

FTC#146 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2022-087 Kepa Road Apartments Project

Date submitted:	28 July 2022	Tracking #: BRF-1825	
Security level	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	To be advised

Actions for Minister's Office staff	Return the signed briefing to MfE. Send the attached notice of decisions letter (if signed).
Number of appendices: 6	Appendices: 1. Kepa Road Apartments Project application and additional information received (Databox link) 2. Stage 1 Briefing Note and decisions (Databox link) 3. Statutory framework for making decisions (Databox link) 4. Draft Notice of Decisions letter to Sanctum Projects Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers, Auckland Council, Auckland Transport, Watercare Services Limited and Ngāti Whātua Ōrākei (Databox link)

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Acting Director	Stephanie Frame	s 9(2)(a)	

FTC#146: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key messages

1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Sanctum Projects Limited to refer the Kepa Road Apartments Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-1757) with your initial decisions annotated is in Appendix 2.
3. The project is to redevelop three suburban sections at 182–184 Kepa Road and 8 Kurahaupo Street in Ōrākei, Auckland, by removing existing vegetation and buildings, and constructing a residential development consisting of two apartment buildings that will provide 45 residential units, associated driveways, infrastructure and landscaped areas. The new buildings will be 6 storeys (approximately 17 metres high) and 7 storeys (approximately 21 metres high) with two basement levels that will span between the buildings and provide approximately 60 car parks.
4. The project site is across the road from the Pourewa Creek Recreation Reserve, which was transferred to Ngāti Whātua Ōrākei under their 2012 Treaty settlement.
5. The project will involve activities such as:
 - a. undertaking a unit title subdivision
 - b. demolishing buildings and infrastructure
 - c. carrying out earthworks (including disturbing potentially contaminated soils)
 - d. trimming and removing vegetation, including trees on roads
 - e. taking and diverting groundwater
 - f. diverting and discharging stormwater (which may contain contaminants) to land
 - g. constructing residential buildings
 - h. constructing infrastructure including for vehicle access and three-waters services
 - i. generating construction noise and vibration in excess of permitted activity standards
 - j. landscaping and planting
 - k. any other activities that are –
 - i. associated with the activities described in a to g
 - ii. within the project scope as described in paragraph 3.
6. The project will require subdivision and land use consents, water and discharge permits under the Auckland Unitary Plan (AUP) and resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
7. The project site is zoned Business – Mixed Use and Residential – Terrace Housing and Apartment Buildings in the AUP. The proposed activities will have restricted discretionary activity status (with the exception of the unit title subdivision which will be a controlled activity) due to exceedances of permitted standards, including exceeding the building height standards for the Business - Mixed Use Zone by approximately 5.29 metres.

8. We recommend you accept the referral application under section 24 of the FTCA and refer the project to a panel for fast-track consenting. We seek your decision on this recommendation and on recommendations for directions to the applicant and a panel, and notification of your decisions.

Assessment against statutory framework

9. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with project referral.
10. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from Ministers, Auckland Council, Auckland Transport and Water Services Limited (Watercare) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
11. We have also considered if there are any reasons for declining the project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

12. You did not request any further information from the applicant under section 22 of the FTCA.

Section 17 report

13. The Section 17 Report indicates that there are 15 iwi authorities, 8 Treaty settlements and 12 Treaty settlement entities relevant to the project area. The report also identifies a further three iwi authorities (the Hauraki Māori Trust Board, Ngā Maunga Whakahii o Kaipara Development Trust and Makaurau Marae Māori Trust) which may have an interest in the area.
14. The project site is immediately north of the Pourewa Creek recreation reserve, which is a cultural redress site transferred to Ngāti Whātua Ōrākei Trustee Limited under the Ngāti Whātua Ōrākei Claims Settlement Act 2012. The reserve is administered by the Ngāti Whātua Ōrākei Reserves Board, which was established under the settlement as a co-governance body with Auckland Council. The Section 17 report includes both Ngāti Whātua Ōrākei Trustee Limited and the Ngāti Whātua Ōrākei Reserves Board among the relevant Treaty settlement entities for the project.
15. The relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the project.

