



# Application for a project to be referred to an expert consenting panel

**(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)**

*For office use only:*

Project name: Notice of Requirement - Ministry of Justice Innovative Courthouse  
Application number: PJ-0000750  
Date received: 04/06/2021

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Ministry of Justice

Contact person: Rob Gillier

Job title: Portfolio Manager Innovative Courthouses

Phone: S 9(2)(a)

Email: S 9(2)(a)

Postal address:

Justice Centre

19 Aitken Street, Wellington

### Address for service (if different from above)

Organisation: The Property Group Limited

Contact person: Peter McCoskrie

Job title: Principal Planner

Phone: S 9(2)(a)

Email: S 9(2)(a)

Email address for service: S 9(2)(a)

Postal address:

PO Box 123, Hamilton 3240.

## Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

28 Monmouth Street, Tauranga, Bay of Plenty, 3110, New Zealand

- 27 Mclean Street, Tauranga (Aspen House Rest Home) - 33 Mclean Street, Tauranga - 24 Monmouth Street, Tauranga - 28 Monmouth Street, Tauranga - 30 Monmouth Street, Tauranga - 32 Monmouth Street, Tauranga

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

- 27 Mclean Street, Tauranga (Aspen House Rest Home) - 3,231m<sup>2</sup> being Lot 1 Deposited Plan South Auckland 26555 (SA24D/938)- 33 Mclean Street, Tauranga - 708m<sup>2</sup> being Allotment 266 Section 1 Town of Tauranga (SA41C/581)- 24 Monmouth Street, Tauranga - 809m<sup>2</sup> being Lot 3 Deposited Plan 21832 (SA703/117)- 28 Monmouth Street, Tauranga - Fee Simple as to a 5/12 share being 1,6236m<sup>2</sup>, Lot 1-2 Deposited Plan 21832 and Leasehold in Flat 1 Deposited Plan South Auckland 32330 (SA28B/402)- 30 Monmouth Street, Tauranga - Fee Simple as to a 1/4 share being 1,626m<sup>2</sup>, Lot 1-2 Deposited Plan 21832 and Leasehold in Flat 2 Deposited Plan South Auckland 32330 (SA28B/403)- 32 Monmouth Street, Tauranga - Fee Simple as to a 1/3 share being 1,626m<sup>2</sup>, Lot 1-2 Deposited Plan 21832 and Leasehold in Flat 3 Deposited Plan South Auckland 32330 (SA28B/404)

Registered legal land owner(s):

- 28, 30 and 32 Monmouth Street: Her Majesty the Queen

- 24 Monmouth Street: Monmouth 2019 Limited Partnership

- 27 and 33 McLean Street: Buttermilk Residential Care Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

The applicant owns three of the sites, 28, 30 and 32 Monmouth Street.

The applicant has Conditional contracts in place for 24 Monmouth, 27 and 33 McLean Street. The contracts are conditional on a due diligence clause.

## Part III: Project details

### Description

Project name: Notice of Requirement - Ministry of Justice Innovative Courthouse

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

To designate the subject site for the purpose of establishing a new Innovative Courthouse in Tauranga by mid-2025.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The Ministry of Justice is seeking to secure and develop the subject site for a new Innovative Courthouse as part of their Innovative Court Programme.

On 16 December 2019 Justice Minister Andrew Little announced an \$100m investment for a new courthouse for Tauranga, which will be the model for future courthouse design in New Zealand. The approach to establishing the Innovative Courthouses Programme to date has been predicated on the following objectives outlined by Justice Minister Andrew Little and the principles outlined by the Strategic Leadership Team in July 2020:

- Re-design the concept of a 'Court'
- Enable the justice system
- Co-design with partners and stakeholders

The courthouse will be designed in partnership with Iwi, the local community, the judiciary, the legal profession, court staff and court users. It will draw on Te Ao Māori values, and directly address victims safety needs in the court building.

Construction of the Project is programmed to be completed by mid-2025, therefore leaving very tight timeframes to secure a new site, undertake detailed design, obtain the relevant consents and complete construction.

The subject site (refer to attached Site Analysis Plan) is currently located within the City Living Mixed Use Zone which anticipates multi-unit, multi-level residential activities, but with the opportunity for mixed use development (offices and health centres) if those activities are located at the ground floor with residential above. Given the nature of the proposed activity, the development would fall to be assessed as a Non-complying activity under the Operative Tauranga City Plan.

As mentioned, the Project involves very tight timeframes as well as a significant financial investment to not only acquire the necessary sites but also design and complete the work. As a result, there is a high degree of risk involved should MOJ be unsuccessful in obtaining the necessary consents under the District Plan. In light of the District Plan zoning limitations, coupled with the high level of design detail required to support a resource consent application, the Ministry are seeking to lock in the development rights for the site by applying for a designation. This NOR is being applied for in advance of MOJ knowing the specific design details for the future courthouse development. A

designation over the site will provide MOJ with certainty as to its ability to use the site for the desired purpose irrespective of any changes to the City Plan. The purpose of the designation will be as follows:

"Tauranga Moana Innovative Courthouse - Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for the aforementioned purposes".

The NOR application will be accompanied by various technical reports including an Integrated Transportation Assessment (ITA), Social Impact Assessment (SIA) and Urban Design Assessment (UDA) which have already been commissioned by MOJ, the outcomes of which will inform the development of site specific design guidelines that will be applicable at the design and Outline Plan of Works stage. A Cultural Values Assessment will also be commissioned to accompany the NOR application.

At the conclusion of this new Courthouse development, subject to Treaty settlement obligations, the current Courthouse site will be released for redevelopment with potential options being high density residential development or a mixture of high density residential and commercial development.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

**Discovery phase - Oct 2020-Oct 2021**

- Engagement with judiciary, iwi and hapu, and wider stakeholders.
- Develop project design brief
- Notice of Requirement and Covid-19 Fast Track referral applications

**Design phase - Oct 2021-Nov 2022**

- Concept, Prelim, Developed and Detailed Design stages (including demo/civil phase).
- Outline Plan and building consent/s

**Tender & Evaluation - Demo/Civils: May 2022-June 2022; New Build: Sept 2022-Feb 2023**

- Two-stage procurement process

**Build - Demo: Sept 2022-Jan 2023; New Build: Feb 2023-Oct 2025**

**Post build - Nov 2025-Dec 2025**

Building handover (from Contractor), final commissioning, FF&E install, Court relocation

**Consents / approvals required**

Relevant local authorities: Tauranga City Council

Resource consent(s) / designation required:

Designation

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

| Legal description(s)                                                                                             | Relevant plan      | Zone                                | Overlays       | Other features                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------|
| LOT 3 DP 21832; FLAT 1-3 DPS 32330 LOT 1 & 2 DP 21832; LOT 1 DPS 26555; ALLOTMENT 266 SECTION 1 TOWN OF TAURANGA | Tauranga City Plan | City Living - Mixed Use Residential | Viewshaft Area | Natural Hazards Group - Slope 2:1, Slope 3:1, Slope 4:1 Land Features Group - Stormwater Specific Design; Stormwater Reticulation |

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

| Relevant plan / standard | Relevant rule / regulation | Reason for consent | Activity status | Location of proposed activity |
|--------------------------|----------------------------|--------------------|-----------------|-------------------------------|
|--------------------------|----------------------------|--------------------|-----------------|-------------------------------|

No details

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

N/A

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

N/A

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

N/A

### Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

The Notice of Requirement is necessary for achieving construction readiness as it will give MOJ the security to progress the development, including significant investment in land acquisition and the detailed design process. Due to the unique nature of the project, limited viable site alternatives and market demand, MOJ will be acquiring all of the properties that comprise the subject site prior to the relevant Planning approvals being obtained. As a result, there is significant financial outlay and risk associated with this project. Obtaining approval for the NOR will give MOJ the security and confidence to continue investing in the development, including preparation of the detailed design, Outline Plan of Works and associated building consents, while also enabling the existing Court activities to continue operating from the existing site for the duration of the development project.

