

BRF-886

2 December 2021

Jim Stabback
Chief Executive Officer
Auckland Council
Email: s 9(2)(a)

Dear Jim Stabback

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Whenuapai Green and The Hill - Ellerslie – Comments sought

The Minister for the Environment (the Minister) has received applications to refer the following two projects to an expert consenting panel (a panel) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA):

1. Whenuapai Green – from Neil Construction Limited and Maraetai Land Development Limited
2. The Hill – Ellerslie – from Auckland Thoroughbred Racing Incorporated and Fletcher Residential Limited (trading as Fletcher Living)

The projects are described in Appendix A, and links to all application documents are provided in the covering email.

Under delegated authority from the Minister and pursuant to section 21(2) of the FTCA, I invite you to provide written comments on the referral applications. A template is attached for this purpose. Comment is sought on the specific matters outlined in the table below, and on any other matter you consider relevant to the Minister's decision on whether to refer the projects to a panel.

Specific questions on the applications

Project: Whenuapai Green

1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?
2. What reports and assessments would normally be required by the Council for a project of this nature in this area?
3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?
4. Are there any known plan changes in preparation for the site that may be relevant to the project, and if not, do you consider it appropriate for the project to be developed in this location ahead of a plan change process?

Project: The Hill - Ellerslie

1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing RMA consenting processes rather than the processes in the FTCA?
2. What reports and assessments would normally be required by the Council for a project of this nature in this area?
3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?

If the Minister accepts the applications and the projects are referred to a panel (or panels), the council will have the opportunity to nominate a local authority representative (who could be a councillor or independent hearings commissioner) to sit on the panel and determine the resource consent applications for the projects. The applicants will provide a detailed assessment of environmental effects and cultural impact assessments at this stage and the Council will have the opportunity to provide further comments to the panel/s. The Ministry for the Environment has prepared guidance on local authority involvement with fast-track consenting projects which you can access on the Ministry for the Environment website.

Please provide your comments via return email within 10 working days to ensure that the Minister will take your comments into consideration when deciding on the referral applications. Note that the Minister is not required to consider comments provided after this time, although he can still choose to do so.

If you wish to discuss the applications, please contact me or my team at fasttrackconsenting@mfe.govt.nz to arrange an appointment.

Yours sincerely



Stephanie Frame
Manager, Fast-Track Consenting Team

Enclosures:

A. Response template for written comments

cc: Ian Smallburn, General Manager Resource Consents
Auckland Council - s 9(2)(a)

Appendix A - Schedule of proposed projects

Project	Applicant	Details
Whenuapai Green - Auckland	Neil Construction Limited and Maraetai Land Development Limited	<p>The project is to subdivide a greenfield site covering approximately 16 hectares and construct a housing development at the western edge of the NZ Defence Force Whenuapai Airbase. The project includes two development options, providing either approximately 459 residential lots and residential units, or approximately 353 residential lots and residential units and a balance lot for future development of a primary school. Both options also provide private access lots, and public roads and reserves intended to vest in Auckland Council.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> subdivision vegetation trimming and clearance, including of trees in roads and near streams earthworks (including disturbance of contaminated soils) diverting overland flow paths discharging stormwater and contaminants to land and water placing structures in an overland flow path and flood plain construction of residential units construction of roads and vehicle access, and three waters services landscaping and planting of open spaces any other activities that are – <ol style="list-style-type: none"> associated with the activities described in a to i; and within the project scope. <p>The project will require subdivision consent and land use consents, and discharge permits under the Auckland Unitary Plan (AUP), and land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>
The Hill – Ellerslie, Auckland	Auckland Thoroughbred Racing Incorporated and Fletcher	<p>The project is to subdivide part of the Ellerslie Racecourse property and construct a housing development consisting of approximately 370 residential units in a mix of detached, duplex and terrace houses from 1–3 storeys high and five apartment buildings 6–7 storeys high. One of the</p>

	<p>Residential Limited (trading as Fletcher Living)</p>	<p>apartment buildings will be designed for the active retired market. The project will also create open space areas, private access lots, pedestrian and cycle accessways, together with public roads intended to vest in Auckland Council.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> subdivision vegetation trimming and clearance earthworks (including disturbance of contaminated soils) diverting groundwater and overland flow paths discharging stormwater and contaminants to land placing structures in an overland flow path and flood plain construction of residential units construction of three waters services construction of roads, vehicle access, parking areas and pedestrian and cycle accessways landscaping and planting of open spaces any other activities that are – <ol style="list-style-type: none"> associated with the activities described in a to j; and within the project scope. <p>The project will require subdivision consent and land use consents, and water and discharge permits under the AUP, and land use consent under the NES-CS.</p>
--	---	---