FTC #127: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2021-083 Wellsford North Project

Date submitted:	7 April 2022	Tracking #: BRF-1402	
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	To be advised

Actions for Minister's	Return the signed briefing to MfE
Office staff	Send letter and accompanying template to Ministers (if agreed and signed)
Number of attachments: 3	Attachments: 1. Application documents for Wellsford North Project (Databox link) 2. Letter to Ministers – inviting comments on Wellsford North Project 3. Template for ministerial comment

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Helen Willis		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

FTC #127: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

- This briefing seeks your initial decisions on an application from Wellsford Welding Club Limited to refer the Wellsford North Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).
- 2. The project is to subdivide a 31-hectare site lying north of the Wellsford town centre and construct housing developments on two separate areas located respectively at 338 Rodney Street and the end of Monowai Street, Wellsford, Auckland. The project will create approximately 85 residential lots and residential units (66 at Rodney Street and 19 at Monowai Street), two super lots¹ for future residential development and two lots for future development of a neighbourhood centre for commercial, retail and residential activity (at Rodney Street), and two balance lots not intended for development.
- 3. The project will include landscape planting and associated infrastructure works including new roads intended to vest in Auckland Council, construction of a new intersection with State Highway 1, vehicle and pedestrian access, and three-waters services.
- 4. The project involves activities such as subdividing land, carrying out earthworks, diverting and discharging stormwater to water and land, constructing buildings and infrastructure, and landscaping.
- The project will require subdivision and land use consents, and water and discharge permits, under the Auckland Unitary Plan (AUP) and (potentially) consents under the Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
- 6. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
- 7. The Monowai Street development area is partly in the Future Urban Zone and partly in the Single House Zone, while the Rodney Street development area is in the Future Urban Zone under the AUP. The balance lots, which are not proposed for development as part of the project, are in the Rural Countryside Living Zone. The Future Urban Zone applies to greenfield land identified as suitable for urbanisation. Future Urban Zone land can be used for a range of general rural activities, but urbanisation is to be avoided until sites have been rezoned for urban purposes.
- 8. The AUP promotes structure planning as a precursor to rezoning and urban development in the Future Urban Zone. The Auckland Plan 2050 (June 2018) and Councils Future Urban Land Supply Strategy (July 2017) sequence the future urban area in Wellsford for development between 2023 and 2027. The applicant has advised that they are preparing a comprehensive structure plan for part of the future urban area in Wellsford, which includes the project site, and intend to lodge the "Wellsford North" private plan change application to Auckland Council later this year. The applicant advises that the "Wellsford North" plan change will enable development of approximately 650 additional residential units across the wider plan change area.
- 9. If the project is referred it will be assessed against the AUP framework as a non-complying activity. The applicant considers that the project will not be contrary to the relevant AUP objectives and policies, and that adverse effects will be no more than minor, which will allow the project to pass the 'gateway tests' in section 104D of the Resource Management Act

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 $^{^{1}\ \}mathrm{Large}\ \mathrm{scale}\ \mathrm{lot}\ \mathrm{for}\ \mathrm{future}\ \mathrm{subdivision}\ \mathrm{and}\ \mathrm{development}.$

1991 (RMA).

- 10. The project meets all of the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you on matters in section 23(5) which may influence your referral decision.
- 11. 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.
- 12. We recommend that you invite comments from the Associate Minister for the Environment (Urban Policy) as an additional Minister under section 21(6)(n) of the FTCA, and Waka Kotahi NZ Transport Agency, Auckland Transport and Watercare Services Limited as additional parties under section 21(3) of the FTCA.
- 13. We also recommend that you request further information from Auckland Council and the applicants as detailed in Table A.

Statutory framework summary

- 14. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
- 15. 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).
- 16. 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.
- 17. 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

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

Signature

Stephanie Frame

Manager - Fast-track Consenting

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

				Will the project help to achieve the purpose of the FTCA? [section 18(2)]							
Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	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)]	Recommendations	Minister's decisions
Wellsford North Project Applicant Wellsford Welding Club Limited c/- Barker and Associates Limited Location The project site is located to the north of the Wellsford Town Centre at 338 Rodney Street and Monowai Street, Wellsford, Auckland.	The project is to subdivide a 31-hectare site and construct housing developments on two separate areas located respectively at 338 Rodney Street and the end of Monowai Street, Wellsford, Auckland. The project will create approximately 85 residential lots and residential units (66 at Rodney Street and 19 at Monowai Street), two super lots ² for future residential development, two lots for future development of a neighbourhood centre for commercial, retail and residential activity (at Rodney Street), and two balance lots not intended for development. The project will include landscape planting and associated infrastructure works including new roads intended to vest in Auckland Council, construction of a new intersection with State Highway 1, vehicle and pedestrian access, and three-waters services.	The applicant, Wellsford Welding Club Limited, is the legal owner of the project site. Wellsford Welding Club Limited is a joint venture between Mayfair Group Limited and Vuksich & Borich (NZ) Limited. The applicant advises that the principals of both companies have substantial land and property development experience, and the application includes details of previously completed residential developments. We do not have concerns about the applicant's ability to deliver the project based on the information provided.	Based on information provided at this stage, we consider the project is eligible for referral because: • 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.	The applicant estimates the project will provide: • approximately 1,048 direct and indirect full time equivalent (FTE) jobs over the project's 5-year development and construction period • contribution of approximately \$114 million to Auckland GDP. The applicant's estimate of jobs created seems high for the scale of development and includes indirect employment. We recommend that you seek additional information from the applicant on this matter.	The applicant considers that the project will provide for the social wellbeing of current and future generations as it will: • generate employment by providing approximately 1,048 direct FTE jobs over the project's 5-year development and construction period • provide an additional housing supply of approximately 85 residential units in an area with a shortfall in housing capacity • provide a well-connected urban environment that will help create a sense of community.	The applicant considers that the fast-track process is likely to be faster than standard RMA consenting processes by 2.5-3 years due to the requirement for a plan change and potential for notification and Environment Court appeal/s under standard process.	Based on the information provided, the project may result in the following public benefits: • generating employment • providing housing.	The project has the potential for adverse environmental effects including: I loss of rural production land stormwater and sediment discharge effects noise, vibration odour and other temporary construction effects effects relating to infrastructure and servicing capacity transport effects effects on landscape, character, visual and amenity values effects on wetlands and wetland ecology. The applicant provided an ecology assessment that identified a natural wetland on the project site. No development is proposed within the wetland area, however earthworks will occur within 100 metres of it. We recommend you seek comment from Auckland Council on the location and extent of the natural wetland identified in the applicant's ecology report, whether consent for the project is likely to be required under the Resource	The project site is located in the Future Urban Zone and Single House Zone in the AUP and the AUP seeks to avoid urban development on sites zoned Future Urban Zone until the sites have been rezoned for urban purposes. The applicant advises that they have initiated a structure plan process and their intention is to lodge a private plan change including the project sites with Auckland Council this year. The applicant advises that a summary of the proposal was sent to Auckland Council and the council's policy team responded by noting that the structure plan and plan change route is supported, but the use of the fast-track process for the project is not supported. We recommend seeking feedback from Auckland Council on the appropriateness of using the FTCA for the project (given the existing AUP policy framework applying to the site). The applicant advises that there are potential risks relating to availability of reticulated capacity for both water supply and wastewater, but that Watercare Services Limited (Watercare) has indicated that planned upgrades to increase capacity should be completed by the end of 2023 for both services. The applicant does not consider that this will delay the anticipated project timeframe. We recommend you seek comment from Watercare on this matter.	 a. 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. b. 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. c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. d. 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. e. Agree to progress the Wellsford North 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. f. Agree to provide the application to, and invite comments from: the Ministers listed in section 21(6)(a)—(m) of the FTCA the Associate Minister for the Environment (Urban Policy) as an additional relevant Minister under section 21(6)(n) of the FTCA Auckland Council (the relevant local authority) the following additional 	Yes/No

 $^{^{\}rm 2}$ Large scale lot for future subdivision and development.

					Will the project help to achieve the purpose of the FTCA? [section 18(2)]						
Project details	Project description	Project funding		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)]		Minister's decisions
	The project involves activities such as subdividing land, carrying out earthworks, diverting and discharging stormwater to water and land, constructing buildings and infrastructure, and landscaping. The project will require subdivision and land use consents, and water and discharge permits, under the Auckland Unitary Plan (AUP) and (potentially) consents under the Resource Management (National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.							Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), and whether any proposed works are prohibited activities under the NES-F. The applicant has provided preliminary assessments/stateme nts from a range of technical experts and considers that the project will not result in any long term, adverse effects on the environment. We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects and appropriate mitigation should the project be referred.	The applicant advises that Kāinga Ora have expressed interest, and agreed in principle, to acquire between 20% and 30% of all the lots (or houses) for the wider development anticipated by the pending private plan change. This will include up to 30 of the lots (or houses) in this project. The applicant provided correspondence from Kāinga Ora that confirms this intention. We recommend that you seek further information from the applicants on this matter to ensure that any proposed arrangements will not affect timely project delivery. As the project includes an extension of Monowai Street to service the Monowai Street development area, and a new intersection onto Rodney Street (State Highway 1) we recommend that you seek comment on the application from Waka Kotahi New Zealand Transport Agency and Auckland Transport. The project site is subject to a number of easement instruments and land interests, recorded on records of title 68185302 and 68185374. The applicants have confirmed that none of the instruments identified on the records of title should affect timely project delivery.	entities/persons under section 21(3) of the FTCA: - Waka Kotahi NZ Transport Agency - Auckland Transport - Watercare Services Limited g. Agree to seek written comments from Auckland Council on: • the appropriateness of using the fast-track process for the project given the AUP policy framework applying to the site • details relating to the natural wetland identified on the project site and the applicability of the NES-F. h. Agree to seek further information from the applicants on: • confirmation that any proposed arrangements with Käinga Ora will not affect timely project delivery • job creation. i. Sign the attached letters to Ministers j. Note that while awaiting comments from invited parties, 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.	Yes/No Yes/No

Signed:

Hon David Parker	
Minister for the Environment	Date: