

Parks Asset Owner / Specialist Response

From: Roja Tafaraji – Senior Parks Planner, Auckland Council

Date: 05/10/2022

Overall Summary:

Background information:

Zone: Business - Local Centre Zone

Modification: Plan Changes, Plan Change 78 - Intensification, Multiple Layers, Proposed, 18/08/2022
Future Coastal Hazards Plan Change, Future Coastal Hazards Plan Change, Multiple Layers, 18/08/2022

Precinct: N/A

Overlays: N/A

Controls: Coastal Inundation 1 per cent AEP Plus 1m Control- 1m sea level rise
Macroinvertebrate Community Index- Urban

Designations: N/A

Background information:

This response is prepared based on the information received as outlined in the email from Karl Allen, Principal Specialist Planning, Central Resource Consenting dated 30 September 2022.

The proposal is for the construction of a mixed-use retail and residential development 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. It will involve demolition of the existing buildings on the site and construction of a 5 storey building with 2 storey basements under the ground.

In a previous application in 2018, resource consent was sought for a different mixed-use development on the site of a similar scale. "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". The applicant has provided a list of a summary of the key differences between the previous proposal and the current proposal in the referral stage for Fast Track application.

Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, the proposed project (Beachside Mission Bay) has been referred by Ministry of Environment to Auckland Council to provide written comments on the referral application. Resource consent is required for Land-use consent, Water permit, Discharge permit

The activity status of the proposal under AUP for different activities under AUP has been identified to be restricted discretionary. However, the overall activity status of the proposal is a controlled activity pursuant to C1.6(2), with different activity status under relevant plans and rules (NES-CS).

Positives of the application:

According to the plans and documents provided, it can be determined that:

- The proposal attempts to address pedestrian connectivity and access through the site by proposing numerous access points to the site.*
- The proposed multiple buildings instead of one big building within the subject site will potentially mitigate the adverse effects from the built form character contributing to the visual interest and attractiveness of the street*

Key Issues from a Parks Planning Perspective:

The key issue from a Parks planning perspective with the project going through the COVID-19 Recovery Act 2020 fast track consenting process is not having the correct mechanisms in place to ensure pedestrian connection, which also accommodate for the public, are managed and maintained in a way which ensures they are appropriate for ongoing public use into the future.

Clear identification would also be needed to identify the pedestrian connections are under private management of the body corporate responsible for the development despite allowing public access. This is so the public and residential users clearly understand the areas they are using are part of the private development and not publicly managed spaces.

Selwyn reserve is opposite to the subject site along Tamaki Drive zoned as Open Space- Informal Recreation. Considering any interfaces between the proposed development and the reserve while no setback is proposed on sidewalk frontages, Parks would also like to have the opportunity to review any streetscape landscaping proposed along Tamaki Drive, Patteson Avenue and Marau Crescent as part of the development. It is to ensure that the proposed street landscaping mitigate any adverse effect of the proposed bulk and volume of the building (although being reduced comparing to the previous proposal) on the amenity values of the area. This is in accordance with the following objective and policy of AUP for Business-Local Centre Zone:

Objective H11.2.(7): The scale and intensity of development within local centres is in keeping with the planning outcomes identified in this Plan for the surrounding environment.

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?			✓
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			✓
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?			✓
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?			✓
Is the application a notice of requirement?			✓
Is there the potential for significant adverse environmental effects to occur?			✓
Other comments?			

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?			✓
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			✓
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?			✓
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?			✓
Is the application a notice of requirement?			✓
Is there the potential for significant adverse environmental effects to occur?			✓
Other comments?			

Asset Owner / Specialist Response

From: Sam Clare, Senior Healthy Waters Specialist, Healthy Waters

Date: 10/10/2022

Overall Summary:

This assessment is based on information submitted with the current application.

Flooding:

- The proposed development is within Council's Floodplain layer.
- The proposal is for redevelopment of more than 50% of the site.

