the PDP at the time a consent application is lodged.</p> <p>Consent Notice 8516760.3 is registered on the record of title for the project site that restricts development within certain areas, restrict the materials and colours of buildings and limits the height of buildings to no more than 5 metres on two of the existing lots. The referral application identified that a variation or cancellation of the consent notice would be required for the project to proceed, and we understand a panel does not have the powers to consider this under the FTCA. The applicant considers there is no impediment to a panel granting resource consents that are inconsistent with a consent notice, and the applicant would seek the cancellation post resource consent (if granted). The applicant also provided a letter from WCC noting WCC does not see any impediment to the cancellation of the consent notice should the application be granted consent under the FTCA, and no concerns have been raised in WCC's comments. We note this is a risk to the applicant's ability to carry out the project, but we do not consider you should decline to refer the project because of this matter.</p> <p>Waka Kotahi advised that prior approval is required under the GRPA to work within the state highway corridor to improve the Takapu Road and State Highway 1 intersection. We note this presents a risk to project timing and delivery; however, Waka Kotahi acknowledged it is working</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)?			
					<p>with the applicant, and is largely aligned, on proposed consent conditions of its approval under the GRPA. We recommend if you decide to refer the project you direct a panel to invite comment from Waka Kotahi to ensure the status of the approval under the GRPA and Waka Kotahi's views on the proposed development are known. We do not consider you should decline to refer the project because of this matter.</p> <p>Easements in favour of Wellington Electricity Lines Limited (WELL) are registered on some of the titles for the project site. WELL has advised the applicant that the local network has reached its 'security criteria' limits but there are current planning projects to increase the available capacity and the 'security criteria' limits. The applicant has confirmed the project may require realignment of the 11kv WELL line that traverses the site and we recommend that if the project is referred, you direct a panel to invite comments from WELL.</p>	