

## FTC #63 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Application 2021-051 - Ministry of Justice Innovative Courthouse

|                 |               |                     |        |
|-----------------|---------------|---------------------|--------|
| Date Submitted: | 24 June 2021  | Tracking #: BRF-226 |        |
| Security Level  | In-Confidence | MfE Priority:       | Urgent |

|                                                   |                                         |              |
|---------------------------------------------------|-----------------------------------------|--------------|
|                                                   | Action sought:                          | Response by: |
| To Hon David Parker, Minister for the Environment | Decisions on recommendations in Table A | TBA          |

|                                     |                                                                                                                                                                                                          |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Actions for Minister's Office Staff | <b>Return</b> the signed briefing to MfE<br><b>Send attached letter</b> (if agreed and signed)                                                                                                           |
| Number of attachments: 2            | Titles of attachments:<br>1. Letter from the Minister for the Environment to relevant Ministers of the Crown<br>2. Copy of the application and supporting information – to send with letter to Ministers |

### Ministry for the Environment contacts

| Position         | Name                 | Cell phone | 1 <sup>st</sup> contact |
|------------------|----------------------|------------|-------------------------|
| Principal Author | Rebecca Perrett      |            |                         |
| Manager          | Stephanie Frame      | s 9(2)(a)  | ✓                       |
| Director         | Sara Clarke (Acting) | s 9(2)(a)  |                         |

## FTC #63: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

### Key Messages

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1. We seek your initial decision on an application for referral of the Ministry of Justice Innovative Courthouse project (the Project) to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA), from the Minister of Justice.
2. The Project is located at 27 and 33 McLean Street, and 24, 28, 30 and 32 Monmouth Street, Tauranga, Bay of Plenty (the Project site).
3. The Project is for a designation to construct and operate a new Innovative Courthouse in Tauranga. The Project staging (outside the scope of the fast-tracking process) will involve purchasing the land, undertaking detailed design, submitting outline plan, obtaining relevant building consents and resource consents (if required under any regional rules or national environmental standards), commencing physical site works in approximately September 2022 and completing construction by approximately October 2025.
4. The applicant intends to lodge a notice of requirement for a designation for the Project. The purpose of the designation will be: "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".
5. The Project is part of the Ministry of Justice's Innovative Court Programme. In December 2019 the Justice Minister at the time, Hon Andrew Little, announced Government's investment of \$100 million in a new courthouse in Tauranga, that is to be a model for future courthouse design for New Zealand. Designed in partnership with iwi, the local community, the judiciary, the legal profession, court staff and other court users, it is intended to draw on Te Ao Māori values and directly address victims' safety needs in the court building.
6. We have undertaken an initial (Stage 1) analysis of the application and this is presented along with our recommendations in Table A.
7. The Project meets all the eligibility criteria in section 18 of the FTCA. More analysis is needed to confirm if the Project meets the purpose of the FTCA and to enable us to advise you on matters in section 23(5) which may influence your referral decision.
8. The Project may result in public benefits by generating new employment, contributing to a well-functioning urban environment by promoting active forms of travel, providing a fit for purpose courthouse, providing opportunities to consolidate support services, and contributing to New Zealand's efforts to mitigate climate change through environmentally sustainable design.
9. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from:
  - a. Ministers listed in section 21(6) of the FTCA
  - b. Tauranga City Council
  - c. Bay of Plenty Regional Council.

## Statutory Framework Summary

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10. You are the sole decision maker for referral of the Project as it will not occur in the coastal marine area.
11. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
  - a. if you are satisfied that the Project does not meet referral criteria in section 18 of the FTCA, which include you being satisfied the Project meets the purpose of the FTCA (see sections 18(2) and 23(1) of the FTCA)
  - b. for any other reason (see section 23(2) of the FTCA).
12. If you do not decline the referral application at this stage, section 21 of the FTCA:
  - a. requires you to provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers
  - b. permits you to provide the application to and invite comments from any other person.
13. You are also able to request further information from the applicants or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

## Action Sought

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

## Signature

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Stephanie Frame  
**Manager – Fast Track Consenting**