The Coastal Hazards, Flooding, Contamination and Geotechnical Issues report (Tonkin & Taylor, June 2022):

- appears may be partly based on historical assumptions and assessment relating to the "Previous Proposal" and it is not clear that the report has taken account of current predictions of climate change.
- concludes that there will be flooding of non-habitable floors in a 1% AEP design storm event. The report does not include an assessment of the extent and level of flooding in less severe, more frequent, rainfall events.
- does not include an assessment, as required under E36.9, of the extent and severity of risk to the occupants of the building and the public during potential flooding and does not propose specific and effective measures to mitigate this risk.

Stormwater discharge:

The Summary of Civil Engineering Advice (Dodd Civil Consultants, June 2022):

- asserts that the existing downstream public stormwater network has sufficient capacity to service the existing catchment and the Project:
 - Demonstration of capacity and the manner of connection to the network can be addressed at Engineering Plan Approval stage.
- asserts that no quality treatment or additional stormwater management practices will be required:
 - The proposed development meets the criteria for a "Large Brownfields Site" under the Auckland Council's Regional Network Discharge Consent [RNDC]; a Stormwater Management Plan will be required.

Reports normally expected:

- Stormwater Management Plan (to enable connection and discharge to the network to be authorised under the RNDC)
- Flood Hazard Risk Assessment (pursuant to E36.9)

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Healthy Waters (Sam Clare)

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?		X	
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			X
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?		X	
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?			X
Is the application a notice of requirement?			X
Is there the potential for significant adverse environmental effects to occur?		X	
Other comments?			

Asset Owner / Specialist Response

From: Matthew Ford, Planner, Auckland Transport

Date: 5/10/2022

Overall Summary:

The proposal is for the construction of a mixed-use retail and residential development 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, in Mission Bay, Auckland. It will see the demolition of the existing buildings on site and the construction of a five storey above basement development.

Under the Auckland Unitary Plan (AUP), the sites are currently zoned Business - Local Centre Zone.

The Transport Assessment – Mission Bay Apartments – included within the Fast Track Referral Application provides initial commentary on the application as well as some initial comments related to the Project's effects on the efficient operation of the surrounding transport network. However, a full Integrated Transport Assessment (ITA) should be provided if the project is referred for processing under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).

The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of accessibility to and from the development as well as safety and efficiency effects. An ITA considers the relationship between land use and transport and make recommendations to ensure better integration between the two. ITA's are more comprehensive than a traditional traffic impact assessment and consider accessibility of the proposal by all modes and also the needs of all groups of users.

The assessment should ensure that any potential adverse transport effects of the development have been effectively avoided, remedied, or mitigated. Auckland Transport requests the ITA places additional focus on the following matters:

- Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport;*
- An assessment of potential adverse safety effects on the surrounding transport network for all users and how these effects will be avoided, remedied or mitigated;*
- An assessment of Trip generation and the mode share and ensuring the assumptions and methodology are acceptable;*
- The 'Traffic Assessment' submitted with this application notes that the comments are informed by work undertaken to support a previous proposal. The assessment also notes that modelling was undertaken to understand the 'traffic effects' of that proposal and that based on the earlier modelling of traffic effects for the previous proposal, the level of traffic generated by the revised proposal will be accommodated within the existing road network without creating adverse traffic congestion or safety effects. The ITA needs to address any relevant changes to the assumptions underpinning the earlier transport assessment including residential yield / typology and any changes to the transport network affecting the operation of the local network;*
- An assessment of potential adverse effects on the efficient operation of the surrounding transport network and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on key intersections, including (but*

not limited to) Tamaki Drive / Patteson Avenue intersection, Patteson Avenue/ Marau Crescent intersection;

- An assessment of bus stops design;*
- An assessment of demolition and construction impacts on Tamaki Drive and Patterson Avenue intersection and the impacts on road pavement based on the expected construction traffic routes and frequency;*
- An assessment of the closure of the footpath and/or crossing facilities ;*
- An assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the AUP.*

It is noted that this previous assessment was undertaken in 2018. The applicant will need to document and evaluate as part of an ITA any relevant changes to the assumptions underpinning the transport assessment since 2018.

