



7 April 2021

Ministry for the Environment
PO Box 10362
Wellington 6143

Email: fasttrackconsenting@mfe.govt.nz

Dear Sir / Madam,

**FAST TRACK APPLICATION ON BEHALF OF AEDIFICE DEVELOPMENT LIMITED -
4 SCOTT ROAD**

1. INTRODUCTION

- 1.1 We Act for Aedifice Development Limited ("ADL").
- 1.2 The purpose of this letter is to highlight aspects of the application that are likely to be of the greatest interest to the Ministry for the Environment when considering this request, specifically the aspects we address are:
- (a) Heritage matters, including:
 - (i) Introduction to heritage considerations;
 - (ii) AUP controls relating to heritage;
 - (iii) Other mapped heritage features; and
 - (iv) Likely heritage features which have not been mapped;
 - (b) The design and consenting strategy to minimise impact on heritage features and potential delays with applications for authority under the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPT Act");
 - (c) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("Freshwater NES") and their applicability to the application; and
 - (d) Iwi consultation.

2. HERITAGE MATTERS

Introduction to heritage considerations

2.1 There are four separate but interrelated heritage considerations relating to the site and the Project:

- (a) Identified features which are specifically protected by the AUP:
 - (i) The residence at 4 Scott Road (a heritage building);
 - (ii) Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508 Heritage Area Overlay ("the Heritage Area Overlay").
- (b) Heritage features which are not specifically protected by the AUP, but which an authority under the HNZPT Act is required. These are:
 - (i) A number of mapped archaeological sites (European and Maori) in the foreshore / esplanade reserve area; and
 - (ii) Old drains (wastewater and stormwater) that ran from the historic brickworks to the coast.

2.2 These matters are addressed more comprehensively in the relevant specialist reports:

- (a) Annexure 15 – Heritage memorandum of Archifact; and
- (b) Annexure 16A – Archaeological memorandum of Clough & Associates

AUP controls relating to heritage

2.3 The identified features referred to above at para [2.1(a)] are shown in the purple hatching on the below figure which depicts the Heritage Area Overlay:

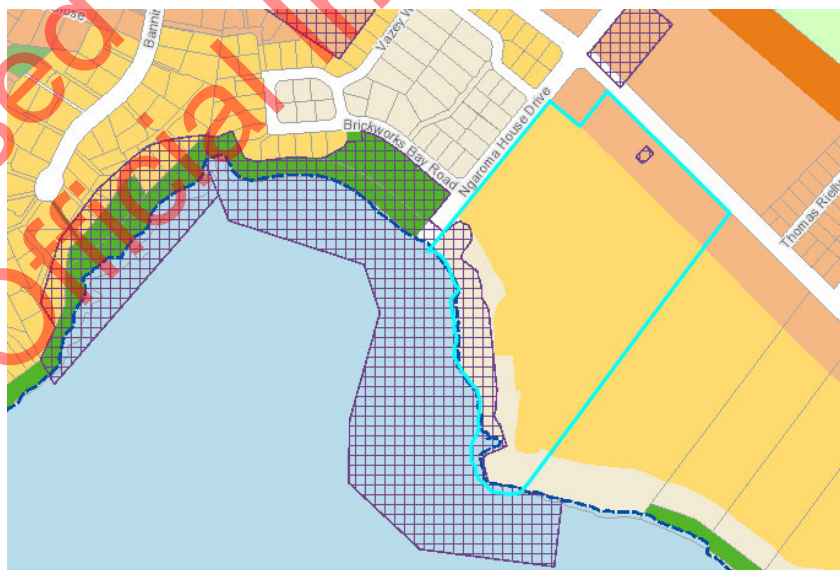


Figure 1. Showing the scheduled Extent of Place indicated by purple hatching:

1) The residence at 4 Scott Road (rectangle near Scott Road)

2) Swathe of land at the foreshore / CMA interface - Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks R11_1508

Other mapped heritage features

- 2.4 Other heritage features have been identified through the recorded archaeological sites on NZAA ArchSite (02/2021) and recorded historic heritage sites on the Auckland Council CHI (02/2021), shown below. These are both addressed in the Clough & Associates Report, Appendix 16.



Figure 15. Recorded archaeological sites on NZAA ArchSite (02/2021)

Figure 2. Recorded archaeological sites on NZAA Archsite (02/2021)

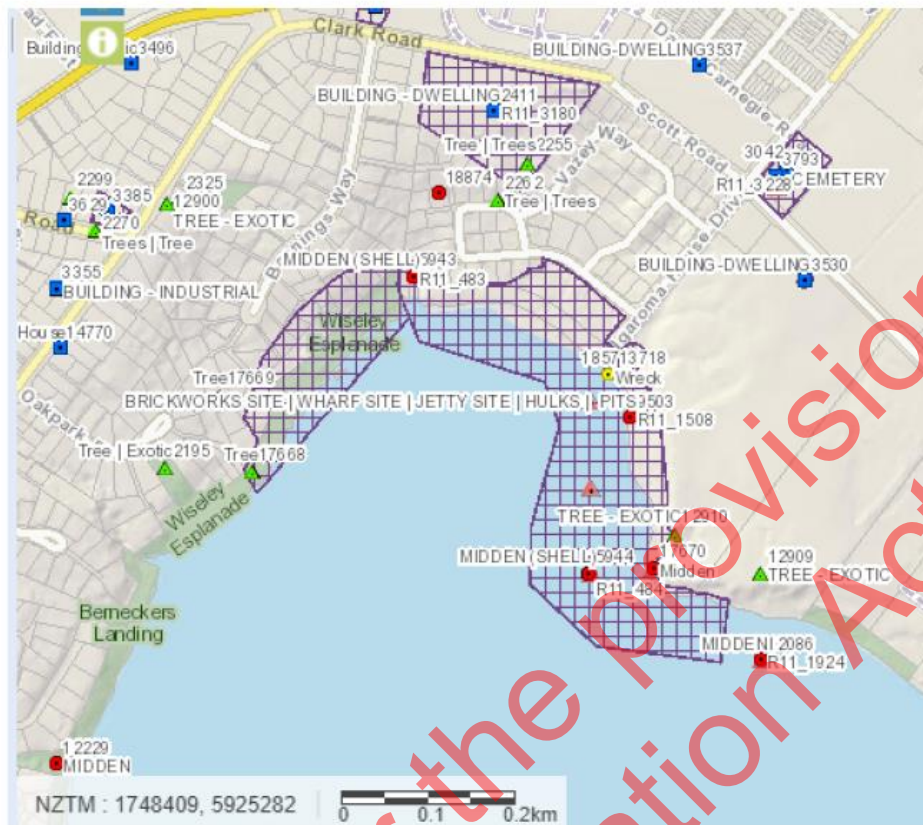


Figure 16. Recorded historic heritage sites on the Auckland Council CHI (02/2021). Purple hatching indicates scheduled historic heritage places; red dots = archaeological sites; blue squares = heritage buildings; yellow dots = reported sites; green triangles = heritage trees

Figure 3. Recorded historic heritage sites on the Auckland Council CHI (02/2021)

Likely heritage features which have not been mapped

- 2.5 In relation to the development area, the archaeologist has concluded that no known archaeological sites will be affected, but there is potential for earthworks to expose early farm drainage installed by R.O. Clark, who owned the property and established the nearby R.O. Clark pottery and brickworks. If early drains are exposed they could not be avoided, but effects would be offset by archaeological recording and the recovery of samples for analysis.

The design and consenting strategy to minimise impact on heritage features and potential delays with applications for authority under HNZPT Act

- 2.6 The primary technique to manage effects on heritage and consenting delays is to avoid essential development within the AUP Heritage Area Overlay and associated archaeological sites. This means that a HNZPT Authority is required in relation to the potential risk of uncovering old drains, as noted above at paragraph 2.5. In this regard:

- (a) An application for an authority under the HNZPT Act has been prepared by Clough & Associates and will be lodged before 9 April 2020;

- (b) The applicant is confident that this application will not be contentious given the nature of the potential archaeological site; and
- (c) ADL has engaged Clough & Associates, who have produced a supporting memorandum regarding the potential effects on the archaeological values of the site. The memorandum considers that the proposed housing development has been designed to avoid encroaching into the scheduled extent of place of the historic brickworks site and that it also avoids the archaeologically sensitive southern headland where the subsurface shell midden deposits relating to Maori settlement, heritage trees and likely remains of the first Clark homestead are located.

2.7 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) and vesting an approximately 6,000m²+ of additional coastal frontage land (light green).



