



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: Beachlands
Application number: PJ-0000727
Date received: 23/12/2020

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

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: Neil Construction Limited

Contact person: David Page

Job title: Senior Development Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

Neil Construction Limited

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Address for service (if different from above)

Organisation: Campbell Brown Planning Limited

Contact person: Philip Brown

Job title: Director

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Postal address:

Campbell Brown Planning Limited

PO Box 147001

Ponsonby

Auckland 1144

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.

109 Beachlands Road, Beachlands, Auckland, 2018, New Zealand

Legal description(s):

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

The legal description of the site is Lot 1002 DP 512674. A copy of the Record of Title is **attached**, together with copies of the Consent Notice and Easement Instrument that are registered on the title. Neither the Consent Notice or Easement Instrument impact on the applicant's ability to develop the land.

Registered legal land owner(s):

Neil Construction Limited

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:

The applicant, Neil Construction Limited ('NCL'), is the owner of the site. NCL is part of The Neil Group which, along with its associated entities, has been involved in land development in the Auckland region for over 50 years.

NCL has entered into a contractual agreement with Fletcher Residential Limited ('FRL') to facilitate development of the site. FRL will purchase 219 (85%) of the proposed residential lots and construct dwellings on each of those lots.

NCL will retain 40 lots under this consent, of which 16 will have land use consents for dwellings and the remaining will be vacant lots sold to builders.

Part III: Project details

Description

Project name: Beachlands

Project summary:

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

It is proposed to develop a 16.2808ha site to accommodate 259 residential lots, together with jointly owned access lots, and public roads, pedestrian accessways, and recreation and drainage reserves to vest. The project encompasses construction of dwellings on 235 of the lots, with the remaining 24 lots to be sold as vacant land for subsequent development by NCL's builder customers.

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.

It is proposed to develop a 16.2808ha site to accommodate 259 residential lots, together with jointly owned access lots, and public roads, pedestrian accessways, and recreation and drainage reserves to vest. The project encompasses construction of dwellings on 235 of the lots, with the remaining 24 lots to be sold as vacant land for subsequent development by NCL's builder customers.

The proposal is a master-planned housing development and subdivision. Dwellings would be constructed on the residential lots in a variety of typologies, including terrace, duplex and standalone housing ranging between one and two storeys in height. Residential lot sizes will range from 117m² to 1,025m². The composition of typologies comprises 42 standalone dwellings, 72 duplex dwellings, and 113 terraced houses. Architectural site plans of the proposed development are **attached**, comprising a master plan, a typologies plan, and some indicative perspectives. Detailed drawings of each dwelling are currently being prepared. A scheme plan of subdivision is also **attached**.

The density of the development generally increases towards the north-east corner of the site, where the land directly adjoins the Beachlands commercial centre.

Earthworks will be undertaken over the site to create suitable building platforms, and those works will include reclamation of approximately 265m of intermittent streams. Offset mitigation planting is proposed both on-site and off-site to address the effects of stream reclamation.

The proposal includes vesting a substantial area of drainage reserve, comprising 2.3465ha of land that surrounds the stream network in the southern part of the site. A further area of 0.0805ha is proposed as recreation reserve. A pedestrian accessway is also proposed to vest in Council. The accessway includes 0.2802ha of land that will be developed to facilitate movement of pedestrians and cyclists.

Reticulated services will be provided to each lot, including wastewater, stormwater, and potable water. An infrastructure assessment has confirmed that there is sufficient capacity in the piped network to accommodate wastewater flows from the site. Stormwater would be disposed of to either the existing stormwater pond to the east of the site or to two new ponds that will then discharge to the watercourses that will remain in the southern part of the site. A discharge permit will be required for the disposal of stormwater into the stream network. The applicant has obtained water supply from Pine Harbour Water, which is a commercial water supply company. The source of that water is from bores that are under the control of Pine Harbour Water, and sufficient capacity is available under the water rights that are held by the company.

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

The project will be undertaken in three stages, encompassing both the civil works and the construction of houses. Earthworks and civil construction will commence in 2021 and be completed in 2025. House construction will commence in 2022 and be completed in 2026.

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent, Discharge permit

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
1002 DP 512674	Auckland Unitary Plan, Operative in Part ('AUP')	Residential – Single House Zone ('SHZ'). The SHZ is applied consistently to residential land in this location. Parcels of land immediately to the east of the site are identified as Business – Local Centre Zone.	Beachlands 1 Precinct	Road widening Designation (Auckland Transport) extends across the eastern portion of the Beachlands Road frontage. Macroinvertebrate Community Index Exotic and Macroinvertebrate Community Index Rural controls. These controls have no direct relevance to the development that is proposed.

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
Please refer to the summary table included as an attached document	Please refer to the summary table included as an attached document	Please refer to the summary table included as an attached document	Please refer to the summary table included as an attached document	Please refer to the summary table included as an attached document

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.

There have been no previous resource consent applications made for the development of this land.

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

There are no resource consent applications, notices of requirement for designations, or other approvals required that would be obtained by persons other than the applicant.

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:

- Resource Management (National Environmental Standards for Freshwater) Regulations 2020. Approval is required for a **discretionary activity** pursuant to clause 57 for the reclamation of the bed of lengths of three streams (identified as Streams S1, S3 and S4 within the **attached** '109 Beachlands Road, Beachlands: Assessment of Ecological Effects September 2020', prepared by Bioresarches (NCL's consultant ecologist). This approval will be applied for as part of the wider resource consent application.
- Asset owner approval will be required from Auckland Transport for the removal of street trees along Beachlands Road in order to construct the new road berm and proposed vehicle crossings. This will be applied for in parallel to the resource consent application.
- Vehicle crossing permits will be required from Auckland Transport prior to constructing the new crossings. These permits will be applied for prior to the construction works occurring on site.

The applicant is not aware of any other legal authorisations that are required to undertake the project.

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.

NCL has commenced detailed design anticipating that bulk earthworks will commence in October 2021. Drainage works, roading formation, and installation of services will follow in 2022. The first stage will also be available for the commencement of house construction in that year.

NCL has agreed to deliver 219 residential lots to Fletcher Residential Limited in three consecutive stages. The last land development stage is expected to be completed in 2025 with the dwellings completed in 2026. The **attached** staging plan shows those lots to be developed by FRL and those to be developed by NCL.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The applicant has held a pre-application meeting with Ministry for the Environment staff on 8 October 2020 to discuss the fast-track process and the information that would be required to support an application. Ministry staff in attendance were Rachel Ducker and Sara Clarke.

Local authorities

Detail all consultation undertaken with relevant local authorities:

The applicant has held a pre-application meeting with the Council on 22 January 2020. However, the meeting discussed a more conventional vacant lot subdivision with all lots meeting the minimum 800m² permitted lot size. Increased density was not discussed to any significant extent. The pre-application meeting was helpful in understanding Council's position on roading patterns, infrastructure provision, and vesting of drainage and recreation reserve.

Other persons/parties

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

It is considered that there are no persons or parties that would be significantly affected by the proposal, as the site is well-separated from adjacent land uses and careful consideration has been given to the nature and intensity of development proposed along the boundary interface.

Land to the west and south would be 'buffered' and separated from development proposed by the larger 800m² lots that would be provided along the western edge of the site and by the reserve land on the southern part of the site.

Land to the north of the site is separated by Beachlands Road, and proposed lots along this interface are of generous width and have an average site size of approximately 680m².

Land to the east of the site is separated by Mahutonga Avenue. This land includes the Beachlands commercial centre, containing the loading dock and service area of a Countdown supermarket, some smaller retail outlets, a childcare centre, and terrace housing at similar density to that proposed within the development. Three larger standalone houses are located to the east of the site, south of the commercial centre, together with a large stormwater pond.

Detail all consultation undertaken with the above persons or parties:

N/A

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
Ngāi Tai ki Tāmaki	The applicant has commenced engagement with all Mana Whenua groups that hold an interest in the area in which the site is located. Arising from this, NCL's Senior Development Manager has met with representatives of Ngāi Tai ki Tāmaki on site to discuss issues of interest. Ngāi Tai ki Tāmaki has indicated that it will prepare a cultural values assessment for the proposal. No issues of particular concern have been identified by Mana Whenua to date, although engagement is ongoing.

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
The applicant is not aware of any Treaty settlement entities with an interest in the area in which the project will occur.	

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.

There are no Treaty Settlement Statutory Acknowledgment areas identified by the Auckland Council, over this site or surrounding neighbourhood, refer map below. A Statutory Acknowledgement area for Ngāi Tai ki Tāmaki is in place over the Hauraki Gulf that surrounds Beachlands, but does not directly apply to the 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.

The proposed activity will not occur in a customary marine title area.

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.

The proposed activity will not occur in a protected customary rights area.

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.

The scale and nature of the proposal means that it has the potential to give rise to some adverse environmental effects. The assessment below considers the extent of the range of potential adverse effects, together with the methods that are proposed to avoid, remedy or mitigate any such effects. Overall, it is concluded that the proposed development will not give rise to any significant adverse effects subject to appropriate mitigation and imposition of conditions of consent.

Stream reclamation

The proposed development will require the reclamation of both ephemeral and intermittent streams in order to form the residential block layout set out in the AUP's I403.10.1. Beachlands 1: Precinct Plan 1.

The reclamation of ephemeral streams is a permitted activity under the AUP, and as such any associated adverse effects are considered to be acceptable. The proposal will require the reclamation of the upper reaches of three streams identified as intermittent. A total of 264.5m of stream length is proposed to be reclaimed.

Bioresearches has undertaken an assessment of each of these streams and provided a classification and Stream Ecological Valuation (SEV) score. The streams are labelled S1, S3 and S4 in Figure 5 within the Bioresearches report, and that Figure is copied below.

All streams and their riparian margins have been highly modified from historical pastoral farming and vegetation clearance and have been assigned low SEV scores in the ecological assessment. The potential adverse effects arising from the reclamation would include:

- Potential injury or mortality to native fish;
- Potential release of excess fine sediment to watercourses downstream of the works area; and
- Permanent loss of aquatic habitat through stream reclamation.

Given the existing condition of the streams, with low abundance and diversity of native fish and macroinvertebrates and the domination of silt in the stream substrate, Bioresearches has advised that any long-term adverse effects to the downstream ecology of the three streams would be less than minor and could be further mitigated by:

- The implementation of a Native Fish Relocation Plan; or
- Undertaking works during summer when the streams are dry; and
- Implementing a Construction Erosion and Sediment Control Plan.

The overall loss of habitat from the wider stream network would have adverse effects that would need to be mitigated through off set restoration of other streams in the network or beyond. The restoration planting of riparian areas identified and required by the Beachlands Precinct 1 cannot be used as appropriate mitigation for the proposed stream reclamation. The applicant intends to mitigate the adverse effects through either aquatic offsetting or aquatic compensation as set out in clause 3.21(1) 'effects management hierarchy' of the National Policy Statement for Freshwater Management 2020. There are two options open to the applicant to pursue:

- Utilise Healthy Waters' Ecobank to purchase credits to appropriately offset the total or partial proposed loss of aquatic habitat; or
- Undertake stream restoration offsite at a property within the Auckland Region owned by the applicant or a third party.

The specific offsetting approach will be confirmed at the time of lodging the resource consent application.

Traffic/transport

The proposed subdivision has been laid out to connect with the existing surrounding road network in accordance with I403.10.1 Beachlands 1: Precinct Plan 1. The residential development as currently designed gives rise to various infringements of the transport-related development standards set out in E27 Transport of the AUP. These involve the following:

- The design of vehicle parking, loading and access to identified lots;
- The number of vehicle trips generated from the subdivision creating more than 100 new dwellings; and
- The construction of vehicle crossings within 10m of an intersection.

Further detailed design may result in the removal of a number of individual infringements.

Flow Transportation Specialists Limited has undertaken an assessment of the proposed residential development and associated subdivision. It has concluded, in its draft report, that the proposal will have negligible adverse effects relating to the function, capacity and safety of the surrounding transport network for the following reasons:

- *The additional vehicle traffic predicted to be generated by the Proposal can be accommodated safely by the surrounding road network;*
- *The Site is located within a walking catchment of all key local amenity and services, and there are good pedestrian connections to these services and public transport;*
- *The proposed road network has good provisions of traffic calming and other feature to ensure it can accommodate all modes of travel safely;*
- *The non-compliance of the Proposal to the Unitary Plan design standards related to vehicle crossing and parking space design and location will not adversely affect the safety or operation of the surrounding road network.*

Urban design and neighbourhood character

It is acknowledged that the proposal would provide houses at a density and in a range of typologies that does not align directly with the outcomes sought in the AUP. The land is identified for low-density residential development under the applicable AUP zone and precinct, with standalone houses anticipated on lots of not less than 800m². The

Beachlands precinct also establishes a relatively directed street and block layout, which includes specific identification of open space areas. In those circumstances, there is potential for the proposal to create adverse effects in respect of neighbourhood character and urban design.

It is considered that there will be no significant adverse effects arising in relation to these matters, for several reasons.

The site is effectively the last block of land to be developed in Beachlands. As such, any divergence from the residential character of existing development will represent only a small proportion of the overall housing in Beachlands and will not undermine or alter that established character to any appreciable extent.

The proposed residential development has been carefully designed to 'internalise' the density so that housing adjacent to existing parts of the neighbourhood is identical or similar in nature to that which already exists. This buffer will ensure that there is no abrupt change in residential character as people move through the site. Furthermore, the overall development of the site comfortably complies with AUP standards relating to building coverage, impervious area, and landscaped area. Building coverage from proposed dwellings would be 24% (compared with 35% maximum permitted in the SHZ), impervious area proposed is 40% (compared with a maximum permitted of 60%) and 60% of the overall site would be landscaped (compared to a minimum SHZ requirement of 40%).

It is also noted that the site has different physical and locational characteristics to other sites in this part of Beachlands. In particular, the land immediately adjoins the Beachlands commercial centre. That location suggests a more nuanced and transitional approach to residential density, with the intensity of housing increasing as a result of proximity to services, transport options and facilities that are found in the centre. That is considered to be a sound planning response, and consistent with the AUP's general approach to increasing density around centres and public transport hubs.

The layout of the proposed development accurately reflects the Precinct Plan in terms of road location and alignment, and also provides open space and connections as anticipated. In this respect, the proposal is entirely consistent with AUP expectations for the land.

The proposal has benefited from significant urban design input, seeking to ensure that the housing, streets, and open space layout provides a quality urban design response. Buildings have been designed to engage with the street, minimise vehicle crossings, and ensure privacy for residents. Substantial landscape treatment and planting is to be provided, as illustrated in the **attached** sample landscape plans (illustrating Block 3).

Stormwater disposal

The site is included within the scope of an existing network discharge consent that covers the wider Beachlands area. Crang Civil Consulting Engineers has prepared a stormwater management plan for the proposed development to inform the stormwater approach.

It is proposed to treat and attenuate stormwater runoff on the site (and through the existing Stormwater Pond 5 located to the east of the site) so that the flow of stormwater runoff post-development will be at or below the existing pre-development flows. Stormwater discharging from the site will follow the existing overland flow paths that exit the site at the south boundary. These flow paths discharge to the stream that ultimately discharges to the coast at Pine Harbour.

The proposal includes the creation of two new stormwater ponds within the identified drainage reserve to vest. These ponds will provide water quality treatment as well as detention and attenuation of stormwater runoff, with additional treatment provided by raingardens.

Overall, the proposed stormwater management plan will meet the required water quality treatment standards of Auckland Council's GD01 technical document. In addition, the resultant post-development outflows from the site to the downstream catchment will match the pre-development flows and thus the development will have less than minor adverse effects on the water quality and hydrological flows within the stream network.

While the development includes the reclamation of the upper reaches of the streams on site, the majority of the existing streams and overland flow paths will be retained within the Drainage Reserve to vest. The riparian areas within the reserve will also be replanted as required by standard I403.6.12 'Stormwater management areas' of I403 Beachlands 1 Precinct. These works will further contribute to the long-term water quality of the stream and its riparian habitat.

In summary, the proposal to discharge stormwater to the stream would have less than minor adverse effects on the water quality of the stream and physical integrity of the stream bed and riparian margins.

Earthworks

The proposed earthworks will occur across the entire development site in order to create the building platforms, roads, driveways, two stormwater ponds and the installation of infrastructure. The majority of the earthworks across the site is proposed to occur during a single earthworks season, associated with Stage 1 of the proposed development.

Undertaking the earthworks in a single season will minimise the time during which earth and soil will be exposed to the elements. The earthworks will form the roads and residential blocks, and will stabilise the site by easing contour and

removing steeper slopes. The blocks within Stages 2 and 3 will be covered and grassed upon completion of bulk earthworks, thereby minimising the potential for sediment loss from the site into the stormwater network including the open streams.

