



BRF-338

10 August 2021

Minister of Justice and Ministry of Justice
c/- Peter McCoskrie
Principal Planner
The Property Group Limited
s 9(2)(a)

Dear Peter McCoskrie

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Tauranga Innovative Courthouse

Thank you for the Minister of Justice and the Ministry of Justice's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Tauranga Innovative Courthouse (the Project) to an expert consenting panel (a panel) for consideration under the FTCA.

The Project is for the development of a new courthouse at 27 and 33 McLean Street, and 24, 28, 30 and 32 Monmouth Street, Tauranga, Bay of Plenty. It will be the first courthouse developed under the Ministry of Justice's Innovative Courthouses Programme, designed in partnership with iwi, the local community, and other stakeholders to better enable operation and delivery of the justice system. It is intended to provide a model for future courthouse design in New Zealand.

The purpose of the FTCA is to 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.

I can only refer the Project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the Project will help achieve the FTCA's purpose.

I have decided the Project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. have positive effects on social wellbeing by providing more user-friendly and fit-for-purpose justice facilities
2. enable approximately 177 full-time equivalent (FTE) jobs over the 4-5 year design and construction period and 40 FTE ongoing jobs over an average 12-month period
3. progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA processes, provided that the applicants lodge their notice of requirement with the EPA in a timely manner following Project referral.

Any potential adverse effects arising from the Project, and proposed mitigation measures, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the Project to a panel.

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A of this letter with any notice of requirement applications for the Project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the requested information listed in Appendix A must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information, they can seek it from you under clause 25 Schedule 6 of the FTCA.

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the Project. Once this Order is made you will be able to lodge your application for notice of requirement for a designation with the EPA for a decision by a panel. The decision to approve or decline the designation is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the Project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the Project.

Please do not publicly release my decision or this notice until the Order in Council for this Project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA.
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Ministers of/for:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change

Local authorities:

Tauranga City Council; Bay of Plenty Regional Council

Relevant iwi authority/ies and Treaty settlement entities:

Te Rūnanga o Ngāi Te Rangi Iwi Trust; Ngā Hapū o Ngāti Ranginui Settlement Trust; Ngāti Ranginui Iwi Society Incorporated; Ngāti Pūkenga Iwi ki Tauranga Trust; Ngāi Te Rangi Settlement Trust; Ngā Pōtiki a Tamapahore Trust; Te Tāwharau o Ngāti Pūkenga

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application lodged by the Minister of Justice and the Ministry of Justice for the Tauranga Innovative Courthouse

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any application:

- an archaeological assessment of the Project site
- a transport assessment assessing the likely parking demand and impact on the local transport network
- an infrastructure assessment providing details of proposed three waters servicing and identifying any effects on the capacity of Tauranga City Council infrastructure
- an urban design and landscape assessment including:
 1. details of the anticipated site layout, building envelope and design
 2. details of any mitigating measures that will be incorporated into the design of the building to ensure that the building and activity are integrated with the surrounding land uses and the public/private interfaces (including movement, on-site amenity, safety and security, and culture and identity outcomes).