

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: Quarterdeck
Application number: PJ-0000851
Date received: 23/12/2022

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: Box Property Investments Ltd

Contact person: David Jans

Job title: Director

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s 9(2)(a)

Postal address:

PO Box 85-044, Auckland 1545

Address for service (if different from above)

Organisation: Civix

Contact person: Nick Mattison

Job title: Director and Senior Planner

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Postal address:

PO Box 5204 Victoria Street West, Auckland 1141

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.

30 & 40 Sandspit Road and 2 & 4 Reydon Place, Cockle Bay, Howick.

The Site plan and location are shown in Appendix A.

Legal description(s):

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

30 Sandspit Road: Lot 2 DP 334191. CT 140265 (3781m²)

40 Sandspit Road: Lot 67 DP 52881. CT NA9B/345 (809m²)

2 Reydon Place: Lot 68 DP 52881; Flat 1 DP 65738 and Garage 1 DP 65738. CT NA21C/627 (827m²).

4 Reydon Place: Lot 68 DP 52881; Flat 2 DP 65378 and Garage 2 DP 65738. CT NA21C/628 (827m²).

Total site area: 5,417m²

Records of Title and interests: **Appendix B**. Analysis of the interests: **Appendix B1**.

Registered legal land owner(s):

Box Property Investments Ltd

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:

All sites are owned by the Applicant, Box Property Investments Ltd.

Part III: Project details

Description

Project name: Quarterdeck

Project summary:

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

The project includes:

- 3 Apartment blocks containing a total of approximately 58 units over four above-ground levels
- Approximately 12 two-level three-bedroom terrace houses.
- Approximately 96 basement car parking for the apartments and communal parking for the terraced houses.
- Communal socialising area including BBQ, lounge facilities, and swimming pool.

Indicative proposed plans are included in Appendix C1. Shading diagrams are shown in Appendix C2.

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.

Purpose and object of the proposal

The purpose of the project is to provide additional housing in an apartment typology, in a desirable location that is close to community facilities such as schools (Sandspit School and Howick College) and recreational areas (Howick Domain and Nixon Centennial Park) as well as commercial hubs such as Meadowlands, and the Howick Village. The site is presently Single House Zone, but has been identified as Mixed Housing Urban in Plan Change 78 which implements the Medium Density Residential Standards (MDRS). See the planning cover letter, **Appendix D** for more details.

The site is adjacent to main bus routes and has great access to the local bus stops (multiple options are available within 150m). The transportation report (**Appendix E**) concludes that, the proposed development has good public transport connections and is likely to encourage residents to contribute and make use of the public transport services to and from the site. Also, while the area might initially present as suburban, page 13 of the Urban Economics Report (**Appendix F**) notes that there are approximately 32,800 business and 125,000 jobs within a 10km radius of the site. One object is to provide high-quality and marketable apartments that makes efficient use of existing land, infrastructure and resources, that contribute to housing supply in Cockle Bay, while avoiding or mitigating adverse effects on the environment, including traffic, earthworks and construction, amenity, visual landscape, infrastructure servicing effects.

This design is a key site characteristic and development response. Rather than merely seeking three storey buildings across the entire site there is a considered architectural response to the site, including massing buildings adjacent to the site frontage and providing a more traditional suburban typology where there is a common residential boundary interface. The yield is in fact less than what could be achieved should three storey apartment buildings be pursued across the site as set out below in Part VII addressing the type of built form anticipated under the MDRS permitted standards. See **Appendix G**, MDRS Complying apartments schematic for a plan showing the increased impact of this type of development on adjoining properties.

This has been achieved firstly by securing a block of land that extends to the road boundary on three sides and limiting the height of building adjacent to the residential neighbours and moving that built form to the Sandspit Road boundary. See **Appendix H** for a diagram showing much lower than permitted built form at the residential boundary (left hand side) compared to the road boundary (right hand side).

The Urban Design report from Transurban is supportive of this approach (**Appendix I**), as is the landscape architecture report and design statement (**Appendix J and K**)

Another object is to allow people within the local community to downsize but remain living within their community (without needing to transition to a retirement village) and facilitate the intensification of surrounding properties which are underdeveloped. See more detail in the section regarding contribution to well-functioning urban environment, and social and cultural well-being.

Activities involved

Three of the buildings will contain four-level apartments and be up to a maximum 13.8m above average ground level (apartment building 2), running lengthways along Sandspit Road. The permitted height in the MHUZ is 11m, plus up to 1m for roof form (which the proposal does not comply with), so the infringement is 2.8m, but the actual height above what could be built is 1.8m. That is the maximum infringement for the tallest building, other infringements are smaller. Also, it is noted that the visible height of roof from the footpaths and below the apartments is 230mm less than the maximum height due to only being able to view the lower parapet.

There are also minor infringements of the ground level Outdoor Living Space control for the Sandspit Road frontage apartments, with the smallest dimension being 2.5m being 0.5m less than the MDRS 3m dimension and 1.5m less than the Councils prescribed non-MDRS standard for four or more dwellings of 4m. The minimum 20m² area requirement is exceeded.

The two remaining buildings will contain terraced housing and be up to 6.5m high, located on a lower elevation immediately to the east of the four-level apartments.

The applicant intends to remove all existing vegetation, buildings and structures on the subject site to enable the construction of the apartment buildings and the dwellings.

Due to the basement excavations, it is expected that there will be high earthworks volume, construction noise (and potentially vibration) infringements, and potentially groundwater take and diversion.

A range of work is proposed outside the site, predominantly improving the road berm, removing and replanting street trees and possibly fixing some broken infrastructure (wastewater lines). Ideally one of the local wastewater lines would be re-laid to achieve the required falls for a gravity system to be maintained and the developer would pay for relaying those pipes, but if that work is not possible there are acceptable alternative on-site design solutions to avoid relaying the pipe in the neighbouring property.

Access to the apartment basement car parks is via a ramp from Trelawn Place, and access for the communal parking for the terraced housing is from Reyden Place. Ancillary space is to be provided for waste management and storage.

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

The development is intended to be constructed in a single phase, but the building consents are likely to be broken down into a number of stages and the resource consent may provide for the apartment buildings to each have their own stage, along with the terrace housing.

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Water permit, Subdivision consent

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
30 Sandspit Road: Lot 2 DP 334191. CT 140265 (3781m2) 40 Sandspit Road: Lot 67 DP 52881. CT NA9B/345 (809m2) 2 Reydon Place: Lot 68 DP 52881; Flat 1 DP 65738 and Garage 1 DP 65738. CT NA21C/627 (827m2). 4 Reydon Place: Lot 68 DP 52881; Flat 2 DP 65378 and Garage 2 DP 65738. CT NA21C/628 (827m2).	Auckland Unitary Plan	Single House Zone	No overlay	n/a
30 Sandspit Road: Lot 2 DP 334191. CT 140265 (3781m2) 40 Sandspit Road: Lot 67 DP 52881. CT NA9B/345 (809m2) 2 Reydon Place: Lot 68 DP 52881; Flat 1 DP 65738 and Garage 1 DP 65738. CT NA21C/627 (827m2). 4 Reydon Place: Lot 68 DP 52881; Flat 2 DP 65378 and Garage 2 DP 65738. CT NA21C/628 (827m2).	Auckland Unitary Plan - Plan Change 78	Mixed Housing Urban	Water and wastewater overlay	n/a

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	Single House Zone H3.4.1(A1) - Activities not provided for.	Does not comply with Rule H3.4.1(A3) providing for one dwelling per site as a permitted activity. There are no other	Non-complying	30 & 40 Sandspit Road and 2 & 4 Reydon Place.

		activities providing for more than one dwelling per site.		
Auckland Unitary Plan	Single House Zone H3.4.1(A36) - New Buildings and Additions to Buildings.	The same activity status and standards apply as to the related land use activity.	Non-complying	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan	Single House Zone H3.6.6. – Building Height & C1.7(1)	Does not comply with the maximum height of 8m up to 9m to provide for sloping roof (proposed maximum height up to 13.8m).	Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan	Single House Zone H3.6.10 – Maximum Site Coverage & C1.7(1)	Does not comply with the maximum site coverage of 35% being 49.7%.	Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan	Single House Zone H3.6.11 – Minimum Landscaped Area & C1.7(1)	Does not comply with the minimum landscaped area of 40% of net site area being 37.6%	Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan	Single House Zone H3.6.8.1 – Yards & C1.7(1)	Does not comply with the minimum front yard of 3m being 1.5m.	Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan	Noise and Vibration E25.4.1(A2)	The Acoustic and Vibration memo in Appendix L refers to the expected noise and vibration effects and likely consent requirements. This notes that there may be some minor construction noise exceedance regarding 3 and 3A Trelawn Place and 6 and 6A Reydon Place. The memo also identifies some minor potential construction vibration amenity effects – noting this is typical and managed with appropriate conditions of consent.	Restricted Discretionary.	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan	Contaminated Land E30.4.1(A6)	The Soil Contamination memo in Appendices S and T set out that there are two discrete areas of the site that present potential risk and would require remediation levels. As there is a completed	Controlled Activity.	30 & 40 Sandspit Road and 2 & 4 Reydon Place

		DSI and RAP for the site, the application requires approval to a controlled activity resource consent application.		
Auckland Unitary Plan	Subdivision E38.4.2(A14)	Subdivision in accordance with an approved land use consent complying with Standard E38.8.2.1.	Restricted Discretionary.	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
	E38.4.1(A4)	Unit title subdivision.	Controlled Activity	
Auckland Unitary Plan (Operative in Part) Chapter E7 Taking, using, damming and diversion of water and drilling	E7.4.1(A20) and standards in E7.6	Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed. Geotech report (Appendix U) confirms compliance with permitted standards (E7.6), but it might yet become a reason for consent as the designs are finalised.	Restricted Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place The specific details/ locations of risk will be confirmed as part of detailed geotechnical/ groundwater settlement assessment.
Auckland Unitary Plan (Operative in Part) Chapter E7 Taking, using, damming and diversion of water and drilling	E7.4.1(A28)	Diversion of groundwater caused by any excavation that does not meet the permitted activity standards or not otherwise listed. Geotech report (Appendix U) confirms compliance with permitted standards, but it might yet become a reason for consent as the designs are finalised.	Restricted Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place. The specific details/ locations of risk will be confirmed as part of detailed geotechnical/ groundwater settlement assessment
Auckland Unitary Plan (Operative in Part)	E12.4.1(A6) and (A10)	Land disturbance exceeding 2,500m ² in area and 2,500m ³ in volume	Restricted Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.

Chapter E12 Land disturbance – District				
Auckland Unitary Plan (Operative in Part) Chapter E17 Trees in roads	E17.4.1(A6)	<p>Tree trimming or alteration of trees in the road that does not comply with Standard E17.6.1</p> <p>The proposal may involve street tree trimming or alteration.</p>	Restricted Discretionary	Along the site frontages Trelawn Place, Sandspit Road and Reydon Place
Auckland Unitary Plan (Operative in Part) Chapter E17 Trees in roads	E17.4.1(A8)	<p>Works within the protected root zone that do not comply with Standard E17.6.3</p> <p>The proposal may involve works within the root zone of street trees that do not comply with the standards.</p>	Restricted Discretionary	Along the site frontages Trelawn Place, Sandspit Road and Reydon Place.
Auckland Unitary Plan (Operative in Part) Chapter E17 Trees in roads	E17.4.1(A10)	<p>Tree removal of any tree greater than 4m in height or greater than 400mm in girth.</p> <p>The proposal may involve removal of the trees in front of the site along Sandspit Road and Reydon Place.</p>	Restricted Discretionary	Along the site frontages Trelawn Place, Sandspit Road and Reydon Place.
Auckland Unitary Plan (Operative in Part) Chapter E25 Noise and vibration	E25.4.1(A2)	<p>Construction noise and vibration that do not comply with permitted activity standards</p> <p>The initial acoustic investigation undertaken in Appendix L - Acoustics has indicated that the proposal is likely to result in infringements to at least the noise control for short term periods.</p>	Restricted Discretionary	The predicted noise and vibration levels at specific receivers will be determined as part of the detailed assessments.
Auckland Unitary Plan (Operative in Part) Chapter E27 Transport	E27.4.1(A3)	Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access.	Restricted Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.

		The design and location of parking, loading and access to the site will be confirmed as part of the detailed design package. If required, consent will be sought for non-compliances to the standards.		
Auckland Unitary Plan (Operative in Part) Chapter E38 Subdivision	E38.4.1(A4)	The proposal seeks to undertake a Unit Title subdivision around the apartments and terraced house.	Controlled Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES CS)	Regulation 10	The Soil Contamination memo in Appendices S and T set out that there are two discrete areas of the site that present potential risk and would require remediation and refers to a PSI, a DSI and a Remediation Action Plan. Future land development is likely to be considered a restricted discretionary activity under Regulation 10 of the NES, where a detailed site investigation has been prepared, and the activity is not permitted or controlled under the NES CS.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan PC78 Medium Density Residential Standards with the Water and/or Wastewater Infrastructure Constraints Qualifying Matter.	Mixed Housing Urban Zone. Two or more dwellings per site in the Infrastructure – Water and Wastewater Constraints Control. Rule H5.4.1(A14 C)	The proposal seeks to provide for 70 dwellings in apartments and terraced houses.	Restricted Discretionary (Note: no standards are specified to be complied with for this activity).	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan PC78 Medium Density Residential Standards without the Water and/or Wastewater Infrastructure Constraints Qualifying Matter.	Mixed Housing Urban Zone. Four or more dwellings per site. Rule H5.4.1(A4)	The proposal seeks to provide for 70 dwellings in apartments and terraced houses.	Restricted Discretionary - If the following standards are met, and also if not met under General Rule C1.9(2) of the AUP.	30 & 40 Sandspit Road and 2 & 4 Reydon Place.

			<p>H5.6.3B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps; H5.6.3C Dwellings within the Infrastructure – Stormwater Disposal Constraints Control as identified on the planning maps; Standard H5.6.4 Building height; Standard H5.6.5 Height in relation to boundary; Standard H5.6.6 Alternative height in relation to boundary Standard H5.6.8 Yards; Standard H5.6.9 Maximum impervious areas; Standard H5.6.10(1) Building coverage; Standard H5.6.11(5), (6) and (7) Landscaped Area; H5.6.12(1) – (9) Outlook space; Standard H5.6.13 Daylight; H5.6.14(1) – (4) Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls; Standard H5.6.16 Minimum Dwelling Size: Standard H5.6.18(2) Windows to street and private vehicle and pedestrian accessways; Standard H5.6.19 Deep soil area and canopy tree; Standard H5.6.20 Safety and</p>	
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			privacy buffer from private pedestrian vehicle accessways; Standard H5.6.21 Residential waste management.	
Auckland Unitary Plan PC78 Medium Density Residential Standards	Mixed Housing Urban Zone - New buildings and additions to buildings Rule H5.4.1(A34)	The same activity status and standards apply as to the related land use activity.	Restricted Discretionary	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan PC78 Medium Density Residential Standards	Maximum Height of 11m + 1m for roof form.C1.9(2).	<p>The maximum height of the development relating to the apartment buildings exceeds the maximum 11m by:</p> <ul style="list-style-type: none"> - Residential Building One, 2.41m. - Residential Building Two, 2.817m. - Residential Building Three, 2.182m. <p>It is noted that these infringements are related to the 11m height restriction only as the roofs are not pitched, whereas if they were, the maximum height infringement is reduced by a further 1m.</p>	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place.
Auckland Unitary Plan PC78 Medium Density Residential Standards		Standard H5.6.9 Maximum impervious areas required is 60% of the gross site area, and the current proposed is 56.9%	<p>Restricted Discretionary Activity</p> <p>Note: RD only if this standard is not met at final design stage.</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		Standard H5.6.10(1) Building coverage; Maximum proposed building coverage is 50%, of the net site area and the current proposed is 49.8% net site area.	<p>Restricted Discretionary Activity</p> <p>Note: RD only if this standard is not met at final design stage. Also notable is that coverage applicable to the land use lead approach includes the whole site area including future legal</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place

			access lots and/or rights of ways.	
Auckland Unitary Plan PC78 Medium Density Residential Standards	<ul style="list-style-type: none"> Minimum 20% of net site area. Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m² in relation to deep soil planting area requirements relating to minimum tree canopy and safety and privacy buffer control. Front yard landscaping 50%. 	<p>Standard H5.6.11(5), (6) and (7) Landscaped Area;</p> <p>Landscaped area complies at 37.6%, and front yard landscaped area complies, however, compliance with the deep soil and safety and privacy buffer standards is to be determined at detailed design.</p>	<p>Restricted Discretionary Activity</p> <p>Note: RD only if this standard is not met at final design stage. Also notable is that coverage applicable to the land use lead approach includes the whole site area including future legal access lots and/or rights of ways.</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		<p>H5.6.12(1), (2)(c) – (9) Outlook space;</p> <p>Complies currently</p>	<p>Restricted Discretionary Activity</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		<p>Standard H5.6.13 Daylight;</p> <p>Complies currently</p>	<p>Restricted Discretionary Activity</p> <p>Note: RD only if this standard is not met at final design stage</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		<p>H5.6.14(1) – (4) Outdoor living space;</p>	<p>Restricted Discretionary Activity</p> <p>The smallest dimension of 3m under the MDRS is not met, being 2.5m for 4 apartments fronting Sandspit Road, resulting in a 0.5m infringement. The AUP includes its own additional standard for four or more dwellings of a minimum dimension of 4m, so that is exceeded by 1.5m.</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		<p>Standard H5.6.15 Front, side and rear fences and walls;</p> <p>Complies currently</p>	<p>Restricted Discretionary Activity</p> <p>Note: RD only if this standard is not met at final design stage</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		<p>Standard H5.6.16 Minimum Dwelling Size:</p> <p>Complies currently</p>	<p>Restricted Discretionary Activity</p> <p>Note: RD only if this standard is not met at final design stage</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan		<p>Standard H5.6.18(2) Windows to street and</p>	<p>Restricted Discretionary Activity</p>	30 & 40 Sandspit Road and 2 & 4 Reydon Place

