

# 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.*

<b>Local authority providing comment</b>	Auckland Council
<b>Contact person (if follow-up is required)</b>	Russell Butchers, Principal Project Lead, Premium Resource Consents
	s 9(2)(a)
	Click or tap here to enter text.

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	The Hill - Ellerslie (Ellerslie Racecourse)
<b>General comment – potential benefits</b>	The proposed development would provide an additional 370 dwellings in a variety of housing typologies, which would positively contribute to Auckland's housing stock. It is also noted that the application site is within walking and/or cycling distance of Ellerslie and Greenlane train stations, and local bus connections.
<b>General comment – significant issues</b>	<p>The Council notes that the application site is zoned 'Special Purpose– Major Recreation Facility Zone'. Residential activities are not anticipated within this zone.</p> <p>The Council's most significant concern with this application in terms of adverse effects relates to the management of stormwater runoff.</p> <p>Auckland Council's Health Waters Department have highlighted that the development has the potential to cause significant stormwater runoff issues and that there are potential flooding issues downstream of the application site.</p> <p>The Council is concerned that if the application goes through the fast-track consenting process, without the stormwater management matters having been resolved, that there is the potential that stormwater outcomes will be compromised and/or that significant redesign may be required at a later date. It is noted that appropriate stormwater treatment solutions have not been identified by the applicant and that these have the potential to take up large amounts of space.</p> <p>As the application site is not zoned for residential use, flood models and the stormwater network were not developed in anticipation of residential use. As such, if appropriate stormwater management and treatment measures are not provided for then there is the potential for significant adverse flooding and stormwater runoff effects to occur.</p>

	Further detailed comments from Healthy Waters are provided at the end of this response as Appendix 1.
<b>Is Fast-track appropriate?</b>	<p>The Council notes that the application site is zoned 'Special Purpose– Major Recreation Facility Zone'. Residential activities are not anticipated within this zone and as such the Council considers a plan change to be the most appropriate process for this development.</p> <p>In addition to the above, given the unresolved matters with regards to stormwater management, and the potential for significant adverse flooding effects, the Council does not support this application going through the fast-track consenting process.</p> <p>Should the Minister be minded to accept the application for the fast-track consenting process then it is recommended the referral order includes a requirement that a Stormwater Management Plan, that has been agreed with the Council's Healthy Waters department, is in place prior to the fast-track application being lodged.</p>
<b>Environmental compliance history</b>	N/A
<b>Reports and assessments normally required</b>	<ul style="list-style-type: none"> <li>a. AEE</li> <li>b. Integrated Transport Assessment</li> <li>c. Stormwater Management Plan</li> <li>d. Flood hazard assessment</li> <li>e. Cultural Values Assessment</li> <li>f. Urban design assessment</li> <li>g. Landscape and visual effects assessment</li> <li>h. Arboricultural report</li> <li>i. Civil design report</li> <li>j. Infrastructure report</li> <li>k. Geotechnical report (including groundwater)</li> <li>l. Freshwater ecology report</li> <li>m. Terrestrial ecology report</li> <li>n. Contaminated land assessment</li> <li>o. Archaeological report (if any relevant rules triggered)</li> </ul>
<b>Iwi and iwi authorities</b>	The applicant is directed to the Council's mana whenua engagement tool to identify the relevant iwi to this application: <a href="https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx">https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx</a> ( Short URL: <a href="https://shorturl.at/hxJZ4">shorturl.at/hxJZ4</a> )
<b>Relationship agreements under the RMA</b>	N/A
<b>Insert responses to other specific requests in the Minister's letter (if applicable)</b>	N/A
<b>Other considerations</b>	<ul style="list-style-type: none"> <li>a. Other potential adverse effects on the environment include: visual dominance, residential and visual amenity, shading, outlook, privacy, scale and intensity of development. These matters should be assessed as part of any application.</li> </ul>

	<ul style="list-style-type: none"> <li>b. Watercare Services Limited have identified that upgrades to the water and wastewater network would be required to facilitate this development. However, this would not preclude the application from being accepted for the fast-track consenting process.</li> <li>c. Auckland Council Parks Planning, as asset owner, have not identified any reasons that would preclude the application from being accepted for the fast-track consenting process.</li> <li>d. Auckland Transport have advised that they do not oppose the proposal being accepted for the fast-track consenting process. The detailed comments of Auckland Transport are included as appendix 2.</li> <li>e. The Orakei Local Board have advised that they do not support this application going through the fast-track consenting process. The Local Board's comments are included as Appendix 3.</li> </ul>
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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.

