

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: Beachside Mission Bay
Application number: PJ-0000814
Date received: 12/08/2022

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: Drive Holdings Limited

Contact person: Derrick Reelick

Job title: Project Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

s 9(2)(a)

Address for service (if different from above)

Organisation: Barker & Associates

Contact person: Nicole Heron/ Gerard Thompson

Job title: Senior Planner/Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address:

PO Box 457, Wellington 6140

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

75-79, 81-87 and 89-97 Tamaki Drive, 6, 8-10, 12 and 14 Patteson Avenue, and 26, 28 and 30 Marau Crescent, Mission Bay, Auckland City, 1071, New Zealand.

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

Please see **Attachment 2** for copies of the Records of Title.

75-79 Tamaki Drive and 6 Patteson Avenue - Lot 1 DP 42546.

81-87 Tamaki Drive - Lot 30 DP 20244.

89-97 Tamaki Drive- Lot 31-32 DP 20244.

8-10 Patteson Avenue - Lot 2 DP 42546.

12 Patteson Avenue - Lot 3 DP 42546.

14 Patteson Avenue - Lot 38 DP 20244.

26 Marau Crescent - Lot 39 DP 20244.

28 Marau Crescent - Lot 40 DP 20244.

30 Marau Crescent - Lot 41 DP 20244.

Registered legal land owner(s):

Drive Holdings Limited is the registered legal owner of all of the above parcels of land, as per the Records of Title included as **Attachment 2**.

Detail the nature of the applicant's legal interest (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 that is required for the project:

Drive Holdings Limited is the registered legal landowner. There are no other legal interests that would prevent Drive Holdings Limited from undertaking the work that is required for this project. A summary of the other legal interests have been provided within **Attachment 3**.

Part III: Project details

Description

Project name: Beachside Mission Bay

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The proposal is for the construction of a mixed-use retail and residential development ("the Project") at 75-79, 81-87 and 89-97 Tamaki Drive, 6, 8-10, 12 and 14 Patteson Avenue, and 26, 28 and 30 Marau Crescent, Mission Bay ("the Site"). It will see the demolition of the existing buildings on site and the construction of a five storey above basement development. Attachment 14 includes suggested wording for the Order in Council, should this project be referred.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

The proposal is for the construction of a mixed-use retail and residential development. It will see the demolition of the existing buildings on site and the construction of a five storey above basement development. The building will have a height of 18 metres. The development contains two basement levels below ground comprising parking, storage and plant and a ground floor level containing predominantly retail and parking spaces. The retail component comprises an area of 2404m² and will be afforded 83 car parks. Above this will be between 140 and 170 residential apartments. 185 residential car parks will be provided across the site.

With regard to the number of residential units, a definitive number is yet to be determined due to the uncertainty around demand. The number of units will be determined by the sizes sought by the market. It is noted that the changes to the apartment numbers will not affect the building envelope.

At and above ground level, the exterior facades of the proposal will be designed to present a highly activated frontage to the streets and neighbouring residential area. The detailed design of the facades is still being undertaken but it is anticipated that the proposal will be expressed visually as a number of adjoining buildings, while maximising building continuity along the street edges. The intent is to ensure that the proposal mitigates potential adverse built form character effects while contributing to the visual interest and attractiveness of the streets.

The Project will result in significant and on-going public benefits that contribute to the COVID-19 recovery. These benefits include immediate employment generation in the construction sector, as well as on-going jobs and employment opportunities through the retail component of the development, and increased housing supply through the delivery of approximately 140-170 residential units.

The key objectives and principles of the Project are to:

- Rejuvenate Mission Bay's local centre to further increase the vibrancy of the area;
- Provide an activated street frontage on Tamaki Drive and Patteson Avenue;

- Construct buildings that respond appropriately to the surrounding environment;
- Provide high quality residential activity frontages to the neighbouring residentially zoned land to the south (across Marau Crescent) and to the east; and
- Increase the supply of housing through providing quality apartments on a currently underutilised site within a well-established local centre that has access to a range of amenities and transport options.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

The building(s) will be constructed as a single stage. This is required as the construction of the basement necessitates the construction of all the buildings on site, given the basement extends beneath all proposed buildings. Additionally, perimeter foundation piles are required in order to stabilise the surrounding ground.