It is noted that the roading layout on Tamaki Drive is being changed as part of the Mission Bay Town Centre safety improvements. There should be particular emphasis on (but not limited to) the decrease in speed limit (30km/h down from 50km/h) that took effect on 30 June 2021, new upgrades to cycling facilities and pedestrian infrastructure, and intersection upgrades of Patteson Avenue/ Marau Crescent intersection and the Tamaki Drive / Patteson Avenue intersection.

It is noted that there have been changes in public car parking around the Mission Bay town centre since the previous transport assessment was undertaken. The changes in car parking have been fully implemented as of October 2022 and would need to be assessed.

Auckland Transport is unable to support the position of the applicants traffic consultant as to the scale of effects of the application based on the material supplied.

Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.

Red Flag Checklist (For asset owners)

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?		✓	
			✓

Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?		✓	
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?		✓	
Is the application a notice of requirement?			✓
Is there the potential for significant adverse environmental effects to occur?		✓	
Other comments?			

Specialist Response - Planning

From: Karl Allen, Principal Specialist Planner, Resource Consents

Date: 12 October 2022

Planning Assessment

The following comments were provided to the applicant to address as part of previous advice in relation to the development (particularly from an urban design perspective). It is considered that from a planning perspective, these matters need to be addressed to ensure a design outcome which aligns with the zones character and the amenity expectations within the neighbourhood.

Height, Density and Massing Strategy

- General bulk, location and massing are considered positive and appropriate to its context and parallel to zone provisions. The proposal presented a fully complying scheme concerning the maximum height and height in relation to boundary.
- As illustrated in the sections, the building is set back, and recessed along the eastern interface, creating notable separation and a smooth transition to the adjacent residential site.
- It is understood that the residential area to the south is located on a sloping hill rising upwards. This will also contribute positively for a smooth transition. However, it was recommended to the applicant to provide a thorough assessment of this interface, including some properties on the other side of the road reserve for an in-depth assessment.
- While some contextual analysis has been undertaken. A deeper understanding and presentation of the broader context attributes will be required. It is recommended for similar sectional drawings to be provided for the assessment across the east-west plane as well, illustrating proposals' impact along Tamaki Drive.

Site Planning

- The general site plan diagram is considered positive. The inclusion of commercial properties and mixed-use integration is also supported. The proposal activates both the Tamaki Drive and Pattern Avenue interfaces.
- It is understood that apart from some secondary access points located at the ground floor level, all the residential blocks are accessed from the podium level.
- Currently the podium level is accessed by a main entrance from Patteson Avenue and from a secondary access point from the Marau Crescent.
- It is recommended that a stronger architectural presence for the main entrance to be considered to emphasise this prominent point from the Patteson Avenue, and to provide a higher level of legibility.
- The Patteson Avenue access point presents an opportunity to make an architectural statement.
- It is understood that while being still a work in progress, it is recommended to provide a universal access to the podium level from the street level.
- Central Block G that is proposed in the middle of the podium space was not supported as this building compromises the rest of the podium functionality, by blocking the other building blocks, as well as blocking the visibility of the main access points of the other blocks.

- For an improved legibility of access and to improve the other blocks view and usage of the podium space, it is recommended to shift Block G to the eastern side, and consider a stacked layout similar to the western wing Block F.
- With respect to the car park arrangement, separation of the residential and commercial spaces is recommended.

Façade Strategy

- The general façade strategy is considered positive.
- The proposed building has been divided into proportionate smaller blocks/sections, and breaks have been created between these separate blocks.
- Preliminary design layout presented a dynamic vision for the façade strategy, with the use of various materials colours to divide the façade into sections with unique design characters, while keeping a level of visual connection between these sections.
- Keeping the same building height across the long Tamaki Drive and Patteson Avenue elevations created a flat look and feel of the building form.
- It is recommended to consider some movement on the parapet.

Mana Whenua Values

- The area is entrenched in history for Mana Whenua and Mana Whenua involvement should be considered in both the final design and construction phases. Consideration of Te Aranga Māori Design Principals is highly recommended.

Notification assessment

- The site is significant in terms of its locality and contribution to the Auckland community as well as being a focal point for Mission Bay which in itself is utilised in tourism campaigns for New Zealand. The character of this neighbourhood is important to the local community and having been subject to litigation, there is interest in potential effects to the amenity of surrounding residents and the character of the centre. Notification may be warranted should the design not address the above mentioned matters.

