

Appendix 0 – Supplementary material from application form

Part II: Project location

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**.

NA19D/1477

Interest 8817389 (rainwater tank system)

This is an encumbrance for 999 years granted in favour of Auckland Council. The obligations are set out at the first schedule and relate to the installation of a rainwater tank system on the property (defined as "System"). The encumbrance states that the property owners must install and maintain the rainwater tanks in accordance with the building consent.

Clause 7 of encumbrance states that the owner is entitled to discharge of the encumbrance upon it being established to the Council's reasonable satisfaction that the covenants in this encumbrance have become obsolete (i.e. if the rainwater tank system is removed or replaced). The proposal involves a new set of rainwater tanks and it is anticipated that this encumbrance will be discharged and replaced with a new encumbrance or consent notice relating to the new water tanks.

The Applicant will apply to Auckland Council to have this interest removed from the title before demolition of the dwelling.

NA52B/1079

Interest K105390 (right of way)

This is a standard right of way easement and will become obsolete with the construction of the apartments. Fortunately, the easement relates to the rights of Lot 169A Deposited Plan 50580 to use part of Lot 169B DP 50580 for access (i.e. the driveway sits over the neighbour's property). In technical terms the Applicant's land is the dominant tenement and so this easement does not limit the development. However

it is likely that the Applicant / ORTL will surrender this easement and have this interest removed after demolition of the house (on ORTL's land) has been completed.

Interest K105388 (party wall)

The interest states that the owner of his part of the party wall shall have full, free and uninterrupted right to the use and enjoyment of the portion of the party wall erected on that land, that maintenance is at the expense of both owners of the party wall unless work is rendered necessary by the act of one owner alone in which case the owner responsible shall bear the whole cost thereof, and that consent from the other owner is required to make an additions or impose any additional weight on it or otherwise expose it to risk of damages.

The obligation is therefore to maintain the integrity of the party wall. The Applicant is procuring a draft construction methodology to confirm that it can meet its obligations under this interest when developing the land. That will be provided as soon as it is available.

Interest K105387 (sewage pipeline certificate)

This is a standard sewage easement. and will become obsolete with the construction of the apartments. Fortunately the easement relates to the rights of Lot 169A Deposited Plan 50580 to use part of Lot 169B DP 50580 for drainage (i.e. the drains run through the neighbour's property). In technical terms the Applicant's land is the dominant tenement and so this easement does not limit the development. However, it is likely that the Applicant / ORTL will surrender this easement and have this interest removed after demolition of the house (on ORTL's land) has been completed.

Part III: Project 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.

Prohibited Activities Analysis:

No prohibited activities apply to this proposal as assessed below.

Zone Chapters:

- Consent is required within the Business – Mixed Use Zone for the new apartment buildings Block A and B. There are no prohibited activities in this chapter under Table H13.4.1. Non-compliance with any standards to be complied with is a restricted discretionary activity.
- Consent is required within the Residential – Terrace Housing and Apartment Building Zone for the new apartment building Block B. There are no prohibited activities in this chapter under Table H6.4.1. Non-compliance with any standards to be complied with is a restricted discretionary activity.

Auckland-Wide Chapters:

- Consent is required under Chapter E7 for groundwater diversion and dewatering. There are no prohibited activities under this chapter in Table E7.4.1.
- Consent is required under Chapter E12 for land disturbance (earthworks). There are no prohibited activities under the chapter, and in particular, Table E12.4.1 noting that the site is not subject to any overlays.
- Consent is required under Chapter E17 for works affecting street trees. There are no prohibited activities in Table E17.4.1. The trees are also not notable trees, and even if they were, removal of notable trees is a discretionary activity.
- Consent is required under Chapter E25 for construction noise and vibration that do not comply with the permitted activity standards. Activity table E25.4.1 only has two activities; permitted for compliance with standards, and restricted discretionary for non-compliance with standards.
- Consent is required under Chapter E27 for non-compliance with parking and access standards. Any non-compliance with accessory parking, loading and access standards is a restricted discretionary activity under E27.4.1(A3). There are also no prohibited activities under Table E27.4.1.
- Consent for unit title subdivision is required under Chapter E38 Subdivision – Urban. Any cross lease, company lease, unit title and strata-title subdivision is a Controlled activity. The only subdivisions in Table E38.4.1 that are Prohibited are subdivision relating to minor dwelling and converted dwelling. As the proposal only involves the establishment of new dwellings, these activities are not applicable.
- While consent is required under the NES CS, the Preliminary & Detailed Site Investigation prepared by ENGEO (**Appendix 6**) states that *“Based on our experience with similar sites, and a relatively small volume of soil exceeding the environmental discharge criteria, it is considered likely that soil disturbance can be undertaken as a **permitted activity under E30.6.1.2 of the AUP**, subject to provision of a Site Management Plan.”* Notwithstanding this, there are no prohibited activity under Table E30.4.1 for Contaminated land.