The following points confirm that the project will be sufficiently advanced within the timeframes of the legislation and demonstrate the construction readiness of the project:

- The preparation of technical assessments and stakeholder consultation has commenced.
- Full design team engaged - August 2021
- Preparation of NOR application to begin upon lodgement of Covid-19 Fast Track referral application so that NOR process can begin as soon as possible after fast track referral decision is received. Estimated timeframe for NOR decision under Covid-19 Fast Track - November/December 2021
- Design, Outline Plan and Building Consent phase - October 2021 – November 2022
- Construction period: September 2022 - October 2025

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The Ministry of Justice have engaged with representatives from NZ Police, Corrections, Oranga Tamariki, Ministry of Social Development, Ministry of Business, Innovation and Employment, Ministry of Health, Waikato District Health Board, Bay of Plenty District Health Board and Bay of Plenty Regional Council as part of the Discovery phase. This collaboration will be on-going as the project progresses from the Discovery stage through to the advisory and Design stage.

### Local authorities

Detail all consultation undertaken with relevant local authorities:

Tauranga City Council staff have been engaged with as follows:

- January 2020 MOJ presentation to TCC Councillors and Mayor followed by engagement with Strategy & Growth, Strategic Investment and Planning Managers in mid-2020.
- TCC Community engagement team linked MOJ with numerous community sector service providers who were subsequently invited to participate in Discovery phase. TCC also encouraged MOJ to work with Priority One (Regional Development Agency) to assist with finding potential sites. Initial exploration and discussions were held but ultimately the options presented were not viable. Potential land swap options also discussed (TCC and MoJ) but were not acceptable.
- On the 14th of December 2020, the MOJ project team including representatives from MOJ, TBIG and TPG attended a pre-application meeting with Council's General Manager (Barbara Dempsey) and relevant Council staff for a high level introduction to the project and discussion around the preferred consenting pathway. This meeting was followed up with email correspondence from Council's Development Planner (Cole Burmester) and Principal Planner (Steph Bougen) with a high level recommendation from Council regarding the consenting pathway and fast-track process (emails dated 15/01/2021 and 18/01/2021).
- On the 4th of February 2021 MOJ's Project Manager (TBIG) and Planner (TPG) had a follow up meeting with Council's Development Planner (Cole Burmester). Meeting summary notes are attached.
- Meeting on the 28 April 2021 between MOJ's Chief Operating Officer, Innovative Courthouses Portfolio Manager and Manager Stakeholder Relationships and TCC's Commissioners. The Commissioners were given a progress update on the project including specifics of the alternative site. Feedback from the Commissioners included strong support for the project and creation of a high quality civic building in the vicinity of the existing Courthouse and Police Station.

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

1) The Innovative Courthouse project has adopted a co-design methodology which has resulted in meaningful consultation through workshops held with key stakeholders of the courthouse and court system such as Iwi, the Judiciary, Ministry of Justice, other Justice Sector Agencies and Service Providers through the Discovery phase of the project. This collaboration will be on-going as the project progresses from the Discovery stage through to the advisory and design stage. An initial survey was sent to a broad range of different types of service providers in Tauranga, including legal services and community based services (listed below):

#### Legal profession

- Crown Prosecutor
- Civil practitioners
- Defence lawyers
- Family practitioners

#### Other service providers

- Victim and Survivor Support
- Restorative Justice
- Mental Health
- Youth and Rangatahi Support
- Health
- Whānau Ora
- Disability Support
- Housing and Homelessness Support
- Adult literacy and numeracy
- Alcohol and Drug Treatment
- Prevention of Family Violence

2) The Ministry of Justice completed a letter drop to the following neighbouring property owner/occupiers upon going unconditional on three of the properties that comprise the subject site (a copy of the letter dated 31 March 2021 is attached):

- 25, 29, 31, 31A, 31B, 35, 36, 36A, 37, 40, 40B and 41 Monmouth Street
- 30 and 36 Cameron Road
- 37 McLean Street
- 23, 30, 32, 36 and 40 Willow Street

3) A second letter drop to the neighbouring property owners and occupiers listed above was completed upon lodgement of this Covid-19 fast track application. The letter provided a progress update and confirmed the Planning pathway that has been chosen (NOR and Covid-19 Fast track referral). The letter advised that further formal consultation will be undertaken as part of the NOR application, however MOJ would be willing to discuss any further queries in the meantime. A copy of the wording for this letter is attached.

