

10 March 2023



Ministry for the Environment
Fast Track Consenting Team
C/- Melissa McGrath

Dear Melissa,

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Further Information Response – Matai Moana Te Taumata o Te Motu Kairangi Project

I write in response to the eleven matters raised in your further information request dated 13 February 2023. Please find responses below which should be read in conjunction with the eleven Attachments provided via this **Out of Scope**. The Attachments are:

- Attachment 1 - Diagram Explanation of Applicant
- Attachment 2 - Master Development Programme
- Attachment 3 - Draft LINZ and HUD agreement - 31 January 2023
- Attachment 4 - Corrections designation correspondence
- Attachment 5 - Combined RT and interests
- Attachment 5 - Record of Titles summary
- Attachment 6 – SO 581456 Digital Title Plan
- Attachment 7 - Scheme plans
- Attachment 7a - Typology Count
- Attachment 8 - Cable car initial plans
- Attachment 9 - Commercial precinct sketch
- Attachment 10 – Property Economics revised report
- Attachment 11 - Shapefiles

1. *The application (Business Case) indicates that Taranaki Whānui Limited and the Wellington Company Limited are a development partnership with joint responsibility for funding and delivery of the project. Confirm whether the Wellington Company Limited, or an alternative joint entity, should therefore be a joint applicant for the referral application.*

Taranaki Whānui Ltd are the applicant and will be the sole consent holder.

Please see Attachment 1 which outlines the relationship between Taranaki Whānui Ltd and The Wellington Company Ltd.

2. *Confirm what approvals/process/actions, including timing thereof, are still required for the land to be acquired by the Ministry of Housing and Urban Development and be on-sold to the*

Port Nicholson Block Settlement Trust. We note this is not currently reflected in the draft development programme provided with the application. We require this information to understand the potential impact of this associated process on project delivery and timing, including the anticipated date for lodgement of any resource consent applications with the Environmental Protection Authority and the commencement of physical works on site by mid-2024.

The Matai Moana Development Programme (Attachment 2) has been updated to include the HUD Land for Housing Programmes transfer process. It has also been updated to more accurately reflect the time required for the application to pass through the Fast Track referral process.

The updated Development Programme would now see demolition, bulk earthworks and the construction of infrastructure begin on the site in December 2024 (updated from September 2024 in the previous revision of the Development Programme).

The draft LINZ-HUD Agreement for transferring administration of the land is provided as Attachment 3 and sets out the steps involved in the process.

Should the site not be acquired by HUD for any reason, there is an alternative pathway available via the right of first refusal process (briefly covered in Attachment 1).

Neither pathway would result in barriers to proceeding with the development in a timely manner.

3. *Provide additional details on the archaeological authority that is required for the project, including any impacts on project delivery or timing.*

An archaeological authority will be sought in April 2023. This has been included in the updated Development Programme provided as Attachment 2. Having the authority in place prior to works commencing will avoid project timeframes being held up to seek the permission should any archaeological sites be discovered.

4. *Provide evidence of any consultation undertaken with the Minister of Corrections regarding the designation (K1) on the site under the Wellington District Plan, including to obtain written consent under section 176 of the Resource Management Act 1991. We note a designation (new reference of MCOR1) has been included in the Wellington City Proposed District Plan (PDP) and the Ministry of Corrections have submitted to retain the designation until the land is sold.*

Approval is currently being sought from Ara Poutama Aotearoa, the Department of Corrections under section 176 and will be passed on as soon as it is received (Attachment 4). It is noted that while it is preferable that approval is obtained from a requiring authority prior to the lodgment of an application, it is not legally required prior to the issue of a consent. Further at the time construction commences, the Corrections designation will have been removed from the site.

The submission made on the PDP by Ara Poutama Aotearoa, the Department of Corrections states that the Minister of Corrections will retain designation MCOR1 until the property is sold, noting that the

timeline for the disposal process is unclear, but that the site is currently under interim management by Land Information New Zealand (LINZ).

Attachment 4 also provides an email chain confirming the intention of the Minister of Corrections to uplift the designation.

5. *Provide a copy of the Records of title for Lot 7 DP 515825, Section 1 SO 581456 and Section 2 SO581456, and an analysis of any instruments on these titles, including any impacts on project delivery or timing.*

Lot 7 DP 515285 does not form part of the site and no works are proposed on this parcel of land.