The site is not subject to any AUP Overlay, Precinct, or Designations, and therefore would not be subject to any prohibited activities that apply to any overlay or precincts. The only AUP Control on the site is the Macroinvertebrate Community Index control, which does not relate to any specific activity, but is referred to as a guideline for freshwater ecosystem health in Chapter E1 policies for water quality and management.

The site is also not subject to any natural hazards based on Council's GeoMaps. Notwithstanding this, there are no prohibited activities under Chapter E36 Natural hazards and flooding.

National Environmental Standards

- In relation to the National Environmental Standards for Freshwater Regulations 2020, the proposal does not involve any prohibited activities (Regulation 53) which includes earthworks within a natural wetland, or the taking, use, damming, diversion, or discharge of water within a natural wetland. There are no natural wetlands on the site or within 100m of the site.
- In relation to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, there are no prohibited activities in this National Environmental Standard.

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)

The NPSUD was gazetted on 23 July 2020 and is effective from 20 August 2020. It replaces the National Policy Statement on Urban Capacity 2016. The NPSUD sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991 and **seeks the provision of sufficient development capacity to meet the different needs of people and communities.**

It contributes to the Urban Growth Agenda (UGA) which aims to remove barriers to the supply of land and infrastructure to make room for cities to grow up and out. The NPSUD does this by addressing constraints in our planning system to ensure growth is enabled and well-functioning urban environments are supported.

The MFE website on the NPSUD states that it contains objectives and policies that Councils **must give effect to in their resource management decisions.**

The NPSUD sets out time frames for implementing objectives and policies for three “Tiers” of Councils, with Auckland Council being a “Tier 1” Council.

The summary structure and timeframes of the NPSUD are:

- Objectives and policies take **immediate effect**;
- Plan changes implementing intensification policies must be notified within two years for Tier 1 and 2 Councils, although Housing and Business Assessments (HBAs) on capacity, and Future Development Strategies (FDSs) to inform plan changes, are required to be completed in time to inform 2024 long term plans;
- Plan changes are to follow as soon as monitoring of development supply against demand is completed (being annually), with plan changes to supply additional capacity where needed to be provided within 12 months of the relevant monitoring report. This means new rules in Council plans addressing additional supply are in the order of six years away;
- Planning is required to be **responsive to proposals addressing development capacity**, including unanticipated or out of sequence development; and
- Councils are required to prepare a Future Development Strategy (FDS) every six years and update them every three years and provide an implementation plan for their FDS.

While the timeframes for plan changes implementing **rules** through plan changes are some way off, the NPSUD requires adequate **consideration of its objectives and policies now**. In this regard, there are several objectives and policies in support of intensification satisfying certain criteria such as Policy 1 which seeks for planning decisions to contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- Have or enable a variety of homes in terms of price, location, and different households, and enabling Māori to express their cultural traditions and norms.
- Have or enable accessibility to urban centres, employment opportunities, natural and open spaces and public transport.
- Supports reductions in greenhouse gas emissions.
- Are resilient to the effects of climate change.

Policy 3(c) seeks for regional policy statements and district plans to enable building height of at least 6 storeys within at least a walkable catchment of:

- (i) existing and planned rapid transit stops
- (ii) the edge of city centre zones
- (iii) the edge of metropolitan centre zones; and
- (iv) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activities and community centres services.

Assessment

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.

Based on the Economic Assessment, there is only one apartment development within the study area with 7 units remaining on the market. This indicates a shortage of new apartments in this location and given the central location it would generally have strong demand for apartments. The proposal increases the current number of dwellings on the site from two (2) to 45.

Understandably the apartments are not 'affordable' against any Auckland-wide metric, however they will be considerably less expensive than stand-alone housing in this part of Auckland (Orakei, Mission Bay etc).