Other than the proposed stream reclamation and the construction of the two stormwater ponds, the proposed earthworks will not be undertaken in close proximity to the stream network. This approach, along with the implementation of erosion and sediment control measures throughout the construction works period, will work to minimise the potential for sediment loss to the wider environment including the natural stream network.

The proposed earthworks are considered to be appropriate and consistent with the scale of the proposed residential development and subdivision. With appropriate site management and monitoring, the proposed earthworks will be undertaken in a way that ensures that any potential adverse effects from the physical earthworks will be less than minor.

The proposed earthworks will enable the residential development of the site, as anticipated by the AUP residential zoning. The proposed earthworks will not significantly change the topography of the site. The general slope of the land will be retained and the area around the streams is to be retained within the drainage reserve. That land will remain largely unchanged, although the existing pasture of the riparian areas will be planted with native species for the purpose of restoration. This is considered to be a positive effect of the proposed development. Overall, any long-term adverse effects of the proposed earthworks on the landscape character of the site would be less than minor.

Infrastructure servicing

The proposed residential subdivision will provide all the required infrastructure to serve the development, including roading, water supply, wastewater and stormwater, and other private utility services.

The proposed roads have been designed in compliance with Auckland Transport standards to connect seamlessly with the existing surrounding road network.

The proposed stormwater network has been designed to ensure flows are contained within the capacity of the existing network and maintain post development discharge flow in line with the pre-development flow. As a consequence, any effects on the downstream network would be minimal.

The subdivision will connect to the existing public wastewater reticulation network which has been assessed to have sufficient capacity to accommodate the proposed additional residential demand.

An existing private water supply reticulation system is provided for the Beachlands Community by Pine Harbour Water. The water reticulation has been designed and consented to cater for the proposed level of development that will occur on the site.

Power and telecommunication services exist around the site and are available for use. Vector Limited and Chorus Limited will provide detailed designs to service the site at the time of Engineering Plan Approval.

Geotechnical/stability

The applicant has had a preliminary geotechnical investigation completed, by CMW Geosciences (attached). Site investigations included drilling 12 boreholes to confirm soil strength and composition, and to ascertain groundwater depths.

The investigation has concluded that the site is considered suitable for the proposed residential development, and the soils are suitable for normal bulk earthworks operations. Liquefaction is not considered to be a significant hazard on the site.

On the basis of the geotechnical investigation, there are not expected to be any stability issues that might curtail or impede development of the land as proposed.

Soil contamination

A Preliminary Site Investigation ('PSI') was undertaken by Geosciences Limited to ascertain whether there is, or is likely to be, any contaminated soil on the site. A copy of the PSI is attached. Investigations included a review of historical aerial photographs and the property records for the site.

Information obtained indicated that the land has consistently been used for grazing and pastoral farming. There is no evidence of past use for horticultural activities, which are included in the Ministry for the Environment's Hazardous Activities and Industries List. The only other possible sources of contamination that were identified relate to asbestos containing materials in the remaining buildings and the potential for use of lead-based paints. Both of these matters can be examined further to determine whether contamination is present at levels that would give rise to any consenting requirements in respect of soil contamination under with the AUP or the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

On the basis of the information provided by the PSI, there are no widespread contaminated soils on the site that may create potential for adverse environmental effects when soil is disturbed by earthworks. Any contamination associated with the use of lead-based paints or from asbestos containing materials can be readily identified, contained and removed from site for appropriate disposal.

Construction noise and nuisance

There will inevitably be some aspects of the construction process that create a level of nuisance within established communities around the site. These effects might include construction noise, dust, heavy vehicle traffic, and contractors' parking.

These issues are typically addressed through management plans and practices, and by adherence to standards. In respect of noise, all activities will need to comply with the relevant AUP noise provisions and the New Zealand Standard for construction noise. It is also expected that a construction noise and vibration management plan would be required to put in place operational techniques that will mitigate nuisance and disturbance from construction.

A construction traffic management plan will be prepared, post-consent, for certification by the Council. That management plan will detail measures to be implemented to manage access and queueing of heavy vehicles and associated deliveries of building materials, together with the parking of contractors' vehicles.

