

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:	Application number:
	Date received:

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 the 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 need only 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:

Email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track consenting guidance](#) to help applicants prepare applications for projects to be referred.

Applications must be submitted to the Minister via email: fasttrackconsenting@mfe.govt.nz

To complete this form, please scroll down and click in the appropriate field.

Part I: Applicant

Applicant details

Person or entity making the request: Aedifice Development Limited

Contact person: Kieran Doe

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address: s 9(2)(a)

Address for service (if different from above)

Organisation: Civix

Contact person: Nick Mattison

Job title: Director and Senior Planner

Phone: s 9(2)(a)

Email: s 9(2)(a)

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

Postal address: PO Box 5204 Victoria Street West, Auckland 1141

Part II: Project location

The application (click to place an "X" in the relevant box):

- ☐ does not relate to the coastal marine area
- ☒ relates partly to the coastal marine area
- ☐ relates wholly 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:

The proposal is located at 4 Scott Road, Hobsonville, Auckland 0618. The site plan and location plan are shown **below**.



Released under the Official Information Act 1982



A cadastral map and/or aerial imagery to clearly show the project location will help.

Legal description(s):

NA48C/786, LOT 1 DP 71841, 4 Scott Road, Hobsonville (Record of title attached **Appendix 01 page 001**)

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

Registered legal land owner(s):

The land is owned by Mcleod Custodian 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 Sale and Purchase Agreements for the land are included in **Appendix 02 page 003**.

This confirms that Aedifice Development Limited ("ADL") has sufficient legal interest in the land to be able to implement the proposed development. For comparison:

- The Resource Management Act 1991 does not require that an applicant be the owner; and
- The definition of owner under the Building Act 2004 includes a person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to



take a lease of the land, and who is bound by the agreement because the agreement is still in force. CPM 2019 Ltd has an interest in land sufficient to be considered the owner under the Building Act 2004.

ADL is a site-specific development entity, which is owned by Aedifica NZ Limited (33.3%), Sirius Limited (33.3%) and Vinegar Lane Corporate Trustee Limited (33.3%), with directors Francois Gilbert Beziac and Kieran Edward Doe.

Mr Beziac and Mr Doe are also owners and directors of another related company CPM 2019 Limited, related to NFK & Co which has had its project at 460 – 478 West Coast Road & 317 to 345 Glengarry Road (scheduled as the “Nola Estate Project”) referred to an expert consenting panel. NFK & Co has worked with Kiwibuild on three other projects (460–478 West Coast Road, Glen Eden, Auckland; 105 Waimumu Road, Massey, Auckland; and 119 Bruce McLaren Road, Henderson, Auckland).

ADL’s accountant has prepared corporate structure diagrams of ADL, Bruce McLaren Road Limited and Waimumu Road Limited showing Mr Beziac’s and Mr Doe’s common interests in those companies attached as **Appendix 03, 04 and 05 pages 027 – 031**. ADL anticipates that this may be of interest to MfE in order to prove Mr Beziac’s and Mr Doe’s track record in three other successful Kiwibuild projects.

An indication of the work previously completed by Mr Beziac and Mr Doe may be found at the Aedifice Property website (www.aedifice.co.nz/) and the NFK website (www.nfk.co.nz/).

Part III: Project details

Description

Project name: Scott Road Development

Project description: See below

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 need only provide a general level of detail.

Summary

The proposal is located at 4 Scott Road, Hobsonville with an area of approx. 7.5ha. The site has reticulated services.

It involves a 426 unit Residential Development with the associated subdivisions of the units in the Residential Mixed Housing Urban Zone (MHU), Residential Mixed Housing Suburban Zone (MHS), Residential Single House Zone (SHZ), as well as the Scott Point Precinct under the Auckland Unitary Plan Operative in Part (AUPOIP).

It is intended that KiwiBuild be a partner to the development, with a share of about 162 units, and the remaining 264 lots and dwellings to be put on the private market.

The two-bedroom dwellings will have a GFA of 68m², while the three-bedroom dwellings will be in the order of 80m² to 90m². The four-bedroom dwellings have a GFA of around 183m².

There are also 126 walk up apartments, which have either 1, 1.5 or 2 bedrooms. We are yet to receive further details on the GFA.

An esplanade reserve along the coast (20m, shown in dark green on Rev A below) along with an additional 6,000+m² of reserve land (shown in light green on Rev A, below) is proposed to be vested in the Council subject to their acceptance.

Earthworks will be completed – see the Preliminary Earthworks Model, Cut Fill Plans and Finished Contour Plans in **Appendix 06, 07 and 08 pages 032 to 055** respectively.

Kiwibuild

162 units will be Kiwibuild; 91 apartments and 71 townhouses (as shown in the Proposed Master Plan **Appendix 09 page 056**).

ADL has not yet received substantive feedback from Kiwibuild on the proposal, but has received an initial letter of support (included in **Appendix 10 page 129**). Further, as the letter in **Appendix 11 page 130** from KiwiBuild shows, previous developments by Mr Doe and Mr Beziac with KiwiBuild have been very successful.

Purpose and object of the proposal

The purpose of the proposal is to provide for the comprehensive and integrated development of Scott Point to increase the supply of housing (including affordable housing), and to make efficient use of land and infrastructure. Affordable housing will be provided through a partnership with KiwiBuild.

The units are a mix of two-bedroom units (140) and three-bedroom dwellings (153) which are two-storey dwellings, and six four-bedroom three-storey apartments located across the front of the site facing Scott Road. There are also 126 walk-up apartments, with 1, 1.5 or 2 bedrooms. It is noted that the heritage dwelling will be retained as part of the proposal.

The proposed Master Plan is shown below and included in **Appendix 09 page 056**. This has been prepared with input from the following: urban design, archaeological, heritage, arborist, traffic, engineering, economic, and ecological experts. Public reserve areas are shown where residents can recreate or gather, providing a communal facility of benefit to the neighbourhood.

Public services are available to the site, though some local upgrades of infrastructure will be needed (i.e. wastewater pumpstation and associated infrastructure which is looking to accommodate future potential development of 6 and 8 Scott Road as well taking an approach to ensure adequate servicing for parts of the catchment simplifying their redevelopment in part in time)

Rev A is shown below (dated 06.04.2021).





SCOTT ROAD DEVELOPMENT

Total: 426 UNITS
SITE AREA TOTAL: 75,000m²

Overall Totals

Heritage Building: 1 Total

Terrace Houses: 298 Total

Apartment: 126 Total

Open Market

Heritage Building: 1 Total

Terrace Houses: 238 Total

Apartment: 95 Total

Kiwi Build

Terrace Houses: 71 Total

Apartment: 91 Total

Site Specific Notes

Residential use only. No commercial use.

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Pre-application discussions with Auckland Council

A request for a pre-application was filed with Auckland Council ("Council") on 15 December 2020 in **Appendix 12 page 131**. As yet (four months later) no meeting has taken place as Council does not have sufficient capacity. The applicant wrote to Auckland Council on 1 April 2021 requesting that a pre-application meeting be held. The 1 April 2021 letter is included in **Appendix 13 page 134**. Since then, we have heard that Auckland Council is willing to organise a pre-application meeting and we will update MfE once this has occurred.

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

The Preliminary Construction Programme by Oxcon is included in **Appendix 14 page 150**.

Consents / approvals required

Relevant local authorities: [Auckland Council](#)

Resource consent(s) / Designation required (click to place an "X" in the relevant box/s):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Land-use consent | <input checked="" type="checkbox"/> Subdivision consent | <input type="checkbox"/> Coastal permit |
| <input checked="" type="checkbox"/> Water permit | <input checked="" type="checkbox"/> Discharge permit | <input type="checkbox"/> Designation |
| <input type="checkbox"/> Alteration to designation | | |

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.

The following table sets out an outline of consents required. No designations are required for this.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan H3. Residential Single House Zone	H3.4.1.(A6) H3.4.1.(A36)	More than one dwelling per site (other than the conversion of a principal dwelling in Rule H3.4.1(A4) or minor dwellings in Rule a H3.4.1(A5) The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate.	Non-complying Activity	Southern end of site overlooking Limeburners Bay
Auckland Unitary Plan H4. Residential Mixed Housing Suburban	H4.4.1.(A4) H4.4.1.(A34)	Four or more dwellings per site The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate.	Restricted Discretionary Activity	Middle of the site.



Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan H5. Residential Mixed Housing Urban	H5.4.1.(A4) H5.4.1.(A34)	Four or more dwellings per site The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate.	Restricted Discretionary Activity	Northern part of the site facing Scott Road.
Auckland Unitary Plan E38. Subdivision Urban	E38.4.2(A8) E38.4.2(A11) E38.4.2(A14) E38.4.2(A22)	Subdivision establishing an esplanade reserve Subdivision of land within natural hazard areas. In this instance, part of subject to land instability, land subject to coastal erosion, and flood plain. Subdivision in accordance with an approved land use consent complying with Standard E38.8.2.2. Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay complying with Standard E38.8.2.5	Restricted Discretionary Activity	Across the site.
Auckland Unitary Plan E6 Wastewater network management	E6.4.1((A3))**	Discharge of untreated wastewater overflows onto or into land and/or into water from a wastewater network in existing urban areas (excluding wastewater treatment plants) where the discharge does not comply with Standard E6.6.1 and is not otherwise provided for by another rule in Table E6.4.1	Restricted Discretionary Activity	Southern end of site

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan E7. Taking, using, damming and diversion of water and drilling	E7.4.1(A20 A26) E7.4.1(A28)	Take and use of groundwater not meeting the permitted activity or restricted discretionary activity standards or not otherwise listed. (including dewatering) Take and use of groundwater not meeting the permitted activity or restricted discretionary activity standards or not otherwise listed	Restricted Discretionary Activity	Across the site.
Auckland Unitary Plan E8 Stormwater - Discharge and diversion	E8.4.1(A10)	Stormwater discharges from impervious areas exceeding 5,000m ² .	Discretionary Activity	Across the site.
Auckland Unitary Plan E11 Land disturbance – Regional E12 Land disturbance - District	E11.4.1(A5) E12.4.1(A6) E12.4.1(A10)	Regional and District Earthworks: Greater than 50,000m ² where land has a slope less than 10 degrees outside the Sediment Control Protection Area 1. Earthworks greater than 2,500m ³ Earthworks greater than 2,500m ³	Restricted Discretionary Restricted Discretionary Restricted Discretionary	Across the site.
Auckland Unitary Plan E27 Transport	E27.4.1(A3) E27.4.1(A5)	Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6.1 New vehicle crossing to a vehicle access restriction road (Scott Road is shown as an arterial road in GIS).	Restricted Discretionary	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan E30 Contaminated land	E30.4.1(A6)*	Discharges of contaminants from disturbing soil on land containing elevated levels of contaminants.	Controlled Activity	
Auckland Unitary Plan E36 Natural hazards and flooding	E36.4.1(A4)	All other buildings and structures on land in the coastal erosion hazard area	Restricted Discretionary Activity	Across the site.
	E36.4.1(A13)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m ²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that do not comply with Standard E36.6.1.1	Restricted Discretionary Activity	
	E36.4.1(A37)	All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	Restricted Discretionary Activity	
	E36.4.1(A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path.	Restricted Discretionary Activity	
	E36.4.1(A42)	Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path.	Restricted Discretionary Activity	

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan Scott Point Precinct	Framework plans Development	A framework plan complying with clause 3.2 below of the Scott Point Precinct Buildings or subdivision on a site complying with an approved framework plan	Restricted Discretionary Activity	Across the site.
Auckland Unitary Plan Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 2, Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508	D17.4.1 (A9)*** Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay.	Primarily providing reserves infrastructure (paths, boardwalks etc) as part of developing the foreshore and vesting it. Additional physical work may be required in terms of installing a new wastewater overflow and coastal erosion / land stabilisation works	Restricted Discretionary Activity	Foreshore
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	Clause 9(3)*	subdivision and change of use of land	Restricted Discretionary	Across the site
National Environmental Standards for Freshwater) Regulations 2020	Regulation 54	Earthworks within, or within a 10 m setback from a natural wetland The discharge of water to a natural wetland.	Non-complying Activity	Across the site
National Environmental Standards for Freshwater) Regulations 2020	Regulation 42	Wetland utility structure	Restricted Discretionary Activity	Southern area of the site.

* Subject to assessment after completion of a Detailed Site Investigation for soil contamination.

** This consent might not be needed, depending on the final wastewater solution for the site. This would only be for emergency discharges and the wastewater pumpstation would be designed in accordance with modern engineering good practice (wastewater storage and emergency power) to reduce the likelihood and magnitude of any discharge as low as possible). Even if the existing pumpstation was upgraded, the same risk of discharge would arise and any discharge which occurred would occur in substantially the same location.

*** Recreation, stabilisation and other works in the foreshore are proposed to be designed in conjunction with iwi and Auckland Council and will be subject to a specific application for an authority under the Heritage New Zealand Pouhere Taonga Act 2014. It is proposed that this work be bonded for under the RMA if the final design has not obtained necessary approvals. This will allow the development to proceed in advance of potential delays under the Heritage New Zealand Pouhere Taonga Act 2014 for work within the heritage overlay.

Allotments which adjoin residential properties will be designed and constructed to meet key amenity expectations of the all the underlying zones, i.e. they will comply with:

- Height in relation to boundary at the external / interface boundary;
- Alternative height in relation to boundary where applicable;
- Will comply with max height;
- Will comply with relevant external / interface yard (side or rear boundary);

Within the site i.e. away from the boundaries of the site, there is likely to be a range of minor infringements of permitted activity performance standards such as height in relation to boundary, yards etc by up to 0.5 m for the purpose of optimising layouts and achieving good design. The main infringement will be in relation to density in the Single House Zone.

Arguably, the internal infringements are effectively not a reason for consent as this would be a boundary activity and the applicant could grant approval to themselves for such activities (and so they would be permitted).

Prohibited Activities Analysis

No prohibited activities apply to this proposal. There are no prohibited activities in relation to the MHU (H5), MHS(H4), SHZ(H3), Scott Point Precinct or Transport(E27) in the AUP:OP.

In relation to the National Environmental Standards for Freshwater) Regulations 2020 the proposal does **not** involve the following prohibited activities (Regulation 53):

- Earthworks within a natural wetland that results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland and the earthworks do not have another status under any of regulations 38 to 51; or
- The taking, use, damming, diversion, or discharge of water within a natural wetland that results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland and the taking, use, damming, diversion, or discharge of water within a natural wetland does not have another status under any of regulations 38 to 51.

The reason the proposal is not a prohibited activity and complies with Regulation 54 of the Freshwater NES is that the purpose of the discharge to a wetland is to help maintain the hydrological regime of the wetland. Hydrological regime is a defined term under the Freshwater NES: “hydrological regime means the characteristic changes in hydrological variables over time, including changes to water levels, water flows, and discharges of water.” This is discussed in more detail in the section assessing the application against the Freshwater NES.

As to subdivision (E38 and E39 of the AUP:OP), the proposal does **not** involve the following prohibited activities:

- Subdivision of a minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone (A27); or
- Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone (A29); or
- Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone (A26); or
- Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay (A34); or
- Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone (A35).

We note that pursuant to C1.7 of the AUP:OP, any activity that is not specifically classed in a rule as a permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activity is a discretionary activity unless otherwise specified by a rule for an overlay, zone or precinct or in an Auckland-wide rule.

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 Act details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991 in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No applications for resource consent or notices of requirement have been lodged relating to the Site. At this stage ADL plans to seek all consents through fast-tracking, but potentially ADL might seek earthworks and/or other associated consents (contamination remediation) through Auckland Council however ADL is aware that there cannot be a duplicate of consents through Council and the fast-track process.

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

As the titles that make up the Site are owned by the applicant (noting the sale and purchase agreement set out above) no other persons are required to obtain any consents.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

The following heritage or cultural items of significance have been identified on site:

- Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508 Heritage Area Overlay
- Residence 139, The original workers cottage.

The overall layout of the proposal has been designed to fully accommodate the significant heritage and cultural values of both the Clark Pottery and Brick works, and the workers cottage, as explained below.

Residence 139, workers' cottage

The workers' cottage, located at the front of the site facing Scott Road will be fully retained as part of the proposal. As such, the recognised heritage associations to its place and its relationship to the public realm are maintained. It is noted that the existing house yards are not 'protected' by the heritage extent of place, and the retention of the current yard provides an integral part of the mitigation for the development.

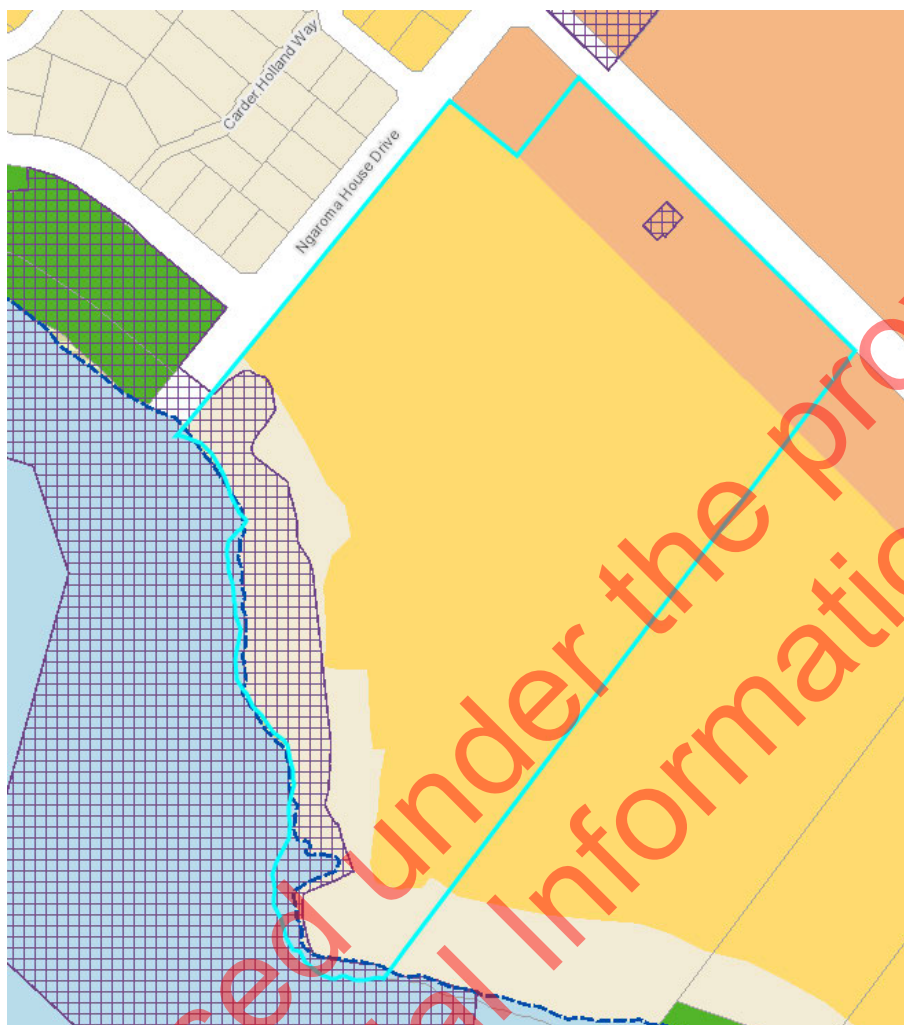
An initial assessment of heritage effects of the proposal is set out in the Heritage Memorandum by Archifact enclosed as **Appendix 15 page 152**.

Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508

The Clark Pottery and Brickworks are located at the southern end of the site, abutting the Limeburner's Bay coastline.

Currently there are remnants of bricks and pottery from the historic kilns visible throughout the coastal edge of the site which directly reflects the historic activities that have occurred in the site and the wider Hobsonville area. To protect these remnants, the development proposes to avoid works within the Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508 overlay except to the extent that Auckland Council supports work to protect and develop the esplanade reserve and coastal area (and a heritage authority has been obtained). This also provides opportunity to form a link to Limeburners Bay reserve.

As may be seen in the map below the extent of place (purple area) of the historical heritage will generally not be part of the area subject to the proposal in that, as noted above (note *** under the table of consents needed), it is proposed to limit the amount of works in this area and bond for it subject to obtaining necessary authorities under the Heritage New Zealand Pouhere Taonga Act 2014:



A full assessment of archaeological effects of the current proposal in the form of a Memorandum has been undertaken by Clough and is included in **Appendix 16A page 157**. Note the full nature and extent of works required in the esplanade reserve is not known.

The report concludes that overall the effects of the proposed development on archaeological values are likely to be minor and can be minimised and appropriately mitigated as recommended in points 2-4 above. For completeness the archaeological report has not commented on the potential need for erosion protection / stabilisation works as this is a matter which is being dealt with first through engagement with Auckland Council (as future owner), iwi (as stakeholder). Once the scope and location of works is known, further archaeological reports will be procured.

The Clough report considers that:

1. The proposed housing development has been designed to avoid encroaching into the scheduled extent of place of the historic brickworks site R11/1508. It also avoids the archaeologically sensitive southern headland where midden site R11/484, heritage trees and likely remains of the first Clark homestead are located.
2. The potential for exposing unidentified subsurface archaeological remains in the housing zone is low, with the exception of pre-1900 field drainage known to have been installed across the site. Such remains would

subject to the Accidental Discovery Rule in the AUP (E12.6.1), unless superceded by an Authority from HNZPT. The drains would be of limited archaeological value and effects could be appropriately mitigated through recording and sample recovery under Authority from HNZHPT.

3. Amenity works such as boardwalks and planting within site R11/1508 in the proposed reserve have some potential to impact on archaeological remains relating to the brickworks. However, the adverse effects are likely to be minor. This is because while site R11/1508 is of considerable archaeological/historic heritage value, the most significant elements are located in the adjacent Limeburners Bay Reserve (Clark and Holland brickworks) and in the Wisely Esplanade (Carder brickworks). Both reserves include remnant kilns, chimney stacks and machinery. The remains within the property at 4 Scott Road consist of informal reclamation works containing ceramic waste and overburden from the adjacent works and areas of former clay quarrying, which have much more limited archaeological and historic heritage value. It is possible that evidence of R.O. Clark's earliest efforts to manufacture field tiles and of activities associated with the adjacent brickworks may be present subsurface in the western corner of the property, but this has not been confirmed. It is also possible that any remains of early activities have been removed by clay quarrying and levelling. Any adverse effects can be appropriately mitigated through archaeological investigation and recording under an Authority from HNZPT, opportunities for interpretation signage and any additional measures suggested by Council.
4. Amenity works such as boardwalks and picnic areas within the southern headland where midden site R11/484 is located have the potential to impact on subsurface archaeological remains relating to Maori settlement and the first Clark homestead. Consultation with Mana Whenua regarding the proposals in this area should be undertaken, and further archaeological testing to ensure that any works in this area avoid or minimize impacts on subsurface remains is recommended. Any unavoidable effects can be mitigated through archaeological investigation and recording under an Authority from HNZPT (for which consultation with Mana Whenua will be a requirement), opportunities for interpretation signage if considered appropriate by Mana Whenua and any additional measures suggested by Council.

An archaeological authority will be lodged shortly for the bulk earthworks component of the development (identified in (2) above).

The works will be subject to consent conditions requiring works to cease (i.e. identification and protection protocols) should any items of cultural or heritage significance be discovered, with notification to Heritage New Zealand and iwi made to enable appropriate actions prior to re-commencing works.

Avoiding essential work within the AUP Heritage Area Overlay has been achieved by setting the development back a considerable distance from the 20m wide esplanade reserve to be vested (dark green area on Rev A above, at page 6) and vesting an approximately 6,000m²+ of additional coastal frontage land (light green area on Rev A above, at page 6).

There are three aspects of the proposal which may require work within the Heritage Area Overlay. These are:

- (a) Coastal protection / stabilisation work;
- (b) Recreational infrastructure to provide community access to the CMA enjoyment; and
- (c) Wastewater pipeline for emergency overflows from the new wastewater pumpstation.

Coastal protection and recreational infrastructure

Initial geotechnical investigatory work has identified that the key geotechnical constraints relative to future residential development of the site include slope instability, elevated groundwater levels and overland flow, coastal regression, expansive soils, liquefiable soils and weak and compressible soils (**Appendix 28 page 353**).

ENGEO have provided a supplementary memorandum which advises whether there are engineering design options which would allow ADL to establish stable flood-free building platforms across the site without undertaking work within the heritage area overlay (included in **Appendix 16B page 201**).

The memorandum concludes that ENGEO are confident that there is a solution to improve the global stability of the land identified for development without works occurring in the heritage overlay area, and that the refinement of a suitable solution will be determined from the more detailed geotechnical investigation they are about to commence.



It is therefore anticipated that stabilisation of the site and subsequent construction of the dwellings can occur without works occurring in the heritage area overlay and therefore without the need for a HNZPT authority.

ADL believes that it can control the risk of delays associated with consulting with stakeholders including Auckland Council and Iwi regarding the coastal protection / stabilisation works as well as works required for recreational infrastructure within the esplanade reserve through a bond under s 108(2)(b) of the Resource Management Act 1991. Over the next few months ADL will continue to work with stakeholders to confirm the desired work and calculate the cost of undertaking it, which can then be bonded for. In the event that the authorisation process through the HNZPT Act prevents any of the work being undertaken or redesigned, the scope of work can be reduced or changed within the bonded amount.

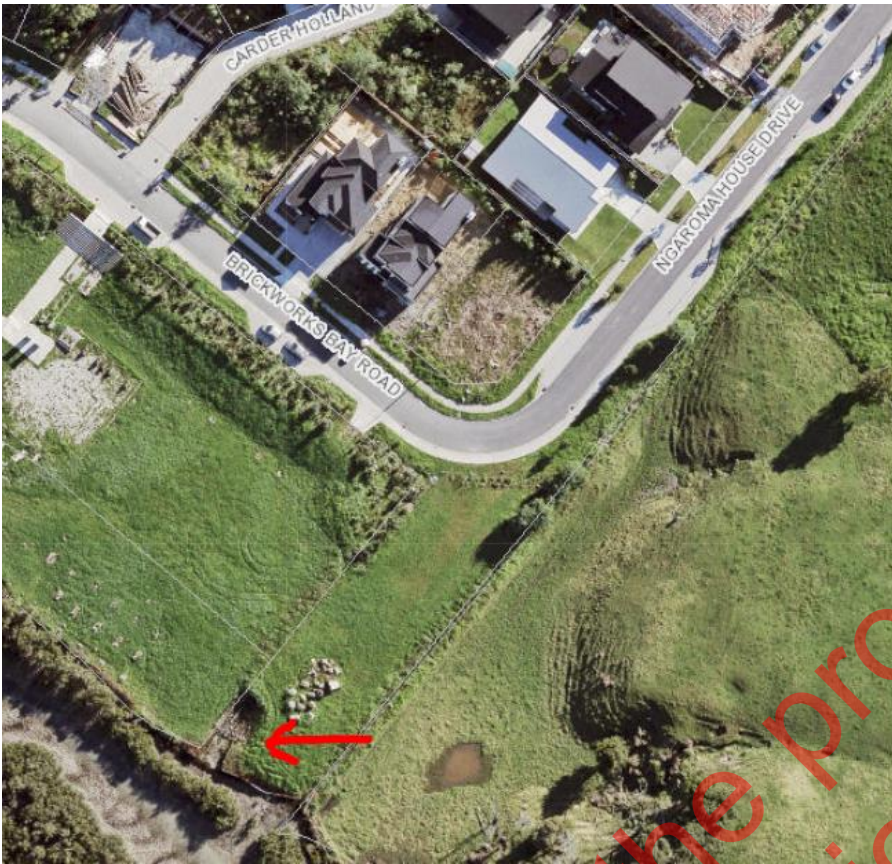
Wastewater infrastructure

Consent is required under Rule E6.4.1((A3) of the AUP for the emergency discharge of untreated wastewater overflows onto or into land and/or into water. The proposed discharge location is to a stormwater manhole which then will flow through to the current stormwater pipe at the end of Ngaroma House Drive.

The preferred solution is to connect the wastewater overflow pipe into the stormwater pipe to avoid any earthworks in the AUP Heritage Area Overlay and any need for an application for an authority under the HNZPT Act.

That said, if Watercare require their own pipeline, then the pipeline can be installed as close as possible to the existing (relatively new) stormwater outfall which would:

- Minimise the amount of work within the Heritage Area Overlay as the existing erosion protection structure could be used and so the likely extent of new work would be the installation of approximately 225mm diameter pipe, across about 15m or less of land within the AUP Heritage Area Overlay; and
- Minimise the extent of new earthworks within the AUP Heritage Area Overlay as most of the earth which would be disturbed would probably have been disturbed as a result of the installation of the stormwater pipeline.



Existing stormwater pipe discharge in Ngaroma House Drive



Proposed location of potential wastewater overflow pipe

Natural Heritage - Notable Tree

Four notable trees are present on the site. A report by an arborist, Tree Management Solutions, has included in **Appendix 17 page 205** setting out ADL will comply with constraints imposed by the AUP on development surrounding the trees. Specifically:

- Any ground disturbance occurring no closer than at least 14m from the trunk of one of the trees and furthermore, no ground disturbance occurring to the south/south west of this exclusion line i.e. the spur of land on which the trees stand will remain materially unchanged.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, when do you anticipate construction activities will begin, and be completed?

Please provide a high level timeline outlining key milestones, e.g., detailed design, procurement, funding, site works commencement and completion.

Subject to MfE's confirmation, lodgement of this application will hopefully be June-July 2021.

It is proposed that horizontal construction start in the last quarter of 2021 with the objective of completing the civil construction programme within by March 2023. Based on this vertical building works across the entire development are forecast to be completed by March 2024.

The Preliminary Construction Programme by Oxcon is included in **Appendix 14 page 150**.

A description of the contractors to be involved etc. is included in Olive + Hero's letter in **Appendix 18 page 210**.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

None, no Government ministries or departments are affected.

ADL is engaging with KiwiBuild. We expect to be able to provide more information on KiwiBuild shortly.

Local authorities

Detail all consultation undertaken with relevant local authorities:

- **Auckland Council**

A pre-application meeting has been requested to be held with Auckland Council on 15 December 2020. As of 6 April 2021, Auckland Council has not yet given an available date for that meeting to take place. Updates were sought from Council on the 29 January 2021, where Council confirmed they would *“be unlikely to be able to accommodate your[ADL] time frame”*.

Correspondence with Council may be found at **Appendix 12 and 13 pages 131-149** on the subject. Since that letter Auckland Council has confirmed a willingness to have a pre-application meeting.

- **Auckland Transport (the site requires a vehicle crossing to a restricted access road).**

Auckland Transport will be included in the pre-application meeting with Auckland Council.

A transport memorandum has been prepared by TPC and is included as **Appendix 19 page 214**. This addresses the initial transport matters of the development.

The site is serviced by the following nearby modes of public transport:

- Buses 029, 031, 112, 114 and 120 stop at 413 Hobsonville Road (stop 5809) and opposite 423 Hobsonville Road (stop 5838), approximately 1km west of the site;
- A ferry service to and from Auckland City is located approximately 2.5km north of the site.

- **Watercare**

Civix Ltd engineers have requested a pre-application meeting with Watercare regarding network capacity matters.

Other persons/parties

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

In accordance with S20(3)(h) the following persons/agencies are likely affected:

- **Māori**

Detail all consultation undertaken with the above persons or parties:

- **Māori**

The site is located within the Te Kawerau a Maki and Ngāi Tai ki Tāmaki Statutory Acknowledgement Area. In addition, there are eight other Iwi which have a vested interest in the area.

Consultation with all iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. Full details of the iwi consultation undertaken so far is provided below and the email and information provided is included in **Appendix 20 pages 219-249**.

- **Waitakere Ranges Local Board**

Details of the proposal will be sent to the Waitakere Ranges Local Board for feedback post pre-application feedback.

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
Nga Maunga Whakahii o Kaipara	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided, with the response, is included in Appendix 20 page 219.</p> <p>Nga Maunga Whakahii o Kaipara have responded that they are interested in engaging with ADL regarding the development, mainly due to concerns about archaeological heritage and accidental discovery.</p> <p>A site visit with Nga Maunga Whakahii o Kaipara was undertaken on 26 March 2021. Consultation is ongoing.</p>
Ngāti Manuhiri	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided, with the response, is included in Appendix 20 page 219.</p> <p>Following a site visit on 26 March 2021, Ngāti Manuhiri have responded that they defer to Nga Maunga Whakaia o Kaipara Development Trust. This letter is included in Appendix 20 page 228.</p>
Ngāti Maru	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>
Ngāti Paoa	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>

Iwi authority	Consultation undertaken
Ngāti Tamatera	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>
Ngāti Te Ata	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>
Ngāti Whatua Orakei	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided, with the response, is included in Appendix 20 page 236.</p> <p>Ngāti Whatua Orakei have responded that the project is within their rohe and would like to see further information. They also provided their iwi management plan for review.</p> <p>A site visit with Ngāti Whatua Orakei occurred on 1 April 2021. Consultation is ongoing.</p>
Te Rūnanga Ngāti Whatua	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>
Te Ākitai Waiohū	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>
Te Kawerau a Maki	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 242.</p> <p>No response has yet been received.</p>

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
Te Kawerau a Maki	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 242.</p> <p>No response has yet been received.</p>

Treaty settlement entity	Consultation undertaken
Ngāi Tai ki Tāmaki	<p>Consultation with iwi has been initiated, with details sent to mana whenua identified by Auckland Council for this location. The email and information provided is included in Appendix 20 page 245.</p> <p>No response has yet been received.</p>

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The Site on which the proposal is located overlaps at the coastal boundary with a Coastal Statutory Acknowledgement Area for Te Kawerau a Maki and Ngāi Tai ki Tāmaki. However, the activity will not occur on the coastal part of the land. In fact, this land is intended to be vested to Council as part of the esplanade reserve. Therefore, we do not consider it generally relevant to the application.

On the chance that Te Kawerau a Maki or Ngāi Tai ki Tāmaki hold a different opinion, we have contacted both to ask whether they would like a full analysis of the Coastal Statutory Acknowledgement Area.

In this regard, the proposal has no direct bearing on the Treaty Settlements listed, therefore S23(5)(d) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 is not a reason for declining the application.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

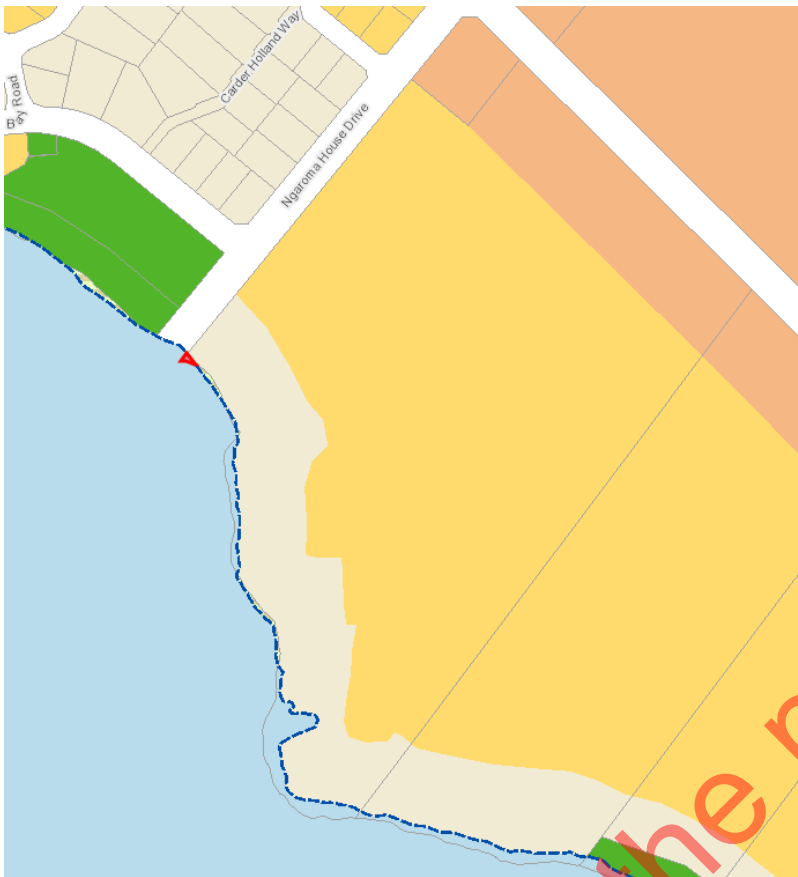
Customary marine title areas

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.

While a very small part of the original title is subject to coastal marine zone, the proposal is not located within this zone, so this is not applicable. In fact, this land zoned coastal marine zone is intended to be vested to Council as part of the esplanade reserve.

See below a map of the Site, with the Coastal Marine Zone indicated in red.



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.

Same as above

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.

Known and anticipated adverse effects

In terms of sustainable use, the proposed use responds with a significantly greater positive environmental outcome than if the site remains as currently used.

The current use of this site is residential with two dwellings on the total site area of approximately 7.5ha. The listed heritage dwelling is located along Scott Road while the main dwelling is located to the south east of the site. Past uses have included cattle farming and for pottery and brickworks.

In this regard, the proposed change in use to provide for 426 residential units targeted as affordable dwellings to assist in addressing the affordable housing shortfall in Auckland is a substantial net environmental positive effect.

The identified adverse effects are potential adverse effects relating to:

- Increased local traffic on the road network – although a mitigating factor is the Hobsonville Ferry Service is located approximately 2.5km to the north east at the end of Hobsonville Point Road.
- Perceived amenity effects from the increased use on surrounding residential neighbours.
- Temporary works during the construction and development of the site – i.e. noise, vibration, traffic, and odour.
- Infrastructure effects in terms of wastewater and water supply demand and capacities, and stormwater discharges – including effects on the over land flow path shown on Council's GIS.
- Ecological effects in terms of proximity of works to the coastal wetlands.
- Increased density in the Single House zone.

These potential adverse effects can be readily addressed through:

- Assessment against anticipated effects of activities provided for in the residential zone provisions.
- The ability of the road network to absorb additional traffic.
- Use of standard engineering methods for earthworks and construction of infrastructure (roads & services).
- A high standard of urban design providing a high intensity of residential use at a scale complementary to the surrounding area including retention of all wetlands, notable trees, the heritage dwelling, and the avoidance of any works in the Historic Heritage Overlay which relate to the Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508

A preliminary assessment of the public stormwater, wastewater, and water supply servicing for the site has been undertaken (**Appendix 23 page 258**) indicating some local upgrades are required to respond to capacity requirements. Any infrastructure upgrades will be in accordance with Scott Point Precinct Plan 4.

Auckland Unitary Plan Operative in Part - Anticipated Effects Assessment

With regard to effects anticipated under the Residential Zones of the AUP:OP, the following sets out the key Zone Statement, Objectives and Policies, and provisions in support of this proposal.

H3. Residential – Single House Zone

The AUPOP Activity Table Rule H3.4.1(A6) states more than one dwelling per site (excluding minor dwellings) is a non-complying Activity. The Activity Table does not specify any development standards to be met.

There will be 21 houses in the single house zone in a terrace formation, so these will not be at a density of 1:600m². The site specific density will be considerably less than 1:600m², however there will still be large open spaces given the surrounding esplanade reserve. The 6,000m²+ of additional land that is being vested equates to about 300m² per dwelling in the single house zone and so on an overall basis the density of housing in this zone should be seen as acceptable and the product of high quality master-planning which has resulted in a better overall outcome for the locality and local community – and is sufficiently unusual to avoid creating a precedent.

Objectives and Policies

Without exhaustive listing of these, the relevant objective and policies can be summarised as:

- Complementing established or planned residential character of predominantly one to two storey dwellings.

- Provision of quality on-site and off-site residential amenity through urban design, landscaping, and safety (e.g. encouraging passive surveillance of public spaces).
- Mitigating adverse effects on water quality through controlling impervious areas.
- To provide for integrated residential development on larger sites.

Standards and Application Approach

As a non-complying activity, there are no specific matters for which assessment is restricted to. Therefore, proposals must be guided by the outcomes anticipated under objectives and policies, and for the activity as defined.

Given that there are no specific development standards to be met due to the non-complying activity, the proposal is designed to achieve best practicable outcomes, rather than being adhering to specific standards within the zone. As such, it is reasonable to consider that a robust and holistic design should be utilised to accommodate additional provision of housing in this instance.

Often sites are zoned Residential Single House Zone for their special character and amenity values, particularly with respect to natural character values of the area. In this instance, the Residential Single House Zones area is located at the southern part of the site which abuts the Limeburners Bay coastline and the Clark Pottery and Brickworks Historic Overlay. Therefore, the proposal provides an efficient layout as it allows the clustering of residential development that will protect the natural coastal landscape features and spacious character, and historically significant archaeological artifacts of the area.

Despite the absence of specified development standards given the non-complying activity status, it is proposed that the allotments adjoining existing residential properties will be designed and constructed to meet the amenity expectations of the RSHZ, i.e. they will comply with:

- Height in relation to boundary at the external / interface boundary.
- Maximum height.
- Relevant external / interface yard (side or rear boundary).

The application approach as directed by the AUP:OP RSHZ is therefore to design a proposal which:

- Responds to an appropriate scale of built form complementary to the RSHZ anticipated character.
- Achieves high amenity outcomes through high quality urban design.
- Provides supporting communal facilities in the form of the esplanade reserve.
- Can be serviced by existing public infrastructure (roads and underground services).
- Respects matters of significance to iwi.
- Is responsive to effects on natural resources such as watercourses and natural features.

H4. Residential – Mixed Housing Suburban

The AUP:OP Activity Table Rule H4.4.1(A5) states more than one dwelling per site is a restricted discretionary activity.

Objectives and Policies

The relevant objective and policies can be summarised as:

- Developing neighbourhoods with a planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached)
- Provision of quality on-site and off-site residential amenity through urban design, landscaping, and safety (e.g. encouraging passive surveillance of public spaces).

Standards and Application Approach

This zone is the most widespread residential zone across the region which seeks to achieve a suburban built character which includes high quality on-site living environments and attractive and safe streets. The objectives and policies seek to achieve this outcome by limiting development to predominantly two storey buildings by:

- Requiring sufficient setbacks and landscaped areas;
- Limiting the bulk and dominance of built development to maintain reasonable sunlight access and privacy between sites; and
- By requiring residential activities to have high quality on-site living environments.

Another key outcome promoted by the objectives and policies is housing choice, whereby the zone anticipates a range of housing sizes and types (e.g. detached and attached buildings). This gives effect to higher level strategic direction of the RPS relating to residential intensification of existing urban areas to increase the regions housing capacity and affordability. The removal of density controls is the critical method to achieve these outcomes and represents a step-change from previous District Plan approaches for suburban zones.

The assessment criteria listed under H4.8.2(2) relating to the activity of establishing four or more dwellings flesh out the objectives and policies for the MHS zone and provide a clear framework against which to assess the appropriateness of this proposal, however the standards that must be complied with are the following:

- Height in relation to boundary at the external / interface boundary.
- Alternative height in relation to boundary at the external / interface boundary.
- Maximum height of 8m.
- Relevant external / interface yard (side or rear boundary).

The application approach as directed by the AUP:OP Scot is therefore to design a proposal which:

- Responds to an appropriate scale of built form providing two-storey dwellings in the form terraced houses.
- Achieves high amenity outcomes through high quality urban design.
- Can be serviced by existing public and newly proposed infrastructure (roads and underground services).

H3. Residential – Mixed Housing Urban

The AUP:OP Activity Table Rule H5.4.1(A5) states more than one dwelling per site is a restricted discretionary activity.

Objectives and Policies

At a broad level, the MHU zone intention is not dissimilar to the MHS zone, which seeks to provide quality on-site and off-site residential amenity for residential development. However, the notable difference is that the MHU zone provides for development in keeping with the neighbourhood's planned urban built character of predominantly three-storey buildings, in a variety of forms and surrounded by open space.

In this instance, three-storey walk up apartments are provided across the MHU portion of the site meeting the intended built form of the zone.

Standards and Application Approach

The proposal efficiently uses land along Scott Road which will provide higher density living in a manner that adds to the diversity of housing choice and provides additional residential capacity. As such, the provision of walk up apartments retain a spacious and an appropriately scaled low level within the existing and future context of the site.

It is considered that the proposed layout of the proposal within the MHU zone aligns well with objectives and policies. Specifically, the proposed dwellings will present the intended three-storey buildings interface towards Scott Road which will complement the housing currently under construction at 3 Scott Road (Ryman Healthcare Apartments

which are three-storeys) opposite the site, as well as those sites further along Scott Road, Thomas Rielly Avenue Dorricott Avenue (formerly 5-9 Scott Road) which contain a mixture of 2-3 storey dwellings.

The apartments will seek to provide adequate on-site amenity, and effects on adjoining sites are managed noting that the intention is to comply with the core developments standards to achieve the purpose of the zone. The relevant core standard are as follows:

- Height in relation to boundary at the external / interface boundary.
- Alternative height in relation to boundary at the external / interface boundary.
- Maximum height of 11m.
- Relevant external / interface yard (side or rear boundary).

The application approach as directed by the AUP:OP MHU is therefore to design a proposal which:

- Responds to an appropriate scale of built form complementary to the MHU providing three-storey buildings with a streetscape interface along Scott Road.
- Provides a choice for an alternative housing typology in the form of an apartment.
- Achieves high amenity outcomes through high quality urban design.
- Can be serviced by existing and newly proposed public infrastructure (roads and underground services).

5.61 Scott Point

The AUP:OP Activity Table 1 states the following activities are restricted discretionary activity:

- A framework plan complying with clause 3.2 of the Scott Point Precinct
- Buildings or subdivision on a site complying with an approved framework plan.

It is noted that except those activities specified in Activity Table 1, the activities in the underlying residential zones apply in The Scott Point precinct.

Objectives and Policies

The Scott Point Precinct has a detailed policy framework to provide clear guidance regarding the manner in which the area is expected to be developed and are based upon the four key elements of the Scott Point Structure Plan vision: sustainability, liveability, connectivity and resilience.

The objectives and policies in summary seek to ensure that the Scott Point Precinct is developed in a comprehensive and integrated manner to provide primarily for residential activities in a manner which:

- Provides a variety of housing types and levels of intensification to increase housing supply and provide a range of housing choice and levels of affordability,
- Provides high quality built form and landscape treatment with a transition of building intensity that dissipates toward the coastal edges.
- Enhances coastal character and protects heritage, cultural and ecological features
- Promotes water sensitive design which maintains water quality of the receiving environments
- Promotes integrated and well-connected transport, open space and ecological networks, with high quality streets that are safe and efficient for all users
- Ensures infrastructure is delivered in a co-ordinated way that is linked to development.

Standards and Application Approach

The proposed development is considered to be in accordance with what is intended for the precinct which involves the comprehensive development of the land with associated housing and services, with variety in housing typologies which will provide for different needs within the community. All infrastructure will be in accordance with the precinct

plans, and in particular, the proposed roading aligns with Precinct Plan 1 and Stormwater management and treatment aligns with Precinct Plan 3.

The application approach as directed by the AUP:OP Scott Point Precinct and underlying zones is therefore designed to provide a suitable framework plan in accordance with 5.61.3.2 where:

- The proposal has been designed to comply with the information requirements in the AUP:OP Scott Point Precinct chapter, which references old framework plans specified in clause 2.6 of the PAUP (this is included as **Appendix 21 page 251**); and
- The proposal has considered block layout and dimensions, the design and location of roads, stormwater management, vehicle accessways from Scott Road, and landscape treatment. A report by Landscape Architect Helen Mellsop is included at **Appendix 22 page 256**.

Therefore, the proposal is able to respond to any known and potential adverse effects on the environment with the outcome being significant **net positive environmental effects** when considered against the planning framework of the AUPOP.

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:

The following sets out assessments against all National Policy Statements and Environmental Standards.

National Policy Statement on Urban Development (NPSUD)

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

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

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

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

The summary structure and timeframes of the NPSUD are:

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

- Councils are required to prepare a Future Development Strategy (FDS) every six years and update them every three years and provide an implementation plan for their FDS.

While the timeframes for plan changes implementing **rules** through plan changes are some way off, the NPSUD requires adequate **consideration of its objectives and policies now**.

In this regard, there are several objectives and policies in support of intensification satisfying certain criteria such as:

- Provision of a variety of homes in terms of price, location, and different households.
- Enabling Māori to express their cultural traditions and norms.
- Proximity to urban centres or rapid transport.
- Supporting reductions in greenhouse gas emissions.
- Responding to the effects of climate change.

The overall intent of the NPSUD is clear in that where intensification is practical, Councils are required to be responsive to such proposals – **particularly in relation to proposals that would supply significant development capacity**, as set out in **Objective 6, Policy 6, and Policy 8**.

The clear direction for increased intensity in appropriate locations is further obviated under **Policy 3** which, for Tier 1 urban environments, seeks that planning documents **enable** building heights maximising intensification as much as possible. Policy 3(d) seeks to enable building heights and density of urban form commensurate with the greater of:

- (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (ii) relative demand for housing and business use in that location.

Assessment

The proposal of 426 lots will provide a significant increase in development capacity for residential dwellings by a further 425 dwellings over the site area (noting there is one home currently on the site to be replaced and one heritage house which is not being modified).

The dwellings are a mix of two-bedroom units and three-bedroom dwellings, along with six four-bedroom three-storey apartments located across the front of the site facing Scott Road. Of these, 162 dwellings are dedicated to KiwiBuild, and the remaining 264 dwellings will be sold on the open market. This variation of housing typologies and markets is highly responsive to the provision of a variety of options for different levels of affordability and dwelling occupancy.

The location has reasonable access to public open spaces (the nearest being the adjacent Limeburners Bay Reserve as well as the proposed esplanade reserve and additional 6,026m² of reserve area within the site itself), the Hobsonville Point local centre (on the nearby Hobsonville Road), and transport services.

The proposed design responds in terms of anticipated residential amenity under the AUP provisions relating to developments in the Residential Mixed Housing Urban Zone, Residential Mixed Housing Suburban Zone, Residential

Single House Zone, as well as the Scott Point Precinct under the AUPOIP. The proposal also responds to the demand for housing in the Hobsonville Point area.

There are no significant natural features or watercourses on the site which will be affected. Consultation with iwi is ongoing. That said, at this time there are no identified heritage or items of cultural significance to Māori.

The proximity to public transit will promote alternative modes of transport, to some degree mitigating potential greenhouse effects by reducing potential emissions from vehicles.

The proposal aligns strongly with the outcomes anticipated under the NPSUD.

National Environmental Standards for Freshwater 2020

This sets out the objectives and policies for freshwater management, including:

- Recognition of Te Mana o te Wai in freshwater management;
- Reflection of tangata whenua values and interests in decision making;
- Improving degraded water bodies using bottom lines as defined in the NPS;
- Safeguarding and enhancing the life-supporting capacity of water and associated ecosystems, including threatened ecosystems;
- Working towards targets for fish abundance, diversity and passage; and
- An integrated approach to management of land and freshwater and coastal water.

The NES-FW include restrictions on earthworks or other types of disturbance within proximity of natural wetlands (regulations 37 to 56).

In particular, restrictions on earthworks and discharge of water in regulation 52 are relevant where it results or likely will result in the complete or partial drainage of all or part of a natural wetland.

Assessment

ADL relies on the Ecological Assessment Memorandum by Bioresarches enclosed as **Appendix 24 page 260**. Excerpts are provided.

“One stream and one natural wetland was identified within the Site. The stream originates as “an intermittent stream within the southern corner of the Site and transitions into a natural wetland with a permanent stream channel. The wetland and stream were considered of moderate-high ecological value due to their context on a national scale and their role in the localised ecotone.”

“Earthworks are proposed within 100m of the natural wetland, however the proposed earthworks and development are to be designed and/or mitigated to ensure there is no partial drainage of the natural wetland. Vegetation removal may occur within 10m of the wetland, stream and saltmarshes, however this will be for the purpose of restoration and will target exotic and pest plant species. No building infringements within the riparian yards are proposed.”

This may be seen in the map below.



The location of the wetland will generally not be a part of the land subject to the proposal. Measures will be put in place to ensure that any earthworks or other types of disturbance within the proximity required under the regulations of the NES-FW will not result in the full or partial drainage of the wetland.

The applicant will seek to design the development in accordance with the Freshwater NES by:

- Ensuring development is not within 10m of the on-site wetland;
- Minimising development within 10m from an intermittent stream and providing a 10m buffer from buildings; and
- Managing the hydrology of the on-site wetland.
- Ensuring that the proposed boardwalk meets the requirements of Regulations 42 and 56, see below.

Regarding the hydrology of the on-site wetland, ADL has engaged Luiz Lobo Coutinho who is a Senior Environmental Engineer, Hydrogeologist and GIS Specialist at Babbage Consultants to assist with designing the development to ensure that it achieves the requirements of the NES. Mr Coutinho is currently preparing detailed design reports, which will be provided once they have been finalised.

He has a BE (Environmental) by the Pontificia Universidade Catolica do Rio de Janeiro (PUC-Rio, Brazil, 2007) and a MSc in Hydrogeology, Engineering Geology and Environmental Management by the Technische Universität Darmstadt (TU Darmstadt, Germany, 2012). These qualifications have been reviewed by Engineering New Zealand and the New Zealand Qualifications Authority (NZQA) and accepted as a Washington Accord equivalent.

Mr Coutinho has over 10 years' experience in Environmental Engineering and Hydrogeology, including the last six years at Babbage Consultants and worked as a consultant for both the private and public sectors (in Rio de Janeiro from 2008 to 2009 and from 2014 to 2015, in Saudi Arabia from 2013 to 2014), as a researcher (at PUC-Rio in 2007 and in TU-Darmstadt from 2009 to 2011), and as a volunteer in environmental education and development (at the Amazonia State in Brazil from 2006 to 2007). His specialties include assessing impacts of proposed and existing activities in surface and groundwater, such as water and groundwater takes and discharges.

Examples of his experience relevant to this project are:

- Catchment analysis in the Manawatu-Wanganui Region, assessing the risks of a stream to go below its minimum annual low flow ("MALF") in the next 50 years from the assessment date. This included the use of GIS databases of topography and land use for the catchment analysis, and predictions of climate change effects on precipitation to estimate changes in stream flow.
- Watercourse assessment in the Auckland Region, participating in field work and the assessment of ecology and infrastructure.
- Concept and preliminary design of a constructed wetland for treatment and discharge of treated wastewater into surface water near Otorohanga.
- Numerous groundwater surveys for assessing groundwater contours, flows and seasonal variations.
- Design, supervision of the installation, and testing for numerous groundwater takes across New Zealand. This includes using GIS coupled with pump tests, sampling, modelling, and monitoring to assess the impacts of groundwater takes on neighbouring bores and streams.

Mr Coutinho has verbally indicated that he is confident that there are available engineering designs and techniques to minimise the effect on the wetland and meet the requirements of the NES.

Proposed wetland utility structure (boardwalk) assessment	
Clause 42: Construction of wetland utility structures (Restricted Discretionary activities)	
Clause	Assessment
(4) The conditions are that—	
(a) the activity must be undertaken only for as long as necessary to achieve its purpose; and	Duration of works can be minimised in accordance with conditions of consent.
(b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and	Hydrological report being prepared.
(c) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.	The works involved is a boardwalk, no change to the flows or the level of the bed of the watercourse is proposed as a result of the boardwalk works.

Proposed wetland utility structure (boardwalk) assessment	
Clause 56 Restricted discretionary activities: matters to which discretion is restricted	
Clause	Assessment
The discretion of a consent authority is restricted to the following matters if an activity is a restricted discretionary activity under this subpart:	
(a) the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on	The scale of the works is relatively minor, it is a single boardwalk.
(i) the existing and potential values of the natural wetland, its catchment, and the coastal environment	The values of the wetland are addressed in the ecological report. The salt marshes were considered of high ecological value, due to their local rarity and role as an ecotone. See Appendix 24
(ii) the extent of the natural wetland	The extent of the wetland has been mapped. See Appendix 24
(iii) the seasonal and annual hydrological regime of the natural wetland	A hydrological assessment has been sought.
(iv) the passage of fish in the natural wetland or another water body	The boardwalk will be designed to avoid impeding fish passage. Indeed, that is why a boardwalk is used as opposed to other forms of walkway.
(b) whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects	The boardwalk is needed to provide access along the esplanade reserve. It can be relocated further away from the CMA if needed or if there is major concern it can be removed. Current consultation with iwi has been supportive of the design.
(c) the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural wetland and its values:	<p>The wetland is proposed to be enhanced by removing weeds and replanting with appropriate species as per the landscape report.</p> <p>This weed removal and planting is permitted by clause 38 of the NES.</p>
(d) other measures to minimise or remedy those adverse effects:	Additional good practice measures will be proposed through relevant management plans and conditions of consent.
(e) how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied:	If there is major concern it can be removed. Current consultation with iwi has been supportive of the design.

Proposed wetland utility structure (boardwalk) assessment	
(f) the risk of flooding upstream or downstream of the natural wetland, and the measures to avoid, minimise, or remedy that risk:	The boardwalk will be designed to avoid having a flooding impact.
(g) the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).	The board walk and associated restoration of the wetland will have positive ecological effect. The main benefit is for community access along the CMA, which is consistent with section 6(d) of the RMA.

New Zealand Coastal Policy Statement 2010 (NZCPS)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the Resource Management Act in relation to the coastal environment of New Zealand.

Assessment

The purpose of the NZCPS is to set out a high-level policy framework that achieve the purpose of the RMA in relation to New Zealand's coastal environment. The formulation of policy documents such as regional policy statements and coastal provisions must give effect to the NZCPS provisions.

While the proposal seeks no works within the Coastal Marine Area (CMA), the NZCPS is still relevant to this application because the southern edge of the site is part of the inner Waitemata Harbour coastal environment and more generally because the CMA is the receiving environment for discharges from the site. The policies which are of most relevance to the proposal are:

- Policy 6: Activities in the coastal environment
- Policy 13: Preservation of natural character

From a high level, both policy 6 and 13 are directly relevant to the proposal, as stormwater is proposed to be discharged to sub catchments draining to several discreet coastal outlets however overall, the natural character of the coastline will be generally preserved with the esplanade reserve to be vested to Council.

Overall proposed use of the CMA is consistent with the relevant policy framework.

Hauraki Gulf Marine Park Act 2000 (HGMPA)

When considering an application for resource consent within the Hauraki Gulf, its islands, and catchments, a consent authority must have regard to s7 and 8 of the HGMPA. These sections must be treated as a New Zealand coastal policy statement. Section 7 recognises the national significance of the Hauraki Gulf, its islands and catchments, while s8 outlines the objectives of the management of the Hauraki Gulf, and its islands.

It is considered that the proposal will not be contrary to the HGMPA because potential effects on the quality and quantity of water discharged to the receiving environment will be adequately mitigated to ensure that the qualities of the Hauraki Gulf marine area are maintained.

National Policy Statement for Renewable Electricity Generation

This is not relevant to this proposal.

National Policy Statement on Electricity Generation

This is not relevant to this proposal.

National Environmental Standard for Air Quality 2004

Assessment

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

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

While the proposed development will result in additional traffic movements, it is unlikely that these would exceed the levels specified in the Air Quality NES.

Other potential air discharges may relate to the use of wood-burners from dwellings once constructed. These are required to be designed in order to control emissions within the Design Standard specified in Clause 23.

The proposal will not likely result in discharges exceeding specified standards in the Air Quality NES.

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

Assessment

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

A combined Preliminary and Detailed Site Investigation is included at **Appendix 25 page 268**.

The PSI component of this investigation identified three potential site activities included on the HAIL. Further, there is a presence of elevated concentration of heavy metals (arsenic and lead) and asbestos above the adopted standard residential human health criteria so remediation of soils is required for the site to be suitable for future single-family residential land use. Some or all of these areas of site may not require remediation should future development comprise high-density residential land use.

Depending on the future land use, redevelopment works may be considered a controlled activity under Regulation 9 of the NES (high-density residential) or a restricted discretionary activity under Regulation 10 of the NES (single-family residential land use).

In more detail, the soil analysis demonstrated the following:

- The Shed with earthen floor: The concentration of arsenic in a sample collected inside the shed exceeds the standard residential human health criterion, however, is below the high-density residential human health criterion.
- Soil in "halo" of northern dwelling: The concentration of lead in two of the five samples collected around the northern dwelling exceed the standard residential human health criterion. One of these samples also exceeds the high-density residential human health criterion, and contains a concentration of asbestos that exceeds the "all site uses" criterion for fibrous asbestos / asbestos fines (FA / AF). The concentration of lead in one of the five samples collected around the northern dwelling exceeds the environmental discharge criterion.
- Paddock to the north of the southern dwelling: The concentration of arsenic in one composite sample exceeds the adjusted standard residential human health criterion, however is below the adjusted high-density residential human health criterion.
- General site conditions: Elevated heavy metal concentrations (arsenic and lead), and the presence of PAHs and asbestos indicate that contaminant concentrations in portions of the site exceed the regional background criteria. The affected areas identified are associated with fill material along the coastal margin, and shallow soil in the vicinity of the northern dwelling, sheds and in the northeast portion of the site.

However based on the findings of the investigation and experience on nearby sites in Hobsonville with a similar history, the site is considered suitable for the intended future residential land use following targeted remedial works which are proposed as part of the earthworks. As such, the methods for remediation and validate of contaminated soil will respond to the outcomes anticipated under the NESCS.

A remedial Action plan will be prepared in accordance with the combined Preliminary and Detailed Site Investigation is included at **Appendix 25 page 268**.

National Environmental Standard for Sources of Drinking Water

This is not relevant to this proposal.

National Environmental Standard for Telecommunication Facilities

This is not relevant to this proposal because the applicant is not a network operator.

National Environmental Standards for Electricity Transmission Activities

This is not relevant to this proposal because the applicant is not a network operator.

National Environmental Standards for Plantation Forestry

This is not relevant to this proposal because the site is not a forest and the reasons for consent do not include forestry.

Part IX: Purpose of the Act

Your application must be supported by an explanation of how the project will help to achieve the purpose of the Act, being to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The proposal’s economic costs and benefits have been assessed by Urban Economics, and this is included in **Appendix 26 page 344**. with a section specifically responding to Section 19(a).

The summary of this is that Covid-19 is likely to result in a decline of houses demanded and constructed, placing considerable pressure on the construction sector over coming years.

This proposal would create a considerable number of jobs within the construction industry, with an estimated 1135 Full Time Equivalent jobs created on an annualised basis (i.e. if construction takes three years then 380 Full Time Equivalent Jobs would be created in each year.

In addition to the economic benefits accruing from construction employment, are spin off effects to the local retail economy (particularly the Hobsonville town centre) from having more people introduced to the area.

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

The social and cultural well-being of current and future generations have been assessed by Urban Economics, and this is included in **Appendix 26 Page 344**, with a section specifically responding to Section 19(b).

The summary of this is that due to the provision of employment (discussed above) and a diverse range of housing types, the proposal will have a positive impact through the provision of jobs in the construction sector and affordable housing.

The mix of KiwiBuild and private market dwellings, together with the range of 2 - 3 bedroom dwellings and the walk up apartments reduces the social pressures caused by inadequate housing supply and quality.

In addition to the economic well-being from additional housing is the social and cultural benefits of being part of a localised community with access to internal recreation reserves, and also in proximity to Limeburners Bay Reserve, and less than 1km to Hobsonville Town Centre, the Hobsonville Ferry Service (approximately 2.5km to the north), and schools. The design of the proposal, together with the benefits of its location substantially provides for the social and cultural well-being of future generations, without adversely affecting current residents in the area.

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

ADL understands, based on feedback from the Ministry for the Environment, that the Ministry's 'best case' assessment of timeframes is now three months for the Minister's approval, plus four months for the EPA/Expert Consenting Panel process. Therefore, the fast-track consenting process is anticipated to take a total of seven months and if resource consent is granted it would take place in approximately November/December 2021.

By contrast, under the RMA the Project is anticipated to be ready for resource consent lodgement in April 2021 and with an Auckland Council processing timeframe of 12 - 18 months it is likely not to be consented until the last quarter 2022, about a year later than the fast-track process (assuming no Environment Court appeals).

The application is intended to be filed in mid-April 2021 and so, allowing for a seven-month processing timeframe, the granting of the application around November/December 2021 is expected to fall well within the period prior to the repeal of the Act. Even if those anticipated timeframes are extended, particularly the timeframe for the Ministers approval which is not subject to any statutory timeframes, there remains a period of seven months between December and the repeal of the Act in July 2022 which would be more than enough time for the application to be decided in line with statutory timeframes by the EPA/Expert Consenting Panel.

Auckland Council, based on present experience, would be expected to take at least 12 months to process an application of this type. More realistically it would take 18 months – 2 years. In our experience, Auckland Council have a seemingly standard approach of deeming every consent application as "complex", in order to double its processing time frames under the RMA, pursuant to ss 37A(1)(a) and 37A(4)(b)(i). It appears that Auckland Council considers most applications to be complex where they require more than one consent application component, and inputs from various specialists – noting this generally applies to every subdivision and land use application.

A project the applicant's planner is currently working on is an application for 51 dwellings on a site at 8-14 Cherry Road, Highland Park, Auckland. There was a pre-application meeting with Auckland Council in October 2019 and the application was lodged with Auckland Council on 10 February 2020. Decision was received in February 2021 – approximately one year after the application was lodged.

Further, another recent project the applicant's planner has worked on was a three-storey three-unit development in Parnell, Auckland. The application was lodged with Auckland Council on 25 October 2019 and proceeded with limited notification to six properties. The hearing took place on 30 and 31 July 2020 and consent was granted in October 2020.

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:

This matter overlaps with comments above under "Project's economic benefits and costs for people or industries affected by COVID-19:" regarding additional employment in the construction industry.

Housing supply:

The public benefit of increasing housing supply has been assessed by Urban Economics, and this is included in **Appendix 26 page 344**, with a section specifically responding to Section 19(d)(ii).

This notes that the proposal would provide housing in currently undersupplied price brackets, providing an analysis identifying that the proposal would provide additional housing within the **s 9(2)(b)(ii)** and **s 9(2)(b)(ii)** price brackets which are currently undersupplied in the catchment (being properties within a 10m radius of the site).

In more general terms, and in relation to the shortage of housing supply in Auckland identified by the Urban Growth Agenda (UGA) and referred in the National Policy Statement on Urban Development, the proposed 435 lots will increase development capacity for residential dwellings by a further 434 units over the site area currently containing two existing dwellings.

Contributing to well-functioning urban environments:

The proposal is set in a location in reasonable proximity to public reserves, Hobsonville Town Centre and Westgate, the Hobsonville Ferry Service (approximately 2.5km to the north), and schools.

Ian Munro has provided a brief qualified summary of the proposal in urban design terms, included in **Appendix 27 page 351**. This sets out how the design achieves high amenity, safe, and functional living, recreational, and accessibility solutions which supports the social and economic well-being of the community. The proposal also includes privately owned recreational reserves which will be accessible to the public.

The proposal also includes a large esplanade reserve which exceeds the minimum 20m distance in areas which allows for the continuation of the Limeburners Bay Reserve. Furthermore, the historical archaeological area which contains the remnants of the Clark Pottery and Brick works will be contained within the reserve, protecting the significant heritage, while also providing the public access to the area.

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

Stormwater, Wastewater and Water Supply servicing for the site are available via the existing public networks adjacent to the site. Civix Ltd is currently working through capacity assessment for the surrounding networks, and initial results indicate some local asset upgrades being required but no significant downstream network upgrades have been identified.

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

The proposal does not present any significant adverse environmental effects in terms of freshwater quality or air quality.

Minimising waste:

It is proposed that contractors minimise waste during construction and recycle materials where possible.

Waste generated by residents will be managed as possible by the public waste collection services.

We are presently obtaining reports from the building companies to address this.

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):

It is proposed that car parks are limited to 372, with units that exceed one bedroom allocated one park per unit, and street parks for visitors (yet to be determined). This capping of car parks to one per unit encourages the use of alternative modes of transport, noting the nearest bus stops are approximately 1km to the west of the site and the Hobsonville Ferry Service is located approximately 2.5km to the north of the site. This will assist with reduction of vehicle emissions.

We further note that the buildings will be designed to modern standards, and will be energy efficiency from less heating will also assist to minimise emissions.

Promoting the protection of historic heritage:

The overall layout of the proposal has been designed to fully accommodate the significant heritage and cultural values of both the Clark Pottery and Brick works, and the workers cottage.

The heritage workers cottage dwelling will be fully retained and the Clark Pottery and Brickworks will be avoided for the purpose of development.

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

The site is not subject to significant geotechnical constraints to the extent that natural hazards might be presented regarding land stability.

It will be necessary to investigate and remediate any soil discovered to have contamination levels requiring remediation. This could have some benefit to immediately surrounding properties at the outer boundary interface.

Other public benefit:

Public benefit matters have been addressed in sections above. A summary of these is:

- Provision of affordable housing in a catchment currently undersupplied for the price points available.
- Provision of additional housing stock in response to the housing supply shortage in Auckland, assisting to address the associated adverse social and well-being effects.
- Creating employment opportunities in the construction sector.
- Spin-off economic effects to the local retail sector.
- Heritage house preservation, archaeological site preserved and public access provided.
- Provision of additional safe and high amenity recreational reserve areas available for public use.
- Associated upgrades of local infrastructure including pump station providing for No. 6's redevelopment noting public infrastructure does not cover this.
- Creation of a new esplanade reserve which will complement the Limeburners Bay Reserve.
- Funding provided for wider infrastructure and reserve benefits by way of development contributions.

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

The proposal does not present any significant adverse environmental effects, including greenhouse gas emissions.

As discussed above, the cap on car parking combined with the proximity of the local bus and ferry services facilities assists to reduce the number of vehicles on roads, and associated emissions.

Part X: Climate change and natural hazards

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

The site is suitable for development in terms of natural hazards and climate change.

The natural hazards that could potentially apply to the site relate to ground stability, flooding, coastal inundation and coastal erosion.

The landform is varying in topography and generally consists of gentle to steep south- and east-facing slopes ranging in slope angle between 2° and 35°, and between 1 m and 7 m in height. The southern coastal cliff bordering the inner Waitemata Harbour is gently to steeply sloping between 1 m and 5 m in height.

The geotechnical report included in **Appendix 28 page 353** notes that *"the primary geotechnical concern at the site is assessed to be the long-term stability of the southern and western slopes, which are collectively referred to as the Specific Design Zone."* As such, with specifically engineered remedial stabilisation solutions, land drainage and earthworks future building platforms within the Specific Design Zone any instability can be adequately addressed.

Therefore, the site to be geotechnically suitable for the proposed future residential development provided adequate slope stabilisation, land drainage and coastal erosion protection measures are designed and installed.

The site currently has several minor overland flow paths running through the site. At this stage, a flood modelling for these flow paths have not been completed however due to the generous fall across the site, flows will be conveyed through the site whilst maintaining sufficient freeboard to the proposed dwellings. Further we note that the proposal created new roading networks in accordance with the precinct plans. This will the provision of swales and infrastructure to ensure that the development is able to be adequately serviced while also avoiding, remedying, and mitigating adverse effects on the natural environment through stormwater management and managing the effects of natural hazards and climate change.

While the site is not located in the CMA, 6 units are located within the 1m sea level rise area control. These units will be bespoke designed so any occupants of these specific units are protected from the level rise. The measures will include finished floor levels that are appropriately set for these dwellings, and specific foundation design to mitigate any effects of coastal erosion.

Overall it is considered that the proposal accords with the purpose of the Act and will not have any significant adverse effects on the sustainable management of natural and physical resources on the subject site or its surrounds.

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
None see below.	

ADL is not a company just the brand and each development has its own entity for the development. In this regard, ADL is a site specific development entity which some of the partners of ADL are using for this development.

Francois Beziac and Kieran Doe advise that:

- NFK, a related company, has been subject to an abatement notice from Auckland Council on 20 August 2020 (ABT21507726) in respect of a development at 119 Bruce McLaren Road, Henderson regarding erosion and sediment control. NFK took prompt and appropriate actions to respond to the abatement notice. This is further detailed in the memo by Oxcon at **Appendix 29 page 458**.
- Apart from this, ADL has not been subject to any compliance or enforcement action under the Resource Management Act 1991.
- They have not been subject to any compliance or enforcement action under the Resource Management Act 1991.
- That their respective shareholding companies have not been subject to any compliance or enforcement action under the Resource Management Act 1991.

That the site specific construction companies used by ADL have not been subject to any compliance or enforcement action under the Resource Management Act 1991.

Part XII: Declaration

By typing your name in the space provided, you are electronically signing this application form and certifying the information given in this application is true and correct.

Andrew Braggins

7 April 2021

Signature of person or entity making the request

Date

Important notes:

- 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.
- Information presented to the Minister for the Environment and/or Minister of Conservation (and the respective agencies) is subject to disclosure under the Official Information Act 1982 (OIA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA. Further information on the OIA is available at www.ombudsmen.parliament.nz.

Information held by the Minister(s) and the agencies may have to be released under the OIA in response to a request from a member of the public (or any other body) for that information unless there are grounds for withholding that information. 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.

Checklist

Where relevant to your application, please provide a copy of the following information (click to place an "X" in each box to confirm):

- ☒ Correspondence from the registered legal land owner(s) **Note – Agreement for Sale and Purchase at Appendix 02**

- ☐ Correspondence from persons or parties you consider are likely to be affected by the project.

Note – awaiting response to consultation.

- ☐ Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.

Note - N/A

- ☐ 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.

Note - N/A

- ☐ 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.

Note - N/A