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Discharge permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
See previous legal descriptions provided in Attachment 2	Auckland Unitary Plan (Operative in Part)	Business – Local Centre Zone	Coastal Inundation 1% AEP plus 1m control Macroinvertebrate Community Index - Urban	Arterial Road – Tamaki Drive

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan (Operative in Part)	H11.4.1 (A4)	For the construction of new buildings within the Local Centre zone.	Restricted discretionary	See Attachment 1.
Auckland Unitary Plan (Operative in Part)	C1.9(2)	Any activity that is classed as a permitted, controlled or restricted discretionary activity but does not comply with one or more standards. The Project does not comply with Standard H11.6.1.3 which requires dwelling units to be located above	Restricted discretionary	This infringement applies to the residential units on the Marau Crescent frontage, as shown on the plans within Attachment 1.

		<p>ground level where fronting public open spaces (including streets).</p> <p>The Project does not comply with Standard H11.6.8 in that some of the outlook spaces for the residential units will overlap on Levels 2 and 3.</p>		
Auckland Unitary Plan (Operative in Part)	E7.4.1(A20)	<p>Dewatering associated with groundwater diversion that does not meet the permitted activity standards.</p> <p>E7.6.1.6(2) is not met in that the Project will include dewatering over a period exceeding 30 days.</p>	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E7.4.1(A28)	<p>The diversion of groundwater that does not meet the permitted activity standards.</p> <p>The diversion of groundwater will be caused by excavation exceeding 6 metres in depth, the building will impede the flow of groundwater through the site for a length of more than 20m and extend more than 2m below the natural ground water level, and the distance to any buildings or structures on an adjoining site will not be met.</p>	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E11.4.1(A9)	<p>For earthworks greater than 2500m² within the Sediment Control Protection Area. The Project will see approximately 6,500m² of land disturbed.</p>	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E12.4.1(A6)	<p>For earthworks greater than 2500m². The Project will see approximately 6,500m² of land disturbed.</p>	Restricted discretionary	Within the Site identified in Attachment 1.

Auckland Unitary Plan (Operative in Part)	E12.4.1(A10)	For earthworks greater than 2500m3. The Project will see approximately 35,000m3 of earth removed.	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E17.4.1(A10)	E17.4.1(A10) For the removal of three street trees located within Marau Crescent and one tree within Patteson Avenue exceeding 4 metres in height or 400mm in girth.	Restricted discretionary	This infringement occurs within the legal road on Marau Crescent and Patteson Avenue.
Auckland Unitary Plan (Operative in Part)	E25.4.1(A2)	Activities that do not comply with the permitted activity standards for noise and vibration. The Project will exceed the maximum noise levels for the Business-Local Centre Zone. The Project will exceed the maximum construction noise levels for activities sensitive to noise and for noise affecting any other activity. The Project will exceed the vibration limits in adjacent buildings during the construction phase.	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E27.4.1(A2)	For access and parking that does not comply with the standards relating to vehicle access gradient. The gradient for the internal ramp from ground floor to basement will exceed a 1 in 6 gradient.	Restricted discretionary	The internal vehicle ramp located between first floor and basement level. As shown in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E27.4.1(A3)	The Project will exceed the trip generation standards for a new retail development with a floor area exceeding 1667m2 (approximately 2600m2) and as a consequence of including more than 100 dwellings.	Restricted discretionary	Within the Site identified in Attachment 1.

Auckland Unitary Plan (Operative in Part)	E36.4.1(A26)	For the provision of below ground parking within a 1% AEP floodplain. The Project includes two levels of basement parking.	Restricted discretionary	This infringement relates to the two basement parking levels identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E36.4.1(A33)	For the provision of land drainage works, stormwater management devices or flood mitigation works within a 1% AEP floodplain.	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E36.4.1(37)	For the construction of new buildings within a 1% AEP floodplain.	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E36.4.1(38)	For the establishment of a residential activity within a 1% AEP floodplain.	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E36.4.1(A56)	For the provision of infrastructure that is not provided for in hazard areas. The Project includes the relocation and upgrade of wastewater and stormwater infrastructure.	Restricted discretionary	Within the Site identified in Attachment 1.
Auckland Unitary Plan (Operative in Part)	E40.4.1(A24)	Specific temporary activities not permitted. The Project will not comply with the construction noise rules and the duration of construction is longer than 24 months (ie 3-4 years).	Restricted discretionary	Within the Site identified in Attachment 1.
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)	Regulation 9	For the disturbance of soil on a piece of land where soil contamination does not exceed the relevant standard.	Controlled activity	Within the Site identified in Attachment 1.