Detail all consultation undertaken with the above persons or parties:

1. A summary of the themes and insights received from key stakeholder meetings completed to date as part of the Discovery Phase is attached (Document titled - Discovery Phase - Key themes and insights). The feedback highlighted issues around safety perceptions of participants and victims, the need for functional and positive work and specialist spaces, and the need to incorporate Maori values and world view in the design and function of the courthouse.
2. In regard to adjoining neighbours of the subject site, following receipt of the letter from MOJ, several of the owners and/or occupiers of the above properties took the opportunity to attend individual face to face meetings with MOJ's Manager Stakeholder Relationships Innovative Courthouses and Planner (TPG). At the meeting, the parties were given the opportunity to ask questions and share any concerns they may have regarding the potential for a new courthouse to be located within the subject site and were provided with a high level summary of the proposed phases of development. The parties were advised that MOJ were still completing their discovery/due diligence phase and that a decision had not yet been made regarding the preferred development site (existing courthouse site or new site) or preferred Planning pathway. The owners/occupiers who attended these meetings were as follows:
  - o 36 Monmouth Street - (Owner & Occupier)
  - o 37 McLean Street - (Tenant)
  - o 37 McLean Street - (Tenant)
  - o 37 McLean Street - (Owner)
  - o 25 Monmouth Street - (Owner)
  - o 23 Willow Street - (Owner & Occupier)
  - o 40 Monmouth Street - (Owner & Occupier) - Phone call.

3. The following key points were raised during the one on one meetings with the above neighbours:

- Perceived safety/security concerns associated with the gathering and movement of people associated with courthouse activities (primarily criminals and their supporters, also high court trials). These perceptions are largely based on current courthouse activities.

- Potential adverse amenity impacts (i.e. privacy, quiet enjoyment of residential property) on Monmouth Street which is currently more characteristic of a residential street.
- The main entrance to the courthouse should not be on Monmouth Street.
- Potential adverse traffic and parking effects.
- Construction effects - noise, dust, traffic.
- Negative impact on property values

MOJ will continue to engage with neighbours as part of the NOR process to help mitigate these concerns.

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

| Iwi authority  | Consultation undertaken                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ngāti Ranginui | <p>Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p> |
| Ngāi te Rangi  | <p>Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p> |
| Ngāti Pūkenga  | <p>Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p> |

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

| Treaty settlement entity | Consultation undertaken                                                                                                                                      |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ngāti Ranginui           | Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has |

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | <p>produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p>                                                                                                                                                              |
| Ngāi te Rangi           | <p>Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p> |
| Ngāti Pūkenga           | <p>Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p> |
| Ngā Pōtiki ā Tamapahore | <p>Engagement to date has been as part of MOJ's 'discovery' stage, which through broad engagement utilising a co-design approach with various stakeholders, has produced a couple of key outputs that will inform the Architects/Design team when they are appointed. The outputs are:</p> <ul style="list-style-type: none"> <li>- Themes and insights</li> <li>- Design implications.</li> </ul> <p>A summary of MOJ's engagement with relevant iwi and hapu representatives is attached to this application.</p> |

### Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

N/A

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

### **Protected customary rights areas**

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

## **Part VII: Adverse effects**

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

The subject site is located in the City Centre within a mixed-use zone that is currently occupied by existing residential and retirement village development. The proposal is not anticipated to result in significant adverse environmental effects. The nature and scale and scale of the anticipated and known adverse effects is summarised below:

### Ecological Effects

No adverse ecological impacts are anticipated as part of the development proposal.

### Contamination Effects

A Preliminary Site Investigation (and Detailed Site Investigation if required) will be commissioned to support the Notice of Requirement application. Given the current use of the site for a mixture of residential / accommodation purposes, the risk of potential soil contamination as a result of activities that are currently or may have previously been undertaken within the site is anticipated to be low. Regardless, any potential effects on human health and the environment are likely to be temporary in nature (i.e. during construction) and/or able to be comprehensively managed by a management plan approach, prepared by a suitably qualified and experienced practitioner. Given the nature of the proposed activity, it is likely that any existing human health risk will be reduced and the environment enhanced.