Lot 8 DP 515825 is proposed to contain the lower terminus point of the cable car. The details of this lot have been added to the updated Record of Title Information. This is provided alongside the Title in Attachment 5.

Titles are still yet to issue for Section 1 SO 581456 and Section 2 SO581456 so cannot be provided. Included as Attachment 6 is the LINZ approved dataset that created the two sections. Note the dataset does not propose to create any new or extinguish any existing easements, so the easements which have been shown are not expected to change.

6. *Provide a preliminary subdivision scheme plan and updated site plan confirming basic layout/configuration details of the development including:*
 - i. *proposed balance lot areas*
 - ii. *any waterbodies*
 - iii. *indicative lot sizes*
 - iv. *indicative land intended to vest (road, drainage, recreation, etc) and other open space areas (inclusive of land for the proposed cable car)*
 - v. *indicative accessways (including pedestrian and cycle)*
 - vi. *distribution of residential units across the site to demonstrate the total of 650-700 residential units proposed*

Please see the drawings prepared by Envelope, drawing numbers CP001-CP004, all revision R1, all dated 16.12.2022 provided as Attachment 7. Indicative lot sizes are yet to be confirmed and will be worked through further at the next stage of the design process.

The distribution of units is shown on Athfield Architects Limited drawing number A.04B- provided as Attachment 7A.

7. The application contains limited detail with respect to the proposed cable car, provide the following detail:

i. identify rule infringements and activity status of the establishment and operation of the cable car

Initial plans for the proposed cable car are provided as Attachment 8.

Wellington Operative District Plan

The lower terminus sits within the Business 1 Zone, with the rest of the structure including the upper terminus being within the Open Space B Zone.

Consent is expected to be required under the following rules:

- Rule 17.2.4 – Restricted Discretionary Activity - The modification, damage, removal or destruction of indigenous vegetation not provided for as a Permitted Activity.
- Rule 17.3.2 – Discretionary Activity - Any recreational and other activities in Open Space B or Open Space C not specifically provided for as Permitted Activities and buildings and structures in Open Space B and Open Space C not being Permitted Activities.
- Rule 30.2.1 – Restricted Discretionary Activity – Earthworks that do not comply with the permitted activity conditions.
- Rule 34.3.7 – Restricted Discretionary Activity - The construction of, or addition to, buildings and structures, including new residential buildings, or the conversion of existing buildings for residential activities in the Shelly Bay Business Precinct Area.
- Rule 34.3.9 – Restricted Discretionary - The construction or alteration of, or addition to buildings and structures that does not comply with the applicable standards.

Wellington Proposed District Plan

The lower terminus sits within the Mixed Use Zone, with the rest of the structure including the upper terminus being within the Natural Open Space Zone.

Consent is expected to be required under the following rule that has legal effect:

- SASM-R4(2) – Restricted Discretionary - New buildings or structures within a site or area of significance to Maori in Category A or B not complying with standard (that the building be a marae).

At present the following rules do not have legal effect, however they have been included for completeness:

- NOSZ-R14(2) – Discretionary - Construction, alteration of and addition to buildings and structures not complying with the applicable standards
- MUZ-R16(2) – Restricted Discretionary - Construction of, or additions and alterations to, buildings and structures.
- NFL-R2 (2) - Restricted Discretionary - Any activity within the ridgelines and hilltops not otherwise listed as permitted, restricted discretionary or non-complying.

- NFL-R3 – Restricted Discretionary - Any activity within the special amenity landscapes not otherwise listed as permitted, restricted discretionary or non-complying.
- NFL-R10 – Restricted Discretionary - The construction of, alteration of and addition to, buildings and structures within the ridgelines and hilltops where compliance with the standards cannot be achieved.
- NFL-R11 – Restricted Discretionary - The construction of, alteration of and addition to, buildings and structures within the special amenity landscapes where compliance with the standards cannot be achieved.

Regional Plans

The construction and operation of the cable car does not trigger any regional rules beyond those previously identified within the application.

ii. confirm whether any aspect of the project relating to the establishment and operation of the cable car, including potential stormwater discharge locations and/or permitted activities, will be located within the coastal marine area

The establishment and operation of the cable car does not involve any works or activities within the coastal marine area.

iii. assessment of the project against the PDP Airport Designation which has a prohibited activity status to infringe the obstacle limitations

The cable car will be located within the Inner Horizontal Surface portion of Designation WIAL 1. As shown on drawing 568-415-01-001-V01-02 in Attachment 8, the cable car will not exceed a height of 8m above existing ground level.