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

Resource consent was sought for a different mixed-use development on the Site of a similar scale in 2018 (**the Previous Proposal**). The consent was declined by the Council after being publicly notified. This decision was then appealed to the Environment Court and subsequently declined. This decision was appealed to the High Court. The High Court decision has not yet been released but, given the additional delay involved in pursuing the Previous Proposal, the applicant's intention is to give effect to the Project if fast track consent is granted, regardless of the outcome of the High Court appeal. **Attachment 11** is a summary of the key differences between proposals and **Attachment 12** is a summary of the matters that were in contention on the Previous Proposal.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

Not applicable. No other resource consents or designations are required for the Project.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

Not applicable. No other legal authorisations are required to begin the Project.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

A timeline has been included as **Attachment 4**. This anticipates that project delivery commences March 2023, with detailed design and building consenting complete by February 2024 and the construction period commencing immediately after. This sees construction complete by May 2027.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

A pre-application meeting was held with the Ministry for the Environment (MfE) concerning the use of the fast-track referral process on 16 May 2022.

Local authorities

Detail all consultation undertaken with relevant local authorities:

Extensive consultation on the Previous Proposal was undertaken over many months with Auckland Council both prior to and immediately after formal lodgement of that application. That included three sessions before the Auckland Council Urban Design Panel. Extensive discussions continued through the hearing and appeal phases in relation to the Previous Proposal, leading to agreement on engineering matters (e.g.: geotechnical, inundation and flooding, civil engineering, noise, vibration and traffic matters). Additionally, consultation with Healthy Waters and Watercare has also been undertaken, with all issues relating to these parties being resolved.

Consultation will be facilitated with Auckland Council to discuss the Project when and if there is clarity as to whether the Project can be progressed through the fast track process. The expectation is that no issues will arise regarding those matters that were agreed through the process relating to the Previous Proposal (e.g.: geotechnical, inundation and flooding, civil engineering, noise, vibration and traffic matters).

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

From a planning perspective, there are no persons considered to be adversely affected given the high level of compliance with the District Plan bulk and location standards, and for the reasons noted in Part VII below.

However, it is noted that the following entities were parties to the Environment Court and High Court proceedings on the Previous Proposal:

- Auckland Council;
- Support Mission Bay Incorporated;
- The Mission Bay Kohimarama Residents Associated Incorporated;
- Anna Nathan, 6 Ronaki Road, Mission Bay; and
- Stephen W Owen Family Trust, 16 Ronaki Road, Mission Bay.

While there were a large number of individual submitters who presented at the Council hearing on the Previous Proposal, many of the submitters in opposition were members of either Support Mission Bay Incorporated or The Mission Bay Kohimarama Residents Associated Incorporated (“the Societies”).

In practice, at the Environment Court hearing the Societies represented the interests of almost all of the submitters in opposition. Ms Nathan and the Owen Family Trust each own properties to the south of the Site on top of the Ronaki Road escarpment. Given their proximity to the site and their concerns regarding the effects of the Previous Proposal on views from and amenity on their properties, these two parties lodged individual section 274 RMA notices. The Owen Family Trust presentation to the Environment Court was made in conjunction with that of the Societies. Ms Nathan put forward a separate case in the Environment Court.

In the High Court, the Societies and Ms Nathan combined forces and were represented by a single counsel.

The applicant’s understanding is that the Societies represent a significant number of Mission Bay residents and many if not most of the submitters in opposition to the Previous Proposal. The applicant considers that the most efficient and convenient way to obtain input from local residents who might oppose the proposal would be to contact the Societies.

Detail all consultation undertaken with the above persons or parties:

Public consultation was undertaken on the Previous Proposal through the public notification of that application, the submission process and the subsequent Council hearing, Environment Court mediation and Environment Court hearing. The listed parties all took part in those processes.

As a consequence, the civil engineering aspects of development on the Site were largely settled. The key outstanding issues related to the height and bulk of the Previous Proposal, being the aspects that were addressed in the Environment Court hearing and with respect to which consent was declined.