Comments received

16. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i), Auckland Council, Auckland Transport and Watercare. The key points of relevance to your decision are summarised in Table A.
17. s 9(2)(f)(ii), s 9(2)(g)(i)
18. s 9(2)(f)(ii), s 9(2)(g)(i)

19. s 9(2)(f)(ii), s 9(2)(g)(i)
20. Auckland Council did not oppose project referral and supported the overall intent and nature of the project in principle, but included comments from the Orakei Local Board which opposed project referral. The council noted that more information is required on project effects, particularly on infrastructure and groundwater and character and amenity effects due to the infringement of the maximum height standard. The council identified several reports that they would normally require for a project of this type in this area. We consider these reports are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but recommend you require the applicant to submit to a panel certain specific information, as detailed in Table A, to assist with consideration of the application.
21. Auckland Transport did not identify any significant concerns with project referral. They requested that if the project is referred you require the applicant to provide a Transport Impact Assessment with their resource consent applications and direct a panel to invite comments from Auckland Transport.
22. Watercare did not oppose project referral and noted that while there is sufficient capacity in the local water supply network, there are potentially significant capacity constraints in the wastewater network that may need to be mitigated.

Section 18 referral criteria

23. You may accept the application for project referral if you are satisfied that the project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
24. The project does not include any ineligible activities, as explained in Table A.
25. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the project will help achieve the purpose of the FTCA, and thus meet the requirements of section 18(2), as it has the potential to:
- a. generate employment by creating approximately 199 direct full-time equivalent (FTE) jobs over a 2-year construction period
 - b. increase housing supply by constructing apartment buildings that will provide 45 residential units
 - c. contribute to a well-functioning urban environment by providing housing in a location with good access to community services, public transport and natural and open spaces
 - d. progress faster than would otherwise be the case under standard RMA process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.
26. We consider any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and risks

27. Even if the project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the project for any other reason.

Section 23 FTCA matters

28. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.
29. We consider that referring the project could be viewed negatively by the wider community who may expect to be involved in a standard consenting process under the RMA due to the proposed height of the development and its potential effects on the existing neighbourhood. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). We consider a panel will be best placed to assess the project's effects, including on existing amenity and character, with the benefit of a complete resource application before them. Therefore, we do not consider that you should decline the referral application on the basis that it would be more appropriate for the project to go through the standard consenting process under the RMA (section 23(5)(b)).
30. Auckland Council did not identify any environmental regulatory compliance history for the applicant and noted that past abatement notices issued to other companies where Mr Ghee (director of Sanctum Projects Limited) was a director or shareholder have been met and are no longer active. Auckland Council noted there are no significant outstanding compliance concerns and we do not consider that you should decline the referral application on the basis of a poor history of environmental regulatory compliance (section 23(5)(f)).

Other matters

31. You referred the applicant's Waimarie Street Project to a panel in March 2022 and at that time we advised you of media articles from 2016 relating to Sanctum Projects Limited and Mr Ghee, concerning disputes over developments undertaken by PHI Construction Limited (a separate legal entity of which Mr Ghee is the sole director). We do not consider litigation involving other legal entities to be directly relevant to your referral decision. We are not aware of any additional negative media on the applicant or its sole director and shareholder (Mr Ghee).

Conclusions

32. We do not consider there are any significant reasons for you to decline to refer the project. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
33. If you decide to refer the project, we consider you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must submit the following information to a panel with their consent applications, in addition to the requirements of clause 9 of Schedule 6 of the FTCA:
 - a. a three-waters infrastructure assessment
 - b. an integrated transport assessment
 - c. an urban design and landscape assessment.
34. The above information will inform a panel's assessment of the project's effects and whether to invite comment from any additional persons or groups. This does not preclude a panel from requiring the applicant to provide any additional information on any application lodged with the EPA under the FTCA
35. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on consent applications for the project from the

following parties:

- a. Auckland Transport
- b. Watercare Services Limited
- c. Hauraki Māori Trust Board
- d. Ngā Maunga Whakahii o Kaipara Development Trust
- e. Makaurau Marae Māori Trust
- f. Ngāti Koheriki Claims Committee.

Next steps

- 36. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA. We consider you should also give the notice of decisions together with a copy of the application to the parties listed in paragraph 34.
- 37. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
- 38. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). We will provide you with an amended letter if required. Once you have signed the letter we will assist your office to copy it to all relevant parties.
- 39. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OiC). Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.¹
- 40. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
- 41. Our recommendations for your decisions follow.

¹ Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from Sanctum Projects Limited unless you are satisfied that the Kepa Road Apartments Project (project) meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
 - b. **Note** when assessing whether the project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
 - c. **Note** before deciding to accept the application for project referral under section 24(1) of the FTCA you must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments and further information sought and provided within the required timeframe.
 - d. **Note** if you are satisfied that all or part of the project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the project to an expert consenting panel (panel)
 - ii. refer the initial stages of the project to a panel while deferring decisions about the project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
 - e. **Note** if you do refer all or part of the project you may:
 - i. specify restrictions that apply to the project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
 - f. **Agree** the project meets the referral criteria in section 18(3) of the FTCA.
- Yes/No
- g. **Agree** the project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. generate employment by creating approximately 199 direct full-time equivalent (FTE) jobs over a 2-year construction period
 - ii. increase housing supply by constructing apartment buildings that will provide 45 residential units
 - iii. contribute to a well-functioning urban environment by providing housing in a location with good access to community services, public transport and natural and open spaces

- iv. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.
- Yes/No
- h. **Agree** to **refer** all of the project to a panel.
- Yes/No
- i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:
- i. an assessment of the relevant infrastructure for three-waters services that –
 - a. identifies the existing condition and capacity of that infrastructure
 - b. identifies any upgrades to that infrastructure that are required in connection with the project
 - c. identifies any funding required to carry out those upgrades (including who will provide that funding)
 - d. contains information on any discussions held, and any agreements made, between the applicant and Auckland Council or Watercare Services Limited (or both)
 - ii. an integrated transport assessment, including –
 - a. an assessment of the effects of the project on the local road network
 - b. an assessment of how the project will support people to use public transport and active modes of transport (such as walking and cycling)
 - c. information on any discussions held, and any agreements made, between the applicant and Auckland Transport
 - iii. an urban design and landscape assessment of the development.
- Yes/No
- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to those specified in clause 17 of Schedule 6 of the FTCA:
- i. Auckland Transport
 - ii. Watercare Services Limited
 - iii. Hauraki Māori Trust Board
 - iv. Ngā Maunga Whakahii o Kaipara Development Trust
 - v. Makaurau Marae Māori Trust
 - vi. Ngāti Koheriki Claims Committee.
- Yes/No
- k. **Agree** to copy the application and notice of decisions to the parties listed in paragraph j, in addition to those specified in section 25 of the FTCA.
- Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the project to a panel in accordance with your decisions recorded herein.

Yes/No

- m. **Sign** the notice of decisions letter to the applicant (attached in Appendix 4).

Yes/No

- n. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 report on the Ministry for the Environment's website.

Yes/No

Signatures



Madeleine Berry
Acting Manager – Fast-track Consenting

Hon David Parker
Minister for the Environment

Date:

Table A: Stage 2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
Name Kepa Road Apartments Project Applicant Sanctum Projects Limited Location 182-184 Kepa Road and 8 Kurahaupo Street, Orakei, Auckland	<p>The project is to redevelop three suburban sections at the corner of Kepa Road and Kurahaupo Street in Ōrākei, Auckland, by removing existing vegetation and buildings, and constructing a residential development consisting of two apartment buildings that will provide 45 residential units, associated driveways, infrastructure and landscaped areas. The new buildings will be 6 storeys (approximately 17 metres high) and 7 storeys (approximately 21 metres high) with two basement levels that will span between the buildings and provide approximately 60 car parks.</p> <p>The project site is across the road from the Pourewa Creek Recreation Reserve, which was transferred to Ngāti Whātua Ōrākei under their 2012 Treaty settlement.</p> <p>The project will involve activities such as:</p> <ol style="list-style-type: none"> undertaking a unit title subdivision demolishing buildings and infrastructure carrying out earthworks (including disturbing potentially contaminated soils) trimming and removing vegetation, including trees on roads taking and diverting groundwater diverting and discharging stormwater (which may contain contaminants) to land constructing residential buildings 	<p>The project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> it does not include any prohibited activities it does not include activities on land returned under a Treaty settlement it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 	<p>Economic benefits for people or industries affected by COVID-19 (19(a))</p> <p>Based on the information provided by the applicant we consider that the project may result in the following economic benefits:</p> <ul style="list-style-type: none"> creating 199 direct full time equivalent (FTE) jobs over a 24-month period contributing approximately \$26.5 million to Auckland GDP in the construction sector. <p>Economic costs for people or industries affected by COVID-19 (19(a))</p> <p>N/A</p> <p>Effect on the social and cultural well-being of current and future generations (19(b))</p> <p>The project has the potential for positive effects on the social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> generate employment by providing 199 direct FTE jobs over a 24-month period increase housing supply through the construction of two apartment buildings that will provide 45 residential units. <p>Is the project likely to progress faster by using this Act? (19(c))</p> <p>The applicant considers that the fast-track process will allow the project to progress approximately 5-18 months faster than under standard Resource Management Act (RMA) process. The applicant considers that the application would likely be publicly notified (and open to appeal) under standard process. Alternatively, a decision by Auckland Council not to notify the application would likely be subject to application(s) for a judicial review.</p> <p>Will the project result in a public benefit? (19(d))</p> <p>Based on the information provided by the application we consider that the project may result in the following public benefits:</p> <ul style="list-style-type: none"> generating employment increasing housing supply 	<p>Ministers</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p> <p>Auckland Council did not oppose project referral. The council noted that:</p> <ul style="list-style-type: none"> the proposal is considered to be generally consistent with the AUP objectives and policies abatement notices and infringement notices have been issued in the past to Phi Construction Limited (Mr Aaron Ghee (GHEE Teik Huat) is Director), St Andrews Residential Limited (Director) and Upland Holdings Limited (Director). These abatement notices have been met and are no longer active The Ōrākei local board is opposed to the proposed height of the development and the use of the fast-track process. <p>In response to your specific question whether council have any concerns with the applicant entity not being the developer, council advised that section 134 of the RMA states land use</p>	<p>Section 23(5) matters:</p> <p>Insufficient information (23(5)(a))</p> <p>The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA.</p> <p>More appropriate to go through standard RMA process (23(5)(b))</p> <p>We consider that referring the project could be viewed negatively by the wider community who may expect to be involved in a standard consenting process under the RMA due to the proposed height of the development and its potential effects on the existing neighbourhood. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 17(6)(g) and 17(6)(h), Schedule 6 of the FTCA. A panel also can invite comments from any person they consider appropriate (clause 17(8), Schedule 6 of the FTCA). We consider a panel will be best placed to assess the project's effects, including on existing amenity and character, with the benefit of a complete resource application before them. Therefore, we do not consider that you should decline the referral application on the basis that it would be more appropriate for the project to go through the standard consenting process under the RMA (section 23(5)(b)).</p> <p>Inconsistency with a national policy statement (23(5)(c))</p> <p>We do not consider the project is inconsistent with any relevant national policy statements.</p> <p>Inconsistent with a Treaty settlement (23(5)(d))</p> <p>The project does not directly affect any Treaty settlement redress.</p>	<p>In response to key comments:</p> <ul style="list-style-type: none"> It is not necessary for you to direct a panel to seek comments from Ngāti Whātua Ōrākei s 9(2)(f)(ii), s 9(2)(g)(i) as the relevant iwi authority and Treaty settlement entities associated with Ngāti Whātua Ōrākei are identified in the Section 17 Report and therefore must be included in a panel's consultation. s 9(2)(f)(ii), s 9(2)(g)(i) We recommend that you agree to the requests from Auckland Transport and Watercare that you require the applicant to provide certain additional reports with an application to a panel. <p>There are no significant reasons to decline to refer the project. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel.</p> <p>We recommend you require the applicant to provide the following information with their resource consent applications to a panel:</p> <ol style="list-style-type: none"> an assessment of the relevant infrastructure for three-waters services that – <ol style="list-style-type: none"> identifies the existing condition and capacity of that infrastructure identifies any upgrades to that infrastructure that are required in connection with the project identifies any funding required to carry out those upgrades

