

# 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: Kapa Road Apartments  
Application number: PJ-0000794  
Date received: 10/05/2022

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](mailto: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: Sanctum Projects Ltd

Contact person: Aaron Ghee

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

40 George Street, Mount Eden, Auckland, 1024

### Address for service (if different from above)

Organisation: Civix Ltd

Contact person: Nick Mattison

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

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.

182-184 Kapa and 8 Kurahaupo Street, Orakei, Auckland

A copy of the records of title and relevant instruments are attached as Appendix 1.

Legal description(s):

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

Section 745 Town of Orakei;

Section 744 Town of Orakei; and

Lot 169A Deposited Plan 50580

Registered legal land owner(s):

Orakei Ridge Trustee Limited ("ORTL") owns all three sites.

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:

Sale and Purchase agreements for the land are not included because Sanctum is a related company to the landowner, as explained in the letter from Aaron Ghee, attached as Appendix 2.

As noted in Appendix 2, ORTL is a related entity to the applicant. The shareholder of ORTL is DLK Trustees 2015 Limited. The shareholder of DLK Trustees 2015 Limited is Teik Huat Ghee.

The shareholder of Sanctum Projects Limited ("Sanctum") is AJ Trustees No.1 Limited. The shareholder of AJ Trustees No.1 Limited is Teik Huat Ghee. Teik Huat Ghee is also a director of Sanctum.

Sanctum has been set up to project manage the development (including obtaining necessary consents) and is the entity applying for consent under the COVID-19 Recovery (Fast-Track Consenting) Act 2020. As Sanctum is the management company which is responsible for obtaining all consents and supervising construction of the buildings and so it is appropriate that Sanctum is the entity which applies to the Ministry for the Environment and the Environmental Protection Authority.

There are four interests other than mortgages across the three titles. These four interests relate to a rainwater tank system, a right of way, a party wall and sewage pipeline. These are addressed below and included within Appendix 1. Please refer to Appendix 0 - Supplementary material from application form.

## Part III: Project details

### Description

Project name: Kepa Road Apartments

Project summary:

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

In brief, the proposal is for a total of 45 apartments within two building blocks (Block A and B) with two basement levels that span beneath the two apartment blocks, at the corner of Kepa Rd and Kurahapo St in Orakei on a combined site area of around 2,250m<sup>2</sup> (182 Kepa is 673m<sup>2</sup>, 84 Kepa is 718m<sup>2</sup> and 8 Kurahapo is 860m<sup>2</sup>). All existing vegetation, buildings and structures on the subject site are to be removed to enable the construction.

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.

In brief, the proposal is for a total of 45 apartments within two building blocks (Block A and B) with two basement levels that span beneath the two apartment blocks, at the corner of Kepa Rd and Kurahapo St in Orakei on a combined site area of around 2,250m<sup>2</sup> (182 Kepa is 673m<sup>2</sup>, 84 Kepa is 718m<sup>2</sup> and 8 Kurahapo is 860m<sup>2</sup>). All existing vegetation, buildings and structures on the subject site are to be removed to enable the construction.

The design of the development has been led by renowned architects Monk McKenzie in conjunction with Boffa Miskell who are providing landscape architecture and urban design input.

Block A is located along Kepa Road and will be a total of seven storeys (approximately 21m in height), while Block B next to 10 Kurahapo Street will be a total of six storeys (approximately 17m in height).

Due to the way in which the AUP rules work, the 'technical' height infringement for the tallest building ranges between 3.1m and 5.29m. This is because the plan sets a height limit for occupiable space as well as overall building height (allowing an additional 2m for non-occupiable 'roof space' only) for buildings in the Business – Mixed Use zone. In terms of how the actual bulk of the tallest building compares with the development controls on surrounding sites, the building ranges between 1.1m and 3.29m taller than the 18m height set by the development controls for the zone where the 2m roof height has been used to the full extent. Thus, the proportions of the building will be appropriate when considered against how the surrounding sites will evolve.

The building height is proposed to be exceeded because of the difficulties in adding additional building levels / apartments once the apartment building has been constructed. As such, it is important to ensure that the maximum dwelling yield on the site can be achieved by the proposal, noting also the direction of the NPS-UD.

The 45 units range from one to three bedrooms (Block A – 25 units, Block B – 20 units). The basements will contain a total of 60 car parks (B1 – 23 parks, B2 – 37 parks) and ancillary spaces for waste and storage/bicycle parking (as shown on the Architectural Plans, Appendix 4 and the landscape plans, Appendix 5). The power supply to the apartment building and the car parks will be electric vehicle (EV) charging ready, to encourage and provide for the use of electric vehicles. The number of bicycle parking spaces provided will also be in surplus of the AUP requirements (50 secure bicycle parks, and 3 visitor parks in the communal space). Vehicle access to the site will be provided via a new two-way vehicle crossing and access to the basements, which is to be constructed adjacent to the north-eastern boundary of 8 Kurahaupo Street. A separate pedestrian access will also be provided to Kurahaupo Street from the east boundary of 184 Kepa Road. Due to the basement excavations, it is expected that there will be high earthworks volume, construction noise (and potentially vibration) infringements, and groundwater take and diversion. Purpose and objectives: The purpose of the project is to provide additional housing in an apartment typology, in a desirable location that is close to community facilities, public open spaces, train station, and the city centre. The objective is to provide high-quality and marketable apartments that makes efficient use of existing land, infrastructure and resources, that contribute to housing supply in Orakei, while avoiding or mitigating adverse effects on the environment, including traffic, earthworks and construction, amenity, visual landscape, infrastructure servicing effects.

The objective is also 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

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

The intention is for there to be one resource consent. It might be that one building is constructed prior to the other building, but the project would not be staged in the sense of different parts of the project being delivered under different consents.

### 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
No details				

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 (Operative in Part)	H13.4.1(A45)	New building in the Business – Mixed Use zone	Restricted Discretionary	182 and 184 Kepa Road

Chapter H13 Mixed Use Zone				
Auckland Unitary Plan (Operative in Part)  Chapter H13 Mixed Use Zone	H13.6.1 & C1.9(2)	<p>The maximum 16m and 18m occupiable and total building height (respectively) will be exceeded by a maximum of 5.29m and 3.29m respectively.</p> <p>Non-compliance with standard H13.6.1 Building height is development that does not comply with standards applying to the activity, and therefore requires consent under C1.9(2)</p>	Restricted Discretionary	182 and 184 Kepa Road
Auckland Unitary Plan (Operative in Part)  Chapter H13 Mixed Use Zone	H13.6.1 & C1.9(2)	Some of the bedroom outlook spaces do not meet the required 3m width when measured from the centre of the window.	Restricted Discretionary	Outlooks to the north for the south-west corner bedrooms at 182 Kepa Rd
Auckland Unitary Plan (Operative in Part)  Chapter H6 Terrace Housing and Apartment Building Zone	H6.4.1(A3)	New dwellings in the Residential – Terrace Housing and Apartment Building zone	Restricted Discretionary	8 Kurahaupo Street
Auckland Unitary Plan (Operative in Part)  Chapter H6 Terrace Housing and Apartment Building Zone	H6.4.1(A34)	New buildings which do not comply with H6.6 Height in relation to boundary but comply with H6.6.7 Alternative height in relation to boundary	Restricted Discretionary	8 Kurahaupo Street to the north boundary
Auckland Unitary Plan (Operative in Part)  Chapter H6 Terrace Housing and Apartment Building Zone	H6.4.1(A35)	New buildings have the same activity status as the land use activity	Restricted Discretionary	8 Kurahaupo Street
Auckland Unitary Plan (Operative in Part)  Chapter H6 Terrace Housing and Apartment Building Zone	H6.6.5 & C1.9(2)	The maximum 16m building height will be exceeded by a maximum of 1.1m.	Restricted Discretionary	8 Kurahaupo Street

Auckland Unitary Plan (Operative in Part)  Chapter H6 Terrace Housing and Apartment Building Zone	H6.6.9 & C1.9(2)	There will be retaining walls within the front yard (1.5m front boundary setback)	Restricted Discretionary	8 Kurahaupo Street frontage
Auckland Unitary Plan (Operative in Part)  Chapter H6 Terrace Housing and Apartment Building Zone	H6.4.1(A3)	New dwellings in the Residential – Terrace Housing and Apartment Building zone	Restricted Discretionary	8 Kurahaupo Street
Auckland Unitary Plan (Operative in Part)  Chapter E7 Taking, using, damming and diversion of water and drilling	E7.4.1(A20)	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.  The initial geotechnical investigation undertaken by ENGEO has indicated that the proposal will not meet the permitted standards.	Restricted Discretionary	182 and 184 Kepa Road and 8 Kurahaupo St  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. The initial geotechnical investigation undertaken by ENGEO has indicated that the proposal will not meet the permitted standards.	Restricted Discretionary	182 and 184 Kepa Road and 8 Kurahaupo St  The specific details/ locations of risk will be confirmed as part of detailed geotechnical/ groundwater settlement assessment
Auckland Unitary Plan (Operative in Part)  Chapter E12 Land disturbance – District	E12.4.1(A6) and (A10)	Land disturbance exceeding 2,500m <sup>2</sup> in area and 2,500m <sup>3</sup> in volume	Restricted Discretionary	Across 182 and 184 Kepa Road and 8 Kurahaupo St
Auckland Unitary Plan (Operative in Part)	E17.4.1(A6)	Tree trimming or alteration of trees in the road that does not	Restricted Discretionary	Along the site frontage, along Kepa Road

Chapter E17 Trees in roads		<p>comply with Standard E17.6.1</p> <p>The proposal may involve street tree trimming or alteration.</p>		
<p>Auckland Unitary Plan (Operative in Part)</p> <p>Chapter E17 Trees in roads</p>	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 frontage, along Kepa Road
<p>Auckland Unitary Plan (Operative in Part)</p> <p>Chapter E17 Trees in roads</p>	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 Kepa Road.</p>	Restricted Discretionary	Road berm area in front of the site, along Kepa Road
<p>Auckland Unitary Plan (Operative in Part)</p> <p>Chapter E25 Noise and vibration</p>	E25.4.1(A2)	<p>Construction noise and vibration that do not comply with permitted activity standards</p> <p>The initial acoustic investigation undertaken by SLR 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.
<p>Auckland Unitary Plan (Operative in Part)</p> <p>Chapter E27 Transport</p>	E27.4.1(A3)	<p>Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access.</p> <p>The design and location of parking, loading and access to the site will be confirmed as part of the detailed design package. If required,</p>	Restricted Discretionary	182 and 184 Kepa Road

		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.	Controlled Activity	182 and 184 Kapa Road and 8 Kurahaupo St
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES CS)	Regulation 10	Due to the presence of asbestos concentrations above the adopted human health criteria at one location, 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	<p>Potential Asbestos Containing Material (PACM) was observed on the soffits at 182 Kapa Road and 8 Kurahaupo Street.</p> <p>PACM was also observed on the eastern edge of the deck fencing at 184 Kapa Road (note that no exposed soil was observed beneath the PACM, only bark underlain by a geotextile fabric).</p> <p>The dilapidated shed in the centre of 8 Kurahaupo Street comprised PACM.</p>
Auckland Unitary Plan (Operative in Part)	Whole plan	Confirmation that the activity is not prohibited	Not prohibited - See Appendix 0	182 and 184 Kapa Road

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.

No applications for resource consent or notices of requirement have been lodged relating to the Site.

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

As the titles that make up the Site are owned by an associated entity of the applicant no other persons are required to obtain any consents.

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:

The site is not identified by the AUP or Council's GIS as having any cultural or heritage items of significance.



An archaeological assessment has been prepared by Clough & Associates (**Appendix 7**). Clough & Associates advised that:

No archaeological sites have been recorded within the proposed development area at 182–184 Kepa Road and 8 Kurahaupo Street, Orakei. Upon inspection of the property on 23 November 2021, it was clear that the proposed development area has been highly modified during the construction of the current buildings/apartments.

The proposed residential development will not affect the nearby midden R11/351, which was recorded on the southern side of Kepa Road, and is some distance from the scheduled midden and midden/terrace sites.

An archaeological Authority will not be required for the proposed development at 182–184 Kepa Road and 8 Kurahaupo Street, Orakei, as no known sites will be affected, and it is unlikely that any undetected sites are present.

However, should any sites be exposed during development the provisions of the HNZPTA must be complied with.

As noted in Part II there are a few encumbrances relating to the title (e.g. rights of way). None of those legal instrument preclude the development from being implemented

### **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.

Subject to being advised that this project is to be fast tracked, the following timeframes are anticipated:

- Approximately 4 months for the resource consent package of materials to be prepared. This would mean that resource consent would be lodged around August 2022;
- Approximately 4 months for the EPA fast track process, allowing for Christmas that would result in a consent issuing around February 2023;
- Building consent would take around 5 months to prepare (July 2023);
- Building consent processing 3-4 months (October / November 2023);
- Construction timeframe is expected to be circa 18 months, mid 2025.

## **Part IV: Consultation**

### **Government ministries and departments**

Detail all consultation undertaken with relevant government ministries and departments:

None

### **Local authorities**

Detail all consultation undertaken with relevant local authorities:

#### **Auckland Council**

A pre-application meeting request was made to Auckland Council on 28 October 2021. On 21 February 2022 Council advised that the request is to be cancelled, because Council are inundated and did not have the capacity to fulfil the meeting request. A copy of the email from Auckland Council sent 21 February 2022 is included as **Appendix 8**.

#### **Orakei Local Board**

Orakei Local Board were invited to review the preliminary application documents and provide comment in an email dated 4 November 2021. Their response provided in an email dated 15 November 2021 was as follows:

*We note the applicant Sanctum will be a private developer - Director being Tiek Ghee of Kingsland, and final architectural plans are not finalised.*

*The seven storey proposal triggers considerable activities all requiring resource consent, and a significant change to the area. The many effects anticipated from that scale of development in this unique area, even*

*before seeing clear plans, will likely be more than minor. For example, a 16m height is said to be exceeded, generating significant visual effects on a locally and regionally prominent ridgeline.*

*The grounds for fast tracking this type of private development proposal are considered to stretch the intent and application of the law beyond what is intended. The employment opportunities and housing supply to be applied for by Sanctum are not any greater than many similar local intensification projects being processed under resource consenting processes relatively quickly and efficiently.*

*The market conditions of COVID and lockdown impacts and housing supply being delivered in Auckland currently have shifted considerably recently, meaning the need for a fast track consent for this type of development is not justified.*

As we will not have an opportunity to respond to feedback from Auckland Council or the Local Board, the following points are noted:

The Local Board is generally opposed to any form of intensification in their area. They regularly oppose or seek notification of small-scale town-house development (10 – 20 dwellings), for example the development at 44 Ventnor Road which consisted of only 13, 2 storey terraced houses. The employment opportunities are real and while the construction sector may be stretched right now, the actual construction will not commence until after resource consent and building consent have been obtained. Further, the project will still provide jobs and housing (and contribute to high quality urban form).

In this case the Local Board's feedback related to a higher apartment – one that had an additional floor level facing out onto Kepa Road). Their feedback may be less oppositional with this lower height.

For the avoidance of doubt, the project team still supports the original proposed height of the building (with an extra floor) and Sanctum would be willing to build a taller building, but we have been concerned to ensure that this fast-tracking project does not push the boundaries of what the AUP enables, hence the reduction in height by one floor, resulting in a considerably reduced height infringement.

In that regard, while the maximum height infringement is just over 5m, the magnitude of the infringement varies across the site and for the taller building in some parts is just over 3m. The shorter building infringes by between 0m and just under 1.2m.

The images set out in Boffa Miskell's supporting 3D modelling (Appendix 16) show that the development will comfortably sit within the expected built form that the AUP enables (i.e. development controls) along Kepa Road.

### **Other persons/parties**

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

In addition to Auckland Council and the local board, the following persons are likely to be affected: - **Owners/ occupants of 10 Kurahaupo Street, Orakei** (adjoining property to the north) - **Owners/ occupants of 180 Kepa Road, Orakei** (adjoining property to the west) - **Owners/ occupants of 1/1, 1/3, 5 and 7 Kurahaupo Street, and 188 Kepa Road Orakei** (sites across the road to the east)

Consultation with neighbouring property owners and occupiers have has not yet been undertaken.

Detail all consultation undertaken with the above persons or parties:

Consultation with neighbouring property owners has not yet been undertaken, though an offer to purchase was made.

## **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
Te Patukirikiri Incorporated	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Te Ākitai Waiohua Iwi Authority	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Whātua Ōrākei Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up emails sent on 22 December 2021, 26 April 2022 and 6 May 2022.</p> <p>The email and information provided is included in Appendix 9d</p> <p>The response received on 26 April 2022 is that this project is within their rohe and could have an impact on their cultural values. The iwi are currently assessing whether a Cultural Impact Assessment is required. We are following up with them on this, but have not yet had a response to date.</p>
Ngāti Whanaunga Incorporated	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Tamaterā Settlement Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Tamaoho Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021</p> <p>Response received on 25 November 2021:</p> <p>While Ngati Tamaoho has an interest here, in this instance we are happy to defer to Ngati Whatua Orakei</p> <p>We do not require a CVA</p> <p>The email and information provided, with the response, is included in Appendix 9b.</p>
Ngāti Paoa Trust Board	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Paoa Iwi Trust	<p>Initial consultation letter sent on 11 November 2021</p>

	<p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Maru Rūnanga Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāi Tai ki Tāmaki Tribal Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>

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
Ngāti Whātua o Ōrākei Trust Board	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Te Kawerau Iwi Settlement Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Tamaoho Settlement Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Te Patukirikiri Iwi Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Response received on 15 November 2021: Te Patukirikiri is not opposed to your proposal</p> <p>Email sent on 15 November 2021 seeking clarification: To ensure that we do not encounter issues with satisfying the requirements of the FTCA, could you please provide a statement similar to the below?</p>

	<p>“Te Patukirikiri is not opposed to your proposal. We do not wish to provide a cultural impact assessment. The reasons for not providing a cultural impact assessment are that [e.g. we are not opposed to the proposal and do not anticipate it will generate any adverse cultural effects / the site is not within our rohe / we defer to xxx.]”</p> <p>Follow up email sent on 22 November 2021.</p> <p>Responses received on 23 November 2021:</p> <p>To clarify, the area is within our rohe We shared this and other areas along the waterfront on both sides of the Waitemata harbour with Ngati Paoa and other Marutuahu tribes. Other Auckland tribes lived with us and among us in Auckland. The other Auckland tribes can speak for themselves.</p> <p>Sadly the Crown gave our areas to a non-Auckland based tribe for their loyalist support of the Crown, which tribe now calls Auckland home.</p> <p>You have our current position on the matter however Te Patukirikiri reserves its right to reassess that position if the need arises in the future.</p> <p>The offer should be made to Ngati Paoa first and foremost. I have cc'd in one of their negotiators for their comment</p> <p>The email and information provided, along with the response, is included in Appendix 9c.</p>
Ngāti Pāoa Iwi Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāti Tamaterā Treaty Settlement Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngāi Tai ki Tāmaki Tribal Trust	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Ngaati Whanaunga Incorporated Society	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p> <p>Further follow up email sent on 22 December 2021.</p> <p>The email and information provided is included in Appendix 9</p> <p>No response has yet been received.</p>
Te Whakakitenga o Waikato Incorporated	<p>Initial consultation letter sent on 11 November 2021</p> <p>Follow up email sent on 22 November 2021.</p>

	Further follow up email sent on 22 December 2021.
	The email and information provided is included in Appendix 9
	No response has yet been received.

## 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.

The project will not involve activity occurring on identified as commercial redress land, cultural redress land, or statutory acknowledgement area. It is noted that the reserve site at 105-111 Kepa Road opposite the site to the south, which is separated from the Site by Kepa road and adjoins the coastal marine area, is identified as cultural redress land to Ngati Whatua Orakei. No discharges or any other activity associated with the project will occur onto this land.

## 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.

None

### 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.

None

## 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.

Refer to **Appendix 10** for the planning assessment addressing 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 over-height apartment building will be the most significant issue. Appendix 10 (planning assessment) provide useful detailed assessment explaining why these effects are not significant, this should be read in conjunction with the images contained in Boffa Miskell's supporting 3D modelling (Appendix 16). In summary:
- The number of 'activities' being triggered are not greater or different than other similar proposals for apartments in the Business Mixed Use and/ or Residential – THAB zones. The proposal only infringes the height and outlook space zone standards. The proposal significantly complies with the coverage controls for the THAB zone.
  - The height infringement is relatively modest, considering the setback from other residential properties
  - The Site is not subject to any Overlay, Precinct or Controls that specifically protect viewshafts or existing landscape qualities associated with the ridgeline location.
  - In the context of an area which is close to two train stations (Meadowbank and Orakei) along with the existing business and high density residential zoning, the policy framework is directed to significant intensification.
  - The Boffa Miskell Landscape Architect and Urban Design Specialist engaged by the applicant are highly qualified and experienced in their fields. While these specialists acknowledge that the proposal will *"result in a significant change to the landscape"*, they also note that *"such change and urban residential intensification on significant road corridors such as Kapa Road is not, however unexpected."*
  - While the 'technical' maximum height infringement is just under 5.3m for the taller building, the exceedance of the total maximum height anticipated by the development controls ranges from 1.1m to just under 3.3m. In this context and in the longer term, the height exceedance will sit within a highly urbanised area with a range of tall buildings. In this regard, Boffa Miskell consider that *"The proposed heights of the buildings, and particularly the southern building, are considered to be an appropriate and positive response to the Site's location at a corner on a key arterial route."* Further that, *"the over-height aspects of the development will have less than minor adverse effects on neighbourhood character."*
  - As demonstrated in Boffa Miskell's supporting 3D modelling (**Appendix 16**), which provides a detailed investigation and modelling of the planned and developing urban character of Kapa Road with reference to the existing height controls under the AUP, *"An additional new, larger building will occupy and give emphasis to the ridge and form part of the skyline in a way that is consistent with the emerging established and anticipated nature of this urban ridgeline landform and skyline. The proposed development will consolidate ridgeline apartment development in the locality and will appear similar to the other apartment buildings along the ridgeline."* Though we note that, because of the time at which the modelling was prepared, this modelling does not take into account the forthcoming amendments to the AUP following implementation of the MDRS, anticipated to become operative in August 2023. These changes to the AUP up-zone land in the surrounding area, the effect of which is greater height limits in the surrounding area than indicated in the Boffa Miskell modelling.
- 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 **Appendices 11 (landscape memorandum), 12 (urban design memorandum), 13 (transport memorandum), 14 (acoustic memorandum), and 15 (engineering memorandum)**. 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. A specific Greenhouse Gas Assessment will be undertaken should the application be accepted for referral to the EPA. However, the proposal is not expected to generate significant adverse effects relating to greenhouse gas emissions

## 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:



### **National Policy Statement on Urban Development (NPSUD)**

This assessment is too long to be included in the portal and is included as Appendix O. In summary, while the proposed 45 new dwellings may be considered small in scale compared to other COVID fast track applications, the scale of development is significant in the Orakei suburb and it represents substantial intensification of the site through an apartment typology. It therefore gives effect to the NPS:UD by using residential zoned land for relatively high intensity residential activities, in a location which is attractive to live in and close to key amenities and with good accessibility to the Auckland CBD. The images set out in Boffa Miskell's supporting 3D modelling (Appendix 16) show that although the development represents substantial intensification, it will comfortably sit within the expected built form that the AUP enables (i.e. development controls) along Kepa Road.

### **National Policy Statement for Freshwater Management 2020**

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides local authorities with updated direction on how they should manage freshwater under the RMA. It sets a national policy framework for managing freshwater quality and quantity and introduces a number of policies that must be given effect to by regional councils. These policies include changes to definition and management of wetlands and streams, in order to:

1. Protect wetlands and streams from loss and degradation;
2. Encourage restoration; and
3. Identify and work towards target outcomes for fish abundance, diversity and passage and address in-stream barriers to fish passage over time.

The site does not contain any waterbodies or flood hazard. The proposal will be readily able to control any sediment runoff into any receiving waterbodies, particularly given the separation of the site to the substantial reserve to the south. There are also no identifiable wetlands within 100m of the site. The proposal does not compromise any outcomes anticipated in the NPSFWM.

### **New Zealand Coastal Policy Statement 2010 (NZCPS)**

The New Zealand Coastal Policy Statement (NZCPS) includes policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

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 Transmission**

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

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

### **National Environmental Standards for Freshwater 2020**

The National Environmental Standards for Freshwater ("NES-FW") regulates and restricts activities affecting the health of freshwater and freshwater ecosystems, including restrictions on earthworks, discharges or other types of disturbance within proximity of natural wetlands.

As discussed above, the site does not contain any waterbodies, nor is it in close proximity to waterbodies or potential wetlands. The NESFW provisions are therefore not considered to be of particular relevance to the proposal.

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

The NESCS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

ENGEO has undertaken a Preliminary Site Investigation and a Detailed Site Investigation confirming the contamination status of the site. Consent is required under the NESCS, however purpose of the NESCS can be satisfied with implementation of a Site Management and Remediation Action Plan.

### **National Environmental Standard for Air Quality 2004**



The Air Quality NES are regulations made under the Resource Management Act 1991. They aim to set a guaranteed minimum level of health protection for all New Zealanders.

This includes provisions controlling the effects of air discharges from certain activities, e.g. prohibition on discharges from burning of certain materials (e.g. tyres, bitumen etc.). It also addresses effects of discharges in the ambient air quality of certain environments – including carbon monoxide from vehicles.

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.

**National Environmental Standard for Sources of Drinking Water** This NES sets out the requirements for protecting sources of human drinking water from becoming contaminated. The proposal will not have the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year.

This NES therefore will not apply to the proposal.

**National Environmental Standard for Telecommunication Facilities** This is not relevant to this proposal as the development does not involve the deployment of telecommunications infrastructure facility.

**National Environmental Standards for Electricity Transmission Activities** This is not relevant to this proposal as the development is not within proximity to the National Grid electrical infrastructure.

**National Environmental Standards for Plantation Forestry** This is not relevant to this proposal as the development does not involve or affect 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:

An economic cost/benefit analysis has been undertaken by Adam Thompson of Urban Economics, based on the current architectural drawings and is enclosed as **Appendix 17**. Section 6 of the analysis specifically discusses the project’s economic benefits and costs for people or industries affected by COVID-19, responding to Section 19(a) of the Act. As noted, the proposal will create a considerable number of jobs within the construction industry, with an estimated total of 199 Full-Time Equivalent (FTE) jobs created for the lifetime of the project. These will be jobs in construction, landscaping, planting, land surveying, administration and support services, and other related activities. This is a notable economic benefit. Construction is estimated to commence toward the end of 2023, and an estimated 133 FTE jobs will be created in the first year of construction, and 66 FTE jobs created in the following six months of construction.

As such, the proposal will provide employment opportunities to people working within an industry affected by the economic downturn as a result of COVID-19. Additionally, it is noted that the project will contribute to the wider economy in that the construction industry has a value-added figure of \$133,000 per FTE employee, equating to a GDP contribution of \$26.5m.

In addition to this, the increase of homes/ residents in this location would also have positive effects on the businesses within the nearby established centres, which would have also been negatively impacted by COVID during lock-down periods, or as a result of isolation requirements. The increase of residents within walking proximity to these nearby centres supports the ongoing viability of these centres, and the demand for services within these centres.

Furthermore, as a result of COVID, more working professionals have shifted to flexible working/ ‘working-from-home’ arrangements. As such, residential intensification in close proximity to existing and proposed centres is important, so

that goods and services are within convenient access to people's homes and are more likely to be visited. Where goods and services are not within a walkable catchment, people are more likely to use online services or rely on motor vehicles for access.

The proposal would support the commercial feasibility of the project immediately in the short term. The developer, like all developers, has limited finance and capacity to undertake projects, and therefore if this project is not approved, there would be a significant time delay to identify, acquire and set-up a new project, and by this time the opportunity to support employment and GDP growth in the short term would be forgone.

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

The social and cultural well-being of current and future generations have been assessed by Urban Economics, and this is included in **Appendix 17**, with a section (Section 7 of the Economic Assessment Report) specifically responding to Section 19(b).

The project will increase housing by supplying 45 new large 1-3 bedroom dwellings to the market. In particular, the project will increase the range and relative affordability of housing in the study area.

As discussed above, the proposal will be within walking distance to the Eastridge Shopping Centre to the east which contains a supermarket, restaurants and shops, and also within 50m to the group of shops to the west comprising a bakery, convenience store and restaurants. The site also has convenient access to reserves, including the land directly opposite the site which contains a bush walk. Kepa Road also has convenient bus services, and the Orakei Train Station is approximately 1.6km away to the south-west. As such, the site has good accessibility to community services, natural spaces, open spaces and public transport. In light of all these amenities, and the proximity of the site to the Auckland CBD, high-quality apartment dwellings on the site will provide an opportunity for more people to live in a location that will have a positive impact on their well-being.

The development supports achieving a compact urban form, noting its accessibility to public transport, the CBD, and 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.

#### 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 significant change to the existing character of the area. However, the Business- Mixed Use zoning of 182-184 Kepa Road anticipates greater intensity of use and development on the sites than what currently exists. The THAB zone also anticipates greater intensity, although to a lesser extent than the MUZ. Significant development and/ or change within the catchment area (which currently contains predominantly one to two storey dwellings) always has the potential for extensive opposition from local residents, irrespective of whether development is consistent with the anticipated planning outcomes. This is already indicated by Orakei Local Board's initial comments. Noting the infringements that will occur (particularly to maximum height), and the change that the overall proposal will present, opposition can be anticipated. Council is also highly likely to notify the application given the height infringements – particularly in light of the recent Environment Court case regarding development at Mission Bay (*Drive Holdings Ltd v Auckland Council* [2021] NZEnvC 159). Though we note that while this site does not face the same kinds of challenges as in *Drive Holdings*, such as it being within the Business – Local Centre zone and being adjacent to a heritage overlay, the conservative attitude of the Council means that they will want to use that case as a precedence for other over-height developments.

We note also the recent judicial review case of *Wallace v Auckland Council* [2021] NZHC 3095, which has impacted the way the Council assesses applications in the residential zones, where the proposed residential intensity is notably greater than the existing character of the area, regardless of what the 'planned' character for the area under the AUP is. As a result of this judicial review, Council planners and decision-makers now spend more time than before to undertake a notification assessment, and in some cases, applications involving residential intensification have been publicly or limited notified in light of the *Wallace* case findings. Further, although the developer has secured a new

non-notified consent, the neighbours have advised that they will judicially review this new decision as well. The proposed apartment on the THAB zoned site would be of notably greater intensity than what currently exists in the locality, and 'building intensity' is a matter of discretion in the THAB zone (the same matter as that in the Mixed Housing Suburban and Urban zones), therefore this is another factor that adds potential risks and processing delays to the proposal. 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. 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. As reference, the following are similar projects CIVIX have dealt with:

1 Garnet Road, Westmere (LUC60378850) - Application for a four-storey mixed use building in the Neighbourhood Centre Zone infringing maximum height by a maximum of 4.4m. We note that this proposal is of a much smaller scale than this proposal, and the application was also lodged before Council had the significant backlog issues they currently face.

- The application was lodged in May 2021. As of 15 March 2022 (almost **10 months** post lodgement), no decisions on the application have been made.

- Neighbours have expressed their concerns with the application and consider themselves to be affected parties.

- Council's processing planner has not made a recommendation on the application in terms of notification. Should the application be notified, this would then further increase processing timeframes.

19 Whitby Crescent & 385-387 Beach Road, Mairangi Bay

- Application for a four-storey apartment building comprising 28 apartments in the Mixed Housing Urban Zone infringing maximum height by a maximum of 2.5m. The proposal also infringed several other development controls.

- The application was lodged in June 2019.

- Concerns were raised by local residents over the proposal and the notification decision was requested to be made by an independent duty commissioner. The Duty Commissioner made a notification decision on 16 March 2020 (**9 months** post lodgement) to limited notify the application to persons at five adjacent properties.

- The application was notified to the affected persons. Some of the affected persons provided their written approval to the application, and some made a submission on the application.

- The applicant decided not to proceed to a hearing and the application was withdrawn.

There is a shortage in Council processing staff and specialists (particularly urban design and landscape architects).

Applications are being allocated for processing up to 10 weeks after lodgement and initial review and comments to confirm any s92 matters can take up to another month. A simple application for a two-lot subdivision and construction of one compliant dwelling lodged by CIVIX on 9th December 2021 has not yet been approved as of 20th April 2022 (with no outstanding s92 matters).

With particular consideration of the height exceedances, it is considered likely that the application would be processed on a notified basis, and a hearing held, which would significantly delay the consenting process.

The notification process carries significant delays. As such, the Fast-track Consenting process is being pursued to minimise the likelihood of significant time-delays associated with notification and opposition which could be encountered through the standard Council resource consent process. The statutory timeframe afforded for the Expert Consenting Panel (ECP) is expected to present a far more efficient process and expedite the consenting process, save unnecessary costs, and provide certainty of the process.

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 199 Full-Time Equivalent (FTE) jobs created for the lifetime of the project. An estimated 133 FTE jobs will be created in the first year of construction, and 66 FTE jobs created in the following six months of construction.

Furthermore, given the proximity of the site to nearby Centre zones, the increase in residents in the area will add to the walking catchment of nearby businesses in these centres, which will support employment and job creation, and the ongoing vitality and viability of these centres. The provision of 45 new apartments adjacent to these commercial centres may encourage new businesses in the catchment, as it will increase the need for more day to day services in the area.

#### Housing supply:

The public benefit of increasing housing supply has been assessed by Urban Economics, and this is included in **Appendix 17**, with a section specifically responding to Section 19(d)(ii).

This notes that the project will increase housing by supplying 45 new large 1-3 bedroom dwellings to the market. In particular, the project will increase the range and relative affordability of housing in the study area.

As discussed above, the proposal also supplies housing in a location that has very good accessibility to amenities (such as the Kepa Bush Reserve and Orakei Basin), services and both frequent and rapid public transport services.

Concentrating growth in such a desirable location will fill demand for housing that would otherwise have to be provided in greenfield locations, which are often inaccessible, lacking in established community facilities and are expensive to service. Therefore, providing additional housing that would be relatively affordable in this location would have a notable public and environmental benefit.

