

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

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

Local authority providing comment	Auckland Council
Contact person (if follow-up is required)	Russell Butchers
	Principal Project Lead
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Quarterdeck Project
General comment – potential benefits	The proposed development would provide an additional 70 residential units and is an efficient use of brownfield land.
General comment – significant issues	<p><u>Zoning</u></p> <p>The subject site is zoned Residential – Single House Zone (SHZ) but is subject to Plan Change 78 (PC78). PC78 would see the site rezoned to Residential – Mixed Housing Urban zone (MHUZ), which envisions significantly greater levels of density for the site compared to the SHZ. It is unlikely that PC78 will have been fully adopted by the time that the EPA considered a fast-track application for this proposal, and therefore the proposal would need to be considered against the objectives and policies of both the SHZ and MHUZ.</p> <p><u>Flooding / Stormwater</u></p> <p>There is a well-known significant flooding issue downstream of the application site. Auckland Council Healthy Waters recommend that the application includes provisions for stormwater storage devices within the site to add more detention volume and to control a slower release of stormwater flows during 10% AEP and 1% AEP events.</p> <p><u>Wastewater capacity</u></p> <p>Auckland Council notes that Watercare have identified that there is insufficient wastewater capacity to cater for the proposed development due to downstream capacity constraints. Any local network upgrades and extensions required as a result of the proposed development must be fully funded by the developer.</p>

	<p><u>Traffic</u></p> <p>Auckland Council supports AT's recommendation that the applicant undertake a full traffic assessment to determine whether there are any safety or operational effects on pedestrians or the network.</p>
Is Fast-track appropriate?	<p>Yes – the Council considers that the fast-track consenting path is appropriate for this proposal.</p> <p>If accepted for fast-tracking, the EPA should ensure that all submitters who were party to Environment Court proceedings for resource consent application BUN60356953 (pursuant to RMA s274) are provided an invitation to comment on the fast-track application. The Council can provide the EPA with the address information for the submitters upon request. The Council notes that application BUN60356953 has been withdrawn by the applicant and that Environment Court proceedings have thus ceased.</p> <p>The Council also recommends that all persons who were directly served with a notification letter on application BUN60353138 (which was publicly notified) be invited to comment on any fast-track application.</p>
Environmental compliance history	<p>Auckland Council have looked at the compliance enforcement history of:</p> <ul style="list-style-type: none"> • Box Property Investments Limited • David Robert Jans • Michael Grant Sullivan <p>To be thorough, we have reviewed compliance history for multiple other companies where the applicant is a director/ shareholder.</p> <p>No enforcement action has been taken against any of the stakeholders above. There are no significant outstanding compliance concerns for the parties above that we are aware of.</p>
Reports and assessments normally required	<ul style="list-style-type: none"> • AEE • Visual simulations • Urban Design Assessment • Landscape Assessment • Traffic and Transport Assessment • Construction Management Plan • Construction Traffic Management Plan • Landscape Plans • Architectural Plans • Engineering Plans • Infrastructure Report (including Three Waters infrastructure) • Geotechnical Investigation • Contamination and Remediation Assessment • Noise and Vibration Assessment • Lighting Report
Iwi and iwi authorities	<p>Auckland Council's mana whenua engagement tool has identified the following iwi relevant to the application site:</p> <ol style="list-style-type: none"> 1. Ngai Tai ki Tamaki 2. Ngāti Maru 3. Ngāti Paoa 4. Ngāti Tamatera 5. Ngāti Te Ata

	6. Ngāti Whanaunga 7. Te Ahiwaru – Waiohūa 8. Te Akitai Waiohūa 9. Te Patukirikiri 10. Waikato Tainui
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	<p><i>Q.4: When do you anticipate that a hearing will be held and a decision made on Plan Change 78 to the Auckland Unitary Plan?</i></p> <p>This is not currently known, however we can provide the following general timeline:</p> <p>Hearings: March-December 2023</p> <p>Recommendations from Panel to the Council: December 2023</p> <p>Council decisions in response to recommendations: March 2024</p> <p>Decisions by Minister for the Environment on recommendations the Council rejected: After March 2024.</p>
Other considerations	<p>The following comments have been received from the Howick Local Board member David Collings:</p> <p><i>On behalf of the Board, I feel very confident that the members would be unanimous in wanting no less opportunity for involvement by the public through any process that considers any development activities on this site, than there were possible through and during the previous consent applications.</i></p> <p><i>Therefore we wish to raise concerns that any mechanism that sees to "Fast Track" a development process may diminish the abilities of the public to be involved and provide input, and for there to be clear process ensuring transparency and accountability.</i></p> <p><i>While there are changes in the pipeline, any matters concerning land use should comply with the current Resource Management Act and therefore any requirements specified under the Auckland Unitary Plan.</i></p> <p><i>There has already been a special process utilized in regards to development on this site and it is our understanding the last application was sent direct to the Environment Court for a decision with submitters to the previous consent application to this as being deemed parties to this.</i></p> <p><i>Obviously a lot has changed over the last few years with more changes coming to laws regarding land use activities and we would submit that at all times public input should be included with high regard.</i></p> <p><i>I'm not stating that just because a number of people don't want something that it should not go ahead as I very much respect planning rules and processes. However, the ability for the public to be involved with all the legal rights and opportunities afforded to them should be ensured.</i></p>

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.

Jacob Paget

From: Russell Butchers s 9(2)(a)
Sent: Monday, 17 April 2023 12:29 pm
To: Fast Track Consenting
Subject: RE: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Quarterdeck Project

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Hi Max,

Thanks for your phone call.

I can confirm that the Auckland Council response included an incorrect consent reference in the following sentence:

*The Council also recommends that all persons who were directly served with a notification letter on application **BUN60353138** (which was publicly notified) be invited to comment on any fast-track application.*

The correct consent reference should be BUN60356953 (i.e. the publicly notified application that was directly referred to the Env Court).

I can clarify that the Council's advice is that:

- At a minimum, the Council recommends that all s274 parties on application BUN60356953 should be served with a letter inviting comments on the fast-track application.
- Beyond this, we also recommend that a letter is sent to all persons who were directly served with a notification letter on BUN60356953 inviting comments on any fast-track application. The Council can provide this list of these persons/addresses.
- I note that the first application on this site (BUN60324132) was limited notified. All persons who were limited notified on BUN60324132 were directly served with a notification letter on the subsequent application BUN60356953. As such, if a notification letter is sent to all directly served persons on BUN60356953 then this would also include those limited notified on BUN60324132.

Let me know if you need any further information.

Ngā mihi,

Russell

Russell Butchers | Principal Project Lead
Auckland Council | Premium Resource Consents
s 9(2)(a)

From: Russell Butchers
Sent: Monday, 13 March 2023 2:52 PM
To: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>
Cc: Ian Smallburn s 9(2)(a)
Subject: RE: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Quarterdeck Project

Kia ora Jacob,

Auckland Council's comments on the proposed fast-track referral are attached.

Ngā mihi,

Russell

Russell Butchers | Principal Project Lead
Auckland Council | Premium Resource Consents
s 9(2)(a)

From: Fast Track Consenting <fasttrackconsenting@mfe.govt.nz>

Sent: Monday, 27 February 2023 4:11 PM

To: Jim Stabback s 9(2)(a)

Cc: Ian Smallburn s 9(2)(a); Fast Track Consenting
<fasttrackconsenting@mfe.govt.nz>

Subject: [COMMERCIAL]COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Quarterdeck Project

Tēnā koe Jim

Attached is a letter inviting your comment on the following application that has been made to the Minister for the Environment under the COVID-19 Recovery (Fast-Track Consenting) Act 2020.

- Quarterdeck Project, Cockle Bay, Howick, 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.

Many thanks

Jacob

Fast Track Consenting

Ministry for the Environment | Manatū Mō Te Taiao

fasttrackconsenting@mfe.govt.nz | mfe.govt.nz

This email account is monitored by several members of the team, to ensure responses are managed in a timely manner.



Ministry for the
Environment
Manatū Mō Te Taiao



**A flourishing environment
for every generation.**
He taiao tōnui mō ngā
reanga katoa.



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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)	Elmira Vatani
	Principal Development Planner
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Box Property Investments Limited
General comment	AT does not raise any significant concerns about the proposed development. However, a full traffic assessment is required to determine whether there are any safety or operational effects on pedestrians or the network.
Other considerations	<p>The subject site is zoned Residential - Single House Zone. A medium-density development is proposed to deliver 70 units over the site area of 5,417m². It is not clear if any road works/upgrades are included as part of the proposed development. The application is a non-complying activity pursuant to Rule H3.4.1(A6) for having more than one dwelling per site. However, it is also important to note that the site has been identified as Mixed Housing Urban in Plan Change 78 which implements the Medium Density Residential Standard (MDRS) and envisions much greater intensity of use compared to the operative zoning.</p> <p>A Building Line Restriction (BLR) (K115716 and A93511) was registered against the certificate of title of 30 Sandspit Road, 2 and 4 Reydon Place to allow for the creation of a new street in 1962. However, approval was obtained from AT to remove this BLR in September 2020 so that matter has now been resolved.</p> <p>There are two vehicle crossings proposed to provide access to the subject site. The distance from the proposed vehicle crossing to the intersection of Trelawn Place/Sandspit Road and Reydon Road/Sandspit Road has not been identified. The 95th percentile queue from the intersection should be shown as there is a pedestrian crossing at the intersection of Trelawn Place/Sandspit Road and pedestrian demand is high at this intersection due to the close proximity to the primary school, college, and bus stop.</p> <p>The subject site has reasonable accessibility to public transport; public buses only; (for example Route 72 runs every 10 minutes during peak hours and every 30 minutes during other times to Meadowlands and Botany and Howick and Panmure). It is also located in close proximity of local shops and educational facilities. Therefore, the location is suitable for a medium-density residential development.</p> <p><i>The following information is required:</i></p> <ul style="list-style-type: none"> - A Transport Impact Assessment. In addition to the usual fare, the following specific matters should be addressed including: a sight distance assessment under the Austroads; and, an assessment of the existing active mode facilities in the immediate area (including

	<p>footpath and pedestrian crossings) and whether any upgrades to those facilities are necessary to mitigate the effects of the proposal.</p> <ul style="list-style-type: none"> - Assessment against the principles of Crime Prevention through Environmental Design (CPTED) insofar as the proposed development relates to the streetscape - Further information such as tracking plans, site plans, and construction management plan is required to ensure that vehicles do not reverse turn into adjacent roads.
[Insert specific requests for comment]	<p>The applicant should be required to assess the existing active mode amenities in the locality and whether any upgrades are required, including walking and cycling on Sandspit Road in particular at the subject site frontage.</p>

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.