The combination of carefully prepared construction management plans and adherence to regulatory standards will ensure that any construction-related effects of the project can be appropriately managed.

Archaeological

The applicant has engaged Clough and Associates Limited to undertake a preliminary archaeological survey of the site. A copy of the report is attached.

There are no recorded archaeological sites within or in close proximity to the site, and a field survey did not identify any archaeological sites within the property. The archaeological report confirms that there is a low potential for unidentified subsurface archaeological remains to be present on the site.

For these reasons, it is considered that the proposed development will have no adverse effects on archaeological values or remains.

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 for Freshwater Management 2020 (NPSFWM2020) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFW2020)

The Bioresarches ecological assessment determined that there are no wetlands (as defined in the RMA and NPSFWM2020) present on the site.

The ecological assessment did identify three streams that meet the definition of a 'river' in Part 1, section 2 of the RMA. It is proposed to reclaim the upper reaches of streams labelled S1, S3 and S4 in the ecological assessment. Consent is required as a discretionary activity pursuant to clause 57 of the NESFW2020. It is also noted that consent is required for a non-complying activity pursuant to Activity Table E3.4.1 (A49) of the AUP.

Clause 3.24(1) requires the following policy to be included in the Regional Plan:

The loss of river extent and values is avoided, unless the council is satisfied:

- (a) that there is a functional need for the activity in that location; and*
- (b) the effects of the activity are managed by applying the effects management hierarchy.*

In response to subclause (a) of this policy, the proposed stream/river reclamation is required to undertake the residential development provided for by the AUP I403.10.1. Beachlands 1: Precinct Plan 1. 'Functional need' is defined in clause 3.21 'Definitions relating to wetlands and rivers' as "the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment."

The proposed area of residential development has been designed so as to retain more of the existing streams than that identified on Precinct Plan 1, thus minimising the area of reclamation. Given the residential zoning of the site, it is considered that the loss of stream/river extent has been minimised and is required as a recognised functional need for the development to occur.

In response to subclause (b) of this policy, the definition of 'Effects management hierarchy' is copied below:

in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- (a) adverse effects are avoided where practicable; and*

- (b) where adverse effects cannot be avoided, they are minimised where practicable; and
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

As stated above, the length of stream reclamation within Beachlands Precinct 1 has been minimised by the proposed residential development. The reclamation that is proposed is required in order to implement the residential development provided for by the Precinct, and thus adverse effects from reclamation cannot be completely avoided. The adverse effects have, however, been minimised by the reduction in the length of stream reclaimed. Adverse effects on native fauna during the streamworks activity, and as a result of sediment input to the downstream receiving environment, have been determined by Bioresarches as being low or negligible due to the existing ecological condition of the streams. In this regard the adverse effects are considered to be minimised.

The loss of the streams themselves will result in more than minor adverse effects which cannot be avoided or minimised. To this end the applicant proposes to utilise aquatic offsetting or aquatic compensation by way of the following:

- Utilising the Healthy Waters' Ecobank scheme to purchase credits to appropriately offset the total or partial proposed loss of aquatic habitat; and/or
- Undertake stream restoration offsite at a property within the Auckland Region owned by the applicant or a third party.

The specific approach will be confirmed at the time of lodging the resource consent application.

It is therefore considered that the proposed development meets the requirements set out in clause 3.24(1) of the NPSFWM2020.

National Policy Statement on Urban Development 2020 (NPSUD)

The recently released NPSUD applies to planning decisions by any local authority that affect an urban environment. The NPSUD represents a significant change to national planning policy and affects all district plans for growth areas and all decisions made by planning authorities in those areas. Section 75(3)(a) of the RMA states that district plans must give effect to a national policy statement, and s104(1)(b)(iii) states that a consent authority must have regard to any relevant provisions of a national policy statement when considering an application for resource consent.

Objective 2 of NPSUD seeks that planning decisions improve housing affordability by supporting competitive land and development markets. Objective 6 seeks that planning decisions on urban development are (amongst other things) responsive, particularly in relation to proposals that would supply significant development capacity.

