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The Minister for the Environment
c/o Environmental Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

Your reference: 2020-B-07299

18 February 2021

Dear Minister Parker,

RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Beachlands Project – Comments sought

We are responding to your invitation for comments on an application before you for referral to the Expert Panel under the COVID-19 Response (Fast Track Consenting) Act 2020.

The application to Ministry for the Environment is made by Neil Construction Limited and Fletcher Residential Limited and is located at 109 Beachlands Road, Beachlands, Auckland (Lot 1002 DP 512674).

In response to the information requirements stated in your letter referenced 2020-B-07299:

1. *Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?*

The Council is currently in the very early stages of being in a position to assess the application due to the limited information provided to date. Currently very little is known on the effects of the proposal on key infrastructure and amenity.

It is considered that this proposal will benefit from being processed through typical Resource Management process to enable the applicant to work with Auckland Council infrastructure and asset owners to manage constraints on the networks from this proposal (in particular Auckland Transport, Healthy Waters, Parks, Watercare). We consider this necessary to ensure the effects of the proposal are appropriate and can be managed/mitigated.

In addition, the amenity effects from the development (in particular relating to the density of dwellings) are likely to extend beyond the immediate neighbours. A typical RMA process will enable determination of whether to notify this application wider than just the immediate neighbours.

2. *What reports and assessments would normally be required by the Council for a project of this nature in this area?*

- Assessment of Environmental Effects.
- Subdivision application plans.
- Dwelling design plans.
- Preliminary Site Investigation (PSI) report to assess activities with respect to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. A Detailed Site Investigation (DSI) report may then be required together with a Remedial Action Plan (RAP).
- Integrated Transport Assessment.
- Infrastructure report and plans.
- An assessment against the National Policy Statement - Urban Development.
- Stormwater Management Plan.
- Ecological assessment of the streams within the site addressing the potential presence of wetland that may exist or have been lost as a result of recent vegetation clearance.
- An assessment against the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 and the National Policy Statement for Freshwater Management 2020
- Wastewater capacity checks.
- Details of the water supply arrangements.
- Urban design assessment of the housing typologies for which consents are sought.

3. *Does the applicant, or a company owned by the applicant, have any past or current breaches/notices or litigation related to environmental regulatory compliance that you are aware of?*

Auckland Council has taken enforcement action against Neil Construction Limited and Fletcher Residential Limited in the past. Abatement notices have been issued for incidents primarily involving erosion and sediment control compliance mainly on small residential sites across the Auckland region. Please see Attachment B to this letter which provides additional discussion of this matter.

Yours sincerely,



Ian Smallburn
General Manager – Resource Consents
Auckland Council

Enclosed:

- Attachment A: Summary of Auckland Council Collective Response
- Attachment B: Comments from Auckland Council Specialists and Asset Owners
- Attachment C: Comment from Local Board and Councillor

Attachment A: Summary of Auckland Council Collective Response – Beachlands Residential Project

Having reviewed the application material provided, we can advise that Auckland Council has some potentially significant concerns with the proposed development, as follows:

- The proposed subdivision in its current form appears to be inconsistent with both chapter E3 of the Auckland Unitary Plan (Operative in Part) (AUP OP)) and the National Policy Statement for Freshwater Management (NPS FM) 2020. Questions remain as to the adequacy of the assessment of wetlands as it is possible that this application may be a prohibited activity under the NES Freshwater 2020 under regulation 53.
- There is no public water reticulation within Beachlands and storage of water from water collection is generally anticipated for this community. Should the developer be unable to satisfactorily demonstrate connection to a reticulated bore water system (as is proposed), the density of residential development is unachievable.
- Auckland Transport have identified particular concern with respect to the provision of private reticulation water pipes within public roads rather than within private property.
- There is a risk that the vested assets are not to the same standard or consistent with those assets which go through the normal resource consent and engineering plan approval process, resulting in a financial burden not anticipated. There is the potential for consent conditions committing council to the purchase of land that has not been budgeted for or approved via local board or governing body.
- Concerns exist with respect to the capacity of the wider roading network to accommodate additional commuter cars. There are existing capacity constraints for Whitford-Maraetai Road as the sole arterial road connecting Beachlands with metropolitan Auckland. An increased density of residential development for a site within the Beachlands community is anticipated to place additional demand on this road.
- The proposed built form and density is a significant departure from the planned built character for the site in the context of the Beachlands coastal village community. It is considered that there are wider infrastructure effects (including school capacity) that should be considered. The Beachlands-Maraetai area offers limited employment opportunities which mean residents often must travel for work elsewhere in the Auckland region. Residential intensification closer to metropolitan Auckland (rather than a coastal community) would appear more appropriate.

From a planning perspective, the proposal is not considered to be contrary to the high level policy framework promoted by the Auckland Plan and the Auckland Unitary Plan. However, more detail is required to better understand the potential adverse effects of the proposal. In addition to the potential adverse effects identified above, other potential effects include: construction effects, and residential amenity (from a significant increase in density of dwellings). On a development of this scale, the quality of urban design responses is also important, however limited detail exists on the design of the dwellings to be constructed. .

