

100 Halsey Street - Fast Track Referral Application



Table 1: Requirements for a Referral Application

REFERRAL APPLICATION		
Requirements of the Act	Response	Section
Steps before lodging referral application		
11(1) Before lodging a referral application, the applicant must consult: <ul style="list-style-type: none"> (a) Relevant local authorities; and, (b) Relevant iwi authorities, hapu, and treaty settlement entities, including: <ul style="list-style-type: none"> 1) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agree- ments; and 2) the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaimai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996; and (c) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011; and (d) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and (e) the relevant administering agencies; and (f) if the proposed approvals for the project are to include an approval described in section 24C(3)(d) (land 	Consultation has been undertaken with the relevant local authorities and relevant iwi authorities in accordance with section 11 of the FTAA. Consultation to date has included engagement with Auckland Council (including a pre-application meeting with Council’s Premium Resource Consents Team) and written engagement with the relevant iwi authorities. A summary of consultation undertaken, and how it has informed the next steps for the Project, is provided.	Referral report: Section 5.2. Appendix 4 (Consultation Summary Report).

	exchange), the holder of an interest in the land that is to be exchanged by the Crown.		
11(2)	If a referral application is to be lodged by more than 1 person, any 1 of those persons may comply with this section on behalf of all of them	Not applicable. The referral application is lodged by a single applicant entity.	Referral report: Section 7.3.
Referral application			
13(1)	A person or persons may apply to use the fast-track approvals process for a project by lodging a referral application with the responsible agency.	The referral application is lodged with the EPA seeking referral of the Project under the FTAA fast-track approvals process. The application includes the information required by section 13(4), and identifies the proposed approvals at a general level to inform the Minister's referral decision.	Referral report: Sections 2 and 3.1.
13(2)	The referral application must— (a) must be lodged in the form and manner approved by the responsible agency; and (b) must be lodged jointly by all of the persons who are proposed to be authorised persons for the project; and (c) must include the information specified in subsection (3); and (d) must specify all of the proposed approvals, but need only provide a general level of detail about each proposed approval, sufficient to inform the Minister's decision on the referral application; and (e) must not be lodged unless any fee, charge, or levy payable under regulations in respect of the application is paid.	The application has been prepared in the EPA's required form and includes the information required by section 13(4). The proposed approvals are clearly identified and summarised at a general level for the purposes of the referral decision. e	Referral report: Sections 3.1 and 3.3.
12(3)	For each proposed approval,—	The applicant is eligible to apply for the corresponding approvals under the RMA and	Referral report: Sections 3.2 and 3.3.

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	<p>(a) the applicant must be eligible to apply for any corresponding approval under a specified Act; or</p> <p>(b) if the referral application is lodged by more than 1 person, the person who is to hold the proposed approval must be a person who would be eligible to apply for any corresponding approval under a specified Act.</p>	<p>NESCS, including the land use and regional consents anticipated to be required under the Auckland Unitary Plan and the relevant National Environmental Standard (as applicable).</p>	
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Information Requirements

The information to be included in the referral application is as follows:

<p>13(4)(a)</p>	<p>A description of the proposed project and the activities it involves.</p>	<p>The proposal and its activities are described, including the comprehensive redevelopment of the Site to provide five new buildings (with office and ground floor retail uses), a network of publicly accessible lanes and open spaces, vehicle access and servicing arrangements, parking and active mode facilities, and three waters and dry services connections.</p>	<p>Referral report: Section 4.1. Appendix 3 (Project Drawings).</p>
<p>13(4)(b)</p>	<p>An explanation of how the project meets the criteria in section 22. The criteria is:</p> <p>(a) the project is an infrastructure or development project that would have significant regional or national benefits; and</p>	<p>The application explains how the Project meets the section 22 criteria. In summary, the Project is a development project anticipated to deliver significant regional benefits, including significant economic benefits (refer Appendix 8), supporting the continued functioning of regionally and nationally significant infrastructure (including rapid transit infrastructure in the city centre catchment), contributing to a well-functioning urban environment, and supporting climate change mitigation and adaptation. The application also explains how referral under the FTAA would facilitate the Project through timelier and</p>	<p>Referral report: Sections 4.3 to 4.5. Appendices 5 to 10 (technical assessments as relevant).</p>