No further consultation has been undertaken to date on the Project given that it has been designed to replicate the settled civil engineering aspects of the Previous Proposal and to remove those aspects of that proposal that infringed the Local Centre zone height standard.

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ngāti Whātua Ōrākei and Ngāti Paoa	Meetings have been held in order to inform iwi about the Previous Proposal, with respect to building design and design responses.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Ngāti Whātua Ōrākei	Consultation on the Project is to commence.
Ngāti Pāoa (Iwi Trust)	Consultation on the Project is to commence.
Ngāti Pāoa (Trust Board)	Consultation on the Project is to commence.
Ngāi Tai ki Tāmaki	Consultation on the Project is to commence.
Ngāti Maru	Consultation on the Project is to commence.
Ngāti Tamaterā	Consultation on the Project is to commence.
Ngāti Te Ata	Consultation on the Project is to commence.
Ngāti Whanaunga	Consultation on the Project is to commence.
Ngāti Whātua o Kaipara	Consultation on the Project is to commence.
Te Ahiwaru – Waiohūa	Consultation on the Project is to commence.
Te Ākitai Waiohūa	Consultation on the Project is to commence.
Te Kawerau ā Maki	Consultation on the Project is to commence.
Te Patukirikiri	Consultation on the Project is to commence.
Te Rūnanga o Ngāti Whātua	Consultation on the Project is to commence.
Waikato - Tainui	Consultation on the Project is to commence.

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The applicant understands that the Site is not located within a treaty settlement area.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The applicant understands the Site is not located within a customary marine title area.

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The applicant understands the Site is not located within a protected customary rights area.

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

It is considered that the Project will have the positive effects detailed later in this application. It is considered that the Project will not have any long term, significant adverse effects on the environment. Further detail on actual and potential adverse effects is set out below:

Earthworks and Geotechnical Effects

Dodd Civil Consultants Ltd (Dodd Civil) have provided a 'Summary of Civil Engineering Advice' relating to the Project, included as **Attachment 5**. Dodd Civil note that the Project adopts the basement and ground level treatments and mitigation measures that were adopted in the Previous Proposal, which were considered acceptable to Auckland Council.

Regarding the bulk earthworks and basement construction, Dodd Civil consider that the Site is generally flat and bordered by roads on three sides, meaning there are no characteristics that complicate the excavation or construction works. A range of sediment control measures are proposed in accordance with Auckland Council's Guideline Document 2016/005, for sediment and erosion control. This will ensure sediment is not discharged into the stormwater network or wider receiving environment. It is considered any earthworks effects are able to be managed on-site without giving rise to inappropriate effects on the environment.

Tonkin and Taylor (T+T) have also provided a summary with respect to geotechnical engineering insofar as it relates to the construction of the basement, this is included as **Attachment 6**. It is noted that vertical movements can be expected with the construction of the basement retaining walls, however where these relate to adjoining properties these will be minimal with negligible risk of damage. To ensure stability during excavation, the retaining walls will be temporarily propped and anchored to support the ground above basement. Further, a draft monitoring and contingency plan for geotechnical and groundwater effects has been prepared.

Any adverse effects relating to earthworks and the construction of the building are able to be adequately mitigated.

Noise and Vibration Effects:

Marshall Day Acoustics (MDA) have provided a summary of noise and vibration advice included as **Attachment 7**. This considers both the construction noise and vibration as well as the operational noise.

With respect to construction noise and vibration MDA consider that construction noise will generally comply with the AUP(OP) standards, however exceedances may occur during certain construction phases. Further, vibration levels will comply with the AUP(OP) standards. Both construction noise and vibrations will be appropriately managed by a Construction Noise and Vibration Management Plan.

With regards to operational noise, MDA note that noise from food and beverage outlets may exceed the noise limits at some commercial receivers, however it is noted that the existing noise levels in the area already exceed these levels. As such the noise levels will be in keeping with those generated by the rest of the neighbourhood.

Contamination Effects

T+T have provided a summary with respect to ground contamination, included as **Attachment 6**. Site investigations have previously been undertaken on the Site which conclude that whilst contaminants are present, these meet the relevant acceptance criteria for the protection of human health and the environment. It is considered that any potential land contamination effects on human health and the environment are able to be adequately mitigated through the use of standard industry methodologies and appropriate contingency measures being in place.