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>h. constructing infrastructure including for vehicle access and three-waters services</p> <p>i. generating construction noise and vibration in excess of permitted activity standards</p> <p>j. landscaping and planting</p> <p>k. any other activities that are –</p> <p>i. associated with the activities described in a to g</p> <p>ii. within the project scope as described above.</p> <p>The project will require subdivision and land use consents, water and discharge permits under the Auckland Unitary Plan (AUP) and resource consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).</p>		<ul style="list-style-type: none"> contribute to a well-functioning urban environment <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The project has the potential for adverse environmental effects arising from:</p> <ul style="list-style-type: none"> earthworks and disturbance of contaminated land construction activities (including traffic, noise and vibration) Increased traffic the proposed buildings potentially dominating, shading, causing loss of privacy for neighbouring properties and affecting the existing amenity and character of the area. <p>The applicant has stated that overall adverse effects will not be significant.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision, and a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.</p> <p>Other relevant matters (19(f))</p> <p>Part of the project site (8 Kurahaupo Street) is subject to an encumbrance (party wall certificate) on the record of title relating to the existing dwelling party wall, shared with the dwelling at 10 Kurahaupo Street. The encumbrance imposes various obligations on the owner of the land with regard to maintaining the integrity of the party wall. The applicant has provided a statement from a builder which confirms that they are able to carry out the necessary works for the project while meeting the requirements of the encumbrance, and thereby not requiring consent under the encumbrance from the owner of 10 Kurahaupo Street.</p>	<p>consents and subdivision consents shall attach to the land, and therefore the consent will not be attached to the applicant. Therefore, we do not have any concerns that the applicant is the project management firm associated with the development rather than the landowner or developer</p> <p>Other parties</p> <p>Based on the information provided, Auckland Transport did not identify any significant concern with this application being accepted for the fast-track consenting process. However, Auckland Transport noted that given the high-level nature of the material submitted with the application, there may be additional matters that come to light when a more complete assessment is submitted and there may be the need for additional consideration of mitigation measures should the project be accepted. Auckland Transport requests that, should the project be accepted for fast-track consenting, the requirement for a Transport Impact Assessment is formally stated in the referral order to accompany any resource consent application for the project lodged with the Environmental Protection Authority and that Auckland Transport is specifically referenced as a person to be invited to comment on the application.</p> <p>Watercare made no comment on project referral but noted that there are significant downstream constraints in the wastewater network. Depending on the timing of the proposed development, there may be a need to mitigate the increase in peak flow on the downstream network to ensure overflow performance does not degrade.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>Involves land needed for Treaty settlements (23(5)(e))</p> <p>The project site does not include any land needed for Treaty Settlement purposes.</p> <p>Applicant has poor regulatory compliance (23(5)(f))</p> <p>Auckland Council has not identified any environmental regulatory compliance history for the applicant. Auckland Council advised that there are no significant outstanding compliance concerns associated with the applicant, Mr Aaron Ghee (GHEE Teik Huat), and other companies of which Mr Ghee is a director/shareholder. No enforcement action has been taken against Sanctum Projects Limited and past abatement notices issued to Phi Construction Limited and St Andrews Residential Limited (both with Mr Ghee as director) were met and are no longer active.</p> <p>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p>Other issues and risks:</p> <p>N/A</p>	<p>(including who will provide that funding)</p> <p>d. contains information on any discussions held, and any agreements made, between the applicant and Auckland Council or Watercare Services Limited (or both).</p> <p>2. an integrated transport assessment, including –</p> <p>a. an assessment of the effects of the project on the local road network</p> <p>b. an assessment of how the project will support people to use public transport and active modes of transport (such as walking and cycling)</p> <p>c. information on any discussions held, and any agreements made, between the applicant and Auckland Transport</p> <p>3. an urban design and landscape assessment of the development.</p> <p>We recommend you direct a panel to invite comments on any resource consent applications for the project from:</p> <ul style="list-style-type: none"> Auckland Transport Watercare Services Limited Hauraki Māori Trust Board Ngā Maunga Whakahii o Kaipara Development Trust Makaurau Marae Māori Trust Ngāti Koheriki Claims Committee. <p>We also recommend that you provide the application and notice of decisions to the above-named parties, in addition to those specified in section 25 of the FTCA.</p>