### Visual and Landscape Effects

The construction of a new Innovative Courthouse within the subject site has the potential to result in adverse visual/landscape effects for existing owners and/or occupiers of directly adjoining properties that are residential in character. While the design details for the Innovative Courthouse will not be confirmed at the time of lodging the NOR, it is intended that the future development will be consistent with the bulk and location expectations for the City Living Zone reflected in proposed Plan Change 26 - Housing Choice, which includes provision for six storey apartment buildings in the City Living Zone. Therefore the new Courthouse will not result in greater adverse visual and landscape effects than what has been anticipated through the proposed plan change. However, it is acknowledged that the future development of the site in a manner that is consistent with the planned urban environment in this location, as opposed to the current environment, has the potential to generate adverse visual effects for current landowners and occupiers that adjoin the site. In acknowledgement of this potential for adverse visual and landscape effects to arise, MOJ have commissioned an Urban Design Assessment (UDA) as part of the NOR application to provide a set of guidelines that will inform the design stage for the Innovative Courthouse. On this basis, it is considered that any

potential adverse visual and landscape effects will be effectively mitigated and the NOR will enable the development of a high quality civic building that is complementary to its surroundings.

#### Amenity/Social Impact Effects

The Ministry of Justice have engaged The Property Group (TPG) to undertake a Social Impact Assessment (SIA) to support the NOR application. For the purpose of this fast track referral application, TPG have provided an initial high level summary of the SIA purpose, methodology, early findings and potential impacts. Based on this assessment, it is considered that most of the potential social impacts will be from direct interaction with the future complex and its users, and therefore mostly experienced within the local neighbourhood area, which currently experience many of these impacts. The wellbeing capitals in the Governments Living Standards Framework (MBIE, 2019), which include human capital, social capital, natural capital, financial and physical capital, have been used to scope and predict potential social impacts to be assessed. The initial scoping of the impacts (refer to attached SIA for further detail) demonstrates that the proposed use of the site for an innovative court complex is unlikely to have any significant social impacts that cannot be managed through the design and operation of the site. For example:

- The design of the future complex, including areas where people congregate and points of access to the site, can be managed to ensure there is no potential public safety concerns.
- Given the sites location within the City Centre and the associated amenity values which are in keeping with a mix of residential and government facilities, it is not considered there will be an impact on the local resident's sense of belonging.
- The planning and design process has adopted a robust process of engagement to ensure people have adequate input into the designation process (especially where a fast-track process is employed).

The development of the new site has the potential to have positive impacts for the local community including improving street amenity and better management of visitors to the site through a design response.

#### Traffic Effects

The Ministry of Justice have engaged Gray Matter Limited to provide an Integrated Transport Assessment (ITA) to support the NOR application. For the purpose of this fast track referral application, Gray Matter Ltd have provided an initial high level summary of potential effects, as outlined below and attached:

The new Innovative Courthouse is expected to have transport effects that are similar in nature and scale to the existing courthouse. The effects are likely to include a small contribution to congestion from vehicle trips on the adjacent transport network and demand of off-site parking. Based on our current understanding of the proposal, there is unlikely to be a significant increase in trip generation. The number of vehicle trips to the site will be limited by the extent to which on-site parking is provided. As is the situation with the current courthouse, most staff and visitors will park off-site and walk to the courthouse. However, there may be a reduction in spaces provided on-site compared to the existing courthouse. The proposal is located adjacent to the city centre amenities and is well located to maximise the number of trips using alternative modes such as walking, cycling and public transport. Access will be provided to the on-site carpark and sallyport via new vehicle crossings. The final location of vehicle crossings will be confirmed as part of the Outline Plan with design guidance provided in the ITA. There is likely to be disruption on the surrounding road network from construction activities which are likely to extend over at least a year. The off-site impacts during construction include loss of on-street parking on the surrounding roads in particular Monmouth Street and Willow Street, and potential for temporary road or footpath closures. The MOJ will need to work with Tauranga City Council to minimise the effects of construction traffic through a Construction Management Plan. The construction effects will be assessed further as part of the ITA. In summary, the new Innovative Courthouse will have transport effects that are similar in nature and scale to the existing courthouse. The transport effects include a potential increase in trips, but the proposal is well located to maximise the number of trips using alternative modes such as walking, cycling and public transport. Construction effects can be managed through a Construction Management Plan.

#### Noise Effects

The proposed use of the site for an Innovative Courthouse is not anticipated to generate adverse noise effects over and above what has been provided for in the City Living Zone. Noise effects are likely to be less than a large scale mixed use development as the future courthouse will be unoccupied outside of normal working hours and during weekends.