Infrastructure and Servicing Effects

As noted above, Dodd Civil have provided a 'Summary of Engineering Advice' included as **Attachment 5**. The summary notes that the existing stormwater and water supply networks have sufficient capacity to service the proposed development. With regard to wastewater, the immediate network has capacity to service the development, however a remote section of the wider network may require upgrades. This will be resolved with Watercare. In any case, it is considered that the development will be able to be appropriately serviced with respect to stormwater, wastewater and water supply.

Effects Generated by Natural Hazards and Flooding

T+T have provided a summary with respect to Coastal Engineering and Flooding, included as **Appendix 6**. T+T have undertaken research regarding the likely inundation levels and effects of inundation at the Site at the present day and in the future.

To mitigate potential on-site flooding effects from both coastal and catchment flooding, the habitable floor levels have been set at the 1% AEP coastal inundation level including 1m sea level rise, and 0.5m freeboard. Further, the basement levels of the proposed development contain car parking and loading areas, circulation space, and services, ensuring that hazard sensitive activities are located as far as practicable from potential flood hazards. Other protective measures within the building are proposed by way of an 'adaptive pathway' approach which allows for decisions to be made over time, as discussed within the Dodd Civil summary. This includes an increased floor to floor height for the ground level, allowing for floor levels to be raised where required. It is also proposed to prepare a flood/inundation management plan for the Site.

In terms of off-site flooding effects, Dodd Civil calculate that the construction of the building will increase the water level of the 1% AEP floodplain on the surrounding land by 3.4mm, being a negligible increase.

Based on the above, it is considered any effects generated by natural hazards and flooding are able to be sufficiently mitigated.

Streetscape Character, Amenity and Visual Effects

An urban design summary assessment has been provided by Ian Munro as **Appendix 8**, this addresses the potential effects of the development on the streetscape character and amenity values of the surrounding area. Mr Munro notes the following:

- The Project as it stands has arisen to address the key matter of contention (building height) under the Previous Proposal;
- The proposed development will be visually well-contained and sit within the natural landform 'bowl' around Mission Bay, therefore limiting general visibility and prominence in the wider environment;
- The proposed development is separated from adjacent land on three sides by the width of a public street and along the eastern boundary where there are a number of recesses and steps in the building's form, so as to mitigate potential built form;
- The built form will visually enclose the street and positively contribute to its attractiveness and pleasantness;

- The Project has been visually expressed as a number of adjoining buildings seeking to generally maximise building continuity along the street edges, thus mitigating many potential built form character effects that might have eventuated from one very large singular mass;
- The buildings present a highly activated and visually engaging façade;
- Car parking has been internalised within the building in a basement and through the technique of ground-floor 'sleeving', whereby land use activities have been placed around the outer edge of the Site to screen parking areas from public view.

As such, it is considered that any adverse streetscape character and amenity effects are able to be mitigated by the well thought out design of the buildings.

Transport Effects:

A Traffic Assessment has been prepared by John Parlane of Parlane and Associates Limited, included as **Attachment 9**. Mr Parlane considers that the level of traffic generated by the Project will be able to be accommodated within the existing road network without creating adverse traffic congestion or safety effects, nor any noticeable pedestrian effects.

Mr Parlane notes that the main potential for the Project to create adverse traffic effects is during the construction period, including the excavation of the basement. Mr Parlane considers this is able to be appropriately managed by the preparation of a Construction Management Plan.

Overall, Mr Parlane concludes that from a traffic engineering and transportation efficiency perspective, there are no reasons that would preclude the development of the Site for the Project.

Socio-Economic Effects

It is not anticipated that the Project will give rise to any socio-economic adverse effects, rather it will have a range of positive effects for Mission Bay and the surrounding area. The Project will be a positive contributor in terms of public benefit both during the building phase and once operational. On completion the development will attract patronage as a destination - to the retail, residential and commercial activities. The development will provide job generation and economic stimulus for the area as further detailed in Part IX of this application and the economic assessment contained in **Attachment 10**.

Greenhouse Gas Emissions

The proposed development will see the development of a brownfield site within an established local centre, within relatively close proximity to Auckland CBD. This will take advantage of existing connections to local infrastructure (roads and servicing), as well as existing public transport networks. Emissions will potentially be reduced through reducing the distance travelled by vehicles as well as reducing the number of vehicles travelling on the roads due to the provision of convenient public and active transport networks.

