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# Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

|                                           |                                 |
|-------------------------------------------|---------------------------------|
| Local authority providing comment         | Tauranga City Council           |
| Contact person (if follow-up is required) | Daniel Smith                    |
|                                           | Manager, Environmental Planning |
|                                           | s 9(2)(a)                       |

## Comment form

Please use the table below to comment on the application.

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project name                              | Ministry of Justice Innovative Courthouse – Tauranga                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| General comment – potential benefits      | Please refer to attached letter dated 9 July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| General comment – significant issues      | Please refer to attached letter dated 9 July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Is Fast-track appropriate?                | Yes. Please refer to attached letter dated 9 July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Environmental compliance history          | No compliance history of direct relevance to this proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Reports and assessments normally required | <ul style="list-style-type: none"> <li>• Transportation Assessment – Assessing the likely parking demand and impact on the local transportation network given it is an out of zone activity and the movement of vehicles on and off the site.</li> <li>• Infrastructure Assessment – Outlining how the development will be serviced by the three waters and discussing any effect on the capacity on Council infrastructure.</li> <li>• Urban Design/Landscape Assessment – To outline the anticipated site layout, building envelope and design, to detail what mitigating measures will be incorporated into the design of the building to address how the building and activity will integrate with surrounding land uses and the public/private interfaces (including movement, on-site amenity, safety and security, and culture and identity outcomes).</li> </ul> |
| Iwi and iwi authorities                   | IWI<br>Ngāi Te Rangi – Pia Bennett s 9(2)(a)<br>Ngāti Ranginui – Des Heke s 9(2)(a)<br><br>HAPŪ–<br>Ngāi Tukairangi – Ngawiki Dickson s 9(2)(a)<br>Ngāti He – Anthony Ririnui s 9(2)(a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|---------------|----------------|-----------|-----------------|-----|--------------|-----|---------------------|-----|------------------|
|                                                                                             | <p>Ngāti Tapu – Puhirake Ihaka (puhirakeihaka@gmail.com)</p> <p>Ngāi Tamarāwaho – Please ensure any correspondence goes to everyone on the list below:</p> <table> <tr> <td>Chair – NTAT</td><td>Ms Melanie Tata</td></tr> <tr> <td>Chair - TMONT</td><td>Ms Kura Martin</td></tr> <tr> <td>RMW / RMU</td><td>Mr Desmond Tata</td></tr> <tr> <td>RMU</td><td>Mr Peri Kohu</td></tr> <tr> <td>RMU</td><td>Mrs Sylvia Willison</td></tr> <tr> <td>RMU</td><td>Mr Buddy Mikaere</td></tr> </table> | Chair – NTAT | Ms Melanie Tata | Chair - TMONT | Ms Kura Martin | RMW / RMU | Mr Desmond Tata | RMU | Mr Peri Kohu | RMU | Mrs Sylvia Willison | RMU | Mr Buddy Mikaere |
| Chair – NTAT                                                                                | Ms Melanie Tata                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| Chair - TMONT                                                                               | Ms Kura Martin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| RMW / RMU                                                                                   | Mr Desmond Tata                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| RMU                                                                                         | Mr Peri Kohu                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| RMU                                                                                         | Mrs Sylvia Willison                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| RMU                                                                                         | Mr Buddy Mikaere                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| <b>Relationship agreements under the RMA</b>                                                | No relationship agreements, however, all abovementioned groups have iwi management plans.                                                                                                                                                                                                                                                                                                                                                                                                       |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| <b>Insert responses to other specific requests in the Minister's letter (if applicable)</b> | Please refer to attached letter dated 9 July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |                 |               |                |           |                 |     |              |     |                     |     |                  |
| <b>Other considerations</b>                                                                 | Please refer to attached letter dated 9 July 2021.                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |                 |               |                |           |                 |     |              |     |                     |     |                  |

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

8 July 2021

Ministry for Environment  
Stephanie Frame  
Manager Fast Track  
fasttrackconsenting@mfe.govt.nz



Dear Ms Frame,

**Covid-19 Recovery (Fast-Track Consenting) Act 2020 – Ministry of Justice Innovative Courthouse – Tauranga – Comments pursuant to Section 21(4)**

Thank you for providing Tauranga City Council (TCC) with the opportunity to provide comments on the above-mentioned proposal prior to the Minister deciding if it is referred to an expert consent panel. TCC has participated in a range of 'pre-application' meetings with the applicant's consultants since 2020. The focus of this engagement has been to provide the applicant with factual information. The points below provide an overview of the 'Significant Issues' and 'Potential Benefits' and 'other comments' you have sought TCC to comment on:

**1. Significant Issues**

***No provision for residential activities within the development***

Tauranga is classed a Tier One Urban Environment under the National Policy Statement Urban Development (NPS-UD). The application site is located within a Residential zone. The purpose of the 'City Living zone' 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.

This zone is currently subject to a proposed Plan Change which in part gives effect to the NPS-UD. Plan Change 26 – Housing Choice, removes existing maximum residential densities<sup>1</sup>, and increases the building height in the zone from 13 metres to 20 metres. The 'further submission period' has closed and the plan change hearing is expected to be held towards the end of 2021. In our opinion significant weight can be applied to the proposed plan change provisions in this location.

