BERRYSIMONS
ENVIRONMENTAL LAW

7 May 2021

Ministry for the Environment
PO Box 10362
Wellington 6143

Attention: Max Gander-Cooper

Email: fasttrackconsenting@mfe.govt.nz;
s 9(2)(a)

Dear Mr Gander-Cooper

FAST TRACK APPLICATION ON BEHALF OF AEDIFICE DEVELOPMENT LIMITED

1. **INTRODUCTION**

1.1 As you know, we act for Aedifice Development Limited ("ADL") in relation to its application to fast track the 4 Scott Road Development.

1.2 In our discussion on Friday 16 April 2021, you identified a few areas where you thought additional information might be needed. While we recognise that you still need to complete your assessment, our client would like to proactively assist you in that regard. This letter is intended to update you on progress with a number of matters and, answer some aspects you indicated that further information might be needed on, being:

(a) Formal amendment of scope: no coastal protection structure in the Coastal Marine Areas ("CMA") (Section 2);

(b) The wastewater pipe is not in the CMA (Section 3);

(c) No wastewater discharges in the CMA (Section 4);

(d) Funding for undertaking the development (Section 5);

(e) Application to Heritage New Zealand Pouhere Taonga (Section 6);

(f) Hydrogeologist's report (Section 7);

(g) Pre-Application meeting with Auckland Council (Section 8); and

(h) Conclusion (Section 9).

2. **FORMAL AMENDMENT OF SCOPE: NO COASTAL PROTECTION STRUCTURE IN THE CMA**

2.1 ADL recognises that a coastal hazard assessment is required and has commissioned such a report from Tonkin & Taylor. That is due to be completed in the next 4 – 6 weeks and will be provided to MfE once it is finalised.

2.2 In the meantime, ADL has decided that it will not be seeking to establish coastal protection structures within the CMA as part of this project. The reasons for making this decision include:

(a) The site appears to be more sheltered from wave action than other sites around the remainder of Scott Point, as it faces back toward Limeburners Bay, see photo below at Figure 1.

(b) At this stage there does not appear to be a significant level of support for a coastal protection structure, given the heritage and other values of the locality. That level of support may change if significant future coastal erosion is identified via the coastal assessment (which would destroy the relevant archaeological features).

(c) The project already provides a significant setback from the CMA, with a large additional reserve area proposed to be vested in addition to the mandatory 20m esplanade reserve. This means that even if coastal erosion is a significant issue, there is already a buffer area provided.

(d) If coastal erosion remains an issue, even after accounting for the esplanade reserve and the additional buffer, other options remain available, such as:

(i) Coastal protection structures / secondary protection measures on the landward side of the CMA; and

(ii) Removing some or all of the lots affected by predicted coastal erosion and creating a super-lot for them, while other coastal protection options are investigated and consented. This could include coastal protection structures in the CMA through the normal consenting process.

2.3 For completeness, it is possible that a resource consent application for coastal protection structures in the CMA earlier than the above options might suggest, but that would likely only occur with significant stakeholder support.

Figure 1: Site location

2.4 **Other works**

2.5 We confirm that the works relating to the footpaths and boardwalks do not occur in the CMA.

3. **THE WASTEWATER PIPE IS NOT IN THE CMA**

3.1 Coastal marine area ("CMA") is defined under the Resource Management Act 1991 ("the RMA") as follows:

> *"**coastal marine area** means the foreshore, seabed, and coastal water, and the air space above the water—*
>
> *(a) of which the seaward boundary is the outer limits of the territorial sea:*
>
> *(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—*
>
> *(i) 1 kilometre upstream from the mouth of the river; or*
>
> *(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5"*

(Emphasis added)

Wastewater pipe

3.2 We confirm that the emergency wastewater discharge pipes from ADL's development do not include any works beyond the landward boundary of the line of mean high water springs ("MHWS"):

(a) ADL had originally thought that an emergency overflow wastewater pipe would need to extend from the site, over an adjacent site and into the CMA. It was thought that this would require two reasons for consent regarding the CMA: for the structure and for the emergency discharge.

(b) Further discussions with the project engineers have identified that Watercare commonly uses land-based structures for similar emergency overflow devices. Preliminary designs propose three options for the location of the pipe, none of which extend into the CMA. For all three options, the proposed land-based discharge point is within the landward boundary of mean high-water springs.

(c) A copy of the proposed locations for the overflow discharge pipe is attached as **Annexure A**. You can see from the plans, overlaid on an aerial photo, the pipes are over a grassed area and not within the CMA.

(d) While the final location of the pipe and emergency discharge area is yet to be determined, whichever option is chosen, there are no planned structures within the CMA.

4. **NO WASTEWATER DISCHARGES TO THE CMA**

4.1 We consider that the emergency wastewater discharge should not be assessed as having a discharge to the CMA. This is because:

(a) The discharge will not come from the development itself. The discharge will come from the proposed new wastewater pumpstation which will be vested in Watercare. We understand from Watercare that consent for the discharge is required as it is not provided for in Watercare's regional wastewater discharge consent. That seems to be a surprising outcome and is an aspect we are investigating further.

(b) The emergency discharge point will be on the landward side of the MHWS and therefore not in the CMA.

(c) If the discharge is not covered by Watercare's existing consent, the discharge would seem to fall within Table E6.4.1 Activity as (A3). This is:

(i) 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.

(ii) This is a restricted discretionary activity.

(d) The Westlaw commentary in relation to s 15 RMA at 15.03 states:

> *"In Minister of Conservation v South Taranaki DC W061/93 (PT), the Minister applied for a declaration as to whether a sewage discharge was into the coastal marine area, onto land, or into water. The*

> *sole issue was as to the point of discharge. The Tribunal accepted the principle stated in Kerikeri Properties Ltd v Northland Catchment Commission and RWB (1977) 6 NZTPA 344 (TCPAB) at 348, that the point of discharge is the point at which the waste leaves the effective control of the discharger. The subsequent course of that discharge is relevant to the effects of the discharge. In that case it was held that the discharge in question fell to be regulated under s 15 at the point it reached land or water which was not within the coastal marine area. Accordingly, a discharge permit, rather than a coastal permit, was required."*

(e) The specific quote from the Planning Tribunal (as it then was) from *Minister of Conservation v South Taranaki DC* W061/93 (PT) is

> *"Lastly, and for completeness in respect of the word "discharge" we agree with the submissions addressed to us by counsel for the Respondents which is a restatement of the principles enunciated in Kerikeri Properties Limited v Northland Catchment Commission . 6 NZTPA 344 at 348. The then Town and Country Planning Appeal Board stated:*
>
> > *"It appears to us that the point of discharge must always be at the point at which the liquid being got rid of leaves the effective control of the discharger; but that the effect of the discharge must be considered by reference to the consequences which will follow once it joins nature water … "*
>
> *This is precisely the situation with which we are here faced namely that the water, once it reaches the foot of the cliff, is beyond the control of the discharger or put another way, has been allowed to escape. In considering a resource consent the consent authority must then have regard to the consequences once it reaches natural water."*

(f) A copy of this decision is attached as **Annexure B**.

(g) In this case, the point at which wastewater would leave control of the consent holder is at the end of the pipe, which is clearly on the landward side of MHWS and not in the CMA. Therefore, a consent for discharge to the CMA is not required for emergency wastewater discharge.

5. FUNDING FOR UNDERTAKING THE DEVELOPMENT

5.1 Aedifice Development Limited has confirmed that they have the capability to fund the entire development, should the funding from KiwiBuild not be secured. A letter from Aedifice Limited addressing this point is attached as **Annexure C**.

6. APPLICATIONS TO HERITAGE NEW ZEALAND POUHERE TAONGA

6.1 The application to Heritage New Zealand Pouhere Taonga (HNZPT) for the main development site was filed on 28 April. A copy of the letter from HNZ dated 5 May 2021 confirming they have accepted the application for the main development site is attached as **Annexure D**.

6.2 The application for the wastewater discharge pipe was filed today on 7 May 2021. A copy of the confirmation of HNZ's acceptance of the wastewater discharge pipe application will be provided once received.

6.3 There is one other application which is anticipated to be needed, as explained below.

Application for works within the foreshore

6.4 The necessary background research has been undertaken regarding an application for works within the foreshore, but we need further engagement with Auckland Council's Parks Team and iwi engagement before the scope of this work can be determined. As noted in the application, it seems that the scope of the work can be bonded for if there are delays in obtaining an authority from HNZPT.

7. HYDROGEOLOGIST'S REPORT

7.1 ADL has obtained a report from a hydrogeologist which assesses the hydrology of the wetland located on the application site.

7.2 The report includes recommendations that, when implemented, will ensure the hydrology of the wetland is maintained year-round. Consequently, there will be no effects from the development on the hydrology of the wetland.

7.3 A copy of the report is attached as **Annexure E**.

8. PRE-APPLICATION MEETING WITH AUCKLAND COUNCIL

8.1 Auckland Council has now agreed to have a pre-application meeting. Due to the number of expert fields involved and complexities in managing calendars, a number of meetings are being held:

(a) The first (office meeting) was held on Monday 19 April 2021;

(b) A second (site meeting) was held on 29 April 2021; and

(c) Various technical memoranda have been / are being prepared.

8.2 A copy of the draft minutes from the 19 April 2021 meeting are attached as **Annexure F** and the Urban Design feedback is attached as **Annexure G**. At present there are no draft minutes from the site visit.

8.3 In terms of the key matters which need to be addressed in the draft minutes from 19 April 2021:

(a) General comments:

(i) As a general point many of the experts were seeking a resource consent level of detail, which is not what is anticipated under the Fast-Track Act, that level of refinement is for stage 2 – the expert consenting panel.

(b) Parks:

(i) ADL generally agrees with a number of the Parks comments in so far as further detailed design is needed. Additional geotechnical, landscaping, coastal hazard assessments are being obtained.

(ii) Notably the Parks advisor asked for confirmation that an adequate width of esplanade reserve will remain over a 100 year timeframe.

(iii) As you know, the RMA does not require vesting of more than a 20m width of esplanade reserve – irrespective of what is happening with coastal erosion. However, the desire to maintain an adequate width of esplanade reserve might be reason to support a coastal protection structure through a separate process.

(c) Archaeology:

(i) The Council advisor noted that there is a future proposal to classify the site as category A and potentially modify the heritage boundary, and suggested that the applicant would need to address the heritage effects of this modified boundary.

(ii) As you will have seen from the development plans, the current extent of place for the heritage site is being avoided. If that extent of place is formally altered ADL will need to either seek the necessary consents / authorisations to undertake work in the newly defined area or modify its design plans. That is a matter that is best resolved by the expert consenting panel.

(iii) A concern was raised at the meeting about the wastewater discharge structure, we are advised by Alvin Jung (Civix) who attended the site meeting that this concern was largely addressed at the site meeting, once the nature, location and scale of works was better understood. ADL still needs to satisfy the technical queries but we understand that there is no longer 'in principle' objection to this feature. As noted above, if a new wastewater pipe is not allowed, then potentially the existing Healthy Waters stormwater pipe could be used.

(ci) Engineering:

(i) A number of comments are made relating to stormwater, wastewater, water supply, earthworks, geotechnical and natural hazards.

(ii) None of those comments go to fundamental design matters, they are technical matters which are being worked on as the technical design advances.

(cii) Traffic Engineering:

(i) None of the comments made go to fundamental design matters, they are technical matters which are being worked on as the technical design advances.

(ciii) Regional earthworks:

(i) Auckland Council has not yet appointed an ecologist, though queries have been raised about whether additional wetlands are present on site.

(ii) ADL has obtained a supplementary ecological report, attached as **Annexure H**. It confirms that there are no other wetlands on site. There are some estuarine salt marshes, but these are not wetlands

for the purpose of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), and in any event no significant work is being undertaken in this location (there is a coastal walkway which will be designed to be sympathetic to ecological features).

(g) Coastal:

(i) This is addressed above in Section 2.

(h) Built Heritage:

(i) Concerns are raised by the heritage representative about impacts on the immediate landscape relationship, albeit in the context of re-litigating the planning process for the Auckland Unitary Plan.

(ii) Notably the second to last bullet point acknowledges that upgrading / repairs of the heritage building are a permitted activity, but still wants the work secured by resource consent.

(iii) To the extent that the immediate landscape relationship is a relevant consideration for the heritage building (and it is not accepted that it is), that detailed design aspect is a matter best left to be resolved by the expert consenting panel.

(i) Contaminated Land:

(i) None of the comments made go to fundamental design matters, they are technical matters which are being worked on as the technical design advances.

(j) Arborist:

(i) None of the comments made go to fundamental design matters, they are technical matters which are being worked on as the technical design advances.

(k) Heritage Arborist:

(i) None of the comments made go to fundamental design matters, they are technical matters which are being worked on as the technical design advances.

8.4 In terms of the urban design feedback (Annexure G), there are a number of positive comments, such as:

(a) The proposal generally sits with the Scott Point Master Plan Layout;

(b) A positive mix of typologies across the site;

(c) Walkable structure generally provided;

(d) Permitted block layout is a logical design; and

(e) We acknowledge that there are a number of fine grained matters for consideration, explanation and in some cases refinement of design will be needed. ADL has the same design team as has been successfully used for Nola Estate (a scheduled project) and that design work is ongoing.