### Cultural Effects

No sites of cultural significance to iwi or archaeological sites are identified within the site on the District Plan maps. There is potential for unrecorded archaeological sites to be encountered during the demolition and construction phase. Any potential adverse effects in this regard can be avoided through the creation and implementation of an appropriate program (i.e. accidental discovery protocol) at the Outline Plan stage with input and approval sought from iwi and Heritage NZ where appropriate. MOJ have also recently engaged an archaeological assessment (via Toitu Te whenua - LINZ), which will inform the NOR and design stage.

Engagement with relevant iwi and hapu to date has been undertaken as part of MOJ's 'discovery' stage. The key outputs from this engagement includes, themes and insights, and design implications. The co-design approach with relevant iwi and hapu will continue through the 'design' stage and will inform the Architects/Design team when they are appointed.

The input received to date from iwi and hapu has been very positive. As part of the preparation of the NOR application, MOJ will undertake further consultation with relevant iwi and hapu specifically in relation to the proposed designation. It is anticipated that a Cultural Values Assessment will be commissioned to support the NOR application.

### Construction Effects

While construction effects are typically considered temporary effects, these are expected to arise during the construction phase of the proposal. In this case, due to the scale of the proposed development, the construction period will be relatively long. The effects of construction are considered to be noise, dust, sediment, vibration, lighting/glare, traffic and the potential for unearthing of archaeological remains or artefacts. The construction effects will be localised and will be managed through the preparation of a Construction Management Plan, to be submitted at the Outline Plan stage. With these measures in place, any adverse construction effects will be minimal. It is noted that the construction effects will not be dissimilar to the effects of redevelopment provided for under proposed Plan Change 26.

### Greenhouse Gas Emissions

The Ministry of Justice are committed to becoming a more sustainable organisation and meeting its Net Carbon Zero compliance obligations under the Carbon Zero Act. This requires that at all stages of a project sustainability opportunities are considered and where practicable, implemented. Any MOJ Environmentally Sustainable Design (ESD) requirements additional to those mandated by building regulatory controls will be established in the Courthouse requirements design brief and addressed under the following emission categories:

- Building operational efficiency
- Building materials
- Construction waste

On this basis, the proposed development is anticipated to have a neutral or positive effect with regard to greenhouse gas emissions.

### Loss of land for housing in the City Centre

The subject site is located within the City Living Mixed Use Zone, the purpose of which is to provide site redevelopment opportunities primarily for the development of intensive, multi level housing and some mixed use in the established residential areas around the Tauranga City Centre. The proposed designation and future development of the subject site for an Innovative Courthouse will result in the removal of 6,374m<sup>2</sup> of land that would otherwise have been available for high density housing development in the City Centre. However, there is currently 93,292m<sup>2</sup> (approx.) of land zoned City Living Mixed Use in the City Centre. Just under 48,000m<sup>2</sup> of this land is located at the northern end of the City Centre, where the subject site is located. The removal of 6,374m<sup>2</sup> of land for the Innovative Courthouse equates to only 13% of the City Living Mixed Use land area at the northern end of the City Centre and only 7% of the total City Living Mixed Use land area. In addition, the proposed designation will occupy just over half of the total block area leaving at least 5000m<sup>2</sup> of City Living Mixed Use land available for future housing and mixed use development opportunities. On this basis, it is considered that the potential adverse impact on housing choice and availability in the City Centre will be minor and will be further offset by the social and community benefits of having a state of the art, highly functional courthouse facility that provides for the delivery of efficient justice services. It is also noted that at the conclusion of the new Courthouse development, subject to Treaty settlement obligations, there is the potential for the current Courthouse site to be redeveloped as a high density residential development or a mixture of high density residential and commercial development.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

### **National Policy Statement on Urban Development 2020 (NES-UD)**

The NPS-UD is about ensuring New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It requires council's across New Zealand to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure. This includes:

- ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi)
- ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth
- developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions
- aligning and coordinating planning across urban areas.

