

3 Sept 2020

Ministry for Environment
P.O. Box 10362
Wellington 6143
Attn: Liz Moncrieff



PO Box 588
Level 10, 57 Willis Street
Wellington 6140, New Zealand
Phone 04 472 2261
Email admin@spencerholmes.co.nz

Dear Liz,

Ref: 2020-B-07099 – Covid-19 (Fast-Track Consenting) Act 2020 - Response to request for further information – Molesworth Street Office Development

I am writing in response to a further information request from the Ministry, received via email on the 27th August 2020. I have been asked by the applicant to respond.

In respect to the matters raised, we respond to each in turn.

- 1. Clarification of expected timeframes and stages if the project went through a standard consenting process under the Resource Management Act 1991.*

During pre-application consultation on the application, the WCC officers advised that the application would likely be notified. A similar proposal lodged in 2018 for the site, was to be publicly notified, however it did not proceed.

I provide an estimate of the time frames based on my experience on similar applications. I consider statutory requirements however I also make estimates of the practical time frames typically encountered for applications of this nature.

Lodgement of the application and notification - The application, once lodged with Wellington City Council, is reviewed for completeness. Typically Council will ask for clarifications, but on assuming that it is full and complete, actual notification takes a minimum of 4 weeks from lodgement.

Notification Period and Hearing – The notification period is 20 working days. If submissions are received, then it will be necessary for WCC to hold a hearing. The consent authority must give a minimum of 10 working days notice of a hearing. In practice, the WCC may request further information from the applicant as a result of submissions, or the applicant may need to prepare evidence to respond to matters raised in submission and then finally prepare evidence. A reasonable estimate of time from the date of close of submissions to the holding of a hearing would be 4 to 8 weeks.

Hearing and Decision – A hearing for this type of application would typically be completed in 1-2 days. The statutory period for the release of the decision is 15 working days from the close of the hearing.

Appeal and Court Process: - Following the grant/decline of the application, there is a 15 working day appeal period. If the applicant or a submitter appeals the decision, it would typically take another year to receive a decision from the Environment Court.

2. *A list of the relevant iwi authorities, and Treaty settlement entities considered likely to be affected by the project.*

The situation that has been set in place in Wellington, is that sites which are of interest to Maori have been identified in the District Plan. The general understanding in the city is that the relevant Tangata Whenua groups do not wish to be consulted on every application, only those that of specific interest and specifically identified.

The subject site, is not included in the District Plan as a site of interest to Maori. If it were, the groups that typically would be consulted are:

- Port Nicholson Trust (Te Ati Awa)
- Ngati Toa

3. *A list of any Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements.*

It is my understanding that the Waitangi Tribunal cannot recommend the return of privately-owned land to Māori nor can it recommend that privately owned land be acquired for a settlement by the Crown.

The exceptions to this are noted in a section 27B memorial which would be registered on a Record of Title (RoT) for a property which was sold by the Crown. Below is an extract from the existing RoT for the subject property.

Identifier **WN36D/158**
Land Registration District **Wellington**
Date Issued 28 February 1990

Prior References

[WN119/248](#)

[WNB2/1404](#)

Type Fee Simple
Area 2105 square metres more or less
Legal Description Lot 1 Deposited Plan 23575

Registered Owners
61 Molesworth Street Limited

Type Fee Simple - 1/8 share
Area 438 square metres more or less
Legal Description Lot 5 Deposited Plan 1265

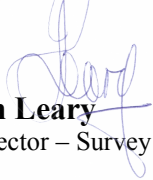
Registered Owners
61 Molesworth Street Limited

[528162](#) Conditions of Consent (as to the part formerly in CT WNB2/1404) of the The Wellington City Council to the Construction of a cellar on the within land - 25.9.1962 at 12.18 pm

[19017681.2](#) Mortgage to ANZ Bank New Zealand Limited - 31.3.2015 at 4:25 pm

The RoT for this property, clearly does not show a 27B memorial and is therefore not subject to any potential Treaty claim and therefore no claims relate to this location.

Yours faithfully
Spencer Holmes Limited


Ian Leary
Director – Survey and Planning