Further, the residential apartments within the development will be designed to obtain a minimum of a Homestar 6 rating. Homestar is an independent national rating tool that certifies the health, efficiency and sustainability of New Zealand homes. Achieving a minimum of a Homestar 6 rating will ensure that the dwellings are warmer, healthier and more environmentally sustainable than a dwelling built only to the New Zealand Building Code. In order to achieve this rating, a variety of sustainable building elements will be considered throughout the detailed design process.

Conclusion

The actual and potential adverse effects of the Project are of a nature and scale that are able to be appropriately managed through design and on-going management. This will ensure that any adverse effects are appropriately avoided or mitigated, as well as remedied (where required). Overall, it is anticipated the Project will not result in any significant adverse environmental effects.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

National Policy Statement on Urban Development 2020 (NPS-UD)

The NPS-UD enables the development of land and infrastructure for urban land uses while recognising the national significance of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing (Objective 1 and Policy 1).

It is considered that the Project is consistent with the relevant objectives and policies of the NPS-UD and will contribute to a well-functioning urban environment. In particular, the development will provide for 140-170 residential units within an established local centre. The Project will provide housing on land that has good access to goods and services, recreation spaces, and to existing employment opportunities and new employment opportunities. Further, the Site is well served by bus routes, as well as pedestrian and cycle infrastructure. It is considered that the Project will rejuvenate the amenity of the existing area.

Overall, the Project will achieve both additional housing and business capacity in the short to medium term.

New Zealand Coastal Policy Statement (NZCPS)

The NZCPS is relevant to this project as the ultimate receiving environment for any stormwater run-off is the coastal environment. In particular, policies 4, 11, 22 and 23 of the NZCPS discuss stormwater and sediment discharge. A range of sediment control measures are proposed for the duration of earthworks to ensure effects will be managed to avoid effects on the downstream stormwater network and wider receiving environment.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

The NES-CS ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary, the land is remediated or the contaminants managed to ensure that there are no adverse effects on human health. As previously discussed in Part VII of this application, consideration will be given to the relevant provisions, with consent being sought under the NES-CS as relevant and required in order to manage the effects of contaminants in soil in order to protect human health.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The proposed development will result in direct and indirect economic benefits for people and industries affected by COVID-19 through providing both direct and indirect employment. An Economic Impact Assessment has been prepared by Property Economics which is included within **Attachment 10**. This assessment estimates that the Project will result in an economic injection of \$541m and approximately 4,500 FTEs over an 8-year period. The direct employment measure sees approximately 1,940 FTEs, with the remaining 2,560 FTEs resulting from indirect and induced activity. Further, the on-going commercial operations at the site have been estimated at just over 100 FTEs per annum.

The report further estimates that the economic benefits of using the Fast-Track process means the project will contribute an additional \$51.6m and an additional 607 FTEs above a standard consenting process.

Project’s effects on the social and cultural wellbeing of current and future generations:

The Project will generate significant positive social effects on current and future generations. The Project will enable the accelerated delivery of a significant number of residential units to the Auckland housing market where population growth and affordability issues continue, thereby providing for the social wellbeing of current and future generations. In addition, the proposed development will be of a high-quality design, providing an attractive focal point within the local centre, as well as providing a range of amenities/services that will not only serve the needs of the community but also result in an improved tourist destination. This will stimulate further economic activity, benefitting both current and future generations.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The Project is estimated to progress faster under the Act than otherwise would be the case. Under the Fast-Track, it is anticipated that works would be completed by Q2 2027, whereas under standard RMA processes it is anticipated works would not be complete until Q1 2029. This will save one year and ten months. A programme of works is included as **Attachment 4**.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The Project will bring forward in time significant employment opportunities in the civil and construction industry and supporting sectors, with construction being one of the key sectors filling the unprecedented unemployment generated by the COVID-19 pandemic. The economic assessment included as **Attachment 10** outlines that during the construction phase, up to 955 FTEs will be created, with a total employment count of approximately 4,500 FTEs over the next eight years.