The Ministry of Justice currently has two buildings in Tauranga, Cameron House and McLean House. Cameron House is a leaky building with a history of significant water damage. Air testing for black mould is currently carried out on a monthly basis. Due to the general deterioration and quality of the building, as a minimum a major upgrade will be required. In addition, the existing buildings are no longer considered to be fit for purpose nor do they have the capacity to hear High Court criminal cases. As the fifth largest city in NZ, Tauranga City needs a high quality courthouse facility that is accessible, functional and reflective of Te Ao Maori, which can facilitate the implementation of the justice system in an efficient and effective manner. The development of a new Innovative Courthouse within the subject site has been identified as a suitable alternative to redeveloping the existing courthouse site. It is noted that the new site is across the road from the existing courthouse facilities and therefore will not introduce a new activity to this part of the city. Courthouse facilities are typically located within or in close proximity to city centres and are considered to be an integral part of a well-functioning urban environment. As previously mentioned the future design of the courthouse building will be guided by a set of urban design guidelines to be determined through the NOR process. As a result, it is anticipated that the bulk and location of the new Innovative Courthouse will be complementary to the planned urban environment for this location. While the project will remove land earmarked for housing and mixed-use development under the Operative and Proposed District Plan, it is considered likely that it will trigger and promote opportunities for higher density residential development in and around the site upon completion due to the scale and nature of the development. In addition, at the conclusion of the new Courthouse development, subject to Treaty settlement obligations there is the potential for the current Courthouse site to be used for high density residential development or a mixture of high density residential and commercial development. For these reasons, the project is considered to be consistent with, and will enable the outcomes directed by the NPS-UD.

### **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-Soil)**

The NOR application will include appropriate soil investigations and reporting completed by a suitability qualified and experienced practitioner as required under the NES-Soil to identify potential contamination and recommend methods of disposal and remediation if required.

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that 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".

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project's economic benefits and costs for people or industries affected by COVID-19:

The project represents a \$90m investment in justice service infrastructure in Tauranga City. For people and industries affected by COVID-19, the specific economic benefits are as follows:

- Providing certainty of ongoing investment and employment opportunities in the construction industry.
- Over the 4-5 year design and construction period, this level of expenditure directly generates about 177 FTE jobs. Over an average 12-month period direct employment is estimated to be about 40 FTE jobs. Adding in upstream production effects raises this to 171 FTE jobs of which 141 FTE would be in Bay of Plenty. Downstream spending effects increase these numbers to 228 FTE jobs and 170 FTE jobs respectively (refer to attached Employment Estimate from Infometrics for further detail).

Project's effects on the social and cultural wellbeing of current and future generations:

The vision for the proposed Innovative Courthouse development is to create a welcoming courthouse that facilitates timely, equitable and enduring access to justice services while providing safe spaces which enable and support people to find resolution or solutions, for themselves, their whanau and their community. The physical design of court buildings influences the social and justice outcomes of the people using the building and the wider community. People's experiences of the justice system and courts is influenced not only by the direct services they receive in the courts, but also the physical condition of the courts and how well the built environment meets their physical, social, emotional, mental, cultural and spiritual needs. Condition and fitness for purpose are key factors in how well buildings support activities undertaken or services delivered from them. The current courthouse facilities in Tauranga City are considered to be inadequate in their ability to provide for the communities social and cultural wellbeing and are in a condition that warrants a major upgrade or replacement in order to achieve the Innovative Courthouse vision. The proposed development of a new Innovative Courthouse within the proposed site will give legs to the vision expressed above, resulting in significant on-going benefits for social and cultural wellbeing for current and future generations. The NOR application will include a full Social Impact Assessment which will help inform the design outcomes for the site. As detailed in the high level SIA completed to date (see attached), the development of a new complex presents an opportunity for the new site to play a role in welcoming and supporting a greater range of cultures, which is key to the principles of the innovative courthouse project and implementation of a co-design process with mana whenua. The development process has to date and will continue to place value on engagement with relevant iwi and hapu, local communities, judiciary, legal profession and court staff. Furthermore, the Government has a desire to infuse Te Ao Maori values into the operation of the justice system. As a result, Te Ao Maori values will inform the courthouse design and infrastructure.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The processes provided by the Act provide the opportunity for the project to progress faster than would otherwise be the case under the standard RMA process due to the uncertainties and unpredictability of the standard RMA notification, hearing and appeal process, which can lead to significant time delays for a project of this scale. The fast track legislation provides the Ministry of Justice with the opportunity to obtain a decision within a set timeframe, which will provide certainty for progressing the development and will help them to manage the significant financial risks associated with this project. The fixed timeframes associated with the fast track process will allow MOJ to plan the subsequent stages of the development with greater confidence and certainty, which will in turn enable more timely and efficient implementation and delivery of the project. Ultimately, if the NOR is granted through this process it will help MOJ to meet their target of a 2026 opening of a new Innovative Courthouse in Tauranga City.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

Infometrics have provided the Ministry of Justice with an estimate of the employment effects of the proposed new Innovative Courthouse facility, as summarised below. A copy of this report is attached.