PC78 Medium Density Residential Standards		private vehicle and pedestrian accessways; Complies currently	Note: RD only if this standard is not met at final design stage	
Auckland Unitary Plan PC78 Medium Density Residential Standards		Standard H5.6.19 Deep soil area and canopy tree; To be determined due to complexity of the Standards and the unknown status of detailed landscaping proposed.	Restricted Discretionary Activity Note: RD only if this standard is not met at final design stage	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		Standard H5.6.20 Safety and privacy buffer from private pedestrian vehicle accessways; Complies currently	Restricted Discretionary Activity Note: RD only if this standard is not met at final design stage	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC78 Medium Density Residential Standards		Standard H5.6.21 Residential waste management. Complies currently	Restricted Discretionary Activity Note: RD only if this standard is not met at final design stage	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC79 Chapter E24 - Lighting	E24.6.2(1)(a) to (h)	Unknown if complies as no detailed lighting plan prepared.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
Auckland Unitary Plan PC79 Chapter E24 - Lighting	E24.9(1)(a) to (e) Special information requirements.	Unknown if complies as no detailed lighting plan prepared.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.1(1) & (2) – Trip Generation.	Consent needed for more than 60 dwellings under E27.6.1(c) and Table E27.6.1.1 (T1)	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.2(6) – Bicycle Parking	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.2(8) – Number of loading spaces.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.3.1 Size and location of parking spaces.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.3.2 – Size and location of loading spaces.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.3.2(A)(1),(3), (4) – Accessible parking	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.3.3(2A) – Access and manoeuvring for a 6.4m van.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place

PC79 Chapter E27 - Transportation	E27.6.3.4(!)(a) to (d) – Reverse Manoeuvring.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.3.4A(1) & (2) – Heavy Vehicle Access	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.3.5 (1)(a) to (d) – Vertical Clearance	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.4.3(1)(a) to (d) - Width of vehicle access, queuing and speed management requirements.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.6(1) to (3) – Design and location of pedestrian access in residential zones.	Unknown if complies as subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
PC79 Chapter E27 - Transportation	E27.6.7(1) – Electric vehicle supply equipment.	Will comply as cables are to be provided to provide for an EV ready capability. However, subject to detailed design.	Restricted Discretionary Activity	30 & 40 Sandspit Road and 2 & 4 Reydon Place
All Plans	All relevant rules	Confirmation that none of the activities proposed is a prohibited activity, See Appendix M.		

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.

Applications for Integrated Residential Development have previously been made on the site. These were made prior to the MDRS provisions of the RMA. This application is outside the scope of the previous application(s) and the previous applications have been withdrawn. See section 8 of **Appendix D** for further specifics about the details of those historic applications.

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

N/A - There are no other legal authorisations required to begin the project under any other Act. The site is not identified by the AUP or Council's GIS as having any cultural or heritage items of significance and has already previously been developed in the 1940's / 1950's and so no archaeological sites are expected.

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:

Legal authorisations may be required for:

- Removal of street trees. This requires resource consent (which has been identified above) and also landowner approval. If landowner approval is not obtained then a relatively minor redesign may be required to either avoid the tree so that it does not require removal or a change to the internal access arrangements will be needed to provide additional traffic circulation.
- Relaying a new wastewater pipe in an adjacent property to obtain falls. If permission cannot be obtained, then there are two options - raising FFL of terraces houses by 2.8 or installing a pump and storage tanks.

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.

Clearwater Construction has provided a letter (**Appendix N**) setting out the consenting and construction programme, design and construction resources, financial capacity, and design and construction sustainability. It is considered that under the Fast Track process and considering the construction work-streams, the project can be completed in a staged manner by December **2025**.

Clearwater Construction has a proven track record demonstrated by completed projects, including Kepa Road Outlook Apartments in Orakei, Elmstone Apartments, Wairua One in Remuera, and The Spire in Christchurch and the associated Hotel. These projects have proven financial capacity and/or have been able to secure tier 1 bank funding for all projects completed to date. Further, recently completed projects including Wairua One, The Spire, and the substructure to podium level on the current Project One Saint Stephens in Parnell have all been funded through internal sources without financial institution funding requirements. Details are able to be viewed at:

- Elm Apartments Remuera, 18 Orakei Rd - <https://www.elmremuera.co.nz>
- The Spire Apartments, Christchurch - <https://www.thespire.co.nz>
- Wairua One Apartments, 475 Remuera Rd - <https://www.onewairua.co.nz>
- One Saint Stephens, Parnell Apartments - <https://www.onesaintstephens.co.nz>
- Outlook Apartments, Mission Bay - <https://youroutlook.co.nz/about-outlook/>

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

We have not consulted with government ministries and departments as none of the anticipated effects relate to central government concerns. We have had pre-app engagement with MfE.

Local authorities

Detail all consultation undertaken with relevant local authorities:

Auckland Council has previously advised that it has no capacity for pre-application meetings. Just before Christmas 2022 Auckland Council agreed to provide some feedback and that feedback is expected in January 2023.

Other persons/parties

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

In accordance with S20(3)(h) the following persons/agencies are likely affected: **Iwi authorities, Auckland Transport, Watercare, and the Local Board.**

Detail all consultation undertaken with the above persons or parties:

Iwi authorities

Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in **Appendix O1** and a schedule of persons contacted is contained in **Appendix O2**.

We have not had any response to this as at 5 October 2022.

Auckland Transport

Consultation with Auckland Transport has not yet been undertaken. The traffic memo from Commute (**Appendix E**) sets out how the proposal will have only minimal effect on the operation of the surrounding road network in terms of safety and trip generation, and other traffic considerations such as design, pedestrian movements, access to public transport, are all acceptable. In this regard, as there are no significant traffic matters to be considered for this proposal it is considered acceptable to respond to Auckland Transport comments through the Fast Track process.

Watercare

Consultation with Watercare is being undertaken with feedback anticipated in January 2023. The engineering memo of DHC Consulting Group Ltd in **Appendix P** sets out how discussions with Watercare had occurred in 2021 in relation to the IRD application for 54 units in terms of wastewater infrastructure including provision of CCTV footage. It was agreed by Watercare that there is adequate capacity and that the downstream condition of the system needs maintenance and this is the responsibility of Watercare.

The DHC Memo also advises there is sufficient water supply for potable use and fire services, with appropriate infrastructure for this.

Local Board

A letter was provided to the Howick Local Board via email on the 13 September 2022 and this email and letter are included in **Appendix Q**. This included a link to the application plans, planning memorandum, and construction programme and profile of Clearwater Construction Ltd.

No response has been received to date as at 20 October 2022.

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
Ngai Tai ki Tamaki - Ngai Tai ki Tamaki Tribal Trust	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Ngati Maru - Ngati Maru Runanga Trust (Thames)	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Ngati Paoa - Ngati Paoa Iwi Trust, Ngati Paoa Trust Board	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.

Ngati Tamatera - Ngati Tamatera Settlement Trust (Thames)	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Ngati Te Ata Waiohū - Te Ara Rangatu o Te Iwi o Ngati Te Ata Waiohū	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Ngati Whanaunga - Ngati Whanaunga Incorporated Coromandel	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Te Ahiwaru – Waiohū - Makarau Marae Maori Trust	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Te Akitai Waiohū - Te Akitai Waiohū Iwi Authority	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Te Patukirikiri - Te Patukirikiri Incorporated (Thames)	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Waikato – Tainui - Te Whakakitenga o Waikato Incorporated (Hamilton)	Letters were emailed to the identified iwi from the Council's iwi facilitation guidance on the 9 September 2022. This email and the consultation letter are included in Appendices O1 and O2. We have not had any response to this as at 5 October 2022.
Ngati Tamaoho	A letter was emailed on 18 October 2022 as included in Appendices O1 and O2. The reason for this later provision than the other iwi is that Ngati Tamaoho were not identified in the Council's facilitation guidance list, however, we are aware Ngati Tamaoho have interest in this location.

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
N/A	N/A

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.

N/A - The project will not involve activity occurring on land identified as commercial redress land, cultural redress land, or statutory acknowledgment 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.

N/A - There are no customary marine title areas that apply to the location of the project.

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.

N/A - There are no protected customary rights areas that apply to the location of the project.

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.

Known and anticipated adverse effects

In summary, the identified key potential adverse effects associated with the proposal are:

- Landscape visual effects from the proposed buildings particularly as they infringe maximum height
- Amenity effects from the proposed new building and activity
- Traffic effects from traffic generation and new access being proposed
- Earthworks and construction effects associated with the development phase of the project – i.e. noise, vibration, construction traffic, and odour
- Infrastructure effects in terms of wastewater and water supply demand and capacities, and stormwater discharges

It seems likely that the potential landscape and urban design effects arising from an apartment building which is over-height will be the most significant issue. **Appendix D** (planning assessment) and **Appendix R** (covering letter) provide useful detailed assessment explaining why these effects are not significant.

In summary, the development will be noticeable because it is a large change from the existing environment. However, in the context of an area which is being zoned for intensification the change is consistent with the policy framework.

A preliminary high-level assessment memo has been prepared by specialists to address the above effects. These memos can be found in the Appendices, specifically **Appendix D** (planning), **Appendix E** (transport), **Appendix F** (economics), **Appendix I** (urban design), **Appendix J and K** (landscape), **Appendix L** (acoustic), **Appendix P** (engineering servicing), **Appendix S** (Contamination cover letter), **Appendix T** (Contamination Remediation Plan), **Appendix U** (Geotechnical analysis) and **Appendix V** (waste). Having considered the known and anticipated adverse

effects of the proposal based on the information that is available to date, it is concluded that the proposal will not have significant adverse effects on the environment. In particular, as noted by the Urban Design Report (**Appendix I**):

- The important infrastructure from an urban design perspective is the street network, public transport options, schools, parks and community services and facilities. This site has good access to these existing facilities, and it could further support the existing bus network and may assist with increasing services (along with other developments).
- The proposal is likely to be compatible with the planned urban built character of predominantly three storeys, however the landscape solutions will be a key aspect to achieving this.
- The proposal is consistent with the direction in the assessment criteria by locating taller buildings on the Sandspit Road frontage and lower buildings adjacent to the direct residential neighbours.
- The development overall largely achieves these outcomes (connections and legibility), in that most of the connections are safe and logical, a range of transport modes are (or can be) provided as can disabled access and the development will have a strong sense of identity. While there are a few areas which will require refinement / optimisation as part of the resource consent package (outlined below), these do not relate to the key reason for consent under the provisions of PC78 and / or would not require a substantial redesign of the development concept.
- The proposal to upgrade the street berms is very positive for the amenity and safety of the public realm. The proposal has good direct connections from the apartment buildings to the street network.
- The proposal provides a range of dwelling types and sizes which supports the policy seeking a variety of housing typologies in the zone. There are no other apartment typologies in the direct neighbourhood and these can provide for people wanting to transition out of older larger homes or may desire a more affordable or easy care solution while remaining in their local community.
- The proposal is likely to achieve a particularly good level of passive surveillance opportunities to the surrounding streets from both communal circulation spaces and from private dwellings.
- A real positive benefit of this proposal is the lack of individual or multiple vehicle crossings and garages. The Sandspit Road frontage will have a significantly better outcome to the existing in terms of amenity and safety which is important given the number of children accessing the schools nearby.

Auckland Unitary Plan Operative in part – Anticipated effects assessment

Activity status

The activity status of the proposal under the current SHZ is non-complying and proposed PC78 MDRS MHUZ restricted discretionary and non-complying overall, due to the activity status applicable to the operative SHZ - noting the SHZ is intended to no longer apply anywhere within urban Auckland.