This assessment is too long to be included here, please refer to **Appendix 0**.

#### 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 proposals contribution to relatively affordable housing in the area, and its proximity to retail, services, recreation and public transport, which supports a compact urban form. Providing housing in this location would also feasibly enable future residents to access their day to day needs by walking to the two adjacent commercial areas and taking bus or rail services to employment opportunities. As such, the proposed development would encourage ‘car-lite’ living opportunities, reducing auto dependence.

Matt Riley of Boffa Miskell has provided a brief summary of the proposal in urban design terms, included in **Appendix 12**. This sets out how the design achieves high level of on-site amenity while being an appropriate urban design response to the opportunities and constraints of the site, achieving high-quality buildings which will positively contribute to the attractiveness and safety of the street, have a design quality commensurate with their scale, provide quality on-site amenity, and suitably manage potential adverse effects to neighbours.

#### 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:

Green Gorilla has already been engaged to assist with construction waste management during construction of the project. They have provided a memorandum, attached as **Appendix 18**. A building company has not yet been contracted to actually construct the proposal, and so further details around the contracted company’s policies and practices for sustainability and minimising waste cannot be provided at this time. However, when assessing potential

candidates to award the contract to, the Applicant entities will include as part of their assessment criteria candidate companies' practices with respect to sustainability and waste management.

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 new houses 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 to achieve energy efficiency include:

- The building will have above building code insulation values to walls.
- The design will include storm water retention tanks.
- Glazing will include low E glass where needed.
- Efforts to utilise a proportion of recycled material in the construction, i.e. concrete.
- Thermal modelling will be undertaken to prove efficiency of building envelope.

Although each unit will have at least one car parking space, and ten of the units will have two car parking spaces, the power supply to the apartment building and the car parks will be electric vehicle (EV) charging ready so that it provides for and encourages the use of electric vehicles. We note also that the use of electric vehicles is becoming increasingly popular, therefore it can be expected that with EV charging being readily available, many of the vehicles associated with the new development would likely be EV.

Furthermore, a surplus of bicycling parking is proposed to encourage the use of bicycles. 50 bicycle parking spaces will be provided in the basement, and 3 visitor bike parks will be provided in the communal space between the two building blocks.

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. The site is also in close proximity to 'Section Two' of the currently under construction Glen Innes to Tamaki Shared Path, which will provide comfortable walking and cycling access to the City Centre, Glen Innes and Panmure. 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. The proposal will therefore not affect any historic heritage. An Archaeological Memo has been prepared by Clough & Associates Ltd (**Appendix 7**), which concluded that:

*The proposed development at 182 – 184 Kepa Road and 8 Kurahaupo Street, Orakei will have no known effects on archaeological/historic heritage values and we consider it is unlikely that archaeological subsurface remains will be encountered during the proposed development works.*

*If subsurface archaeological evidence should be unearthed during construction (e.g. intact shell midden, hāngi, storage pits relating to Māori occupation, or cobbled floors, brick or stone foundation, and rubbish pits relating to 19th century European occupation), or if human remains should be discovered, the Accidental Discovery Rule (section E.12.6.1 of the AUPOP) must be followed.*

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 274m in distance, and approximately 55m in ground level, 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 prepared by ENGEO (**Appendix 19**).

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 close proximity to the CBD and a train station.
- 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	<p>Abatement notice ABT21524281, issued to Upland Holdings Limited (an associated company of the applicant) on 8 December 2020, for insufficient erosion and sediment controls.</p> <p>The company was instructed to install erosion and sediment control measures in accordance with the Auckland Unitary Plan (Operative in Part) and Guidance for Erosion and Sediment Control (GD05), and section 9(2) of the RMA.</p>
Auckland Council	<p>Abatement notice ABC21406381, issued to Phi Construction Limited (an associated company of the applicant) on 26 July 2018, for a breach of the Auckland Unitary Plan (rule D18.4.1(A5)).</p> <p>The company was ordered to immediately cease the unconsented construction of a new dwelling.</p>
Auckland Council	<p>Abatement notice ABC21406383, issued to St Andrew Residential Limited (an associated company of the applicant) on 26 July 2018 for a breach of the Auckland Unitary Plan (rule D18.4.1(A5)).</p> <p>The company was ordered to immediately cease the unconsented construction of a new dwelling.</p>
Auckland Council	<p>Infringement notice 61000106061, issued to St Andrew Residential Limited (an associated company of the applicant) on 26 July 2018 for a breach of the Auckland Unitary Plan.</p>



	<p>The breach related to total demolition of the external cladding and wall framing of a villa (rule D18.4.1(A3)).</p> <p>A fine of \$300 was issued.</p>
Auckland Council	<p>Infringement notice 61000106053, issued to Phi Construction Limited (an associated company of the applicant) on 26 July 2018, for a breach of a consent condition.</p> <p>The breach related to total demolition of the external cladding and wall framing of a villa.</p> <p>A fine of \$300 was issued.</p>

## 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

10/05/2022

**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](http://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)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
No	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.
No	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.