The capital cost of the proposed new court house in Tauranga is \$90m spread over 4-5 years. Over that entire period this level of expenditure directly generates about 177 FTE jobs. Over an average 12-month period direct employment is estimated to be about 40 FTE jobs. Adding in upstream production effects raises this to 171 FTE jobs of which 141 FTE would be in Bay of Plenty. Downstream spending effects increase these numbers to 228 FTE jobs and 170 FTE jobs respectively.

#### Housing supply:

The proposed development does not include the provision of additional housing. However, is anticipated that a development of this scale and nature will create a trigger for more intensive housing development within the surrounding City Living Mixed Use Zone, which currently is characterised by predominantly lower density residential development.

#### Contributing to well-functioning urban environments:

Well-functioning urban environments meet the changing needs of diverse communities. They have good access to existing services, public transport networks and infrastructure. The proposed Innovative Courthouse will contribute to well-functioning urban environments in the following ways:

- The proposed site is suitably located to achieve good accessibility from Tauranga city centre and public transport links for both employees and visitors to the site.
- It provides opportunities to consolidate integrated and connected land uses in one location so that efficiencies in the transport network are achieved and efficiencies in land use are enabled
- Promotes active forms of travel, being within a walkable distance to the city centre and locating in close proximity to other services connected to the courts (for example the Police Station)
- The reduction in travel requirements supports reductions in greenhouse gas emissions
- Enabling a new complex to be designed and built provides greater opportunities for new expressions of culture, traditional norms to be integrated in the process from the outset. For example enabling a co-design process with mana whenua

#### Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

Significant investment in and renewal of justice system infrastructure in Tauranga City, including creating the capacity for high court processes, will improve economic, employment and environmental outcomes and increase productivity in the following ways:

- The quick generation and sustainment of 177 FTE jobs over 4-5 years for the design and construction period.
- Creation of a fit for purpose Innovative Courthouse facility that facilitates timely, equitable and enduring access to justice services while providing safe spaces which enable and support people to find resolution or solutions, for themselves, their whanau and their community.
- Significant investment in relocating justice services out of existing ageing infrastructure which is not fit for purpose and is creating productivity and environmental issues.
- The development of a state of the art justice facility that incorporates strong urban design principles to create a space and building design that is consistent with and complementary to the planned urban environment for the city centre.

#### Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

N/A

#### Minimising waste:

See below comments in regard to climate change and emissions.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The Ministry of Justice is committed to becoming a more sustainable organisation and meeting its Net Carbon Zero compliance obligations under the Carbon Zero Act. Being more sustainable and reducing their carbon footprint will have a positive impact on the organisation's energy use and efficiency, and also impact positively on the environment and the communities that they live and work in. This requires that at all stages of a project sustainability opportunities are considered and where practicable, implemented. Any MoJ Environmentally Sustainable Design (ESD) requirements additional to those mandated by building regulatory controls will be established in the Courthouse requirements design brief and addressed under the following emission categories:

- Building operational efficiency
- Building materials
- Construction waste

Promoting the protection of historic heritage:

N/A

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

N/A

Other public benefit:

The significant public benefits of the proposal have been adequately addressed in the above sections.

Whether there is potential for the project to have significant adverse environmental effects:

The project will result in significant positive effects, as discussed in the above sections. As detailed in the Assessment of Effects, the proposal is not anticipated to give rise to significant adverse environmental effects.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

N/A

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

| Local authority | Compliance/Enforcement Action and Outcome |
|-----------------|-------------------------------------------|
| No details      |                                           |

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

## Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

## Checklist

Where relevant to your application, please provide a copy of the following information.

|    |                                                                                                                                                                                                    |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No | Correspondence from the registered legal land owner(s)                                                                                                                                             |
| No | Correspondence from persons or parties you consider are likely to be affected by the project                                                                                                       |
| No | Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.                                                   |
| No | Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.                            |
| No | Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area. |

Released under the provision of  
the Official Information Act 1982