Conclusion

Overall, from a Regulatory Planning perspective the proposed development is generally consistent with the intent of the zone however, further design details need to be provided and a full assessment of the existing environment considered in order to determine whether the outcome results in adverse effects that warrant notification. Using the FTCA would eliminate the opportunity for effective submissions to be prepared by any affected persons.

The RMA is considered to be the more appropriate legislation to utilise in this regard. It is considered that the proposal presents limited benefit to its contribution to affordable housing and does not contain buildings of merit in terms of achieving a highly sustainable environmental outcome. Confirmation of completed consultation with relevant iwi groups should be provided as part of any application under either Act.

Further information is required to make a robust assessment and discussions should be held with the appropriate asset owners to mitigate effects.

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist for Planning Specialist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

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Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?		✓	
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			✓
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?		✓	
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?		✓	
Is the application a notice of requirement?			✓
Is there the potential for significant adverse environmental effects to occur?		✓	
Other comments?			

From: s 9(2)(a)
To: s 9(2)(a)
Subject: RE: Beachside Mission Bay Project– Comments sought - COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Tuesday, 11 October 2022 4:16:28 pm

Hi Karl,

As requested, Environmental Monitoring have looked at the compliance / enforcement history of:

- *Drive Holdings Limited (ultimate Holding company – Capital Solutions Holdings Limited)*

and to be thorough we have reviewed compliance history for multiple other companies where the applicant is a director/ shareholder.

No enforcement action has been taken against *Drive Holdings Limited, Haydn Charles STAPLES, or Mark Alistair STAPLES*

There are no significant outstanding compliance concerns for the parties above that I am aware of.

Please let me know if you need anything else.

Sian

Sian Farrell | Team Leader Environmental Monitoring Region-wide Licensing & Regulatory Compliance

Phone (09) 301 0101 | Mobiles 9(2)(a)
Auckland Council, Level 7, 135 Albert Street, Auckland Central
Visit our website: www.aucklandcouncil.govt.nz

Useful Council contact numbers:
24 hr Pollution Hotline: 09 377 3107
Call Centre: 09 301 0101

From: Karl Allen s 9(2)(a)
Sent: Monday, 10 October 2022 6:37 pm
To: Sian Farrell s 9(2)(a)
Subject: Re: Beachside Mission Bay Project– Comments sought - COVID-19 Recovery (Fast-Track Consenting) Act 2020

Good Evening Sian,

I thought I had included monitoring in my email last week and appear to be short on time for this project.

Any chance I can get an urgent Regulatory compliance history for the relevant company and Directors for Drive Holdings Limited?

As part of COVID-19 FT process, the Council has to respond to MfE on the following question:

1. ***Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your city?***

Kind regards,

Karl Allen

**Karl Allen | Principal Specialist Planner
Central Resource Consenting**

Ph s 9(2)(a)

Auckland Council, Level 6, 135 Albert Street, Auckland Central

Visit our website: www.aucklandcouncil.govt.nz

To: Christina Robertson (AT) s 9(2)(a) >; Matthew Richards (AT) s 9(2)(a) >; Mark Iszard s 9(2)(a) Ilze Gotelli s 9(2)(a) MTelfer (Mathew) s 9(2)(a) Hester Gerber s 9(2)(a) ; Lakshmi Nair <s 9(2)(a)

Cc: Matthew Paetz s 9(2)(a)

Subject: Re: Beachside Mission Bay Project– Comments sought – COVID

Tēnā koutou katoa,

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Beachside Mission Bay Project

Address: 75-97 Tamaki Drive, 6-14 Patteson Avenue, and 26-30 Marau Crescent, Mission Bay, Auckland.

The project is to develop a 6527 square metre site in Mission Bay, Auckland and construct a mixed-use development comprising 7 buildings (5 storeys high, to an allowable building height of 16 metres occupiable, 18 metres maximum) located above 2 basement carparking levels, that include:

- approximately 140-170 residential units
- approximately 2404 squares metres of commercial and retail tenancy space
- private communal open space
- vehicle and bicycle parking.

The project site is located over a block of 10 lots at 75-97 Tamaki Drive, 6-14 Patteson Avenue, and 26-30 Marau Crescent, Mission Bay, Auckland.

The project will involve activities such as:

- demolishing existing buildings, infrastructure and structures
- carrying out earthworks (including basement construction and disturbance of contaminated land)
- constructing 7 buildings comprising 5 storeys and 2 basement carparking levels

- constructing or installing structures and infrastructure including accessways for vehicles, loading and parking areas, and three-waters services
- taking and diverting groundwater
- discharging groundwater, stormwater and contaminants to land
- landscaping and planting including removal of street trees
- any other activities that are:
 - associated with the activities described above
- within the scope of the project as described above.

Please note that this proposal has not been the subject of a resource consent application to date. The Ministry is only seeking comments of whether the application should be referred to an expert consenting panel for the consideration of a full application

You are being contacted to provide comments on behalf of the asset owner for infrastructure that may be impacted upon as a result of an approval to the proposed development. I also note that we have been asked three specific questions of which the following is of particular relevance to you as asset owner.

2. What reports and assessments would normally be required by the Council for a project of this nature in this area?

Please note that I must receive your comments by COB Wednesday 5 October 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

Please find attached the following information:

- Ministry for the Environment consultation letter
- Application plans
- Application form/covering report
- Brief with response template
- A 'red flag' checklist to assist with identification of significant issues

A full copy of the application with all attachments that have been supplied to the council can be downloaded from:

- Beachside Mission Bay, Auckland – **Out of Scope**

NOTE: This information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or the request for comments to anyone outside your organisation, including any Crown Entity or statutory body.

If you are having any difficulty accessing this link, please let me know as soon as possible so that I can try another method of delivery to you.

Your comments on this proposal are sought by way of return email which must be received by **COB Wednesday 5 October 2022**.

Please let me know if you have any queries.

Kind regards,

Karl Allen

Karl Allen | Principal Specialist Planner
Central Resource Consenting

s 9(2)(a)

Auckland Council, Level 6, 135 Albert Street, Auckland Central

Visit our website: www.aucklandcouncil.govt.nz

12th October 2022

The Minister for the Environment
c/o The Environment Protection Authority
Private Bag 63002
Waterloo Quay Wellington 6140

Dear Minister Parker,

We are responding to your invitation for comments on an application before you for referral to the Expert Panel under the COVID-19 Response (Fast Track Consenting) Act 2020 (FTCA).

The application is made by Drive Holdings Limited and is located over a block of 10 lots at 75-97 Tamaki Drive, 6-14 Patteson Avenue, and 26-30 Marau Crescent, Mission Bay, Auckland.

The project seeks to construct a mixed-use development comprising 7 buildings (5 storeys high, to an allowable building height of 16 metres occupiable, 18 metres maximum) located above 2 basement carparking levels. Ancillary works include demolition of existing buildings, earthworks, installation of infrastructure, groundwater diversion, discharge of stormwater, groundwater, contaminants to land and landscaping including street tree removal.

Having reviewed the proposal material provided, Auckland Council considers the proposal to be generally consistent with the objectives and policies for the AUP(OIP) zone that applies across the development site although acknowledge significant public interest in the site. The following key points are however noted:

Previous litigation over the subject site

- Council is currently awaiting a High Court determination in relation to a development over the subject site that is similar to this design (albeit over the Auckland Unitary Plan height limits). The significant public interest in that development indicates a potential for high public interest in this FTCA development.

