

FTC #206: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2022-149 Stevensons Crescent Project Application 2022-158 Peachgrove Mixed-use Precinct Project

Date submitted:	30 March 2023	Tracking #: BRF-2898	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
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"> Return the signed briefing to MfE. Send attached letters (if signed) with accompanying template and links to application documents.
Number of attachments: 3	<p>Attachments:</p> <ol style="list-style-type: none"> Application documents for Stevensons Crescent Project (Databox link) Application documents for Peachgrove Mixed-use Precinct Project (Databox link) Letter to Ministers – inviting comments on the Stevensons Crescent Project and the Peachgrove Mixed-use Precinct Project referral.

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Samantha Maxwell		
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Acting Director	Lorena Stephen	s 9(2)(a)	

FTC#206: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

1. This briefing seeks your initial decisions on applications to refer the following projects to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA):
 - a. Stevensons Crescent Project, from Mansion Rear Limited
 - b. Peachgrove Mixed-use Precinct Project, from Hamilton Campground Limited.

Stevensons Crescent Project

2. The Stevensons Crescent Project is to subdivide land and construct a mixed-use development on an approximately 2.5-hectare site at 8 Stevensons Crescent, Albany, Auckland.
3. The project includes construction of:
 - a. approximately 138 residential units, of which approximately 112 will be configured in three-storey terraced houses with the remainder accommodated in three-storey apartment buildings
 - b. a commercial component which may take the form of retail or office spaces on the ground or lower floors of the apartment buildings
 - c. supporting infrastructure including roads, vehicle and pedestrian and cycle accessways, car-parking areas and three-waters services.
4. The project will require subdivision and land use consents, and water and discharge permits under the Auckland Unitary Plan (AUP) and consents under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standard for Freshwater) Regulations 2020 (NES-F).
5. The project site is in the AUP's Future Urban Zone, which applies to greenfield land identified as suitable for urbanisation. The AUP provides for Future Urban Zone land to be used for a range of general rural activities but aims to avoid urbanisation until sites have been rezoned for urban purposes. The AUP promotes structure planning as a precursor to rezoning and urban development in the Future Urban Zone.
6. If the project is referred, it will be assessed against the AUP framework as a non-complying activity due to a number of infringements of the zone's current provisions and standards. Despite this, the applicant considers that it can pass both 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA) relating to non-complying activities.

Peachgrove Mixed-use Precinct Project

7. The Peachgrove Mixed-use Precinct Project is to subdivide land and construct a mixed-use development on an approximately 2.8-hectare site located on land fronting Peachgrove Road, Ruakura Road and Emmadale Lane, and within the road reserve (Ruakura Road and Peachgrove Road) in Hamilton East.
8. The project includes construction of:

- a. up to 170 residential units in a variety of typologies, including apartments and terraced houses up to 4 storeys high
 - b. a commercial hotel up to 5 storeys high
 - c. two commercial units comprising:
 - i. a recreational gym facility
 - ii. a dairy
 - d. associated facilities and supporting infrastructure including including roads, vehicle and pedestrian accessways, car-parking areas and three-waters services
 - e. landscaping and ancillary works.
9. The project will require subdivision and land use consents, and water and discharge permits under the Hamilton City Council District Plan, and land use consents, and water and discharge permits under the Waikato Regional Plan. The project will also require consents under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
10. The project is located in the General Residential Zone of the Hamilton City Council District Plan. The proposed activities have overall discretionary activity status.

Analysis of Projects

11. We have undertaken an initial (Stage 1) analysis of the referral applications and this is presented along with our recommendations in Table A.
12. The projects meet all the eligibility criteria in section 18(3) of the FTCA, and we consider that they will help to achieve the FTCA's purpose, thus satisfying section 18(2) of the FTCA. More analysis is needed before we can advise you on matters in section 23(5) which may influence your referral decision.
13. Although there is a risk that processing of referral orders may not be completed in the remaining available time, we recommend you progress consideration of both to the next stage of analysis (Stage 2) and invite comments from the relevant local authorities and specific Ministers listed in section 21(6) of the FTCA.
14. We also recommend that for the Peachgrove Mixed-use Precinct Project you request further information from Hamilton City Council as detailed in Table A.

Statutory framework summary

15. You are the sole decision maker for the referral applications as the projects will not occur in the coastal marine area.
16. You may decline a 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 (as specified in sections 23(2) and 23(5) of the FTCA), including that there is insufficient time for referral of the application before the FTCA is repealed.
17. If you do not decline a 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.
18. 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 a referral application (see section 22 of the FTCA).

Timeframe for referral

19. The FTCA will be repealed on 8 July 2023, meaning that a referral order must be in force for the project by this date if the project's approvals are to be considered by a panel under FTCA process.
20. The timeframe for processing the referral application is dependent on certain statutory obligations and the capacity and resourcing of officials. The ability for a referral order for the project to be successfully completed, even if you make a decision to refer the project, is becoming increasingly time-pressured as the 8 July deadline approaches.

Action sought

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

Signature



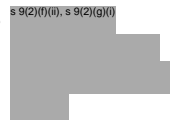
Rebecca Perrett
Acting Manager – Fast-track Consenting

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

Projects to progress

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						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>Name Stevensons Crescent Project</p> <p>Applicant Mansion Rear Limited</p> <p>c/- Berry Simons Environmental Law</p> <p>Location 8 Stevensons Crescent</p>	<p>The Stevensons Crescent Project is to subdivide land and construct a mixed-use development on an approximately 2.5-hectare site at 8 Stevensons Crescent, Albany, Auckland.</p> <p>The project includes construction of:</p> <p>a. approximately 138 residential units, of which approximately 112 will be configured in three-storey terraced houses with the remainder accommodated in three-storey apartment building</p> <p>b. a commercial component which may take the form of retail or office spaces on the ground or lower floors of the apartment building</p> <p>c. supporting infrastructure including roads, vehicle and pedestrian and cycle accessways, car-parking areas and three-waters services.</p> <p>The project</p>	<p>The applicant has confirmed that full funding for the project can be obtained via its broker, Golden Water Fund GP Limited ("GWF"), which has also recently secured funding for the applicant's 16 lot subdivision and development of standalone houses in Ranui, Auckland.</p> <p>The applicant does not own the site but has provided a letter of agreement from the relevant landowner, which confirms the applicant has sufficient legal interest in the land to implement the project.</p> <p>We do not have concerns about the applicant's ability to deliver the project based on the information provided.</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"> it does not include any prohibited activities it does not include land returned under a Treaty settlement 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. <p>The FTCA's purpose is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to</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"> provide approximately 81 direct FTE jobs and 219 indirect FTE jobs over a 4-year development period § 9(2)(f)(ii), § 9(2)(g)(i) 	<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"> generate employment by providing approximately 81 direct FTEs and 219 indirect FTEs over a 4-year development period increase housing supply through the construction of approximately 138 residential units. <p>Potential effects on cultural wellbeing are unknown. The applicants acknowledge that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities.</p>	<p>The applicants consider the fast-track process will allow the project to progress approximately 2-4 years faster than under standard Resource Management Act 1991 (RMA) processes due to the potential that Auckland Council would require a plan change prior to granting of consents under standard RMA process.</p> <p>We recommend seeking comment from Auckland Council on the appropriateness of using the FTCA process.</p>	<p>Based on the information provided, the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment increasing housing supply. 	<p>The applicant considers the project has the potential for adverse environmental effects:</p> <ul style="list-style-type: none"> during earthworks during construction activities (including traffic, noise, vibration, sedimentation) on existing access and traffic volumes on existing water, stormwater and wastewater services on landscape and visual amenity values. <p>The applicant has provided some 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>The proposed activities have overall non-complying activity status under the AUP due to dwellings and home occupations that do not comply with zone standards, new buildings, building additions and accessory buildings, and subdivision not provided for. The applicant has provided an assessment of the proposal against the applicable planning rules, which together with their technical assessments supports their view that the project can pass both 'gateway tests' in section 104D of the Resource Management Act 1991 (RMA).</p> <p>The applicant noted that the site can be serviced by existing wastewater and water supply networks, with only minor extensions for connections to each being required. Further</p>	<p>a. Note 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. Note 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. Note 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. Note 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. Agree to progress the Stevensons Crescent Project to our Stage 2 analysis. The project warrants further analysis because we need to consider some matters further before providing you with our final advice on the referral application.</p> <p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA the relevant local authorities – Auckland Council. <p>g. Sign the attached letters to Ministers.</p> <p>h. Note that while awaiting comments from invited parties 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>

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						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)]		
	involves activities such as carrying out earthworks (including earthworks that disturb potentially contaminated soils), discharging stormwater onto land, constructing units, landscaping and planting of open space, constructing or installing infrastructure or structures including roads and accessways, and infrastructure for three waters services.		<p>promote the sustainable management of natural and physical resources.</p> <p>The economic and social impacts of the COVID-19 global pandemic are on-going, evolving and will be long lasting.</p> <p>Enabling progression of shovel-ready projects that promote employment and investment that can deliver economic and other social and public benefits is one way that the government can continue to support the recovery and response to these effects.</p> <p>The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.</p>						work is needed to assess the capacity of the existing stormwater network.		
Name Peachgrove Mixed-use Precinct Project Applicant Hamilton Campground Limited	The Peachgrove Mixed-use Precinct Project is to subdivide land and construct a mixed-use development on an approximately 2.8-hectare site located on land fronting Peachgrove Road,	The applicant is the majority landowner of the site and owns all properties with Ruakura Road or Peachgrove Road addresses.	Based on available information at this stage, we consider the project is eligible for referral because: <ul style="list-style-type: none"> it does not 	Based on the information provided by the applicant we consider the project may result in the following economic benefits:	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"> generate employment by providing 	The applicants consider the fast-track process will allow the project to progress approximately 12-18 months faster than under standard Resource Management Act	Based on the information provided, the project may result in the following public benefits: <ul style="list-style-type: none"> generating employment increasing housing supply. 	The applicant considers the project has the potential for adverse environmental effects: <ul style="list-style-type: none"> during earthworks during construction activities (including traffic, noise, 	The applicant engaged with, and received a letter of support from, Hamilton City Council. The applicant has advised that they may require approval from	a. Note 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. b. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but	