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		more cost-effective processing relative to standard RMA processes, and why referral is unlikely to materially affect the efficient operation of the fast-track approvals process.	
	(b) referring the project to the fast-track approvals process— (i) would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and (ii) is unlikely to materially affect the efficient operation of the fast-track approvals process.	The application confirms that referral under the fast-track approvals process would facilitate the Project by enabling a more timely and cost-effective pathway than standard processes. The application also confirms that referral is unlikely to materially affect the efficient operation of the fast-track approvals process.	Referral report: Sections 4.4 and 4.5.
For the purpose of subsection (1)(a), the ministers may consider where the project -			
	(i) has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list	This specific is not identified as a specific government priority list.	N/A.
	(ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:	The application confirms the Project supports the continued functioning of regionally and nationally significant infrastructure by enabling employment and commercial activity in the city centre location and supporting the rapid transit catchment.	Referral report: Section 4.3. Appendix 6 (Transport Assessment).
	(iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the	The application confirms the Project will contribute to a well-functioning urban environment in the city centre, including	Referral report: Section 4.3 and Section 8. Appendix 9 (Urban Design)

meaning of policy 1 of the National Policy Statement on Urban Development 2020):	through intensification in an appropriate location, mixed-use outcomes, and high-quality urban design and public realm improvements.	Assessment) and Appendix 10 (Landscape and Visual Assessment).
(iv) will deliver significant economic benefits	The application confirms the Project will deliver significant economic benefits (including employment and wider economic activity) as set out in the Economic Impact Assessment.	Referral report: Section 4.3. Appendix 8 (Economic Impact Assessment).
(v) will support primary industries, including aquaculture:	Not applicable to the Project.	N/A.
(vi) will support development of natural resources, including minerals and petroleum:	Not applicable to the Project.	N/A.
(vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions	The application confirms the Project supports climate change mitigation, including by supporting a city centre location with strong access to public transport and enabling mode shift consistent with the transport assessment.	Referral report: Section 4.3. Appendix 6 (Transport Assessment).
(viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards	The application confirms the Project will support climate change adaptation and address natural hazard risks through resilient design and hazard response measures, including minimum finished floor levels and associated design responses to coastal inundation and flooding.	Referral report: Section 4.3 and Section 7.2. Appendix 7 (Climate Change and Natural Hazards Assessment).
(ix) will address significant environmental issues:	Not applicable to the Project.	N/A.

	(x) is consistent with local or regional planning documents, including spatial strategies	The application confirms the Project is consistent with the relevant local and regional planning framework, including the Auckland Unitary Plan and relevant higher-order instruments that support intensification in the city centre.	Referral report: Section 4.3 and Section 8.
	(b) any other matters the Minister considers relevant.	No additional matters identified beyond those addressed in the application.	N/A.
	(6) For the purposes of subsection (1)(a), the Minister may compare the activity involved in the project against the current and other likely uses of the space, taking into account:	Refer below.	
	(a) the economic benefits and strategic importance of the proposed projects and	The Project delivers significant economic benefits and has strategic importance as a city centre commercial redevelopment, as set out in the Economic Impact Assessment.	Referral report: Section 4.3. Appendix 8 (Economic Impact Assessment).
	(b) The likely impact of the proposed project on current and proposed marine management regimes; and	The Project has no interface with the coastal marine area and does not involve coastal permits or marine activities. Accordingly, the Project will not affect current or proposed marine management regimes.	N/A.
	(c) The environmental impacts of the competing activities	The Project does not involve marine space and does not give rise to competing marine activities. Accordingly, there are no environmental impacts of competing activities relevant to this application.	N/A.
13(4)(c)	Information to demonstrate that the project does not involve any ineligible activities (other than activities that may be the subject of a determination under section 22D or 22DA):	The application confirms the Project does not involve ineligible activities.	Referral report: Section 4.6.