Effects assessment

- Auckland Transport has outlined a series of matters which are required to be canvassed in a full Integrated Transport Assessment. Auckland Transport is unable to support the position of the applicant's traffic consultant as to the scale of effects of the application based on the material supplied. That material relies on assessment completed in 2018, and the road network in this area (Tamaki Drive) has been upgraded with changes to speed limits and parking provision which need to be assessed.
- Healthy Waters has identified preliminary areas of clarification that are required. It is identified that the proposal meets criteria under the Auckland Council's Regional Network Discharge Consent [RNDC]. A comprehensive stormwater management plan and full details of mitigation must be provided. Healthy waters also notes that flooding assumptions are based around a previous proposal and that current predictions of climate change have not been adequately addressed. Further assessment is deemed to be required as identified in Attachment 1.
- Watercare Services Limited (WSL) has provided a separate response to their own invitation to comment on this referral application.
- Council Parks Department has indicated that further information is required to determine the full impact to Selwyn Reserve across the road. The public interface and pedestrian

connections being key concerns. Parks would like to consider the finer details of landscaping to the street. Additional points are identified within Attachment 1.

- Outside of Planning commentary, Council's SME's were not engaged to comment on this application given the lengthy history and advice previously provided to the applicant in relation to developing this site. The standard engineering assessments would be required as outlined in response to question 3 below.

As relevant, consideration should be given to the recent plan change provisions notified on 18 August 2022. It is also recommended that, should the proposal be considered by an expert panel, draft management plans (noise, construction, construction traffic) are reviewed, and not left to conditions of consent.

The full commentary provided by the asset owners and Council's Planner are included in this response as attachment 1.

I also note the following is an outline of the responses to the specific questions raised to Council.

1. *Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?*

Yes, Council considers it more appropriate for the Project to be considered under the RMA 1991 for the following reasons:

- There is significant public interest in the site and its development as a focal point for Mission Bay. Noting the original design approved for resource consent which is currently under challenge in the Courts.
- Further to this, the limitations on notification and other time constraints identified within the FTCA would result in a rushed assessment and an outcome that does not protect the interests of the surrounding persons and environment.

2. *What reports and assessments would normally be required by the council for a project of this nature in this area?*

- Integrated Transport Assessment
- Architectural statement
- Landscape Visual Assessment
- Infrastructure report
- Coastal hazards and flooding assessment
- Geotechnical report and ESCP.
- Acoustic assessment
- Construction noise and vibration management plan
- Landscape Plans
- Economic Impact Assessment

3. *Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your city?*

A review of the compliance history has been undertaken and the Council has not identified any environmental regulatory compliance history for the applicant.

I trust the response as outlined above is of assistance. Should you have any queries, please feel free to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ian Dobson', written over a horizontal line.

Ian Dobson
Acting General Manager – Resource Consents
Auckland Council

Enclosed as Attachment 1:

- Comments from asset owners being, Auckland Transport, Healthy Waters and Council Parks
- Comments from Council experts for planning

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Auckland Transport
Contact person (if follow-up is required)	Matthew Richards
	s 9(2)(a)
	Click or tap here to enter text.

Comment form

Please use the table below to comment on the application.

Project name	Beachside Mission Bay Project
General comment	<p>Thank you for the opportunity to provide comments on the referral of the Beachside Mission Bay Project (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Auckland Transport requests that, should the project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting Panel must invite comments from.</p>
Other considerations	<p>The proposal is for the construction of a mixed-use retail and residential development 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, in Mission Bay, Auckland. It will see the demolition of the existing buildings on site and the construction of a five storey above basement development.</p> <p>Under the Auckland Unitary Plan (AUP), the sites are currently zoned Business - Local Centre Zone.</p> <p>The Traffic Assessment – Mission Bay Apartments – included within the Fast Track Referral Application provides preliminary commentary on the application as well as some initial comments related to the Project's effects on the efficient operation of the surrounding transport network. However, a full Integrated Transport Assessment (ITA) should be provided to enable a robust assessment if the project is referred for processing under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of accessibility to and from the development as well as safety and efficiency effects. An ITA considers the relationship between land use and transport and makes recommendations to ensure better integration between the two. ITAs are more comprehensive than a traditional traffic impact assessment and consider accessibility of the proposal by all modes and also the needs of all user groups.</p> <p>The assessment should ensure that any potential adverse transport effects of the development have been effectively avoided, remedied, or mitigated. Auckland Transport requests the ITA places additional focus on the following matters:</p>