Iwi groups and iwi authorities with which the council recommend any applicant makes contact with for projects in the Beachlands area include:

- Ngāi Tai ki Tāmaki Tribal Trust
- Ngāti Maru Rūnanga Trust
- Ngāti Paoa Iwi Trust
- Ngāti Paoa Trust Board
- Ngāti Tamaterā Settlement Trust
- Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua
- Ngāti Whanaunga Incorporated
- Makaurau Marae Māori Trust (Te Ahiwaru – Waiohua)
- Te Ākitai Waiohua Iwi Authority
- Te Whakakitenga o Waikato Incorporated (Waikato – Tainui)

For contact details and other information see <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/find-hapu-iwi-contacts-for-your-area.aspx>

Attachment B: Comments from Auckland Council Specialists and Asset Owners – Beachlands Residential Project

Asset Owner / Specialist Response

From: Robert Laulala, Team Leader Compliance Monitoring South, and Graham Jones, Senior Project Specialist – Regulatory Compliance, Auckland Council

Date: 12 February 2020

Overall Summary:

Between May 2019 and January 2021 there are 42 abatement notices issued for Fletcher Residential Limited and 46 abatement notices issued for Neil Construction Limited by the Auckland Council Licensing and Regulatory Compliance Department. This department undertakes compliance monitoring of resource consents and incident responses to complaints for both the district council and regional council functions of the Auckland Council.

The Auckland Council Licensing and Regulatory Compliance Department operates the GAP Team which is a proactive compliance project funded under the Water Quality Target rate. This project has been running (subject to funding) since May 2019 and its sole focus is to improve erosion and sediment control compliance on small residential sites across the Auckland region. In order to drive a behaviour change the compliance threshold is set at a high level, with abatement notices having been widely used as part of the compliance tool kit. The primary focus is to try and visit construction sites at the early stages of work where the risk of sediment discharge is at its highest. All but two of the abatement notices referred to above were issued by the GAP Team. The other two abatement notices are understood to have related to bulk earthworks (across larger sites) and were issued to Neil Construction Limited.

With respect to Fletcher Residential Limited when we began the GAP Team project we found ourselves visiting a large number of sites in Swanson, these sites were not fully compliant and needed action to improve standards. Given our zero tolerance attitude these sites were all issued with abatement notices and treated no differently to any other building contractor. These notices were acted upon quickly by Fletcher Residential Limited's management, as a result we presented to a forum of regional managers and have subsequently presented to a national management group. Since this point Fletcher Residential Limited have raised the bar with respect to erosion and sediment control issues.

Neil Construction Limited is a different type of issue. Often it is difficult for council to identify who the current owner of the newly created lots are after a subdivision 224(c) release. One of the reasons for this is that developers offer favourable rates to builders with respect to land acquisition, resulting with builders at times commencing building on sites where only a deposit is paid on the newly created lot. Council records may still show the developer is the land owner which in turn causes a problem associated with the GAP Team project in terms of making sure that the associated paperwork gets to the correct party. This is something that has cropped up often, and council staff have become better at identifying these issues. The rate of abatement notices being issued has consequently dropped off since 2019 when the GAP Team project first started.

Asset Owner / Specialist Response

From: Shahram Morteza Nia, Development Engineer, Watercare

Date: 12 February 2020

Overall Summary:

Watercare has assessed the proposed development for a maximum of 259 residential lots (DUEs) at 109 Beachlands Road, Beachlands.

No wastewater flow data nor a plan showing the wastewater connection points was provided as a part of this application. Based on the very limited information provided to MfE, Watercare has undertaken a very high-level assessment for this residential development. The design flow is assumed using Watercare Code of Practice flow allowance for residential developments.

Wastewater: Wastewater from this development will be directed towards the New Avenues wastewater pump station. This wastewater pump station has been designed to service the proposed development area, and therefore there is capacity at the pump station to service this development. For the local network, the applicant will need to provide an infrastructure capacity assessment with the proposed local network connection points at resource consent stage. Based on this high level assessment, it is expected that minor network upgrades may be required.

Water supply: Watercare does not have a reticulated water supply network in Beachlands. The applicants has stated that they have confirmed that they can access the water supply from the Pine Harbour Water. This has not been verified by Watercare.

Wastewater:

There are a number of potential connection points at the site boundary. To the south-east the 150/225mm uPVC network flows south a short distance before discharging to the recently constructed New Avenues Pump Station. The applicant will need to provide an infrastructure assessment with proposed local network connection points to allow an assessment of the local network capacity to be carried out by Watercare. Note that, discharge from this development should be directed towards the New Avenues Pump Station.

The New Avenues wastewater pump station has been designed to service the proposed development area; therefore there is capacity within the Beachlands network for the additional flows from this development. If upgrade of the existing local wastewater network is required, it is likely to be minor due to the proximity of the site to New Avenues wastewater pump station.

The location of the proposed connection points will need to be checked at resource consent stage by Watercare.

All local extensions and upgrades required to service this development must be fully funded by the developer.

Water Supply:

There is no Watercare owned water supply service at this area. The applicant's report stated that they will obtain water supply from Pine Harbour Water. This has not been verified by Watercare.

Advice Note: Water reticulation using Pine Harbour Water is a private system and this will require a private water supply network to be in the public road. This is likely to be contrary to Auckland Transport's Code of Practice.

Asset Owner / Specialist Response

From: Elmira Vatani, Senior Development Planner, Auckland Transport

Date: 12 February 2020

Overall Summary:

The proposal to intensify over and above the development potential provided for under the Residential – Single House zone may lead to other Residential – Single House zoned development sites both within and outside of the Beachlands 1 Precinct to seek intensification to similar levels. This knock-on ‘precedence’ effect would have adverse effects on the transport network not anticipated under the operative Beachlands 1 Precinct Plan or the Auckland Unitary Plan in general. It is anticipated that the estimated transport demand resulting from the proposed development yield may be able to be accommodated within the surrounding transport network when the assessment is limited to the subject site. However, there is no certainty without the provision of a more detailed assessment (we note the Flow Transportation assessment was missing).

It is also important to note that Beachlands – Maraetai is a predominantly a car-reliant coastal settlement positioned on a peninsula. Although there are limited ferry and bus options these are infrequent and have capacity constraints. Residents must also travel outside of Beachlands for the majority of education, shopping and employment opportunities.

One of the overarching concerns with further growth in the Beachlands – Maraetai area is the limited capacity of Whitford-Maraetai Road as the only road connection with the wider regional destinations to the west. The implication of this situation would mean that the future urban expansion of the Beachlands – Maraetai area would likely need to be sequenced with significant investment and major upgrade/improvement projects to the Whitford-Maraetai Road corridor.

Seventh View Ave is Auckland Transport’s preferred route for bus service from Pine Harbour to the Local Centre and on to Maraetai.

The Auckland Transport Designation 1806 overlaps the site on the northern boundary. However, no active projects are recorded in the vicinity of the site.

Auckland Transport also does not possess any in-house arboricultural expertise, so would defer/take advice from Auckland Council’s Community Facilities Department on matters such as vegetation removal and landscaping within roads.

It is noted that there is no public water reticulation available. Any private infrastructure should be located inside private property boundaries and not within the road berms.

In order to better understand the effects of the proposed development, the following assessments/information is recommended:

- A traffic and transport assessment, ideally in the form of an Integrated Transport Assessment (ITA). The scope of the ITA should include an assessment of the effects of the ‘baseline’ land use development yield (based on the Auckland Unitary Plan operative Residential – Single House zone and Beachlands 1 Precinct standards) against the proposed housing typology and resulting yields (42 standalone dwellings, 72 duplex dwellings and 113 terraced) as the ‘highest density scenario’. Depending on the outcome of the transport assessment, the yield should be capped at a maximum as part of any conditions of consent (should the application be approved) along with any agreed mitigation measures. Also refer to above comments on cumulative effects. The ITA should show the effects on the surrounding network at high level and detailed intersections level considering that Beachlands Road is a major route for the whole Beachlands area. The ITA should incorporate a movement

network plan to understand if a safe active mode facility/route to local facilities i.e. parks (Te Puru Park and Maraetai), schools and public transport (the Pine Harbour Ferry Terminal) is available/provided.

- Engineering infrastructure report and plans, including services, vehicle tracking plans, road cross sections, long sections to demonstrate the suitability of the roads and ability to accommodate all modes (in particular, Seventh View Avenue and buses).
- The assessment of the integration of any private lanes including whether the proposed form of the private lanes is adequate to service the density of housing proposed. In this regard confirmation as to whether the private lanes will accommodate any parking to understand any parking spill-over effects into the public road network.
- A full assessment against the National Policy Statement – Urban Development. It is noted that the assessment has carried against the selected NPS UD provisions (Policy 1 & 6).
- An updated Stormwater Management Plan (SMP) including the options for stormwater treatments on roads with justification (detailed assessment) to determine which treatment (quality and quantity) options are to be selected for the roads. The assessment needs to take into account the lifecycle costs of the assessed options and consider how to reduce on-going costs to ratepayers. Rain gardens should not be the default option.

Safe walking and cycling connections will be required between the proposed development area and the Pine Harbour Ferry Terminal.

To provide for the level of increase in ferry capacity that is likely to be required from additional large-scale housing development in the Beachlands – Maraetai area, funding of a new ferry terminal site in the vicinity of the current Pine Harbour marina area would likely be required.

Asset Owner / Specialist Response

From: Connor Whiteley, Specialist, Earth, Streams & Trees Team, Resource Consent Department, Auckland Council

Date: 12 February 2020

Overall Summary:

To support this proposal the applicant has provided an ecological assessment of the proposed subdivision which will effectively result in the reclamation of 265 metres of intermittent stream. There is also the potential that there may even be the reclamation of natural inland wetlands, however, the current assessment appears to advocate that there is no wetlands on site yet has not provided all of the relevant information required to fully demonstrate this and as such it is possible that this application may be a prohibited activity under the NES Freshwater 2020 under regulation 53.

At a high level assessment, the proposed subdivision in its current form appears to be inconsistent with both chapter E3 of the Auckland Unitary Plan (Operative in Part) (AUP OP)) and the National Policy Statement for Freshwater Management (NPS FM) 2020.

In regard to chapter E3 of the AUP (OP) the application is inconsistent with the following Objectives:

E3.2. (2) Auckland's lakes, rivers, streams and wetlands are restored, maintained or enhanced.

E3.2. (6) Reclamation and drainage of the bed of a lake, river, stream and wetland is avoided, unless there is no practicable alternative.

And Policy:

E3.3 (13) Avoid the reclamation and drainage of the bed of lakes, rivers, streams and wetlands, including any extension to existing reclamations or drained areas unless all of the following apply:

- (a) there is no practicable alternative method for undertaking the activity outside the lake, river, stream or wetland;
- (b) for lakes, permanent rivers and streams, and wetlands the activity is required for any of the following:
 - (i) as part of an activity designed to restore or enhance the natural values of any lake, river, stream or wetland, any adjacent area of indigenous vegetation or habitats of indigenous fauna;
 - (ii) for the operation, use, maintenance, repair, development or upgrade of infrastructure; or
 - (iii) to undertake mineral extraction activities; and
- (c) the activity avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on Mana Whenua values associated with freshwater resources, including wāhi tapu, wāhi taonga and mahinga kai

In regard to the NPS FM 2020 the application, as detailed, currently is inconsistent with the objective of the NPS FM 2020 which puts the health and well-being of water bodies and freshwater ecosystems as the first priority and the ability of people and communities to provide for their social, economic, and cultural well-being now and into the future as the third priority. This application is in contrast to that objective which places the social and economic

needs of people and the community above the needs of the health and well-being of the water bodies and freshwater ecosystems.

In regard to policies within the NPS FM 2020 the application is inconsistent with policy seven *"The loss of river extent and values is avoided to the extent practicable"* and possibly policy six *"There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted."*

In addition to this application being inconsistent with both the objectives and policies of chapter E3 of the AUP and the NPS FM 2020, there is also further requirements to consider the functional need to reclaim the streams (and possibly wetlands) within the proposed subdivision. The New Zealand National Planning Standards 2019 define functional need as *"means 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"*. It is my team's understanding that functional need for the reclamation of streams to facilitate the development of land cannot be considered from an economic perspective, as on face value, it does not appear that the subdivision activity within the site can only occur in a manner that leads to the loss of stream (and potentially wetlands) as it may be possible that other forms of subdivision could occur on the land without the loss of these freshwater ecosystems.

Based on all of the above I find the current application has significant red flags as the application is clearly inconsistent with the AUP and the NPS FM 2020; there is a potential for significant adverse environmental effects to occur and not be managed and should this application go through the normal consenting process there is likely grounds for public notification.

Asset Owner / Specialist Response

From: Tom Dawson, Consultant Specialist, Development & Negotiations, Healthy Waters Department, Auckland Council

Date: 12 February 2020

Overall Summary:

The applicant came to Healthy Waters during a pre-application stage in early 2020. Healthy Waters provided advice to the applicant on 10/02/2020. Of concern with the current application is that none of this pre-application advice seems to have been taken on board.

The application mentions that the site is included within the scope of an existing discharge consent that covers the wider Beachlands area and that Crang Civil Consulting Engineers (Crang) has prepared a proposed stormwater management plan for the proposed development to inform the stormwater approach. As part of the application material there is no stormwater management plan included, it appears likely that the Crang stormwater management plan is for an adjoining site which only covers part of the subject site. This Crang stormwater management plan appears to have been approved under a discrete discharge consent (#41911). There is also an integrated catchment management plan (ICMP) for the area which covers the subject site (BECA, 2012). This identified the Pine Marine Harbour in the Beachlands area is highly susceptible to flooding, so sets high expectations for flood mitigation which is still relevant today (outlined below).

The missing information which Healthy Waters advised the applicant would need to provide at the pre-application stage is:

1. An SMP required for the site to address Schedule 4 of the Regionwide Network Discharge Consent (NDC)
 - a. Anticipate hydrology mitigation is required within the catchment area in the applicant's site not currently accounted for by the Crang stormwater management plan and associated discharge consent #41911 for the adjoining site.
 - b. Demonstrate BPO solution for the site – including reference to portion covered by the existing discharge consent (and therefore why that portion of the site will likely be managed differently)
2. It is necessary to meet the expectations of the ICMP for the remaining 4.4Ha of the site, not currently accounted for by the Crang stormwater management plan and associated discharge consent #41911, providing for:
 - a. Flood mitigation: *Stormwater detention shall be provided for extended detention and for the 1 in 2 and 1 in 10 year return period storms. The 1 in 100 year storm is to be detained to 80% of the predevelopment flow to ensure that there are no flood effects on the Pine Harbour Marina.*
 - b. Water quality: previous expectation to TP10 standards, now superseded by GD01 and Schedule 4 of the NDC
3. The design for the section of site that is covered by the Crang stormwater management plan and associated discharge consent #41911, will need to comply with the conditions of that consent.

The main concern is that there is no SMP or infrastructure report and design for the site, so it is unclear how the applicant intends to meet the requirements outlined above. The application material states that, "the resultant post-development outflows from the site to the downstream site will match the pre-development flows." This does not clarify for which rainfall events and is inconsistent with the ICMP requirement for the area where the peak flow for the 1 in 100 year storm is to be detained to 80% of the predevelopment flow to ensure that there are no flood effects on the Pine Harbour Marina.

More detail needs to be provided before Healthy Waters would be comfortable with recommending this application for acceptance into this fast-track process.

In terms of piped network, it is more common to have a conceptual design at this point, however, there do not appear to be any challenges to having a piped stormwater network compliant with Auckland Council standards.

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Asset Owner / Specialist Response

From: Hester Gerber, Team Leader Parks Planning, Auckland Council

Date: 11 February 2020

Overall Summary:

Positives of application

From the draft subdivision layout plans provided by the applicant it can be determined that:

- The proposed road layouts front the park boundaries ensuring a high degree of accessibility to public open spaces in the Beachlands 1 Precinct in accordance with I403.3. Policy 19.
- The recreational walkways through the Precinct are generally in accordance with the I403.10.1 Beachlands 1: Precinct Plan 1. However, the detail around what the interface of these walkways with the adjoining residential properties cannot be determined.
- The open space proposed is generally in accordance with the areas identified in I403.10.1 Beachlands 1: Precinct Plan 1. However, there are some areas of residential development within the open space areas identified in Plan 1.

Key Issues from a Parks Planning Perspective

The key issue from a Parks Planning perspective with the project going through the COVID-19 Recovery Act 2020 fast track consenting process is the potential for Auckland Council to inherit parks assets where they have not had the opportunity to assess and comment on prior to receiving them. There is a risk that the vested assets Council may inherit are not to the same standard or consistent with those assets which go through the normal resource consent and engineering plan approval process, resulting in a financial burden not anticipated.

Parks Planning information, reports and assessment requirements:

- a) Landscape plans: Sufficiently detailed to properly assess the proposed assets in the streetscape, reserves to be vested, stormwater ponds, and accessways.
- b) Planting plans with a schedule of species: To understand the extent of mitigation provided.
- c) Assessment to demonstrate width of streams on the site.

This would provide Council with the means to determine factors such as:

- Whether the width of the streams on site meets the requirements under E38.7.3.2. so an assessment can be made whether they trigger the taking of esplanade reserve in accordance with s230 of the Resource Management Act and Rule E38.4.1(A8) of the Auckland Unitary Plan (Operative in Part).
- To understand the extent of off-setting proposed and whether that would have any impact on reserves to be vested. To this extent it is not envisaged that the requirement of additionality would burden the land of the asset owner or suggest the transfer of maintenance obligations.
- Whether streetscape planting is appropriate. Council has significant experience in this area as an asset owner and promotes species which provide attractive streetscapes but with species which are also suitable from a maintenance perspective and are practical in their chosen location e.g. will not hinder drivers' sight lines or reduce usability of footpaths over time.

- Whether any aspects of the design would require the approval of the Local Board or Governing Body to accept any proposed assets
- Whether access ways to parks are suitable from a crime prevention through environmental design (CPTED) perspective. This includes assessing building orientation and fencing on properties adjoining parks and park accessways to ensure appropriate passive surveillance over these areas is provided. Accessway widths and gradients are also important for the safe movement of walkers and cyclists.
- Hard assets such as stormwater outfalls or retaining walls are designed and located where they do not reduce the amenity of the parks or impact future greenways.
- How the development meets (or otherwise) the objectives and policies of the Beachlands 1 Precinct including - I403.2.(4), I403.3. (1) and I403.3. (4) and demonstrates the outcomes to be achieved through the Beachlands 1 Precinct Plan (and Appendix) for open space and drainage reserves.

Acquisition of land

In addition to the above Healthy Waters would normally decide whether to accept the drainage reserves as assets, including the stormwater ponds. The Community and Social Policy team would also do an assessment of the acquisition of the proposed recreational reserve. A decision on whether to acquire the proposed small recreation reserve as land in lieu of reserve under the Local Government Act 2002 would be made by the relevant Local Board and Council's governing body.

Here the proposed (0.0805ha) 805m² recreation reserve would be classified as a pocket park according to Auckland Council's Open Space Provision Policy. The policy states that pocket parks can be voluntarily provided at no capital cost to council and only on agreement by council. Alternatively, pocket parks can be retained in private ownership. The council would not be interested in seeking to purchase the proposed recreational open space within the development block.

Overall position of Parks Planning

Overall, it is considered that measures will need to be put in place under the COVID-19 Recovery Act 2020 fast track consenting process to ensure Council is able to provide sufficient input to decisions around the acquisition of land and the acceptance of vested assets. This is to ensure Auckland Council receives vested park and streetscape assets that are to the normal standard and consistent with those that have gone through a normal resource consent process.

Conclusion

Should the EPA decide to allow the development to go through the Covid-19 Fast Track process, it is recommended that the proposal address all information requirements from a Parks Planning perspective supplemented by a suitable assessment for the matters of concern. The applicant should also be made aware of any political decisions that are required for proposed vested assets (off-setting mitigation on asset owner land or proposed land for vesting, land acquisition, easements, reserve embellishments etc.) which may impact on the delivery of the project.

Asset Owner / Specialist Response

From: Christopher Oliphant, Senior Planner, Resource Consents Department, Auckland Council

Date: 12 February 2020

Overall Summary:

Residential zoning

It is observed that the land has a residential zoning and that the proposal is for the development of the site for primarily residential purposes with associated provision of open space land. This is considered to be broadly consistent within the intent of a residential zoning for the site.

The proposal is, nevertheless, significantly more intense than what is anticipated by the Residential – Single House zone of the Auckland Unitary Plan (Operative in Part) (AUP (OP)), with potentially significant adverse effects on the existing suburban character of Beachlands.

The Residential – Single House zone provides for development that is predominantly one to two storeys in height and provides quality on-site residential amenity consistent with a suburban built character. Multi-unit development and terrace housing is not anticipated within the Residential – Single House zone.

Objective H3.2(1) states that development is to maintain and is in keeping with the amenity values of established residential neighbourhoods while Objective H3.2(3) seeks to provide quality onsite amenity for residents and adjoining sites. The subject site is located in a coastal village outside of the Rural-Urban Boundary set out in the AUP (OP) and as a consequence the scale and intensity of the development is not considered to maintain, nor is it in keeping with the residential amenity values of this coastal village.

Beachlands 1 Precinct

The standards applicable to development within the Beachlands 1 Precinct are set out in I403.6 of the AUP (OP) and reinforce the lower density character anticipated for the locality with respect to yards (Standard I403.6.2), maximum impervious area (Standard I403.6.3), building coverage (Standard I403.6.4), etc. Furthermore, standards applicable to subdivision including site area (Standard I403.6.8), site frontage (Standard I403.6.9), site layout (Standard I403.6.11), etc have been set to maintain the lower density character of the Beachlands area. The manner of subdivision and development proposed is considered to be a substantial departure (for the central and eastern portions of the site) from the anticipated outcomes for the Beachlands 1 Precinct, hence this is reflected in the overall Non-Complying activity status for the development proposal.

There is no public water reticulation within Beachlands and storage of water from water collection is generally anticipated for this community (refer Standard I403.6.5). Should the developer be unable to satisfactorily demonstrate connection to a reticulated bore water system (as is proposed), the density of residential development sought by the prospective applicants would be deemed inappropriate and unable to be supported.

It is noted that the draft subdivision application plans shows some resemblance to I403.10.1. Beachlands 1: Precinct plan 1 with respect to the provision of the indicative walkway through the site, stormwater management areas (encompassing the indicative flood plain), public open space and proposed roads. Deviations from this precinct plan may be expected to occur where site features (i.e. streams) present constraints during the undertaking of more detailed subdivision design work specific to the site.

The position of the indicative walkway shown on the draft subdivision application plans appears to be in the correct alignment between the walkway in the Intrepid Crescent Reserve (to the north) and the walkway through the Beachlands Avenues Limited site (to the south). Further this reflects the [Pohutukawa Coast Trails Plan](#) advanced by the Franklin Local Board as setting out their aspirations for recreation trails in the Beachlands and wider area.

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Asset Owner / Specialist Response

From: Andrew Benson, Team Leader Coastal and Water Allocation, Resource Consents Department, Auckland Council

Date: 9 February 2020

Overall Summary:

- Pine Harbour Water holds a consent that enables the taking and use of up to 810m³ per day and 160,000m³ per annum – for potable water supply. They have recently lodged a new application that, should it be granted, would mean they would surrender their existing consent. Their new proposal is a daily groundwater take of up to 2,584m³/day, and the proposed maximum annual take is 474,500m³.
- Council's current water availability and allocation figures for the Beachlands Waitemata Aquifer Management Area are water availability 640,575m³/year and remaining allocation is 324,423m³/year. These are not absolute numbers; they are a current best guess.
- I note Pine Harbour Water is a registered network supplier of potable water (registration A0895). The water take and distribution through the reticulated network falls within the scope of a municipal water supply. It is not clear whether the current consent for the taking of water would allow Pine Harbour Water to provide water to the development proposed.
- Given the known issues with many dwellings in the Beachlands area reliant on water tanks (due to no public reticulation) finding in-sufficient storage capacity over the dry summer months, confidence in the availability of a suitable groundwater source would appear to be crucial for this development proposal.
- There is a greywacke aquifer in the vicinity that is another potential source. However, that source will require infrastructure to get it to the site and the feasibility of this is not known.
- Groundwater is a finite, limited resource, thus any consent applications for water take must be processed cognisant of aquifer constraints as well as other extraction activities from the same aquifer.
- Subject to additional information as part of the full application, I conclude water is probably (but not certainly) available for the proposed development, but I also think water supply is a potential limiter on overall development in the Beachlands area. So, it is a matter of what development occurs first/is allocated the water.

Attachment C: Comment from Local Board and Councillor – Beachlands Residential Project

Franklin Local Board Response

From: Local Board Member Amanda Kinzett, Franklin Local Board

Date: 11 February 2021

Comments:

1. The Franklin Local Board opposes this application to fast track this development on the basis that fast tracking a development of this nature, without addressing the significant challenges from growth, will be detrimental to the existing local community, i.e. exacerbate the lack of local social infrastructure, local community services and educational facilities, local employment opportunities, water supply challenges and insufficient transport options.
2. The land is anticipated for development of ~150 lots under the 2002 Manukau City District Plan, this is a considerable increase in lot numbers with a drastic reduction in lot sizes which will range from 117m² to 1,025m².
3. The Auckland Unitary Plan Beachlands 1 Precinct Plan specifies:
 - a. Low-density coastal character.
 - b. Maintain the existing pattern of development and low-density character of the area.
 - c. Subdivision, use and development. Require a development pattern characterised as one house per site.
 - d. Require a minimum site size of 800m².
4. More than one dwelling per site is a non-complying activity in the Beachlands 1 Precinct.
5. Any activity which does not comply with the following standards is a non-complying activity:
 - a. I403.6.8.1 Site area;
 - b. I403.6.9.1 Site frontage;
 - c. I403.6.10.1 Rear sites; and/or
 - d. I403.6.11. Site layout.
6. With a potential for close to 1,000 residents:
 - a. we believe that potable water supply will be challenging, requiring further investigation. wastewater will place a further burden on the Okaroro Drive plant.
 - b. there will be further expansion required in both local primary schools and further pressure on Howick Secondary College, increasing the need for a Secondary College in the area viz Franklin Local Board Plan 2020. Note that the Ministry of Education is not planning a new secondary school to service this area.
 - c. the development does not address the need for local jobs for new residents, meaning that residents will be forced to travel to work via private car using the Whitford-Maraetai Road, the failing Maraetai Coast Road or infrequent ferry services to gain employment.

- d. the development will generate increased traffic on already congested Whitford-Maraetai Road and local roading network, particularly in the morning at the Whitford Roundabout. Auckland Transport (through the Regional Land Transport Plan) does not currently have plans to cater to increased growth either through extended public transport options or through roading improvements.
 - e. the Beachlands-Maraetai area does not currently offer Council library services, a community centre or arts facilities and this is not envisaged in the Auckland Council 10 year budget. This proposal does not envisage facilitating the provision of these services.
7. The plan to remove the mature Pohutukawa trees along the western side of Beachlands Road will detract from the approach to the village.
 8. Stream reclamation will need to align with the National Policy Statement on freshwater management.
 9. Footpath provision will be required to connect to the existing paths completing the walkway from Leigh Auton Reserve to Pine Harbour.
 10. It is unlikely that the recreation reserve will be required – provision already in Kahawairahi Drive and Spinnaker Bay.
 11. Concerns regarding the need for residents to utilise personal vehicles due to the lack of public transport network including access to ferry services. This is a beachside community with challenging public transport issues that are yet to be resolved.
 12. The increase in yield will place undue stress on already insufficient infrastructure.
 13. Issues around fire safety due to no public water reticulation being available in the Beachlands area.

In conclusion:

The Franklin Local Board, while supportive of development in our local area considers that fast-tracking this application would be detrimental to the managed growth of this community.

The Board considers that there needs to be more information obtained regarding the impact and concerns of non-complying activities, wastewater, stormwater and traffic movement impacts along the network and that processing through the resource management process will better allow necessary investigation, community consultation and full mitigation discussion to avoid potential wider community issues.

Ward Councillor Response

From: Councillor Bill Cashmore, Franklin Ward Councillor and Deputy Mayor

Date: 8 February 2021

Comments:

My thanks for the information and the opportunity to comment on this proposed development. I would also note that my comments would also pertain to other developments in the Beachlands and Maraetai areas.

General.

The Beachlands-Maraetai area is beautiful land overlooking the islands of the Hauraki Gulf. The area was once baches for Aucklanders weekend and holiday use. As with many such areas this evolved into more substantial and permanent residential housing. This is a commuting suburb, some by ferry but most by car to employment areas elsewhere in the city. The Beachlands area is also the largest urban expanse in NZ not to have reticulated water.

Concerns.

Additional subdivision will add further to the immediate congestion of the feeder road to Botany and beyond.

There is minimal employment in the area.

There is no secondary school and the primary school is reaching capacity.

The lack of a reticulated water system is problematic. Houses have to have their own water storage systems in place. Recent droughts have only emphasised the inadequacies of the current on site water storage.

FENZ has in the past expressed concern around there being sufficient water storage to fight a major house blaze.

The wastewater treatment system is stretched. Auckland's Watercare Services has been investigating bringing mains water supply and wastewater pipes from East Tamaki for several years. There are currently no budgeted plan to do this much needed work. There are other growth related priorities.

Because of the lack of employment and hence the need for commute traffic further growth in this area does not align with Auckland's growth plans and infrastructure provisions, adds to our Climate Change Challenges and does not fit the Compact City model.

Despite the beauty of the areas outlook, the question has to be asked if this is the right area for further expansion without employment opportunities to match that growth, and the required road up-grades, power and telephone, water and waste services.

Planning Committee Response

From: Councillor Chris Darby, Chair – Planning Committee

Date: 17 February 2021

Comments:

I have read the feedback from AT and am not convinced it clearly spells out the enormous transport challenges that face the existing communities and future.

AT's feedback is more about requiring more information in the application rather than spelling out well-known significant constraints.

Are you confident the transport red-flag is clear?

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**Asset Owner and Specialist Input Request Details – Feedback to the Minister
for the Environment on consideration of a referral application**

| | | | |
|---|---------------------------------|--|--|
| From | | Christopher Oliphant, Senior Planner, Southern Resource Consents | |
| Date that invitation from MfE was received: | Current Working Days | Brief sent | Asset Owner / Specialist report due |
| 03/02/2021 | two | 05/02/2021 | 12/02/2021 |
| Proposal | | <p>The project is for subdivision and land development to create up to 259 residential lots, a number of public roads, jointly owned access lots, pedestrian accessways, and recreation and drainage reserves, and includes construction of residential dwellings on 235 of the lots (the remainder being vacant residential lots for later separate development)</p> <p>The project involves the following activities:</p> <ul style="list-style-type: none"> • earthworks • vegetation removal near urban streams • street tree removal • activities in overland flow paths and floodplains • discharge of stormwater runoff • diversion of water • reclamation of part of the beds of three streams • subdivision infrastructure construction • dwelling construction • potential disturbance of contaminated land. <p><u>Please provide a summary of matters that you as specialist or asset owner believe are significant issues that should be highlighted for consideration</u></p> | |
| Site address and Legal Description: | | 109 Beachlands Road, Beachlands Lot 1002 DP 512674 (RT 790096) | |
| Applicant | | Neil Construction Limited and Fletcher Residential Limited | |
| Related applications and consents (old Regional Permits, related current consents or applications) | | <p>No applications or consents appear to be relevant to this specific enquiry (currently a greenfields site).</p> <p>There was a pre-application meeting relating to this site in January 2020 – Council file reference PRR00033397 which I attach so that you are aware of these earlier comments. The applicant and their agent already have these comments. Any response in respect this new request should be framed as information that MfE should know for their recommendation to the Minister.</p> | |
| Link to plans and relevant information | | s 9(2)(ba)(i) | |

Asset Owner / Specialist Response

From: *Elmira Vatani, Senior Development Planner, Auckland Transport*

Date: 12/02/2020

Overall Summary:

The proposal to intensify over and above the development potential provided for under the Residential Single House Zone may lead to other Single House zoned development sites both within and outside of the Beachlands 1 Precinct to seek intensification to similar levels. This knock-on 'precedence' effect would have adverse effects on the transport network not anticipated under the operative Beachlands 1 Precinct Plan or the Auckland Unitary Plan in general. It is anticipated that the estimated transport demand resulting from the proposed development yield may be able to be accommodated within the surrounding transport network when the assessment is limited to the subject site. However, there is no certainty without the provision of a more detailed assessment (we note the Flow Transportation assessment was missing). Further, given the non-complying status of the proposed residential development and potential for further intensification beyond that provided for under the operative provisions, it may be prudent for the cumulative effects of the precinct to be assessed on the basis of applying similar levels of development intensity across the entire precinct and to identify any transport mitigation that may be required that is not already identified in the precinct provisions. It is also important to note that Beachlands – Maraetai is a predominantly a car-reliant coastal settlement positioned on a peninsula. Although there are limited ferry and bus options these are infrequent and have capacity constraints. Residents must also travel outside of Beachlands for the majority of education, shopping and employment opportunities.

One of the overarching concerns with further growth in the Beachlands – Maraetai area is the limited capacity of Whitford-Maraetai Road as the only road connection with the wider regional destinations to the west. The implication of this situation would mean that the future urban expansion of the Beachlands – Maraetai area would likely need to be sequenced with significant investment and major upgrade/improvement projects to the Whitford-Maraetai Road corridor.

Seventh View Ave is AT's preferred route for bus service from Pine Harbour to the Local Centre and on to Maraetai.

The AT's Designation 1806 overlaps the site on the northern boundary. However, no active projects are recorded in the vicinity of the site.

AT also does not possess any in-house arboricultural expertise, so would defer/take advice from Community Facilities on matters such as vegetation removal and landscaping within roads.

In order to better understand the effects of the proposed development, the following assessments/information is recommended:

- A traffic and transport assessment, ideally in the form of an Integrated Transport Assessment (ITA). The scope of the ITA should include an assessment of the effects of the 'baseline' land use development yield (based on the AUP operative Single House Zone and Beachlands 1 Precinct standards) against the proposed housing typology and resulting yields (42 standalone dwellings, 72 duplex dwellings and 113 terraced) as the 'worst-case scenario'. Depending on the outcome of the transport assessment the yield should be capped at a maximum as part of any conditions of consent (should the application be approved) along with any agreed mitigation measures. Also refer to below comments on cumulative effects. The ITA should show the effects on the surrounding network at high level and detailed intersections level considering that Beachlands Road is a major route for the whole Beachlands area. The ITA should incorporate a Movement network plan to understand if a safe active mode facility/route to local facilities i.e. parks (Te Puru Park and Maraetai), schools and public transport (the Pine Harbour Ferry Terminal) is available/provided.

- Engineering infrastructure report and plans, including services, vehicle tracking plans, road cross sections, long sections to demonstrate the suitability of the roads and ability to accommodate all modes (in particular seventh View Avenue and buses).
- The assessment of the integration of any private lanes including whether the proposed form of the private lanes is adequate to service the density of housing proposed. In this regard confirmation as to whether the private lanes will accommodate any parking to understand any parking spill-over effects into the public road network.
- A full assessment against the National Policy Statement- Urban Development. It is noted that the assessment has carried against the selected NPS_UD provisions (Policy 1 & 6).
- An updated Stormwater Management Plan (SMP) including the options for stormwater treatments on roads with justification (detailed assessment) to determine which treatment (quality and quantity) options are to be selected for the roads. The assessment needs to take into account the lifecycle costs of the assessed options and consider how to reduce on-going costs to ratepayers. Rain gardens should not be the default option.

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the Official Information Act 1982

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

| Criteria Question | Red Flag | Amber | Green |
|---|---|--|-------|
| Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050? | | There is not enough detail to be able to determine with great certainty whether the proposed development is either consistent with, or contrary to, the relevant objectives and policies of the Auckland Unitary Plan and the overall strategic intent of the Auckland Plan. | |
| Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy? | | For Auckland Council to determine. | |
| Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project? | It is noted that there is no public water reticulations. Any private infrastructure should be located inside private property boundaries and not within the | Safe walking and cycling connections will be required between the proposed development area and the Pine Harbour Ferry Terminal. To provide for the level of increase in ferry capacity that is likely to be required from additional large-scale housing development in the Beachlands – Maraetai area, funding of a new ferry terminal site in the vicinity of the | |

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|--|---------------|--|----|
| | road reserve. | current Pine Harbour marina area would likely be required. Further, traffic modelling is required to demonstrate the surrounding transport network has capacity to accommodate the traffic movements from this development. We note the Flow Transportation assessment mentioned in the application was not provided to AT for review. | |
| Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure? | | An Integrated Transport Assessment (ITA) is required to understand the effects of the proposed development on the transport network. | |
| Is the application a notice of requirement? | | | No |
| Is there the potential for significant adverse environmental effects to occur? | | Not able to confirm at this stage due to the lack of information provided to AT and would also depend on the mitigation measures proposed by the applicant/developer. | |
| Other comments? | | <p>The following assessments/information would be recommended by AT:</p> <ul style="list-style-type: none"> • Integrated Transport Assessment • Infrastructure report and plans • A full assessment against the National Policy Statement- Urban Development. | |

| | | | |
|--|--|--|--|
| | | <ul style="list-style-type: none"> Stormwater Management Plan | |
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