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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 Limited
Contact person (if follow-up is required)	Nick Odhiambo s 9(2)(a)
	Development Engineer
	Watercare Services Limited

Comment form

Please use the table below to comment on the application.

Project name	Quarterdeck Project - 30 and 40 Sandspit Road and 2 and 4 Reydon Place, Cockle Bay, Auckland
General comment	<p>The proposed development of approximately 70 residential units within 12 two-storey (up to 6.5 metre) terraced houses and three 4-storey (up to 13.8 metre) apartment buildings.</p> <p>No infrastructure report, engineering plans, capacity assessments and fire/water supply-demand were provided as part of this application. Based on the limited information provided to MfE, Watercare has undertaken a very high-level assessment for the proposed development.</p> <ol style="list-style-type: none"> 1. Watercare has been asked to comment on the application for referral for the Quarterdeck Project to use the Fast-track process under the COVID-19 Recovery (Fast-track Consenting) Act 2020. Watercare cannot support the development at its current scale being accepted for referral by the Minister to an expert consenting panel. The reasons for Watercare's opposition to the current proposal are that there are substantial infrastructure servicing constraints which the Quarterdeck Project, at current scale, will exacerbate. 2. Auckland Council has notified Plan Change 78 ("PC78") in response to the government's direction for intensification via the NPS-UD and the RM (Enabling Housing Supply and Other Matters) Amendment Act. As part of PC78, Watercare has identified Water and Wastewater Servicing Constraints as a Qualifying Matter (W/WWQM). The proposed W/WWQM applies to 50,918 sites in Auckland that are subject to limitations related to the provision of water and wastewater services that will not be able to be addressed in the next 10 years. The proposed W/WWQM will require resource consent to be obtained for new dwellings on sites subject to the QM.

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3. The Quarterdeck Project site is identified as being subject to the proposed "Infrastructure – Water and/or Wastewater Constraints Control", a spatially identified QM in PC78. As such, if the W/WWQM is made operative as proposed, resource consent would then be required under the Auckland Unitary Plan ("AUP") for development on the site to infringe the W/WWQM. Watercare would receive notification of any such consent application, meaning Watercare would have the right to formally submit on the application and, if necessary, oppose the grant of consent. PC78 is currently subject to the statutory Independent Hearings Process and will be made operative approximately in March 2024.
4. The section 32 report for PC78 identifies the site as being subject to both water and wastewater transmission constraints.
- (a) **Wastewater** – Based on the available information, uncontrolled overflows are currently occurring on the Cockle Bay Branch sewer. The Fast-Track application is for the development of 70 new units. A development of this scale, which is unanticipated by the site's current AUP zoning and also unanticipated under PC 78, would result in an increase in the frequency and volume of future uncontrolled overflows to the environment. This is a significant adverse effect which Watercare wishes to avoid, as far as practicable.
- (b) **Water supply** – Based on the available information, a significant resilience risk / constraint has been identified on the existing Howick Loop transmission watermain, which services this site and surrounding area. Further intensification/growth represents greater impact to customer level of service should the performance of the existing infrastructure be compromised. That is, if an additional 70 units are developed on the subject site and the existing watermain is compromised, those additional dwellings will be subject to water supply servicing constraints until such time as the issue with the existing watermain can be rectified. While there is a low probability of this effect occurring, it will have a significant impact on future residents of the subject site if it does occur, meaning this effect should be avoided.
5. Watercare is open to working with the developer to determine if there are options to ensure development of the site will not result in significant adverse effects to its water and wastewater networks. Options may include reducing the number of units within the development, entering into agreements to upgrade the constrained infrastructure, sequencing/staging of the development, and/or other on-site mitigations. These matters are all more appropriately able to be considered through the standard RMA consenting process, rather than the Fast-Track consenting process.
6. Overall, Watercare considers that the Quarterdeck Project:
- (a) is contrary to the provisions of the operative AUP and PC 78;
- (b) will not give effect to the purposes of the COVID-19 Recovery (Fast-track Consenting) Act 2020 as it will:
- (i) not contribute to a well-functioning urban environment.
- (ii) not improve environmental outcomes.
- (iii) not provide infrastructure in order to improve economic, employment, and environmental outcomes; and
- (iv) have significant adverse environmental effects; and
- (c) is more appropriately considered under the standard consenting process under the RMA.
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Other considerations	
[Insert specific requests for comment]	

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