## Projects to progress

|                                                                                                                                                                                                                                                                                                                                         | affected by COVID-19<br>[section 19(a)]                                                                                                                   |                                                                                                                                                                         | otherwise be the case<br>[section 19(c)]                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                   | greenhouse gas emissions<br>[section 19(e)]                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                         |
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| d on<br>able<br>ation<br>s stage,<br>onsider<br>Project is<br>le for<br>ral<br>use it<br>not:<br>clude<br>y<br>hibited<br>ivities<br>clude<br>d<br>urned<br>der a<br>eaty<br>ttlement<br>cur in a<br>stomary<br>rine title<br>ea or<br>ected<br>stomary<br>hts area<br>der the<br>rine<br>d<br>astal<br>ea<br>akutai<br>ana)<br>t 2011. | The applicant has provided an employment estimate prepared by Infometrics with their application. The employment estimate predicts that the Project will: | The applicant considers that the Project will provide for the social wellbeing of current and future generations as it will:                                            | The applicant considers that the FTCA will allow the Project to progress faster than under standard Resource Management Act (RMA) processes, 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. | Based on the information provided we consider the Project may result in the following public benefits:                                                                                                                                                                                                            | The Project has the potential for adverse environmental effects, including:                                                                                                                                       | The Project s located within Living Mixed the Operative City Plan, wh anticipates multi-level res activities, but opportunity fo development. commercial a floor and resi above. The P be assessed complying ac applicant was resource con than a NOR.                                                                  |
|                                                                                                                                                                                                                                                                                                                                         | • directly generate approximately 177 full-time equivalent (FTE) jobs over the 4-5 year period of design and construction                                 | • replace the existing courthouse which is in need of a major upgrade or replacement                                                                                    |                                                                                                                                                                                                                                                                                                                                 | • supporting existing and generating new employment over an approximately 4-5 year design and construction period                                                                                                                                                                                                 | • effects relating to contaminated land                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         | • directly generate approximately 40 FTE ongoing jobs over an average 12-month period                                                                     | • be co-designed with mana whenua and informed by Te Ao Māori values                                                                                                    | Obtaining approval for the NOR will give the applicant the security and confidence to continue investing in the development and help to meet their target of moving to the new facility in 2026.                                                                                                                                | • providing renewal of justice system infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity                                                                                                                                                              | • dust, traffic and other temporary construction effects                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           | • contribute to New Zealand's efforts to mitigate climate change through environmentally sustainable design and construction, and building operational efficiency       |                                                                                                                                                                                                                                                                                                                                 | • contributing to well-functioning urban environment by promoting active forms of travel, being within walking distance of the city centre and located in close proximity to other services connected to the courts (for example the Police Station), and providing opportunities to consolidate support services | • visual effects                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           | The applicant advises that engagement with mana whenua, stakeholders and the community in relation to social and cultural wellbeing has been undertaken and is ongoing. |                                                                                                                                                                                                                                                                                                                                 | • contributing to New Zealand's efforts to mitigate climate change through environmentally sustainable design at construction and                                                                                                                                                                                 | • effects on the character and amenity of the neighbouring residential area                                                                                                                                       |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           | The applicant advises that the notice of requirement (NOR) application will include a social impact assessment that will help inform the design outcomes of the site.   |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                   | • social impact effects                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           | The applicant must also provide cultural impact assessments from the                                                                                                    |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                   | • traffic generation, safety and parking                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           |                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                   | The applicant advises that the Project is not anticipated to give rise to significant adverse environmental effects.                                                                                              |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           |                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                   | We note that the Minister does not require a full AEE and supporting evidence to make a referral decision, and a panel will consider the significance of effects and appropriate mitigation should the Project be |                                                                                                                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                           |                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                   | The Project s subject to Pro Change 26 - Choice, that o further submi 25 June 2021 The applicant that the desig the Project wi confirmed at t lodging a NO is intended th development consistent wit and location e for the City Li reflected in P Plan Change includes prov storey apartm buildings in th Living Zone. |

| Project details | Project description | Project funding | Is Project eligible for referral? [section 18(3)] | Will the Project help to achieve the purpose of the FTCA? [section 18(2)]                 |                                                                                           |                                                                                                             |                                |                                                                                                             |                                            | 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 the 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)] |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |
|                 |                     |                 |                                                   |                                                                                           |                                                                                           |                                                                                                             |                                |                                                                                                             |                                            | FTCA <ul style="list-style-type: none"> <li>Tauranga City Council</li> <li>Bay of Plenty Regional Council</li> </ul> g. Sign the attached letter to Ministers listed in section 21(6) of the FTCA<br>h. Note that while awaiting these comments and further information, 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. |                      |

Signed:

Hon David Parker  
Minister for the Environment

Date