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						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>c/- Berry Simons Environmental Law</p> <p>Location</p> <p>104, 104A, 106, 106A, 108, 108A, 110, 110A, 112, 112A, 114, 114A, 116 and 118 Peachgrove Road, 14 Ruakura Road, and 1-16 Emmadale Lane, Hamilton East, Hamilton</p>	<p>Ruakura Road and Emmadale Lane, and within the road reserve (Ruakura Road and Peachgrove Road) in Hamilton East.</p> <p>The project includes construction of:</p> <p>a. up to 170 residential units in a variety of typologies, including apartments and terraced houses up to 4 storeys high</p> <p>b. a commercial hotel up to 5 storeys high</p> <p>c. two commercial units comprising:</p> <p>i.a recreational gym facility</p> <p>ii.a dairy</p> <p>d. associated facilities and supporting infrastructure including roads, vehicle and pedestrian accessways, car-parking areas and three-waters services.</p> <p>e. landscaping and ancillary works.</p> <p>The project involves activities such as carrying out earthworks (including earthworks that disturb potentially contaminated soils), discharging</p>	<p>The applicant has a sale and purchase agreement with the owners of the remaining properties on Emmadale Lane (CB Trustees 2010 Limited and Jones Family Trustees Limited, as Trustees of the River City Rental Trust).</p> <p>These parties represent interests controlled or managed by experienced Hamilton-based property developers Tristan and Reghan Jones of Jones Group.</p> <p>The applicant has noted their own significant experience in large-scale property development.</p> <p>We do not have concerns about the applicant's ability to deliver the project based on the information provided.</p>	<p>include any prohibited activities</p> <ul style="list-style-type: none"> it does not include land returned under a Treaty settlement 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. <p>The FTCA's purpose is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.</p> <p>The economic and social impacts of the COVID-19 global pandemic are on-going, evolving and</p>	<ul style="list-style-type: none"> provide approximately 439 FTE jobs over an approximately 3-year development period and 114 FTE jobs through the ongoing project activities  	<p>approximately 439 FTEs over an approximately 3-year development period and 114 FTEs through the ongoing project activities</p> <ul style="list-style-type: none"> increase housing supply through the construction of approximately 170 residential units. <p>Potential effects on cultural wellbeing are unknown. The applicants acknowledge that if the project is referred, any consent application must be accompanied by a cultural impact assessment from relevant iwi authorities.</p>	<p>1991 (RMA) processes due to the likelihood of public notification and possible appeal under the latter.</p> <p>We recommend seeking comment from Hamilton District Council and Waikato Regional Council on the appropriateness of using the FTCA process.</p>		<p>vibration, sedimentation)</p> <ul style="list-style-type: none"> on existing access and traffic volumes on existing water, stormwater and wastewater services on landscape and visual amenity values. <p>The applicant has provided some 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>Hamilton City Council under section 176 of the RMA for any works to be undertaken within the boundaries of the existing designation A101 along Ruakura Road needed to provide appropriate access and infrastructure to the project. We recommend seeking comment from Hamilton City Council on this matter.</p>	<p>that you are required to do so if you do not decline the application under section 23(3) of the FTCA.</p> <p>c. Note 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. Note 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. Agree to progress the Stevensons Crescent Project to our Stage 2 analysis. The project warrants further analysis because we need to consider some matters further before providing you with our final advice on the referral application.</p> <p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6)(a)–(m) of the FTCA the relevant local authorities – Hamilton District Council and Waikato Regional Council. <p>g. Agree to seek further information from Hamilton City Council on the likelihood of approval being granted for works within the boundaries of the existing designation along Ruakura Road.</p> <p>h. Sign the attached letters to Ministers.</p> <p>i. Note that while awaiting comments from invited parties, 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> <p>Yes/No</p>

Project details	Project description	Project funding	Is project eligible for referral? [sections 18(3) and 18(2)]	Will project help to achieve the purpose of the FTCA? [section 19 assessment criteria]						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)]		
	stormwater onto land, constructing units, landscaping and planting of open space, constructing or installing infrastructure or structures including roads and accessways, and infrastructure for three waters services.		<p>will be long lasting.</p> <p>Enabling progression of shovel-ready projects that promote employment and investment that can deliver economic and other social and public benefits is one way that the government can continue to support the recovery and response to these effects.</p> <p>The specific ways in which the project meets the FTCA's purpose are noted in the six columns to the right.</p>								

Signed:

Hon David Parker
Minister for the Environment

Date: