



## FTAA-2603-1190: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: 100 Halsey Street

|                 |               |                          |        |
|-----------------|---------------|--------------------------|--------|
| Date submitted: | 25 June 2026  | Tracking #: 26-BRF-01768 |        |
| Security level: | In-Confidence | MfE priority:            | Urgent |

|  |                             |                     |
|--|-----------------------------|---------------------|
|  | <b>Action sought:</b>       | <b>Response by:</b> |
| To Hon Chris Bishop, Minister for Infrastructure | Decision on recommendations | 2 July 2026         |

|                                     |  |
|-------------------------------------|--|
| Actions for Minister's Office staff | <b>Return</b> the signed briefing to: <a href="mailto:FTAreferrals@mfe.govt.nz">FTAreferrals@mfe.govt.nz</a><br><b>Approve</b> the attached notice of decisions letter.  |
| Number of appendices: 6             | Appendices:<br><ol style="list-style-type: none"><li>1. Statutory framework for making decisions</li><li>2. Application documents for the 100 Halsey Street project</li><li>3. Stage 1 Briefing Note and decisions</li><li>4. Section 18 Report on Treaty settlements and other obligations</li><li>5. Comments received from all parties the Minister sought comments from under section 17 and further information under section 20</li><li>6. Draft Notice of Decisions</li></ol> |

### Ministry for the Environment contacts

| Position         | Name         | Cell phone | 1 <sup>st</sup> contact |
|------------------|--------------|------------|-------------------------|
| Principal Author | Helen Willis |            |                         |
| Acting Manager   | Ben Bunting  | s 9(2)(a)  | ✓                       |
| General Manager  | Ilana Miller | s 9(2)(a)  |                         |

## Project location

---



Image 1: project area within the Auckland CBD

## Key messages

---

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from NZ CRE 100 Halsey Limited (the applicant) to refer the 100 Halsey Street project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-00981) with your initial decisions annotated is in Appendix 3.
3. The project is a commercial-led mixed-use redevelopment across approximately 1.7 hectares at 100 Halsey Street, Wynyard Quarter, Auckland.
4. The project is to construct five new buildings. Building 2 is intended to include a ground floor substation and a data centre above, with the remaining buildings developed for ground floor retail activities and premium office spaces on upper levels. The applicant advises that, if the development of the substation and data centre becomes unviable for reasons outside of the applicant's control, Building 2 will instead be developed as additional premium office space.
5. The project includes:
  - a. replacing existing bus depot activities on the project site
  - b. construction of buildings containing approximately 80,000 square metres of gross floor area (GFA) of primarily office space and commercial activity

- c. potential for construction of 'plant' on an existing Travelodge building on the project site (which is intended to remain) should the data centre and substation proceed
  - d. a network of lanes for pedestrian and vehicular access through the site, and publicly accessible spaces
  - e. approximately 533 vehicle parking spaces, and bicycle parking facilities.
6. The project will require resource consents that would otherwise be applied for under the Resource Management Act 1991 (RMA).
7. We consider the project aligns with the section 22 referral criteria. We consider the project is a development or infrastructure project that would have significant regional benefits including economic benefits and contributing to a well-functioning urban environment. The project does not appear to include an ineligible activity.
8. We recommend you **accept** the referral application. We seek your decisions on this recommendation, proposed directions to the expert panel, and notification of your decisions.

### Assessment against statutory framework

---

9. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
10. Before accepting the project, you must consider the following:
  - a. the application (in Appendix 2)
  - b. the section 18 Treaty settlements report (in Appendix 4)
  - c. any comments from invited parties and further information received from the applicant within the specified time frame (in Appendix 5).
11. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

### Section 18 Treaty settlements and other obligations report

12. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
13. The report notes that Auckland has a complex Treaty settlement landscape with many overlapping interests. Accordingly, there are a significant number of relevant Māori groups for this project area, which are included at Attachment 3 of the report.
14. The report identifies eight relevant Treaty settlement entities and other arrangements relevant to the project area, being:
  - a. Ngāti Whātua Ōrākei Claims Settlement Act 2012
  - b. Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014
  - c. Te Kawerau ā Maki Claims Settlement Act 2015
  - d. Ngāi Tai ki Tāmaki Claims Settlement Act 2018
  - e. Ngāti Tamaoho Claims Settlement Act 2018

- f. Ngāti Pāoa Claims Settlement Act 2025
  - g. Te Ākitai Waiohūa deed of settlement
  - h. Te Patukirikiri deed of settlement.
15. The report notes that while the Ngāi Tai ki Tāmaki and Te Ākitai Waiohūa settlements each provide for coastal statutory acknowledgements a short distance from the project area, they do not appear to be relevant to this application unless the proposed activities directly affect these statutory areas. It has not identified any other principles and provisions of the Treaty settlements, or other obligations under the Act, which may be directly relevant to the project.
  16. None of the Māori groups invited to comment under section 17(1)(d) of the Act provided a response.
  17. The Minister for Māori Development and the Minister for Māori Crown Relations supports project referral and encourages the applicant and any panel to have due regard to relevant Treaty settlement legislation and instruments; and any feedback received from relevant Māori groups.
  18. The report does not identify any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

#### **Section 16 Effects of Treaty settlements and other obligations on decision-making**

19. There are no documents and/or procedural requirements under section 16 which apply to your consideration of the project.

#### **Written comments received**

20. Comments were received from Auckland Council (including Watercare Services Limited and Auckland Transport), the Minister for Economic Growth, and the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. The key points of relevance to your decisions are summarised in Table A.
21. The comments from Auckland Council and the comments from the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti were received after the specified time frame. You may consider these comments, at your discretion, under section 17(7)(b).
22. The key points of relevance to your decision are summarised in Table A and the full comments are attached at Appendix 5. A summary of the comments is provided below:
  - a. Auckland Council is neutral on project referral and did not identify any competing applications or existing resource consents where sections 124C(1)(c) or 165ZI of the RMA would apply. Auckland Council considers the project could contribute to a well-functioning urban environment, deliver regionally or nationally significant infrastructure and contribute to climate change mitigation outcomes
  - b. Auckland Council considers there is insufficient information to determine whether the project would deliver regionally significant economic benefits
  - c. Watercare Services Limited does not state a position on project referral and Auckland Transport is neutral on project referral
  - d. the Minister for Economic Growth considers the project will deliver significant regional economic benefits and support the continued functioning of regionally significant infrastructure

- e. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support project referral.
23. The following parties were also invited to comment on the project, but no responses were received by the time of this briefing:
- a. the Minister for the Environment
  - b. the Minister for Auckland
  - c. the Chief Executive of Vector Energy Limited
  - d. the Chief Executive of Viaduct Holdings Limited
  - e. 17 Māori groups identified under section 18(2).

**Further information provided by applicant, relevant local authorities, relevant administering agencies**

24. Further information was sought from the applicant under section 20 after the specified comment period closed. Information was sought to clarify whether the applicant intended the development of the data centre and associated substation to be treated as an alternative project under section 13(4)(g) of the Act, as the referral application originally framed this as an 'Option B' for Building 2 (as opposed to additional office space). Further information was also sought on the timing surrounding the determination for the final use of Building 2 and the significance of potential adverse environmental effects associated with the proposed data centre and substation.
25. In response, the applicant confirms that Building 2 is intended to be developed as a data centre and substation and the application is progressing on this basis. No alternative project is sought, and the project is a single, integrated mixed-use development. The applicant confirms that the option for Building 2 to be progressed as additional premium office space (in the same building envelope) exists only as a contingency should the data centre and substation not proceed for reasons outside of the applicant's control. We note the applicant is in discussions with Vector Energy Limited and other network operators.
26. The applicant does not anticipate any significant or ongoing adverse environmental effects associated with the data centre and substation.
27. We consider that the further information response provides sufficient certainty for how project development intends to progress and is adequate to inform your referral decision.

**Reasons to decline**

28. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We have considered these matters in detail in Table A. We have not identified any reasons under section 21(3) that you must decline the application for referral.
29. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Table A. We have considered these matters in detail in Table A and do not consider you should decline the application for referral for any other reason under section 21(4).

## Reasons to accept

30. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
31. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
  - a. it is an infrastructure or development project because it is a mixed-use redevelopment including five new buildings for commercial and retail activities and office use, and a data centre and associated substation
  - b. it would have significant regional benefits because it will:
    - i. provide significant economic benefits including approximately 4,872 full-time equivalent employment years (FTEs) during the development period and approximately 1,701 FTEs operationally, and approximately \$766 million in gross domestic product (GDP) over the development period and approximately \$432 million in annual GDP operationally
    - ii. contribute to a well-functioning urban environment in accordance with Policy 1 of the National Policy Statement on Urban Development 2020 by providing approximately 80,000m<sup>2</sup> of commercial and office space in a highly accessible city centre area with good access to transport modes, jobs, community services, healthcare and education facilities, and natural and open spaces.
  - c. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes due to the likelihood of delays, notification and appeals under the RMA
  - d. is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is relatively straightforward with only approvals that would otherwise be required under the RMA.

## Conclusions

---

32. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process.
33. We consider that if you decide to refer the project, you should specify under section 27 of the Act the following requirements that should apply to the project:
  - a. the Chief Executive of Vector Energy Limited, as a relevant network operator for the proposed substation and as a party who was invited under section 17(5) to comment on the application, as a persons or groups from whom a panel must invite comments in addition to those specified in section 53.

## Next steps

---

34. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
35. If you decide to refer the project, the Ministry must also give notice of your decision to:

- a. the panel convener
  - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
  - c. the Environmental Protection Authority (EPA)
  - d. the relevant administering agencies (noting there are none applicable for this project).
36. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
- a. the referral application
  - b. any comments received under section 17
  - c. the report obtained under section 18.
37. We will undertake this action on your behalf.
38. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 6) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
39. Our recommendations for your decisions follow.

## Recommendations

---

40. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from NZ CRE 100 Halsey Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the 100 Halsey Street project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:
- i. the application in Appendix 2
  - ii. the report obtained under section 18 in Appendix 4
  - iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendix 5.

Yes / No

- c. **Agree** to exercise your discretion under section 17(7)(b) to consider the late comments in Appendix 6 received from the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti, and Auckland Council after the time frame specified under section 17(6) of the Act.

Yes / No

- d. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:
- i. it is a development/infrastructure project that would have significant regional benefits [section 22(1)(a)] as:
    1. it will provide significant economic benefits [section 22(2)(a)(iv)] including approximately 4,872 full-time equivalent employment years (FTEs) during the development period and approximately 1,701 FTEs operationally, and approximately \$766 million in gross domestic product (GDP) over the development period and approximately \$432 million in annual GDP operationally
    2. it will contribute to a well-functioning urban environment in accordance with Policy 1 of the National Policy Statement on Urban Development 2020 [s22(2)(a)(iii)] by providing approximately 80,000m<sup>2</sup> of commercial and office space in a highly accessible city centre area with good access to transport modes, jobs, community services, healthcare and education facilities, and natural and open spaces
  - ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [section 22(1)(b)(i)] due to the likelihood of delays, notification and appeals under the RMA

iii. it is unlikely to materially affect the efficient operation of the fast-track approvals process [section 22(1)(b)(ii)] because the project is relatively straightforward with only approvals that would otherwise be required under the RMA.

Yes / No

e. **Agree** there is no reason the project must be declined under section 21(3)

Yes / No

f. **Agree** to accept the referral application under section 21(1)(c) and refer the whole project to the fast-track approvals process under section 26(2)(a)

Yes / No

g. **Agree** to specify NZ CRE 100 Halsey Limited as the person who is authorised to lodge a substantive application for the project

Yes / No

h. **Agree** to specify under section 27(3)(b) of the Act:

i. the Chief Executive of Vector Energy Limited as a persons or groups from whom a panel must invite comments in addition to those specified in section 53

Yes / No

i. **Agree** that the Ministry for the Environment will provide your notice of decisions to:

i. anyone invited to comment on the application including local authorities and relevant Māori groups

ii. the panel convener

iii. The Environmental Protection Authority (EPA).

Yes / No

## Signatures

---



Ben Bunting  
**Acting Manager – Fast-track Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

**Table A: Stage 2 analysis**

|   |  |                           |  |
|---|--|---------------------------|--|
| <b>Recommendation</b>                                   | <u>Accept</u> the referral application and refer the project to the fast-track approvals process   |                           |  |
| <b>Project details</b>                                  | <b>Project Name</b>  | <b>Applicant</b>          | <b>Project Location</b>                          |
|   | 100 Halsey Street  | NZ CRE 100 Halsey Limited | 100 Halsey Street, Wynyard Quarter, Auckland CBD |
| <b>Project description</b>                              | <p>The project is a commercial-led mixed-use redevelopment across approximately 1.7 hectares at 100 Halsey Street, Wynyard Quarter, Auckland.</p> <p>The project is to construct five new buildings. Building 2 is intended to include a ground floor substation and a data centre above, with the remaining buildings developed for ground floor retail activities and premium office spaces on upper levels. The applicant advises that, if the development of the substation and data centre becomes unviable for reasons outside of the applicant's control, Building 2 will instead be developed as additional premium office space.</p> <p>The project includes:</p> <ol style="list-style-type: none"> <li>replacing existing bus depot activities on the project site</li> <li>construction of buildings containing approximately 80,000 square metres of gross floor area (GFA) of primarily office space and commercial activity</li> <li>potential for construction of 'plant' on an existing Travelodge building on the project site (which is intended to remain) should the data centre and substation proceed</li> <li>a network of lanes for pedestrian and vehicular access through the site, and publicly accessible spaces</li> <li>approximately 533 vehicle parking spaces, and bicycle parking facilities.</li> </ol> <p>The project will require resource consents that would otherwise be applied for under the Resource Management Act 1991 (RMA).</p>  |                           |  |
| <b>Minister invites comments / requests information</b> | <b>Comments from invited parties</b>   |                           |  |
|   | <p><b>Local authorities</b></p> <p><i>Auckland Council (AC)</i><br/> <i>Note: the majority of the comments from Auckland Council, with the exception of their economic assessment, were received after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).</i><br/> AC is not aware of any competing applications for the project, nor any existing resource consents to which sections 124C(1)(c) or 165ZI of the RMA would apply.</p> <p>AC adopts a neutral position on referral. It considers there is insufficient information to determine whether the project would deliver regionally significant economic benefits, noting that the economic assessment focuses on gross benefits rather than net benefits relative to development already enabled under the Auckland Unitary Plan (AUP), and does not assess the timing of benefits through a net present value analysis.</p> <p>The referral application originally presented two development options for Building 2 with little certainty on which option was to proceed (further commercial activity or a data centre and substation). AC questions whether this approach is consistent with the Act, as it considers fast-track applications should identify a clear intended activity. Following a request for further information, the applicant confirms it intends to proceed with a data centre and substation, and AC's comments on the two-option approach are therefore not relevant to your referral decision.</p> <p>AC considers the project could contribute to a well-functioning urban environment through the redevelopment of a city centre site and the generation of employment. However, it notes that the site is already anticipated for significant commercial redevelopment under the AUP and other relevant planning documents. Accordingly, AC considers the applicant has not adequately demonstrated the extent to which the project would deliver benefits beyond those already enabled by the existing planning framework.</p> <p>AC considers that the proposed data centre could constitute regionally or nationally significant infrastructure. However, it questions the feasibility of the delivery of the data centre as no operator or purchaser has been identified and there is limited supporting analysis regarding electricity demand, costs, or potential effects. AC further notes that no cost-benefit analysis has been undertaken to assess whether the costs of the project would be disproportionate to its regional benefits, as contemplated by section 85(3)(b) of the Act. We note that section 85(3)(b) relates to an expert panel's substantive decision-making and is not relevant to your referral decision. We further note that the applicant has included a letter of support from Vector Energy Limited (who is a relevant network operator) for the proposed data centre and substation in its referral application, and that Vector Energy Limited notes the applicant is in discussions with data centre operators.</p> <p>AC considers that the project would contribute to climate change mitigation outcomes by supporting intensification within a highly accessible city centre location that is well-served by public transport, walking and cycling networks. However, AC notes that the proposed provision of up to 533 car parks has the potential to undermine these outcomes by encouraging private vehicle use and may require further assessment against Wynyard Precinct transport and mode-share policies. AC notes that the site is subject to coastal inundation, floodplain and overland flow path hazards. While it does not consider these constraints preclude referral, it identifies the need for detailed flood modelling and assessment at the substantive stage to demonstrate that flood hazard risks to people, property and infrastructure can be appropriately managed.</p> <p>Watercare Services Limited advises that existing water and wastewater networks may be capable of servicing the development, but notes that further detailed assessment is required, particularly given existing capacity constraints associated with nearby wastewater servicing. Auckland Transport is neutral on project referral and identifies the need for a comprehensive Integrated Transport Assessment to assess trip generation, parking provision, public transport effects, access arrangements, and construction traffic impacts – noting the project has the potential to add significant traffic to peak-hour traffic generation in the city centre.</p> |                           |  |

|  |   |
|--|---|
|  | <p><b>Ministers</b></p> <p><i>Minister for Economic Growth</i><br/>The Minister considers the project would deliver significant regional economic benefits under section 22(2)(a)(iv) through the scale of capital investment, construction-phase employment and economic activity, and substantial ongoing commercial and retail use in Auckland's city centre.</p> <p>The Minister also views the project as meeting section 22(2)(a)(ii) by supporting the continued functioning of regionally significant infrastructure as it will concentrate employment near rapid transit and established city-centre services.</p> <p><i>Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti</i><br/><i>Note: the comments from the Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti were received after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).</i><br/>The Ministers support project referral and encourages the applicant and any panel to have due regard to relevant Treaty settlement legislation and instruments, and any feedback received from relevant Māori groups.</p> <p><b>Further information from applicant</b></p> <p><b>The applicant</b></p> <p>Further information was sought from the applicant under section 20 to clarify whether the applicant intends the development of the data centre and substation in Building 2 to be treated as an alternative project under section 13(4)(g) of the Act, timings around the determination for the final use of Building 2 and the significance of potential adverse environmental effects associated with the proposed data centre.</p> <p>In its response, the applicant confirms that Building 2 will be developed as a data centre and substation and that the application progresses on this basis. The applicant confirms that the option for Building 2 to be progressed as additional premium office space is a contingency; to provide flexibility should the data centre use does not proceed for reasons outside of the applicant's control. Both options are accommodated for within the same fixed building envelope and form part of the single, integrated mixed-use development. The applicant does not seek an alternative project under section 13(4)(g).</p> <p>The applicant advises that there is no fixed time or decision trigger for a formal determination on how Building 2 will develop. The applicant further details that it does not anticipate, at this stage of the referral process, any significant or ongoing adverse effects arising from the data centre component and that appropriate mitigation will be addressed in the building design and through consent conditions if the project is referred.</p> <p>We consider that the further information provided by the applicant provides sufficient certainty for how it intends project development to progress and is adequate information to inform your referral decision.</p> |
| <p><b>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</b></p>          | <p>We consider you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> <li>• would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities</li> <li>• would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area (CMA) or a protected customary rights area</li> <li>• is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the CMA</li> <li>• would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement and would not occur on Schedule 4 land</li> <li>• would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA</li> <li>• would not occur on Schedule 4 land as confirmed by the relevant records of title</li> <li>• would not occur on a national reserve as confirmed by the relevant records of title</li> <li>• would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the relevant records of title</li> <li>• is not a prohibited activity or decommissioning activity under the EEZA, or under sections 15B or 15C of the RMA</li> <li>• is not for the purpose of an offshore renewable energy project because it will not occur offshore or involve renewable energy production</li> </ul> <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>  |
| <p><b>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</b></p> | <p>As mentioned above, Auckland Council considers there is insufficient information to determine whether the project would deliver regionally significant economic benefits due to a lack of net benefit assessment and timing of benefits.</p> <p>We consider there is adequate information to inform your referral decision. While the applicant has not quantified the extent to which benefits may exceed those already anticipated under existing planning frameworks, section 22 requires you to be satisfied that the project would provide significant regional or national benefits rather than undertake a detailed cost-benefit assessment or comparison of the project against development outcomes already enabled under the RMA.</p> <p>We consider the information provided is adequate to demonstrate that the project will generate significant regional benefits, primarily economic benefits, in the form of substantial capital investment, employment opportunities and the redevelopment of a strategically located city centre site. We consider that, in the event the data centre and substation become unviable, the additional commercial aspects that will be substituted for Building 2 will still provide sufficient regional economic benefits to meet the threshold required for your referral decision, as detailed in the applicant's economic assessment.</p>  |
| <p><b>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and</b></p>     | <p>The section 18 report has not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.</p>   |

Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]

Section 22 assessment criteria

The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]

*The Minister must consider a relevant Government policy statement (GPS) [s22(1A)]*

The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision.

The Minister may consider any of the following matters, or any other matters the Minister considers relevant:

*Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]*

Auckland Council considers the data centre could constitute regionally or nationally significant infrastructure and the Minister for Economic Growth considers the project meets section 22(2)(a)(ii) by supporting the continued functioning of regionally significant infrastructure, through concentrating employment near rapid transit and established city-centre services.

The applicant considers the project will meet section 22(2)(a)(ii) by enabling the continued functioning of existing regionally significant infrastructure, noting that the project is located within a highly connected central city area near major public transport infrastructure including the Waitematā Station, the Downtown Ferry Terminal and the City Rail Link. The applicant considers the project will support increased utilisation of this existing infrastructure by introducing a critical mass of workers and visitors and maximising the value of significant public investment already seen in central Auckland's transport network.

We note that the definition of infrastructure in the RMA (which is the relevant definition for this criterion) would not capture the data centre, however the substation would likely be captured as a facility for the generation of electricity. Regardless, we consider there is inadequate information to determine the regional or national significance of the proposed infrastructure and the identified benefits of enabling the continued functioning of regionally or nationally significant infrastructure are not guaranteed to eventuate as they are dependent on assumptions of future use. We therefore do not recommend you refer the project on this basis.

*Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]*

Auckland Council considers the project may contribute to a well-functioning urban environment through the redevelopment of a city centre site and the generation of employment, however notes that the site is already anticipated for significant commercial redevelopment under relevant planning documents.

The applicant considers the project will contribute to a well-functioning urban environment in accordance with Policy 1 of the National Policy Statement on Urban Development 2020 as the project will provide approximately 80,000m<sup>2</sup> of commercial office space and is in an accessible area within the city centre providing good accessibility between housing to jobs, community services, natural spaces and open spaces including by way of public or active transport modes, as well as being in a walkable catchment to healthcare facilities and tertiary education facilities.

We agree that the project will contribute to a well-functioning urban environment and recommend that you refer the project under section 22(2)(a)(iii).

*Will deliver significant economic benefits [s22(2)(a)(iv)]*

The Minister for Economic Growth considers the project will deliver significant regional economic benefits through the scale of capital investment, construction-phase employment and economic activity, and substantial ongoing commercial and retail use in Auckland's city centre. Auckland Council considers there is insufficient information to determine this is case.

The applicant provides an economic assessment with the application and notes the project will deliver significant economic benefits. This includes:

- approximately 4,872 full-time equivalent employment years (FTEs) and approximately \$443 million in wages and salaries over the development period
- approximately \$766 million in GDP over the development period
- approximately 1,701 FTEs and approximately \$198 million in annual wages and salaries operationally
- approximately \$432 million in annual GDP operationally.

The economic assessment also identifies additional strategic economic benefits associated with the data centre and substation including the potential to support the wider Wynyard Precinct's long-term growth capacity by providing digital and electricity infrastructure.

We consider that the project will deliver significant economic benefits and recommend that you refer the project under section 22(2)(a)(iv).

*Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]*

Auckland Council considers the project will contribute to climate change mitigation outcomes by supporting intensification within a highly accessible city centre location well—served by public transport, walking and cycling networks – but notes that this may be offset by the provision of up to 533 car parks which may encourage private vehicle use.

The applicant considers the project will support climate change mitigation, including the reduction of greenhouse gas emissions by providing development within a highly accessible area to the largest public transport interchange within the region (Waitematā). The applicant considers this will enable more people to work and live in an area that encourages a shift to public and active modes of transport.

As above, we consider this proposed benefit is based on assumption of future use and given the project's strong alignment with other section 22 criterion (namely economic benefits) we do not recommend you refer the project on this basis.

*Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]*

The applicant considers the project is consistent with local or regional planning documents as below:

- the Auckland Unitary Plan, because the project site is zoned Business – City Centre and located in the Wynyard Precinct under the Auckland Unitary Plan, where high-quality, comprehensive and integrated mixed-use redevelopment is anticipated.
- the Auckland Regional Policy Statement, because the project facilitates economic growth, enables efficient use of existing infrastructure in one of the most accessible areas of the City Centre and reinforces the hierarchy of centres through proposed building heights (objectives B2.2.1, B2.2.2 and B2.3.1)

|  |  |
|--|--|
|  | <p>- the Auckland Central City Masterplan 2002, Auckland Climate Plan 2020, Transport Emissions Reduction Pathway, Waterfront Plan 2012 and the Wynyard Quarter Urban Design Framework, because these documents collectively support ongoing intensification and regeneration within Wynyard Quarter, increased use of public and active transport, and the creation of a high-quality, mixed-use waterfront environment supported by a critical mass of works and visitors.</p> <p>While we agree that the project may be consistent with local and regional planning documents, we do not consider there is sufficient evidence to determine this will be regionally significant and given the project's strong alignment with other section 22 criterion (namely economic benefits) we do not recommend you refer the project on this basis.</p>  |
| <p><b>Referring the project to the fast-track approvals process [section 22(1)(b)]</b></p> | <p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The applicant considers that referring the project would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes by at least two years, due to likelihood of delays and appeals under normal processes. The applicant identifies the scale of the project, the proposed height exceedances and the need to coordinate the delivery of all five buildings as reasons why greater consenting certainty is required. The applicant further identifies the earlier commencement of construction and delivery of the project's associated benefits as a benefit of using the fast-track approvals process.</p> <p>We agree with this assessment.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>The applicant considers that referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process, as the project is straightforward with only approvals otherwise required under the RMA.</p> <p>We agree with this assessment.</p>   |
| <p><b>Reasons to decline</b></p>   |  |
| <p><b>Minister <u>must</u> decline [section 21(3)]</b></p>                                 | <p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i></p> <p>We consider the project is an infrastructure or development project that would have significant regional benefits as anticipated by subsection 1 of the Act. If you agree, there is no reason to decline the application for referral under this subsection.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i></p> <p>We consider you can be satisfied the project does not involve an ineligible activity. If you agree, there is no reason to decline the application for referral under this subsection.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i></p> <p>We consider you have adequate information to inform your decision on the referral application. If you agree, there is no reason to decline the application for referral under this subsection.</p> <p><b><u>We have not identified any reason that you must decline the application under section 21(3).</u></b></p>  |
| <p><b>Minister may decline [section 21(4) and 21(5)(a-h)]</b></p>                          | <p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i></p> <p><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i></p> <p>No specific inconsistencies have been identified within the section 18 Treaty settlements report.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i></p> <p>The section 18 Treaty settlements report has not identified any matters which would make it more appropriate for the proposed approvals to be authorised under another Act or Acts.</p> <p>We do not recommend you decline the project under this section.</p> <p><i>The project may have significant adverse effects on the environment</i></p> <p>Auckland Council considers there is limited information provided with the referral application to support an analysis of potential effects associated with the proposed data centre and substation. Further information was sought from the applicant on this, who clarifies that the data centre and substation will be fully contained within the Building 2 envelope, with no external plant or equipment proposed other than roof-level air-cooled chillers integrated into the building system. The applicant advises the data centre will operate as an air-cooled system with potential adverse effects primarily relating to noise, construction traffic and electricity demand. The applicant does not anticipate any significant or ongoing adverse effects from the project and advises that detailed assessments, including specialist reporting and proposed mitigation measures, will be provided as part of any substantive application.</p> <p>We consider that the information provided from the applicant, including the assessment of effects provided with the referral application, is appropriate for this stage of the referral decision – noting that the Act does not require the applicant to provide a full assessment of such effects. An expert panel will consider any potential adverse effects with the benefit of a full application, relevant expert input, and further input from commenters (noting that an expert panel also can seek technical advice and impose conditions as deemed necessary, or decline the project if effects are found to outweigh benefits).</p> <p>We do not consider you should decline the application for referral on this basis.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i></p> |

|   |   |
|---|---|
|   | <p>The applicant notes that no compliance or enforcement actions have been taken against it. Nothing raised in comments has indicated otherwise.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i><br/>No comments received from invited parties have indicated that the project area includes land necessary for Treaty settlement purposes.</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i><br/>No prohibited activities under the RMA have been identified for the project.</p> <p><i>A substantive application for the project would have one or more competing applications.</i><br/>Auckland Council has not identified any competing applications for the project.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i><br/>Auckland Council has not identified any existing resource consents issued where sections 124C(1)(c) or 165Z1 of the RMA would apply.</p> <p><i>Any other matter</i><br/>We have not identified any other matter or reasons to consider declining the referral application.</p> <p>We do not recommend you decline the application.</p>   |
| <b>Specified matters for an accepted referral application</b>                 |   |
| <p><b>The Minister may specify any of the matters under section 27(3)</b></p> | <p><i>The Minister <u>may</u> specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.</i></p> <p><i>Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)</i><br/><i>We recommend the project description and project details at the beginning of this table are copied into the notice of decisions letter. We have not identified any other specific restrictions that we consider would apply to the project.</i></p> <p><i>In relation to a substantive application for the project:</i></p> <p><i>A deadline for lodging the application, unless section 27(3)(c) applies</i><br/>The applicant intends to commence construction of the project within 12 months following the issue of a decision, accounting for preparation of working drawings and an estimated six-month period to obtain building consent. We consider the standard deadline for lodging the substantive application under section 28(3)(d)(ii) is suitable, which would be the date that is two years after the notice is given to the applicant.</p> <p><i>Information that must be submitted with the application</i><br/>Auckland Council identifies the requirement for detailed flood modelling and assessment at the substantive stage, Watercare Services Limited identifies the requirement for further detailed assessment of existing water and wastewater network capacity constraints and Auckland Transport identifies the requirement for a comprehensive Integrated Transport Assessment.</p> <p>These are matters that are already picked up by substantive application requirements in the Act. The applicant has demonstrated intent to provide full, detailed technical assessments at any substantive stage and we do not consider it necessary for you to specify any additional information is submitted with the application should you refer the project.</p> <p><i>The persons or groups from whom a panel must invite comments in addition to those specified in section 53</i><br/>We recommend you specify the Chief Executive of Vector Energy Limited, as a relevant network operator for the proposed substation and as a party who was invited under section 17(5) to comment on the application, as a person or group to be invited to comment on the substantive application if you refer the project.</p> <p><i>Whether the substantive application would have any competing applications</i><br/>N/A.</p> <p><i>Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a)</i><br/>N/A.</p> |

## Appendix 1: Statutory framework summary

---

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
  - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
  - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
  - a. you are satisfied the project does not meet the referral criteria in section 22
  - b. you are satisfied the project involves an ineligible activity (section 5)
  - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.
5. You can decline an application before or after inviting comments under section 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
  - a. the relevant local authorities
  - b. the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
  - c. any other relevant portfolio Ministers
  - d. the relevant administering agencies
  - e. the Māori groups identified by the responsible agency
  - f. the owners of Māori land in the project area (if applicable)
  - g. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.