Objectives and policies - SHZ

Single House Zone

Without exhaustive listing of the objective and policies, they can be summarised as:

- Complementing established or planned residential character of predominantly one to two storey dwellings.
- Provision of quality on-site and off-site residential amenity through urban design, landscaping, and safety (e.g. encouraging passive surveillance of public spaces).
- Non-residential activities provide for the community's social, economic, and cultural well-being, while keeping in scale with the character of development anticipated by the zone.
- Mitigating adverse effects on water quality through controlling impervious areas.
- To provide for integrated residential development on larger sites.

Notably, the reference to planned residential character contains the word “predominantly”. This application will not change the overall character of Cockle Bay from being predominantly one to two storey buildings.

PC78 Mixed Housing Urban Zone – Modified under the MDRS

The MHUZ-M objectives and policies have now been included in the AUP MHUZ Chapter H5 noting these are to be given legal effect for consideration of applications in that Zone. In this respect, noting that the Site is currently within the operative SHZ there is a weighting exercise required in the consideration of these.

In this regard, noting the fact that the AUP is amended under PC78 to remove the SHZ from all urban areas, it is considered the weighting to be afforded to the proposed MHUZ-M is considerably greater than should be applicable to the SHZ.

The MHUZ-M Chapter H5 under PC78 incorporates the objectives and policies included in the RMA EHSA and is accordingly significantly supportive of the proposal.

Without exhaustive listing of all of these objectives and policies, they can be summarised as:

- Provision of a well-functioning urban environment providing for social, economic, and cultural well-being, and health and safety of people and communities now and into the future.
- Responding to housing demand and the planned urban built character including 3 -storey buildings (note the MDRS provides for up to 11m plus 1m for pitched roof form).
- Land is efficiently used for higher density and high-quality residential living that increases housing capacity and choice with good access to public transport, and that achieves high quality amenity and safety on-site and to the surrounding neighbourhood.
- Development avoids adverse effects on water bodies and ecological areas and does not increase any effects resulting from climate change, and is resilient to the effects of climate change.
- Development to be adequately serviced by water, wastewater, and stormwater infrastructure.
- Intensification is avoided in areas with significant transport infrastructure constraints.
- Apply the MDRS across all relevant residential zones except where a Qualifying Matter is relevant.
- Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
- Enable more efficient use of larger sites by providing for integrated residential development.
- Require development of four or more dwellings per site to contribute to a safe urban road environment for pedestrians through improvements to the adjacent road network.
- Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints.

Assessment

There is yet to be any caselaw on interpretation and application of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. As noted above the site is subject to the RSHZ and the MHUZ-M provisions. Slightly complicating matters is the “Infrastructure – Water and/or Wastewater Constraints Control”, notably though:

- Auckland Council has proposed two overlays (Auckland Council s32 analysis, section 9.2.1) these are Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and Wastewater Constraints Control.
- It is the latter, Infrastructure – Water and Wastewater Constraints Control, which applies to this site.
- However, this qualifying matter is not listed as a matter which applies in relation to the relevant rule in the MHUZ-M activity table H5.4.1(A4). This is because the relevant zone already addresses water and wastewater capacity in terms of the matters of discretion (H5.8(2)(c)) “infrastructure and servicing” and assessment criteria H5.8.2(2)(h) “whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development”.

Thus it is not clear that there is any planning rationale to consider the RSHZ, given that the plan provisions of the zone already contain adequate provisions to ensure that the council has discretion over that specific issue.

Given that, it is the intensification framework that clearly should be applied the most weight in consideration of applications seeking to attain the outcomes of the MDRS objectives and policies referred above.

The proposed terraces and apartments are strongly aligned with these more relevant objectives and policies, and while the proposal cannot be developed as a permitted activity due to the number of dwellings proposed on one site, the height infringements identified for the apartments, the minor OLS dimensions for four ground level apartments, and the QM relating to water and wastewater infrastructure, does not diminish the extent of alignment with objectives and policies.

In particular, it is clear that the intent is that where standards cannot be met, or a proposal is otherwise unable to obtain permitted activity status, provided the design is of high quality, a development should be provided for. This outcome is clearly stated in the PC78 MHUZ Policy H5.3(E1) as highlighted above, noting the words “provide for” are compelling in this regard.

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:

A summary of assessments in relation to the relevant National Policy Statements and Environmental Standards is set out below.

However, for a full description of the standards, as well as a full and more detailed outline of the assessments, please see **Appendix W**.

National Policy Statement on Urban Development (NPSUD)

Employment

The project would create a considerable number of jobs in the construction industry, compared to the development scenario under the SHZ of one dwelling per site. More generally, it would support the overall commercial viability of the project and will ensure the economic and employment benefits are realised. For more detail please see **Appendix W**.

Housing supply

The project will increase housing by supplying 70 new dwelling units to the market. In particular, the project will increase the range and relative affordability of housing in the study area. This is significantly greater than what can be supplied on the Site currently. For more detail please see **Appendix W**.

Well-functioning urban environments

The development has been designed with a focus on quality and on-site amenity and also off-site amenity for the neighbourhood.

The intention is to provide a high quality residential development with a range of housing typologies, that also complements the existing and planned development of the location. For more detail please see **Appendix W**.

National Policy Statement for Fresh Water Management 2014 (Amended 2017 – noting the August 2020 NPS to take effect on 3 September 2020) (NPSFWM)

For a description of the NPFM's objectives and policies, please see **Appendix W**.

Assessment

The Site contains no waterbodies, and the proposal will be readily able to control any sediment runoff into any waterbodies.

The proposal does not compromise any outcomes anticipated in the NPSFWM.

New Zealand Coastal Policy Statement 2010 (NZCPS)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the Resource Management Act 1991 in relation to the coastal environment of New Zealand.

Assessment

The site is not within a coastal environment nor is any aspect of the proposal expected to affect the coastal environment. The AUP provisions would have been developed to give effect to the NZCPS, and the proposal does not trigger any consent requirements relating to the coastal areas.

National Policy Statement for Renewable Electricity Generation

This NPS applies to renewable electricity generation activities at any scale, including wind, geothermal, solar, biomass and marine. It covers the construction, operation and maintenance of structures associated with renewable electricity generation.

This is not relevant to this proposal as the proposal does not involve any renewable electricity generation activities

National Policy Statement on Electricity Generation

This NPS applies to developments near high-voltage transmission lines.

This is not relevant to this proposal as the site is not nearby high-voltage transmission lines.

National Policy Statement for Highly Productive Land

The object of this NPS is to protect highly productive land for use in land-based primary production, both now and for future generations. It relates to land in rural areas, not urban areas. It does not apply to this project.

National Environmental Standard for Air Quality 2004

The Air Quality NES are regulations made under the Resource Management Act 1991. They aim is to set a guaranteed minimum level of health protection for all New Zealanders. For more detail on this please see **Appendix W**.

Assessment

While the proposed development will result in additional traffic movements, it is unlikely that these would exceed the levels specified in the Air Quality NES. All other aspects of the proposal in terms of air discharges would be consistent with that expected for a typical residential apartment development in the zone.

It is proposed to provide for the necessary mains infrastructure to enable the provision to charge EV cars and bicycles should future purchasers require this.

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

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. For more detail on this please see **Appendix W**.

Assessment

The Memo from Geosciences in **Appendix S and T** sets out that the details of investigations completed for the Site in relation to the former investigations for the current IRD, and also provides a Remediation Action Plan (RAP) setting out how the contamination on the site should be managed.

The findings from the Detailed Site Investigation (DSI) identified some small areas of asbestos, some samples of soil with elevated levels of contaminants and heavy metals, noting there are two discrete areas where the site presents a potential risk to human health and would require remediation – being beneath the disused service station forecourt and the area containing the buried asbestos.

The Memo concludes that the investigations have not identified any significant contamination constraints that would prevent the proposed development from proceeding, and that the development would ensure that identified contamination in soil is remediated to a standard commensurate with the residential nature of the surrounding area. For reasons outlining why the following national standards do not apply to the proposal, please see **Appendix W**.

- **National Environmental Standard for Sources of Drinking Water**
- **National Environmental Standard for Telecommunication Facilities**
- **National Environmental Standards for Electricity Transmission Activities**
- **National Environmental Standards for Plantation Forestry**

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:

See **Appendix F**. The economic and employment benefits of the proposal are addressed above in Part VIII under *Employment* on page 23. There will be considerable FTE’s generated within the construction industry from the proposed development.

It is also noted that the additional people in the location will provide additional customers to the local shopping centre (zoned Business – Neighbourhood Centre) which contains a convenience store and restaurants located approximately 250m to the north along Sandspit Road.

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

The project takes advantage of being in a desirable location that is close to community facilities such as schools (Sandspit School and Howick College) and recreational areas (Howick Domain and Nixon Centennial Park) as well as commercial hubs such as Meadowlands, and the Howick Village. So there is good access to social and recreational facilities

The site is adjacent to main bus routes and has great access to the local bus stops (multiple options are available within 150m). The transportation report (**Appendix E**) concludes that, the proposed development has good public transport connections and is likely to encourage residents to contribute and make use of the public transport services to and from the site. Also, while the area might initially present as suburban, page 13 of the Urban Economics Report (**Appendix F**) notes that there are approximately 32,800 business and 125,000 jobs within a 10km radius of the site. Therefore, while not being a central city location, the site is well placed to provide its residents with convenient access to work, education, recreation and shopping, reducing travel distances, travel time and associated carbon emissions from time.

The opportunity provided to future generations to reside in this location with the above services and facilities will provide positive outcomes for residents in the development achieving significant social well-being.

It is appreciated that the character of the neighbourhood change, but that change is largely reflective of the change necessary to achieve the intensification directed by the MDRS. Actual effects on the surrounding environment, such as traffic are quite limited.

The development supports achieving a compact urban form, noting its accessibility to public transport, local services and jobs. Increased residential density on the site in an appropriate form and design is therefore also a good outcome from an urban sustainability perspective, which also has positive effects on social and cultural wellbeing of current and future generations.

The proposal does not present any adverse effects to any cultural values, noting that to date, iwi have not responded to the proposal. There will be further opportunity to revise the design in conjunction with iwi authorities as part of preparing resource consent documentation.

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

The proposal represents a substantial change to the existing character of the area. However, the Council has notified the rezoning to MHU-M under PC78. The Council therefore anticipates greater intensity of use and development on the Site than what currently exists or is possible under the current SHZ.

As this would be the first development to take advantage of the MDRS and the provisions of the SHZ have not yet been completely extinguished, it is expected that Auckland Council would publicly notify the application.

It is understood, based on feedback from the Ministry for the Environment, that the Ministry's 'best case' assessment of timeframes is now three months for the Minister's approval, and an additional four months for the EPA/Expert Consenting Panel process. Therefore, the fast-track consenting process is anticipated to take a total of approximately seven months.

Furthermore and separate to Auckland Council's delays discussed below, if this project is not fast-tracked Box would likely hold off further work on the resource consent application process until the MDRS and PC78 are resolved. That would result in a delay of around 12 months. By contrast, under the RMA, based on recent experience with Auckland Council, the process would be expected to take at least 12-18 months as a conservative estimate with an application of this type within the locality.

For a description of similar projects CIVIX have dealt with, please refer to **Appendix X**.

Therefore, while it is accepted that some of the delays are due to the applicant's team working through responses, and agreement to suspend the application to initiate this after notification of the MDRS over the site as recommended by the Council planner, this process is clearly inefficient in that:

- The suspension of the application to assist the Council to process the application more efficiently as advised has clearly not resulted in that outcome, and the applicant's planner (Mr Hessell) is still working to resolve matters.
- Traffic responses from the Council have to date proven slow and inaccurate and are now at a complete stand still with no indication when this will be resumed.

- The applicant's team have still not been able to obtain resource consent approval despite following what was considered advice to assist this from the Council planner. This is at a point some 11 months after lodgment of the application.

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:

As discussed above the proposal will create a considerable number of jobs within the construction industry, with an estimated total of 177 Full-Time Equivalent (FTE) jobs created for the lifetime of the project as follows:

Year 1 (consenting): 15 FTE

Year 2 (construction): 62 FTE

Year 3 (construction): 80 FTE

Year 4 (construction): 20 FTE

Section 9 of the economics assessment (**Appendix F**) provides a more detailed assessment of the economic benefits.