The application site comprises of 6,373m<sup>2</sup> of land facing three road frontages. With no density limits proposed for this zone<sup>2</sup>, it is difficult to accurately forecast how many dwellings could be developed if the same land was made available for a comprehensive residential development. The existing Ministry of Justice site comprises of 7,304m<sup>2</sup> held in three separate titles is located directly across the road to the south of the application site. The permitted building height for this site is up to 48.7m above NZVD16 datum. The Application states that, if a new courthouse facility was constructed on a different site, the existing 'City Centre' zoned site would be vacated. The Applicant states that with the removal of the existing designation, this large site could be comprehensively redeveloped to include residential activities above ground floor level with, no maximum density<sup>3</sup>.

<sup>1</sup> Plan Change 26 – Housing Choice, prescribes minimum floor areas for different sized apartments in the City Living Zone.

<sup>2</sup> Plan Change 26 – Housing Choice, removes the minimum site area for each independent dwelling unit contained within the site to be 200m<sup>2</sup> per independent dwelling unit.

<sup>3</sup> The City Plan does prescribe minimum floor areas for different sized apartments in the City Centre Zone.

TCC agrees that opening up this parcel of commercial zoned land to the market could enable a large-scale residential development to occur on this site<sup>4</sup>. TCC would be interested in further discussions with the Ministry in respect of a residential 'offset', and the possible means of creating some certainty around this.

## 2. Potential Benefits

Being a civic development, the proposal will provide the positive benefits to the community as a whole. The primary benefits of this development include:

### A new civic building which is fit for purpose and valued by the community

The application describes the existing court facility as no longer being fit for purpose, insufficient in size and subject to water tightness issues. Significant investment is therefore required to enable future suitable court activities to be undertaken and being a civic building to provide the appropriate social benefits to the community. The development of a new court facility on different site will enable the Ministry of Justice to continue to deliver its role and function in the community until such time that construction of the new court is completed.

The application sets out that this is a collaborative development 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 victim's safety needs in the court building. The development will therefore benefit to the community both in terms of placemaking and its civic function within the Tauranga City Centre, as well as providing for the improved safety and use of the facilities by those members of the community who will use the court.

### Integration with the regeneration of the Tauranga City Centre.

TCC are making significant commitment to support the regeneration of Tauranga City Centre. This includes substantial investment identified through the 2021-31 Long Term Plan in the order of \$125million+, as well as a refresh of the current City Centre Strategy and Spatial Framework, which will inform further investment decisions. Emphasis will include planning and implementation of public realm projects, movement (access and safety) and community infrastructure, with a focus on delivery over the next 10 years to attract more people to live, work and visit in the city centre.

Notably, re-development of the 'Civic Precinct' on Willow Street (including library, public realm and other amenities) is proposed in the next three years, two blocks to the south of the proposed Ministry of Justice site; to the north of there are also a number of significant existing and proposed amenities. Given its strategic location and timing, the proposed Ministry of Justice site, in conjunction with TCC investment in the surrounding public realm, has potential to have significant benefits for the city centre if good design outcomes are achieved on-site and in the local context (facilitated through appropriate urban design conditions and assessment through the designation process).

### Opportunity for further large-scale comprehensive development

In acknowledging the above, the Ministry of Justice vacating the existing site provides further development opportunity for another significant large-scale investment in the Tauranga City Centre. It is noted that the existing court buildings have no heritage value which would affect the complete demolition of all existing buildings.

## 3. Other Comments

In considering the information which has been provided to date, and our understanding of TCCs own infrastructure networks, there have been no significant issues raised in regard to servicing a development of this type and size. This includes wastewater, stormwater, water and the transportation network. While no geotechnical investigations have been provided from the applicant, TCC does not hold information to suggest that the land is not suitable for a development of this scale.

It is noted the Tauranga Central Police Station is located almost opposite the site on the western corner of Willow and Monmouth Streets. This is a designated site, also within the City Living Mixed Use zone.

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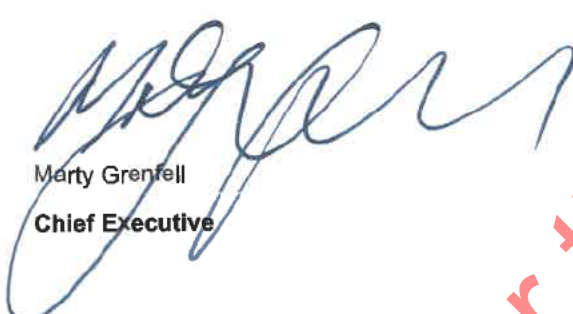
<sup>4</sup> To be a permitted activity, the development would need to comprise of business activities at ground floor and residential activities above the ground floor.

The proposed development supports the purpose of the COVID19 Recovery (Fast-Track Consenting) Act 2020 as set out under section 19 of the Act. The development of a new innovative courthouse will promote construction employment; contributing to well-functioning city centre; provide civic infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity. The only part of the 'purpose' which is not supported, is the loss of residential zoned land which is suitable for higher residential densities. This however is offset to a degree through the existing Ministry of Justice site being vacated. This would provide the opportunity for high density residential activities to be established, in an area supported through the NPS-UD and across the road from the proposed Ministry of Justice site i.e. in the same area of the city.

For the reasons set out in this letter TCC considers that the proposed development does promote sustainable management of the natural and physical resources and contributes to the development of a well-functioning urban environment. There are no reasons TCC consider it more appropriate for the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA.

On this basis, it is appropriate to fast track this proposal to an expert consenting panel. TCC looks forward to supporting the fast-tracking process of this application if it is successful. TCC would like the ability to comment on any proposed conditions, particularly in relation to infrastructure and urban design.

Yours sincerely



Marty Grenfell  
Chief Executive