

FTC #105: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2021-074 Waimarie Street – St Heliers

Date Submitted:	13 January 2022	Tracking #: BRF-1028	
Security Level	In-Confidence	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	18 January 2022

Actions for Minister's Office Staff	Return the signed briefing to MfE
Number of attachments: 2	Attachments: 1. Letter from the Minister for the Environment to relevant Ministers of the Crown 2. Copy of Waimarie Street application and supporting information – to send with letters to Ministers

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Authors	Samantha Maxwell Rebecca Perrett		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Sara Clarke	s 9(2)(a)	

FTC #105: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key Messages

1. We seek your initial decisions on an application for referral of the Waimarie Street project (the Project) to an expert consenting panel (a panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA), from Sanctum Projects Limited.
2. The Project is located at 43A and 45 Waimarie Street and 819 Riddell Road, Saint Heliers, Auckland.
3. The Project is to redevelop three suburban properties covering approximately 7,300 square metres, to create approximately 58 residential lots accommodating approximately 58 terraced two to four-bedroom residential units between two and three storeys high.
4. The Project will involve subdivision, demolishing three residential dwellings and other structures, earthworks and construction of new residential buildings and associated infrastructure.
5. The Project will require subdivision and land use consents, water take and diversion permits under the Auckland Unitary Plan (AUP), and resource consents under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
6. The Project site is zoned Residential–Mixed Housing Suburban in the AUP. The proposed activities have overall restricted discretionary activity status, due to exceedance of permitted standards including density and building height.
7. We have undertaken an initial (Stage 1) analysis of the application, and this is presented along with our recommendations in Table A.
8. The Project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if it meets the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
9. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Auckland Council and specific Ministers listed in section 21(6) of the FTCA.

Statutory Framework Summary

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 the Project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA
 - b. for any other reason (see section 23(2) of the FTCA).
12. If you do not decline the referral application at this stage:
 - a. you must provide the application to, and invite comments from, the relevant local

authorities and the relevant Ministers prescribed by section 21(6) of the FTCA

b. you may provide the application to and invite comments from any other person.

13. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

Action Sought

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

Signature



Stephanie Frame
Manager – Fast-track Consenting

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the Official Information Act 1982

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

Project to progress

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)]		
Project name Waimarie Street Applicant Sanctum Projects Limited c/- Berry Simons (agent) Location 43A and 45 Waimarie Street, 819 Riddell Road, Saint Heliers, Auckland	<p>The Project is to redevelop three suburban properties covering approximately 7,300 square metres to create approximately 58 residential lots accommodating approximately 58 terraced two to four-bedroom residential units, between two and three storeys high.</p> <p>The Project will involve activities such as:</p> <ol style="list-style-type: none"> demolition of buildings and other structures removing vegetation carrying out earthworks (including disturbing contaminated land) taking and diversion of groundwater construction of dwellings, roading and transport infrastructure and three water services landscaping subdividing land any other activities that are: <ol style="list-style-type: none"> associated with the activities described in paragraphs a to g; and within the scope of the project as described above. <p>The project will require subdivision and land use</p>	<p>The applicant states that they have contracts to buy the land (through their parent company, Mainstone Properties Limited).</p> <p>The applicant advises they intend to fund the Project through presales (including sales on other projects currently under development by their other companies), with any funding shortfall provided through loans from banks and other entities that the applicant has listed in the application as having established relationships with.</p>	<p>Based on available information at this stage, we consider the Project is eligible for referral because:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include land returned under a Treaty settlement it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011. 	<p>The applicant has provided an economic assessment that estimates that the Project will provide approximately 212 full-time equivalent (FTE) jobs over the 2–3 year construction period, as follows:</p> <ul style="list-style-type: none"> 49 FTE jobs in building construction 115 FTE jobs in construction services 48 jobs in professional services. 	<p>The Project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> generate employment through the provision of approximately 212 FTE jobs increase housing supply through the construction of approximately 58 two to four-bedroom residential units <p>Potential effects on cultural wellbeing are unknown.</p>	<p>The applicant considers that the fast-track process will allow the Project to progress approximately 5–11 months faster than under the standard Resource Management Act (RMA) process. The applicant advises that there is a real prospect of notification, or judicial review if non-notified.</p> <p>We recommend seeking comment from Auckland Council on the appropriateness of using the FTCA process.</p>	<p>Based on the information provided by the applicant we consider that the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment increasing housing supply 	<p>The Project has the potential for adverse environmental effects arising from:</p> <ul style="list-style-type: none"> earthworks and disturbance of contaminated land construction traffic the proposed buildings dominating, overlooking, shading, and causing loss of privacy for neighbouring properties changing amenity and character of neighbouring residentially zoned land. <p>The applicant has stated that overall adverse effects will not be significant.</p> <p>We note that a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.</p>	n/a	<ol style="list-style-type: none"> Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application. Agree to progress the Waimarie Street Project to our Stage 2 analysis. The Project warrants further analysis because it has potential to achieve the purpose of the FTCA, but we need to consider some matters further before providing you with our final advice on the referral application. 	Yes/No

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	consents, water take and diversion permits under the Auckland Unitary Plan, and resource consents under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 NES-CS.									<p>f. Agree to provide the application to, and invite comments from:</p> <ul style="list-style-type: none"> the Ministers listed in section 21(6) of the FTCA Auckland Council. <p>g. Sign the attached letters to Ministers listed in section 21(6) of the FTCA.</p> <p>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.</p>	<p>Yes/No</p> <p>Yes/No</p>

Signed:

Hon David Parker
Minister for the Environment

Date