Ultimately, none of the comments made go to fundamental design matters, they are technical matters which are being worked on as the technical design advances.

9. **CONCLUSION**

9.1 Please contact us if you have any questions.

Yours sincerely

Andrew Braggins | **Tamsin Gorman**
Partner | Solicitor

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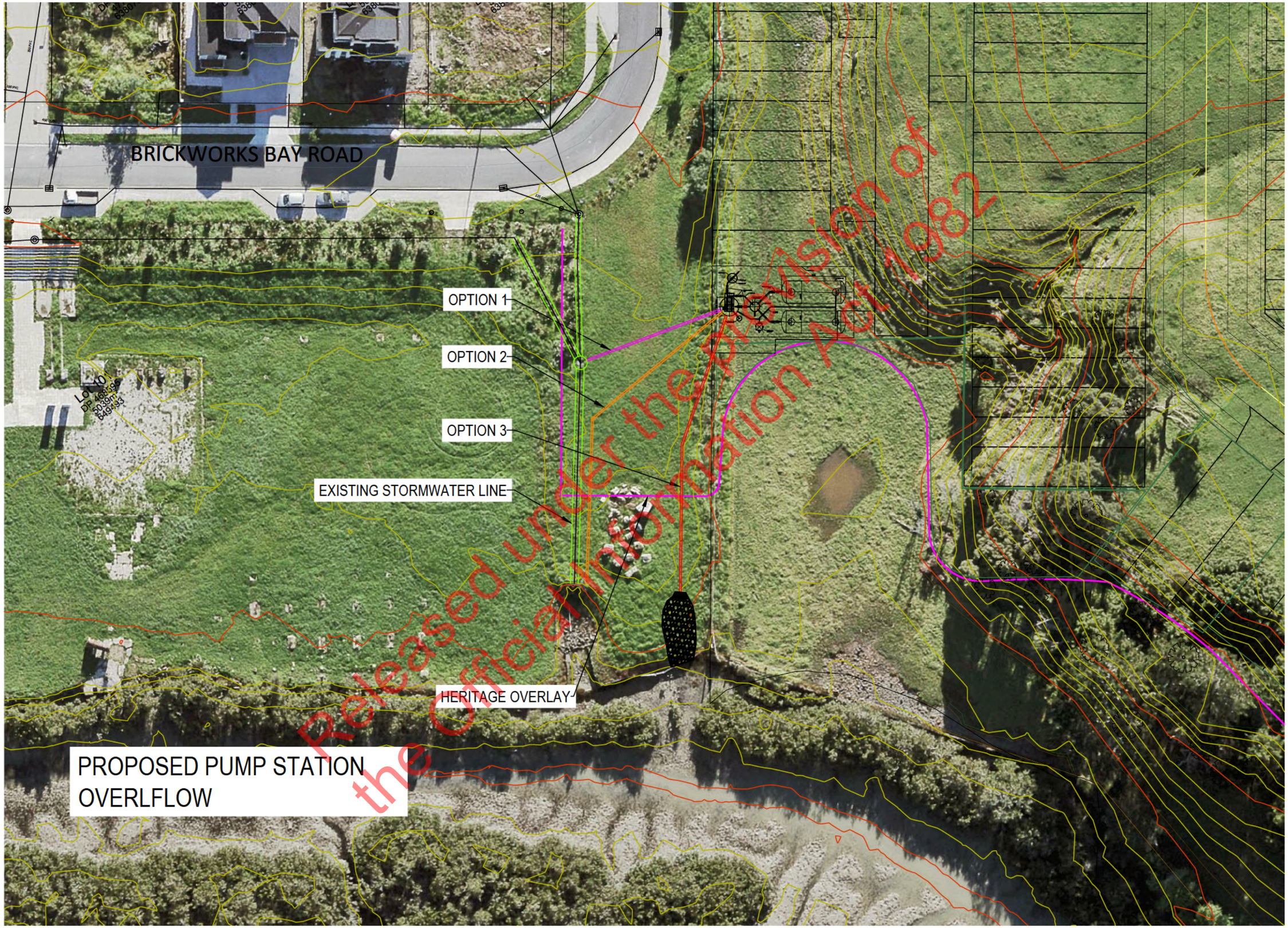
Annexure A – Proposed locations for the overflow discharge pipe


BRICKWORKS BAY ROAD
OPTION 1
OPTION 2
OPTION 3
EXISTING STORMWATER LINE
HERITAGE OVERLAY
PROPOSED PUMP STATION
OVERLFLOW
Released under the provision of the Official Information Act 1982

Annexure B – *Kerikeri Properties Limited v Northland Catchment Commission* . 6 NZTPA 344 at 348

predominant use to establish another factory farm on valuable food producing land. This is not in the public interest.