### **Appendix 1: Detailed comments from Auckland Council's Healthy Waters department.**

#### **High level view of the proposal**

The applicant has taken part in early engagement with Healthy Waters which is appreciated. However, there are potential negative impacts from stormwater runoff from this development that we are still working through with the applicant's team. We believe that there is a risk that if this development is fast tracked without the stormwater management being resolved then stormwater outcomes will be compromised, or significant redesign may be needed. In our opinion, the current development proposal may not provide enough room for stormwater management.

This site forms part of the wider Racecourse catchment. We consider that the most efficient use of resources will be an integrated stormwater solution that includes both the Hills and the Racecourse.

The stormwater discharge option proposed by the applicant is connection to a large 18m deep 1950mm diameter stormwater pipe that passes under The Hill and discharges to the Waatarua Reserve wetland. It is understood that the applicant proposes to discharge runoff from both the 10% and 1% Annual Exceedance Probability (AEP) rainfall events to this pipe.

Due to the topography this connection of much of the site area will be against the surface slope (i.e. diversion of stormwater runoff from the natural catchment). There will be a swale on the site to convey the 1% AEP along the western boundary of the site with scruffy dome in-letting that will connect back into the 1950DN pipe.

The land is zoned as Special Purpose in the AUP and therefore a residential land use is inconsistent with the activities identified for this area and flood models and the stormwater network were not developed in anticipation of this use. The flood model has been updated by the applicant to reflect the additional impervious surface, however this model is yet to be reviewed by Healthy Waters.

To date the model results presented by the applicant show that post-development flows will be contained in the pipe with some increases in flooding noted within the Koraha and Waatarua Reserves. Downstream of the site

there is also some surcharging of the system noted which may impact drainage potential from any network improvements connecting to the 1950DN. The increased flooding in the reserves is presented as up to 50mm. The applicant has said that there will not be any increased flood risk to private property; however, this will need to be confirmed by a review of the model.

Stormwater treatment solutions have not been identified by the applicant. These take up space and require consideration at the early design stage to prevent the installation of devices that are unsafe or prohibitively expensive to maintain.

The site is located in an area that historically has used soakage as a means of stormwater disposal. No consideration of this has been made by the applicant who is promoting a direct positive connection to the public stormwater pipe network. The use of soakage could result in significantly reduced flows from the site, particularly in more frequent storm events.

#### Impacts on assets

The proposed stormwater solution is indicated as feasible but may compromise future development of the balance lots (the racecourse site), future flood mitigation projects and sewer separation projects.

There are significant flooding issues downstream of the site.

Within the site is an existing pond primarily used to irrigate the racetrack but also receives stormwater from the public stormwater network on Derby Downs Place. In addition to irrigation, this pond will also provide a small degree of attenuation of runoff from the Derby Downs Place network. The current development proposal will need to divert this existing network and it is likely that this will be to the 1950DN pipe as for the rest of the development site. Alternatively, some may be discharged via existing stormwater overland flow path down Lonsdale Street. Secondary overland flow paths (flow paths that convey flood water when the piped network is blocked) will discharge to Lonsdale Street. The effects of this have not been assessed.

Because the proposal seeks to remove existing attenuation with no compensation storage the development will deliver significantly larger quantities of stormwater runoff downstream, and potentially divert natural catchments.

Piped network blockage prevention is to be via the use of scruffy domes. These will need regular inspection and will impose higher than normal operational costs.

Increasing flows to the Waiatarua Reserve has the potential risk to resuspend sediment entrained in the wetlands and discharge to the marine environment. In addition, flood depths in the reserve will increase by 50mm. Further advice is being sought with regard to operational effects.

Cultural values assessments are outstanding.

There is existing flooding and network surcharging in Peach Parade immediately upstream of the proposed development, which is due to network constraints upstream of the large diameter (1950mm) 18m deep stormwater pipe which drains to Waiatarua Reserve. The pipe was built to be as 'large as possible', the size being constrained by basalt layers. Upgrades to this pipe are not possible.

The development proposal will use capacity that may be required for future network upgrades to resolve flooding, as well as combined network separation projects. Combined networks send stormwater to the wastewater treatment plant. Separation increases flows to the stormwater network but reduces the pollution risk.

#### Device design

The site is quite steep and as such incorporating stormwater management (particularly surface located low impact, green infrastructure will need careful design to be incorporated into the urban landform and not result in Health & Safety issues for the community and maintenance teams.

Poorly designed devices can incur significant health and safety risk for operational staff, and significant operational cost. There is a risk that devices that are not approved by the future asset owner will not be vested, and that they need to be removed and/or reconstructed.

#### Consistency with infrastructure plans and strategies

The site is being used for a different purpose to the zoning in the Auckland Unitary Plan. Flood models and the stormwater network were not developed in anticipation of this use.

Note that the development may not be able to be brought under the [region-wide network discharge consent](#) because it is not tied to a plan change process (which entails public notification), and discharges to an SEA. Further confirmation is being sought.

We note the applicant intends to submit a draft Stormwater Management Plan (SMP) for review and approval next year.

#### Further information required

- A cultural values assessment.
- A sensitivity analysis of the effects of secondary overland flow paths and additional flows on Lonsdale Street.
- Effects on Waiatarua stormwater wetland operation and effectiveness.
- Stormwater treatment solutions have not been identified. These take up space and require consideration at the early design stage to prevent the installation of devices that are unsafe or prohibitively expensive to maintain.
- The site layout may be significantly compromised by the need for additional space for stormwater solutions, or effective and efficient stormwater solutions may be compromised due to site constraints imposed by the development proposal. Optimal solutions are developed via iterative design processes and this needs to be provided for in the approval process and conditions.

## **Appendix 2: Detailed comments from Auckland Transport**

Ladies Mile, which the site has frontage to, is an Arterial Road where Vehicle Access Restriction applies under the Auckland Unitary Plan (Operative in Part) (AUP(OP)). Abbots Way, Peach Parade and Green Lane East are all in the immediate vicinity of the site and are Arterial roads too, which play a critical strategic network role in the movement of people and goods. There are two train stations within 1,400m of the site (Greenlane (1,200-1,400m away) and Ellerslie (1000m away)) and two bus services that travel past the site (751 and 782). These are not frequent bus services (they run every half hour), to be a 'frequent' service they must run every fifteen minutes or less.

Auckland Transport provided pre-application advice to the Applicant in November of 2021. The advice included comment on various site access options, the proposal to add a fourth arm into the site at the Ladies Mile/Abbots Way intersection (already operating at capacity), or to signalise the Derby Down Place/Ladies Mile intersection and mitigation measures needed to support the development, including footpaths, crossing points, bus stops, traffic/speed calming within the development and prevention of rat running.

The Traffic and Transport Effects section of the 'Application docs for the Ministers' refers to the assessment of the development by Traffic Planning Consultants and Commute. These are likely the same reports reviewed by Auckland Transport at pre-application stage, but given they have not been supplied, it has not been possible to confirm this. The 'Application docs for the Ministers' also refers to an 'attached referral application'. Auckland Transport has reviewed the referral application, and notes that the transport information is limited and refers to a Traffic Planning Consultant report that has not been made available for review at this stage.

Overall, the Project is a Discretionary activity under the (AUP(OP)). The transport reasons for consent are for access onto an arterial road and exceeding the trip generation standards. Auckland Transport cannot determine whether the trip generation or traffic and transport effects will indeed be minor, without reviewing a full transport assessment for the Project.

With the information available to Auckland Transport at this stage, there is, however, no particular concern with the Project being accepted for fast-track consenting under the Covid 19 Recovery Act.

### **Transport Assessment**

Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.

The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well-considered, that there is an emphasis on efficiency, safety, and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated. [Guidance](#) is available on Auckland Transport's website to assist in the preparation of an ITA is available, including a draft [template](#).

An ITA provides a more comprehensive assessment than a Traffic Impact Assessment (TIA), with an emphasis on considering the full range of transport modes. An ITA considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity. An ITA (and application material) will also need to clearly identify how the required transport infrastructure is being provided to ensure certainty that the development will provide for its network demands.

Assessing the full range of transport modes and the utility provided by each mode is crucial in determining the forecasted transport effects, by mode, of this development. The most suitable way to determine an appropriate trip rate and modal split for the proposed development, and its proposed uses, is to undertake surveys of similar occupied and operational developments within the vicinity of the site, as the travel behaviours and mode choices

would be reflective of such a development in the area, and the feasibility of any proposed modal splits for trips generated.

#### Stormwater

Details of stormwater management have not been provided at this stage. The site includes an overland flow path (OLFP) which needs to be considered, as does the OLFP on Derby Downs Place. Additionally, the area around the existing pond (proposed to be removed) is flood prone and flood sensitive. Communal stormwater devices are the preferred approach and fewer, larger devices, for example, down one side of a road or at the end of a road. Pre-cast raingardens are not suitable for vesting due to the ongoing maintenance burden they pose. Details of the design of the stormwater system and devices for the management of both quantity and quality of the stormwater runoff, including overland flow paths need to be provided to enable appropriate assessment.

Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for Stormwater Management Plan (SMP) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.

Options for stormwater management should be documented in the proposed application, including how the Project's proposed method of managing stormwater would be the best option for this site and how it would align with the Water Sensitive Design principles as outlined in Auckland Council's GD04 document. In addition, the proposed solution must be justified as the most cost-effective, operable, and maintainable solution in the long term, with consideration to Whole of Lifecycle Costs. Consideration of alternatives is necessary to assess whether the design of the development is the most appropriate to meet the relevant principles of the AUP(OP), GD04, and Auckland Council's Code of Practice.



### **Appendix 3 – Comments from the Orakei Local Board**

- The Board's view is that there are no grounds for this magnitude of development to proceed under the Covid-19 Recovery Fast Track Consenting Act 2020 instead of the usual RMA and Unitary Plan system.
- If this degree of application went through the latter, normal system, there would be a very strong likelihood it would be at least limited notified and more likely publicly notified - thereby enabling the benefits of community submission and a broader evidence pool for understanding and then managing effects.
- The Board feels that it would be negligent to suggest the magnitude of this development will not have any significant adverse effects for the sake of satisfying section 19(e) of the Act.
- The Board does not agree that the section 19 arguments are as easily sustained as they may have been during a period equivalent to a level 4 type of Covid-19 lock down.
- The Act is predicated on degree of "urgency". The urgency for fast tracking this type of development is not the same today as it may have been when this Act was declared law.
- The degree of employment urgency the fast-track Act requires is not adequately demonstrated for this project in any distinct way.
- The Board notes that a recent Shundi development in Morrin road was not referred to the fast-track system and believe that this proposed development should not be treated differently.
- The Board does not support this proposal being referred under the Covid-19 Recovery Fast Track Consenting Act 2020 and therefore recommend that this proposal should proceed under normal RMA and Unitary Plan system process.



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Organisation providing comment	Auckland Transport
Contact person (if follow-up is required)	Tessa Craig, Major Developments Interface Lead – Planning and Investment
	s 9(2)(a)
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

Project name	The Hill, Ellerslie (the <b>Project</b> )
General comment	<p>Thank you for the opportunity to provide comment on the referral of The Hill, Ellerslie for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (<b>Covid 19 Recovery Act</b>).</p> <p>Ladies Mile, which the site has frontage to, is an Arterial Road where Vehicle Access Restriction applies under the Auckland Unitary Plan (Operative in Part) (<b>AUP(OP)</b>). Abbots Way, Peach Parade and Green Lane East are all in the immediate vicinity of the site and are Arterial roads too, which play a critical strategic network role in the movement of people and goods. There are two train stations within 1,400m of the site (Greenlane (1,200-1,400m away) and Ellerslie (1000m away)) and two bus services that travel past the site (751 and 782). These are not frequent bus services (they run every half hour), to be a 'frequent' service they must run every fifteen minutes or less.</p> <p>Auckland Transport provided pre-application advice to the Applicant in November of 2021. The advice included comment on various site access options, the proposal to add a fourth arm into the site at the Ladies Mile/Abbots Way intersection (already operating at capacity), or to signalise the Derby Down Place/Ladies Mile intersection and mitigation measures needed to support the development, including footpaths, crossing points, bus stops, traffic/speed calming within the development and prevention of rat running.</p> <p>The Traffic and Transport Effects section of the 'Application docs for the Ministers' refers to the assessment of the development by Traffic Planning Consultants and Commute. These are likely the same reports reviewed by Auckland Transport at pre-application stage, but given they have not been supplied, it has not been possible to confirm this. The 'Application docs for the Ministers' also refers to an 'attached referral application'. Auckland Transport has reviewed the referral application, and notes that the transport information is limited and refers to a Traffic Planning Consultant report that has not been made available for review at this stage.</p> <p>Overall, the Project is a Discretionary activity under the (AUP(OP)). The transport reasons for consent are for access onto an Arterial road and exceeding the trip generation standards. Auckland Transport cannot determine whether the trip generation or traffic and transport effects will indeed be minor, without reviewing a full transport assessment for the Project.</p> <p>With the information available to Auckland Transport at this stage, there is, however, no particular concern with the Project being accepted for fast-track consenting under the Covid 19 Recovery Act.</p>

	<p><u>Transport Assessment</u></p> <p>Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.</p> <p>The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well-considered, that there is an emphasis on efficiency, safety, and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied, or mitigated. Guidance is available on Auckland Transport's website to assist in the preparation of an ITA is available, including a draft template.</p> <p>An ITA provides a more comprehensive assessment than a Traffic Impact Assessment (TIA), with an emphasis on considering the full range of transport modes. An ITA considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity. An ITA (and application material) will also need to clearly identify how the required transport infrastructure is being provided to ensure certainty that the development will provide for its network demands.</p> <p>Assessing the full range of transport modes and the utility provided by each mode is crucial in determining the forecasted transport effects, by mode, of this development. The most suitable way to determine an appropriate trip rate and modal split for the proposed development, and its proposed uses, is to undertake surveys of similar occupied and operational developments within the vicinity of the site, as the travel behaviours and mode choices would be reflective of such a development in the area, and the feasibility of any proposed modal splits for trips generated.</p> <p><u>Stormwater</u></p> <p>Details of stormwater management have not been provided at this stage. The site includes an overland flow path (OLFP) which needs to be considered, as does the OLFP on Derby Downs Place. Additionally, the area around the existing pond (proposed to be removed) is flood prone and flood sensitive. Communal stormwater devices are the preferred approach and fewer, larger devices, for example, down one side of a road or at the end of a road. Pre-cast raingardens are not suitable for vesting due to the ongoing maintenance burden they pose. Details of the design of the stormwater system and devices for the management of both quantity and quality of the stormwater runoff, including overland flow paths need to be provided to enable appropriate assessment.</p> <p>Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for a Stormwater Management Plan (SMP) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority.</p> <p>Options for stormwater management should be documented in the proposed application, including how the Project's proposed method of managing stormwater would be the best option for this site and how it would align with the Water Sensitive Design principles as outlined in Auckland Council's GD04 document. In addition, the proposed solution must be justified as the most cost-effective, operable, and maintainable solution in the long term, with consideration to Whole of Lifecycle Costs. Consideration of alternatives is necessary to assess whether the design of the development is the most appropriate to meet the relevant principles of the AUP(OP), GD04, and Auckland Council's Code of Practice.</p>
Other considerations	Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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

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Organisation providing comment	Watercare Services Limited
Contact person (if follow-up is required)	James Shao
	Oliver Mackinnon
	Click or tap here to enter text.

## Comment form

Please use the table below to comment on the application.

Project name	The Hill - Ellerslie
General comment	Watercare (WSL) has identified a number of sections of Water and Wastewater network requiring upgrade, in order to support this proposed development of 370 residential units
Other considerations	WSL discussed the capacity issues identified with the applicant (Fletcher Living) last week, and both sides agreed to do further investigation/study.
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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