The apartment will also perform a role in facilitating further intensification in Auckland. The demographic of Orakei and the surrounding suburbs includes a high-proportion of empty nesters and retiree-age people. At present, there are few opportunities for older people living in this part of Auckland to downsize and continue to live in their community while not moving to a retirement village. The Orakei, Mission Bay, Remuera area are predominantly made up of larger sites and dwellings that are highly suited for further intensification as a result of the NPSUD and the RMA amendments. A further analysis explaining how this facilitation is achieved is set out in Part IX in the sub-heading addressing housing supply.

This assessment demonstrates why it is appropriate to consider not only the size of this development, but also the potential role it will perform in facilitating the renewal and intensification of this part of Auckland.

Kepa Road is well-serviced in terms of bus stops and services. The site is within 250m distance to the Estridge Shopping Centre (zoned Business – Neighbourhood Centre) which contains a supermarket, restaurants and shops, and within 50m to Business – Neighbourhood Centre zone sites to the west. The site is also within close proximity to reserves. As such, the site has good accessibility to community services, natural spaces, open spaces and public transport. It is also noted that the site while not within a walkable catchment to rapid transit, the Orakei Train Station is approximately 1.6km away to the south-west. Cycling to the train station could be appealing.

The proposal allows more people to live on Kepa Road/ within the Orakei suburb, particularly in a highly desirable location with excellent accessibility to commercial and public services and amenities. The proposal also provides housing variety in the area to suit different households, especially those that cannot afford to, or do not want to live in a larger standalone dwelling which will generally also involve higher on-going maintenance and running costs per person.

Residential intensification of the Site therefore strongly aligns with the government directions as set out in the NPSUD for urban intensification to occur in locations that would achieve a compact urban form and well-function urban environment. Once the NPSUD policies are given effect to via changes

to the existing AUP provisions, this will likely result in increases in height to allow for building heights of **at least six storeys** around the Eastridge local centre, and within walking distance to Orakei and Meadowbank train stations, noting that many sites within this catchment are currently zoned Mixed Housing Urban or Suburban which would typically only allow heights of up to **three storeys**, and are proposed to be rezoned Terrace Housing and Apartment Building zone in Council's preliminary response.

With regards to sustainability, climate change and a transition to a low-emissions economy, measures will be explored and implemented to align with these outcomes in terms of the civil construction phase. The applicant's Architects, Monk Mackenzie, have at this stage advised that the following initiative will be implemented:

- *The building will have above building code insulation values to walls.*
- *Design will include storm water retention tanks.*
- *Glazing will include low E glass where needed.*
- *We will attempt to utilise a proportion of recycled material in the construction, i.e. Concrete.*
- *Landscape planting includes citrus producing trees for apartment owners use.*
- *Landscape berm to roadside is replanted in native grass and shrubs to attract and assist native wildlife.*
- *Thermal modelling will be undertaken to prove efficiency of building envelope.*

There will also be provision for alternative transport options such as EV charging and bicycle parking. Given the development has been designed to optimise intensity, a greater amount of housing can be provided for equivalent building materials. As such, it is expected that on a per house basis, the proposed development will produce less greenhouse gas than a typical residential development. As the site is not located in close proximity to any known flood hazards or the coast, the site would be resilient to the effects of sea level rise as a result of climate change.

The proposal overall provides more intensive residential developments in the Mixed Use and THAB zones and aligns strongly with the outcomes anticipated under the NPSUD.

Part IX: Purpose of the Act

Your application must be supported by an explanation of how the project will help to achieve the purpose of the Act, being 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.

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.

Housing supply

[...]

As previously discussed, there is also the opportunity for the proposal to ‘free up’ existing larger sections that can then be developed with additional housing, where existing occupants are looking to down-size but stay within the locality. This is an additional benefit, not a central reason for fast tracking.

If just half of the buyers of the proposed development were local residents that in turn sold their current dwelling, and based on the assumption that the average lot size of these dwellings was 600m², this would free up 1.38 hectares of potential development land, sufficient for approximately a further 115 additional dwellings to be facilitated in the local area (based on 3 dwellings on a 300m² site – consistent with the permitted activity rules of the AUP’s Mixed Housing Urban Zone, which is also similar to the MDRS). The assumptions made above were supported by Adam Thompson, Urban Economics Specialist.