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13(4)(d)	A description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application	The Site is described by legal description and is shown on plans.	Referral report: Section 4.2. Appendix 2 (Titles). Appendix 3 (Project Drawings).
13(4)(e)	<ul style="list-style-type: none"> The anticipated commencement and completion dates for construction activities (where relevant). 	The application sets out the anticipated commencement timing and an indicative construction programme (including completion timeframes) at a referral level.	Referral report: Section 4.7.
13(4)(f)	<p>A statement of whether the project is planned to proceed in stages and, if so,</p> <ul style="list-style-type: none"> (i) an outline of the nature and timing of the stages; and (ii) a statement of whether a separate substantive application is to be lodged for each of the stages; and (iii) an explanation of how each stage meets the criteria in section 22: 	The application confirms the Project will proceed in stages, and sets out the staging approach at a referral level (with a single substantive application anticipated).	Referral report: Section 4.8.
13(4)(g)	<p>A statement of whether a part of the project is proposed as an alternative project in itself and, if so—</p> <ul style="list-style-type: none"> (i) a description of that part of the project; and (ii) an explanation of how that part of the project meets the criteria in section 22B: 	Building 2 has two options within the same envelope (Option A vs Option B) described as an alternative project component.	Referral report: Section 4.9. Appendix 8 (economic context for options).
13(4)(h)	A description of the anticipated and known adverse effects of the project on the environment	The application identifies the anticipated and known adverse effects at a referral level across the key technical disciplines, including transport, infrastructure servicing, natural hazards, urban design, and landscape and visual effects. The application also sets out the mitigation and management framework, including refinement through further design	Referral report: Section 4.10. Appendices 5 to 7, 9 and 10.

		development, substantive-stage technical assessments, and management plans and conditions (as relevant), so that actual and potential adverse effects are appropriately avoided, remedied, or mitigated.	
13(4)(i)	A statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991.	The application confirms no prohibited activities are proposed.	Referral report: Section 4.11.

Persons Affected

13(4)(j)	<p>A list of the persons and groups the applicant considers are likely to be affected by the project, including:</p> <ul style="list-style-type: none"> (i) Relevant local authorities (ii) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements: (iii) Other relevant iwi authorities: (iv) Relevant treaty settlement entities (v) Relevant protected customary rights groups and customary marine title groups (vi) Ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, Ngā rohe moana o Ngā 25 hapū o Ngāti porou (vii) Relevant applicant groups under the Marine And Coastal Area (Takutai Moana) Act 2011 	Persons and groups likely to be affected are listed, including local authorities and iwi authorities.	Referral report: Section 5.1.
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	(viii) Persons with a registered interest in land that may need to be acquired under the Public Works Act 1981.		
13(4)(k)	A summary of (i) the consultation undertaken for the purposes of section 11 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (ha); and (ii) how the consultation has informed the project:	Consultation undertaken to date is summarised, including the purpose of consultation and key engagement steps completed. The application also outlines how feedback received has informed the Project's next steps, including confirming the scope and focus of technical workstreams and identifying matters for further design development and assessment at the substantive application stage.	Referral report: Section 5.2. Appendix 4.
13(4)(l)	A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements.	The application confirms there are no Treaty settlements that apply to the Project area.	Referral report: Section 5.3.
13(4)(m)	A description of any processes already undertaken under the Public Works Act 1981 in relation to the project.	The application confirms no Public Works Act processes have been undertaken.	Referral report: Section 5.4.
13(4)(n)	A statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.	The application confirms the Act is not relevant to the Project.	Referral report: Section 5.5.
13(4)(o)	information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area.	The application confirms there are no parcels of Māori land, marae, or identified wāhi tapu within the Project area.	Referral report: Section 5.6.
Information relating to potentially ineligible activities			
13(4)(p)	a statement of whether the applicant is seeking a determination under section 23 and, if so, an assessment of the effects of the activity on the relevant land and on the rights and interests of Māori in that land:	Not sought.	Referral report: Section 5.7.