The objectives are given effect to by the more directive NPSUD policies. In particular, Policy 1 directs that planning decisions contribute to well-functioning urban environments that enable a variety of homes that meet the needs, in terms of type, price, and location, of different households. Policy 6 seeks that decision makers should have particular regard to any relevant contribution that will be made to meeting the requirements of the NPSUD to provide or realise development capacity. That policy also makes it clear that significant changes to planned urban built form are likely to arise in order to give effect to the NPSUD (such as by providing increased and varied housing densities and types) and that such changes may detract from amenity values but are not of themselves an adverse effect.

Although the applicant's development proposal is worthy of consent on its merits under the existing AUP policy framework, it is nonetheless clear that the NPSUD requires a 'step change' in planning for urban areas that are experiencing rapid growth.

It is considered that the current AUP density provisions for the site, with a requirement for minimum site areas of 800m², are not aligned with the NPSUD. Development of the same buildable area at a density of 800m² would yield around 116 dwellings, which is less than 45% of the number of houses that are proposed. The proposal would provide 143 additional houses for the constrained Auckland market, beyond what the current AUP provisions would enable. This is an outcome that is more consistent with the NPSUD and avoids the relatively inefficient use of valuable serviced land that would occur under the current AUP zoning. Moreover, that increase in density can occur without giving rise to any appreciable adverse effects.

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:

It is considered that the project will give effect to the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and provide significant public benefits in respect of employment, economic development, and housing provision.

With regard to employment, the land subdivision works will assist in maintaining full time employment for urban designers, civil engineering designers, surveyors, project managers, administrators and sales staff. This will involve around 25 people within The Neil Group as the project will provide for a continual workstream throughout for the business. In addition, external consultants will be employed in disciplines relating to planning, environmental, ecological, and geotechnical assessment, monitoring and reporting. The applicant’s legal representatives will handle all legal property matters and, like the other consultants, that will lead to continued full time workstreams for those practices.

The civil contract work will be undertaken by specialist contractors for earthworks, civil engineering and landscaping together with those parties providing specialist services to the subdivision including communications and power supply. It is estimated that full time work will be generated for approximately 35 people in the building of the subdivision.

The building development works will also generate further full-time employment for Fletcher Living staff of eight people along with 50-60 sub-contracted design and construction personnel. During the design and construction of the dwellings it is expected that 150-200 contracting and supply companies would also be involved in delivering the completed project.

The proposal will also supply 259 houses to the market, in a range of typologies. The yield would extend beyond that envisaged by the AUP zoning and precinct provisions for this location, which means that a substantial proportion of the homes will be delivered are additional to the numbers that would be anticipated for the site.

The range of housing typologies proposed will also provide more affordable homes at a time when house prices are rapidly escalating and moving beyond the reach of many Auckland residents. Terrace house formats in particular provide an affordable option due to the smaller lot sizes and the resultant lower land component in the overall housing cost.

Provision of more houses in this location will assist to support local businesses in the adjacent commercial centre and reinforce the public transport provision primarily provided by the Pine Harbour ferry service to the CBD and augmented by bus services.

It is also considered that the proposed development contributes to a well-functioning urban environment, as it provides for increased residential density around centres and transport facilities, and provides a high-quality urban design response to the site.

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

See above

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

See above

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:

See above

Housing supply:

See above

Contributing to well-functioning urban environments:

See above

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

See above

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

See above

Minimising waste:

See above

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):

See above

Promoting the protection of historic heritage:

See above

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

See above

Other public benefit:

See above

Whether there is potential for the project to have significant adverse environmental effects:

It is considered that there the proposal will not give rise to any significant adverse environmental effects.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

Climate change does not raise any particular concerns or threats to the project or the site, beyond those that apply to all land. The site is subject to natural hazards in the form of overland flow paths and parts of the land that fall within the 1% AEP flood plain. These natural hazards are generally to be contained within areas set aside as open space or road. Where that is not the case, the hazards can be appropriately managed by engineering solutions such as ground recontouring and drainage works.

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	The Neil Group and its associated entities have been involved in land development in the Auckland region for over 50 years. In the last five years, Neil Group has had only one compliance or enforcement action initiated against it by a local authority under the Resource Management Act 1991. This involved an abatement notice. The minor issue, which related to problems with the installation of erosion and sediment controls, was immediately dealt with to the satisfaction of Auckland council.

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.

Philip Brown

23/12/2020

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.

Checklist

Where relevant to your application, please provide a copy of the following information.

Yes	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
Yes	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.
Yes	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.
Yes	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.