	<ul style="list-style-type: none"> • Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport; • An assessment of potential adverse safety effects on the surrounding transport network for all users and how these effects will be avoided, remedied or mitigated; • An assessment of trip generation and the mode share and ensuring the assumptions and methodology are acceptable; • The 'Traffic Assessment' submitted with this application notes that the comments are informed by work undertaken to support a previous proposal. The assessment also notes that modelling was undertaken to understand the 'traffic effects' of that proposal and that based on the earlier modelling of traffic effects for the previous proposal, the level of traffic generated by the revised proposal will be accommodated within the existing road network without creating adverse traffic congestion or safety effects. The requested ITA needs to address any relevant changes to the assumptions and environment underpinning the earlier transport assessment including residential yield / typology and any changes referenced below to the street environment since that time; • An assessment of potential adverse effects on the efficient operation of the surrounding transport network and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on the strategic role and function of Tamaki Drive and the relative modal priority relating to passenger transport and active modes. There should also be a focus on the effects on key intersections, including (but not limited to) Tamaki Drive / Patteson Avenue, and Patteson Avenue/ Marau Crescent; • An assessment of the effects on bus stops and the effects of the development access points on any bus stop and; • An assessment of any temporary closure or permanent alteration to footpath and/or crossing facilities; • An assessment of demolition and construction impacts on Tamaki Drive and Patterson Avenue including any impacts on freight, private vehicles, passenger transport, pedestrians and cyclists, and the impacts on road pavement based on the expected construction traffic routes and frequency. A draft Construction Management Plan should be submitted. <p>It is noted that this previous assessment to support the previous proposal was undertaken in 2018. Auckland Transport is unable to support the position of the applicant's traffic consultant as to the scale of effects of the application based on the material supplied given the changes in the environment highlighted.</p> <p>The applicant will need to document and evaluate as part of an ITA any relevant changes to the assumptions underpinning the transport assessment since 2018. It is noted that the roading layout on Tamaki Drive is being changed as part of the Mission Bay Town Centre safety improvements. There should be particular emphasis on (but not limited to) the decrease in speed limit (30km/h down from 50km/h) that took effect on 30 June 2021, new upgrades to cycling facilities and pedestrian infrastructure, and intersection upgrades of Patteson Avenue/ Marau Crescent intersection and the Tamaki Drive / Patteson Avenue intersection.</p> <p>There have also been changes in public car parking around the Mission Bay town centre since the previous transport assessment was undertaken.</p> <p>Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.</p>
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Watercare Services Ltd.
Contact person (if follow-up is required)	Shane Lawton, Head of Developer Services, s 9(2)(a)
	Mark Iszard, Head of Major Developments, s 9(2)(a)
	Ameya Bhiwapurkar, Development Engineer, s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Beachside Mission Bay
General comment	<p>Summary:</p> <p>The project is to develop a 6527 square meter site in Mission Bay, Auckland, and construct a mixed-use development comprising 7 buildings (5 storeys high, to an allowable building height of 16 meters occupiable, 18 meters maximum) located above 2 basement car parking levels, that include:</p> <ul style="list-style-type: none"> • approximately 140-170 residential units • approximately 2404 squares meters of commercial and retail tenancy space • private communal open space • vehicle and bicycle parking. <p>The project site is located over a block of 10 lots at 75-97 Tamaki Drive, 6-14 Patteson Avenue, and 26-30 Marau Crescent, Mission Bay, Auckland.</p> <p>Comment on Proposals:</p> <p>Wastewater</p> <p>Watercare has reviewed the proposed development based on the potential high-level demand from 170 apartment units and retail spaces assuming 8l/s flow. We can confirm there is sufficient capacity in Watercare's wastewater networks at the time of this assessment to accommodate the proposed development. There are likely to be some local network upgrades required upstream of the Atkins Pumping Station to cater to this development. These local network upgrades need to be completed by the developer with no cost to Watercare.</p>

	<p>Water</p> <p>We can confirm that there is sufficient capacity in Watercare's Water supply networks at the time of this assessment to accommodate the proposed the proposed development.</p> <p>The fire flow could be limited to FW2 at this moment. However, Watercare is working on upgrades that will increase the demand which can suffice the capacity for fire/sprinkler flow system.</p>
Other considerations	
[Insert specific requests for comment]	

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