13(4)(q)	<p>a statement of whether the applicant is seeking a determination under section 24(2) and, if so, a description of—</p> <p>(i) the scale and adverse effects of the existing electricity infrastructure; and</p> <p>(ii) how, if at all, that scale or those adverse effects are anticipated or known to change as a result of the maintenance, upgrading, or continued operation of the infrastructure:</p>	Not sought.	Referral report: Section 5.8.
13(4)(r)	<p>a statement of whether the applicant is seeking a determination under section 24(4) and, if so,—</p> <p>(i) a description of every alternative site considered by the applicant (or, if the referral application is lodged by more than 1 person, any of those persons) for the construction and operation of the new electricity lines (the activity); and</p> <p>(ii) for each alternative site considered,—</p> <p>(a) a statement of the anticipated and known financial cost of undertaking the activity; and</p> <p>(b) a description of the anticipated and known adverse effects of undertaking the activity; and</p> <p>(c) a description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity; and</p>	Not sought.	Referral report: Section 5.9.

	<p>(d) a description of any issues (including financial cost) that would make it impractical to undertake the activity on the site; and</p> <p>(e) an assessment of whether it would be reasonable and practical to undertake the activity on the site, taking into account the matters referred to in sub subparagraphs (A) to (D) and any other relevant matters:</p>		
What is needed to complete the project			
13(4)(s)	A description of the applicant’s legal interest (if any) or if the referral application is lodged by more than 1 person, the legal interest of any of those persons (if any), in the land on which the project will occur, including a statement of how that affects the applicant’s ability to undertake the work.	The applicant’s leasehold interest and ability to undertake the Project are described.	Referral report: Section 6.1.
13(4)(t)	An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant.	The application identifies the other authorisations required to complete the Project (in addition to the proposed approvals), based on the information currently available.	Referral report: Section 6.2 and Section 3.3.
Other matters			
13(4)(u)	<p>Whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,</p> <p>(i) if an application has been made, details of the application:</p>	Previous approvals and relevant consent history are identified and summarised, including the outcomes and reasons to the extent they are relevant to the current Project.	Referral report: Section 7.1.

	(ii) if a decision has been made, the outcome of the decision and the reasons for it.		
13(4)(v)	A description of whether and how the project would be affected by climate change and natural hazards.	Climate change and natural hazards relevant to the Site are described at a referral level, including coastal inundation (with sea level rise allowances over the relevant planning horizon) and rainfall-induced flooding. The application identifies the recommended approach to addressing these hazards through minimum finished floor levels for relevant activities and resilient design measures, to be confirmed through the next stages of design.	Referral report: Sections 7.2 and 4.10. Appendix 7.
13(4)(w)	if the referral application is lodged by more than 1 person, a statement of each proposed approval to be held by each of those persons:	Not applicable. Single applicant.	Referral report: Section 7.3.
13(4)(x)	A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act.	The application confirms no compliance or enforcement actions have been taken against the applicant.	Referral report: Section 7.4.

Matters relating to specific proposed approvals if the approvals include:

An approval described in section 42(4)(a) or (d) (resource consent or designation), the information specified in clause 2 of Schedule 5:

1(a)	An assessment of the project against: <ul style="list-style-type: none"> (i) any relevant national policy statement; and (ii) any relevant national environmental standards; and (iii) if relevant, the New Zealand Coastal Policy Statement. 	Assessment against relevant higher-order instruments is provided, including the National Policy Statement on Urban Development and the relevant National Environmental Standard(s).	Referral report: Section 8 (NPS-UD, NES Contaminated Land).
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1(b)	in relation to any proposed approval that is a resource consent, whether, to the best of the applicant's knowledge, there are any existing resource consents of the kind referred to in section 30(3)(a)	The application confirms there are no existing resource consents of the kind referred to in s30(3)(a).	Referral report: Section 8.3.
2	If the referral application is to be lodged by more than 1 person, the reference to the applicant in subclause (1)(b) must be read as a reference to the person who is to be identified in the application as the proposed holder of the resource consent.	Only one applicant is seeking consent.	