Figure 4: Master Plan Rev A dated 06.04.21

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

- (a) Coastal protection / stabilisation work, to minimise the risk of the esplanade reserve eroding over time and to ensure that the slopes are stable and fit for use. This needs design input from stakeholders such as Auckland Council (as owner of reserve to vest) and iwi authorities. A coastal risk assessment is currently being prepared by Tonkin & Taylor which will help inform decision-making;
- (b) Recreational infrastructure (walkways, boardwalks, playgrounds etc), to provide community access to the CMA enjoyment. This needs design input from stakeholders such as Auckland Council (as owner of reserve to vest) and iwi authorities;
- (c) Wastewater pipeline for emergency overflows from the new wastewater pumpstation.

2.9 We address each of these below.

Coastal protection and recreational infrastructure

2.10 We believe that we can control the risk of delays associated with 2.8 (a) and (b) above 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.

2.11 In this regard it is important to bear in mind that none of this work is essential for the development of the main site as there are engineering techniques which allow the main site to have stable flood free building platforms without undertaking any work within the AUP Heritage Area Overlay. David Brodie at ENGEO has provided a supplementary memorandum confirming this, which is included in the application (Appendix 16B).

Wastewater infrastructure

2.12 In terms of the emergency discharge of wastewater overflows (identified above at paragraph [2.8(c)], the proposed location is to a stormwater manhole which will then flow to the current stormwater pipe at the end of Ngaroma House Drive (see Figures 5 and 6 below).

2.13 The reason for choosing this location is that:

- (a) 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.
- (b) 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:
 - (i) 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 an approximately 225mm diameter pipe, across about 15m or less of land within the AUP Heritage Area Overlay (see Figure 7 below); and

- (ii) 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.



Figure 5: Existing stormwater pipe discharge at the end of Ngaroma House Drive



Figure 6: Existing stormwater pipe discharge at the end of Ngaroma House Drive



Figure 7: Potential location of potential emergency wastewater overflow pipe

3. **RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER) REGULATIONS 2020**

3.1 The Freshwater NES sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. For example, protection of wetlands and watercourses.

3.2 ADL has sought to address compliance with the Freshwater NES by:

- (a) Ensuring development is not within 10m of the on-site wetland;
- (b) Minimising development within 10m from an intermittent stream and providing a 10m buffer from buildings; and
- (c) Managing the hydrology of the on-site wetland.

3.3 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. Details of Mr Coutinho's qualifications and experience are included in the application form, in the section addressing the National Environmental Standards for Freshwater 2020.

4. **IWI CONSULTATION**

4.1 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.

4.2 ADL has initiated consultation with the following iwi:

- (a) Nga Maunga Whakahii o Kaipara;
- (b) Ngāti Manuhiri;
- (c) Ngāti Maru;
- (d) Ngāti Paoa;
- (e) Ngāti Tamatera;
- (f) Ngāti Te Ata;
- (g) Ngāti Whatua Orakei;
- (h) Te Rūnanga Ngāti Whatua;
- (i) Te Ākitai Waiohū; and
- (j) Te Kawerau a Maki.

- 4.3 Most iwi have not responded to ADL's emails. Of those that have responded:
- (a) A site visit with Nga Maunga Whakahii o Kaipara was undertaken on 26 March 2021. Consultation is ongoing.
 - (b) Following a site visit on 26 March 2021, Ngāti Manuhiri have responded that they defer to Nga Maunga Whakahi o Kaipara Development Trust. This letter is included in Appendix 20 page 230.
 - (c) A site visit with Ngāti Whatua Orakei occurred on 1 April 2021. Consultation is ongoing.
- 4.4 A related company of ADL, CPM 2019 Limited, has been working with Te Kawerau a Maki ("TKM") regarding the scheduled Nola Estate Project. CPM's planners and legal team are the same as ADL's planners and legal team. As such, ADL's project team has an established relationship with TKM and anticipates a good working relationship with TKM. We understand that TKM are presently understaffed and that this is the reason for the delay in consultation with ADL. ADL is continuing to endeavour to contact TKM in this regard.
- 4.5 As noted above, ADL is also seeking feedback from a coastal geologist and a hydrologist. Once the feedback is received, further consultation with iwi will occur regarding the coastal marine and wetland areas of the site.
- 4.6 Regarding the proposed stabilisation works in the Heritage Area Overlay, these can be bonded for which will enable the application to progress while consultation with iwi is ongoing.

5. CONCLUSION

- 5.1 Please contact us if you have any questions.

Yours sincerely



Andrew Braggins | Tamsin Gorman
Partner | Solicitor

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