Housing supply:

The Project will bring forward in time and accelerate the availability and delivery of housing stock supply. There will be 140-170 residential units provided at a time where there are significant shortages of housing in the Auckland region, which experiences some of the highest house prices and demand for housing in the country. In addition, the development will likely result in some release of land containing standalone dwellings in areas zoned for intensification through people down-sizing. This will release this land for redevelopment, and this redevelopment will have the same effect in turn.

Contributing to well-functioning urban environments:

The Project is in keeping with the NPS-UD objective of having well-functioning urban environments as the Project will provide for an architecturally designed, mixed use development of greater intensity and increased height in a location that is highly accessible. The Site has strong active transport connections to the CBD, as well as having good access to the bus network.

Further, Mission Bay is an attractive centre that has access to a range of good recreational amenities within walking distance such as Mission Bay Beach, Selwyn Domain, and Michael Joseph Savage Memorial Park.

The development has been well designed, through the use of the perimeter block. This sees retail on Tamaki Drive and Patteson Avenue where this is the predominate use, the construction of residential apartments above, as well as all carparking and loading being located discretely within the building.

Most importantly, the development will provide for a significant number of dwellings within an established centre. This is one of the key requirements of a well-functioning urban environment.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The Project is a mixed-use development. The retail activity located at the ground floor level on Tamaki Drive and Patteson Avenue will improve the overall economic performance of the Site. This is due to the new retail space being provided having a more efficient layout, a more extensive street frontage (along the full length of the Patteson Avenue block to the Marau Crescent corner) and higher quality construction than the existing retail space. Those factors will enable the retail space to be used more intensively than is currently the case.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The Project will not result in any adverse outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity. Further, the at-grade car parking that is currently located on the site is to be removed, thereby reducing the level of contaminants discharged directly into the stormwater network.

Minimising waste:

Drive Holdings Limited are committed to minimising waste as part of the redevelopment of the site. This will commence with the preparation of a comprehensive Site Waste Minimisation Plan. The Site Waste Minimisation Plan will ensure the management of construction processes so as to reduce, reuse, recycle and properly dispose of waste. This will be implemented from the demolition stage through to the completion of construction. This is one of the target items in achieving a Homestar 6 rating.

In terms of on-site operations, centralised waste management and recycling systems will be implemented to ensure appropriate waste management that can also adapt to sustainable waste strategies over time.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The proposed development has good access to the existing public transport network, with a number of bus routes frequently servicing the area. Additionally, active transport is provided for via the shared cycle and walkway to the north of the Site. This links Mission Bay to Auckland CBD, to the west, and to St Heliers to the east. The shared walkway then splits into a footpath and a dedicated cycleway, being the Tamaki Drive cycleway. The close proximity of the development to both good public transport links and cycle/walkways will promote the use sustainable modes of transport.

Promoting the protection of historic heritage:

There are no recorded objects of historic heritage or recorded archaeological sites within the Site.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The Project has been designed to account for the effects of flooding hazards and climate change, with measures designed to prevent flooding on the Site.

This has been discussed in Part VII above under the heading 'Effects Generated by Natural Hazards and Flooding' and is further detailed within **Attachments 5 and 6**. As well as raising floor levels for habitable spaces, an 'adaptive pathway' approach is being taken for the development which allows for decisions on mitigation to be made over time. One of these measures includes an increased floor to floor height for the ground level, allowing for floor levels to be raised where required. It is also proposed to prepare a flood/inundation management plan for the Site.

Other public benefit:

As discussed throughout the application, there are various public benefits generated by the Project. In the short term, employment opportunities in the construction sector will be increased. This has been identified as one of the key sectors in assisting with the social and economic recovery from COVID-19. In the longer term, the Project will provide residential housing supply, job opportunities, and improved amenities.

Whether there is potential for the project to have significant adverse environmental effects:

It is not considered that the Project has the potential to result in significant adverse effects. The effects assessment within Part VII and the supporting technical memos confirm that the potential adverse effects of the development are able to be avoided, managed or remedied.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

As previously discussed in the assessments under Parts VIII and IX, a summary has been carried out in **Attachment 5 and 6** which demonstrate that the Project will be resilient to foreseeable climate change and natural hazard events.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Auckland Council	No compliance and/or enforcement action has been taken against Drive Holdings Limited by a local authority under the Resource Management Act.

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Nicole Heron

12/08/2022

Signature of person or entity making the request

Date

Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.

- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.