Housing supply:

The public benefit of increasing housing supply has been assessed by Urban Economics, and this is included in Section 11 of Appendix M (economics report), with a section specifically responding to Section 19(d)(ii).

This notes that the project will increase housing by supplying 70 dwellings to the market. In particular, the project will increase the range and relative affordability of housing in the study area. Section 6 of **Appendix F** (economics report) notes that there is a shortage of new dwellings in the local area (likely caused by the extensive use of the SHZ zone). There is also very limited range of apartment living and this development will fill a significant gap in the market and align with policy 1 of the NPS-UD by increasing the supply of a form of housing (apartments) which there is a shortage of in the local area.

The Urban Design assessment (**Appendix I**) notes on page 17: The proposal provides a range of dwelling types and sizes which supports the policy seeking a variety of housing typologies in the zone. There are no other apartment typologies in the direct neighbourhood and these can provide for people wanting to transition out of older larger homes or may desire a more affordable or easy care solution while remaining in their local community.

There is also the opportunity for the proposal to 'free up' existing larger sections that can then be developed with additional housing, where existing occupants are looking to down-size but stay within the locality.

Contributing to well-functioning urban environments:

The contribution of this development to well-functioning urban developments is set out in the assessment regarding the NPSUD above. This assessment demonstrates the role that this development will play in enabling intensification and why it is important to consider not only the size of this development, but also the important role it will perform in facilitating the renewal and intensification of this part of Auckland.

The NPSUD requires that planning decisions contribute to "well-functioning urban environments", which has already been discussed and assessed above including the proposal's contribution to providing a variety of housing typologies. Nick Rae of TransUrban has provided a brief qualified summary of the proposal in urban design terms, included in **Appendix I**. Key conclusions have been summarised above.

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

The proposal does not provide infrastructure for these specific benefits, but the proximity of the development to existing facilities and services contributes towards positive economic and environmental outcomes.

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

The proposal does not seek to directly improve coastal or freshwater quality, air quality or indigenous biodiversity, however a high-quality landscaped outcome will be achieved on the site and discharges will be managed as to not adversely affects freshwater terrestrial ecology or air quality.

Minimising waste:

Clearwater Construction are Building & Civil Engineering Constructors with a proven track record and are an integral part of the application development and implementation team. As part of its construction practices, Clearwater Construction adopts waste minimisation and energy efficiency methods as set out below under the following section – also of relevance here.

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 construction of modern apartments to a high quality will have a net positive effect on the environment with regards to mitigating climate change. These houses will be better insulated and require less energy for heating.

Initiatives below to achieve energy efficiency include:

- Reuse of Demolition materials, particularly concrete crushing for site aggregates.
- Recycling of 90% of construction waste through CCL's selected waste management provider.
- Onsite environmental management establishment & monitoring systems to mitigate any emissions
- Design and selection of high thermally insulated façade and roof systems to maximise thermal comfort and energy efficiency. Including use of high-performance glass specification and protecting areas of glazing by large overhangs.
- All elements of the external building fabric are carefully selected for durability and maintainability
- Selection of materials where practicable that maximise recycling and energy efficiency and minimise carbon emissions and use of non-renewables (e.g., low E glazing systems, LED lighting).
- Design and selection of Services Systems that maximise passive outcomes and energy efficiency, including full life cycle impact assessment.
- Selection of energy efficient appliances and fittings throughout apartments.
- Sourcing of products and labour through suppliers and contractors in compliance with the Modern Slavery proposed Legislation
- The design will include storm water retention tanks.
- Car parks will be EV charging ready (i.e., futureproofed for e-vehicles).

As discussed above, public transport and the walking/ cycling proximity to a number of facilities and services as addressed above will mean that residents can access facilities to meet their day to day needs without dependence on individual cars. Overall, the excellent accessibility of the site to Auckland's public and active transport networks will provide the opportunity for future residents to reduce their auto dependence, especially compared to a greenfield housing development. This will also result in positive contributions to efforts to mitigate climate change and lower emissions.

Promoting the protection of historic heritage:

There is no known historic heritage associated with the site, and unlikely to be any accidental discovery.

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

The site is not subject to any natural hazards and therefore development on the site would not exacerbate natural hazards, The development would also be protected from predicted natural hazards and the effects of climate change, thereby strengthening environmental, economic, and social resilience.

The site is not shown to be subject to any flood or coastal hazard. There is also no significant flood hazard (overland flow paths, flood plain or flood prone areas) shown in close proximity to the site.

The site is sufficiently setback from the coastline by approximately 900m in distance, and is therefore not subject to natural hazard risks such as coastal erosion or sea level rise.

The site is not subject to any notable geotechnical constraints that would unduly prevent safe redevelopment of the site, based on the Geotechnical Investigation (**Appendix U**).

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

The proposal provides resilience by increasing the availability of housing that is not impacted by natural hazards or the impacts of climate change.

Other public benefit:

Public benefit matters have been addressed in sections above. A summary of these is:

- Provision of more affordable housing in apartment typology, in a catchment currently undersupplied for the price points available.
- Provision of additional housing in a desirable location in relatively with good access to public transport, schools, local amenities and jobs.
- Creating employment opportunities in the construction sector.
- Spin-off economic effects to the local retail/ commercial services.
- Funding provided for wider infrastructure and reserve benefits by way of development contributions.

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

The proposal does not have potential for significant adverse environmental effects, including greenhouse gas emissions.

Part X: Climate change and natural hazards

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

The site is highly suitable for development in terms of natural hazards and climate change. No natural hazards are considered to affect the subject site including flooding, coastal and land instability hazards, based on Council's Geomaps flood hazard layer.

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	Clearwater Construction and Box Properties have not received any abatement notices in the last five years and all projects completed have achieved all consenting and code compliance certificates. See Appendix N

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.

Andrew Braggins

23/12/2022

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.

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
Yes	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
Yes	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.
Yes	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.