Taranaki Whānui Ltd are currently engaging with Wellington International Airport Ltd regarding the proposal in its entirety. This will continue through the detailed design process to ensure that all works continue to meet the designation conditions.

iv. the master plan indicates that apartment buildings will be located within the site in the same location as the proposed cable car terminus. The relationship between these buildings and/or activities is unclear. Provide the following details:

a) the activities and buildings within this location

b) whether or not alternative options are proposed if the cable car is not progressed

The Masterplan set anticipates that the upper cable car terminus will be part of Stage 2 and will either be integrated with a mixed-use building or may be a standalone structure. This will be confirmed as part of the detailed design process.

v. the application indicates that the cable car terminus will be located within Lot 7 DP 515825 and will be integrated with the Shelly Bay Taikuru Development proposed for the site. We note the timing of this integration is not currently reflected in the draft development programme provided with the application. We require this information to understand the potential impact of this associated process on project delivery and timing, including the anticipated commencement of physical works on site by mid-2024.

The cable car will be completed as part of Stage 2 (February 2027) and operational as part of the settlement process (see Figure 33 of Appendix 2 – Master Plan Design Report attached to the initial application for staging).

The lower cable car terminus will be located within Lot 8 DP 515825.

Construction has commenced on the Shelly Bay Taikuru Development. There is no reason to believe that the construction of the cable car would be delayed by Shelly Bay Taikuru.

8. *The application and various attachments inconsistently describe the activities proposed within the 'commercial precinct'. Provide:*

i. further detail of the proposed location, nature and scale of activities, including:

- *commercial activities*
- *cultural centre*
- *early childhood*
- *superette/grocery store*

ii. confirmation of whether Taranaki Whānui Limited and the Wellington Company Limited (or alternative joint entity) will construct the buildings associated with these activities or whether third parties will be responsible for their delivery

iii. confirmation of whether Taranaki Whānui Limited will maintain on-going ownership and management responsibilities of these activities

Please see Attachment 9 for a sketch of the activities that are anticipated to make up the commercial precinct. The exact make-up of the commercial precinct will be finalised as the project progresses as well as through the detailed design stage, however it is likely to include:

- Food services such as café and restaurant tenancies.
- Small scale retail tenancies suitable for activities such as a dairy, convenience shop, grocer etc.
- The Community and Cultural Centre which will have various spaces for uses such as the library, workshop spaces and cottage industry
- The kohanga (early learning space)

All activities within this precinct will fall with the catch all provision of Rule 17.3.2 of the ODP and will be a Discretionary Activity.

The Wellington Company Ltd will be responsible for the construction and delivery of the buildings.

Taranaki Whānui will retain ownership of the land and buildings. It is intended that the Community and Cultural Centre will be managed by Taranaki Whānui, with the commercial tenancies to be leased.

9. *Provide the Property Economics figures for the full time equivalent (FTE) jobs estimated to be generated by the project in direct FTE jobs per year, rather than FTE years. We note the Property Economics report currently includes jobs related to the construction of 700m² floorspace of commercial/community activities, however if these buildings will be constructed by third parties the associated job figures will need to be separated out in the report.*

Property Economics has provided an updated report which is provided as Attachment 10.

Table 2 has been added to the report which breaks down direct employment by year.

The methodology and assessment carried out by Property Economics is based on the consent sort/total development proposed and not on which companies might construct different elements. As such whether certain aspects of the build are carried out by third parties will not change the total number of FTE jobs generated by the proposal.

10. *The application states the project will possibly infringe Regulation 71 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) for installation of a culvert. Provide further details of the existing site constraints and possible infringements of the NES-F.*

It is confirmed that no culverts are currently proposed and that the NES-F will not be triggered. This is based on the following:

- RMA Ecology do not identify any watercourses within the site (Appendix 8 of the original application).
- Envelope has advised that from the information they have been able to obtain there does not appear to be any water bodies located within the proposed development site. This will be confirmed on site by survey as the detailed design progresses.

11. *Provide a shapefile/s to clearly define the project area/scope (including the proposed cable across air space).*

The shapefiles that have been prepared for the development can be found through the following link:
Out of Scope

If you have any questions regarding the above, or require any additional information, please do not hesitate to contact me.

Yours sincerely



Hannah McCashin



Senior Resource Management Consultant

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the Official Information Act 1982