(3) That there is no evidence to show that the departure is a true exception and, therefore, a scheme change might be necessary to accommodate other similar enterprises.

(4) That if there are similar enterprises the departure would have significance beyond the immediate vicinity.

By a majority the appeal is accordingly dismissed.

KERIKERI PROPERTIES LTD v NORTHLAND CATCHMENT COMMISSION AND REGIONAL WATER BOARD AND ANOTHER

Number One Town and Country Planning Appeal Board. 1, 2 August and 20 September 1977.

Water control – Discharge rights – Sewage effluent – Discharge into marshy waters of Class D – Wildlife habitat – Whether discharge should be permitted – Observations on tertiary treatment in mixing zone and on relevance of ecological considerations – Water and Soil Conservation Act 1967, s 21.

This appeal is against the right to discharge treated sewage effluent into a watercourse in a rural area, the receiving waters being classified D.

The sewage disposal system would involve the construction of oxidation ponds on Forest Service land and it was proposed to conduct trials to see whether the effluent could be disposed of by irrigation within the State Forest. In case it could not a right to discharge into the watercourse was required.

The watercourse commenced in the vicinity of the oxidation pond site and for 25km was meandering and marshy with little discernible flow. It then reached a swamp and later continued through ditches and shallow wildlife lakes. Flow and oxygen, coliform bacteria and nutrient content varied under different flow conditions. The watercourse was regarded as of low ecological value because of seasonal flow variation and local drainage developments but the lower sections were important wildlife habitats.

In granting the discharge right the point of discharge had been regarded as below the swamp.

Held (disallowing the appeal): (1) The discharge of waste and its mixing with natural water need not be coincident. The point of discharge is where it leaves the effective control of the discharger; the effect must be considered by reference to the consequences following when it joins natural water.

(2) The watercourse between oxidation pond and swamp was relied on for tertiary treatment and also as a mixing zone. Generally a mixing zone should not be looked on as an area in which part of the treatment process should occur. This was an unusual case. Both watercourse and swamp were on forestry land. Consequently the requirement that the receiving water should not fall below its classification applied only to water below the

swamp.

(3) The standards required by a classification, here the object of maintaining water quality, and in practice generally have the effect of preserving the ecology of the water system. Generally the classification is not directed towards guarding the waters and ecology of the water system from nutrient enrichment except to the extent that water quality becomes affected (by higher BOD).

(4) The probability was high that the discharge would neither aggravate the existing situation nor cause the quality of the receiving water to fall below its classification. The rate of discharge could be regulated and alternative methods of disposal (through irrigation) were available.

Appeal under s 25 of the Water and Soil Conservation Act 1967.

Brown and *Barlow* for the appellant.
Curtis and *Sowerby* for Bay of Islands County Council.
Golightly for the respondent.

The decision of the Board was delivered by A R TURNER SM (Chairman):

DECISION

This appeal is against the grant of a right to discharge treated sewage effluent into a watercourse in a rural area, the receiving waters being classified D.

The Bay of Islands County Council (hereinafter termed "the applicant") is desirous of providing a public sewage disposal system for the communities of Paihia, Te Haumi and Haruru Falls. It has caused investigations to be made into the ways and means of doing so; and it now proposes to construct oxidation ponds on a site within the Waitangi State Forest north of Haruru Falls. The site chosen is outside the Paihia/Waitangi catchment; it is in a catchment which drains northward into the Kerikeri Inlet and it would of course be necessary to pump the sewage to the oxidation ponds.

The initial proposal of the applicant was that the effluent from the oxidation ponds be disposed of by irrigation within the State Forest. The applicant, therefore, approached the New Zealand Forest Service and obtained the agreement of the Service to the use of the site proposed for the oxidation ponds and to the conduct of irrigation trials within the State Forest.

Because the agreement of the Forest Service was to the conduct of trials and not a commitment to allow irrigation permanently, the applicant now proposes to construct the oxidation ponds on the chosen site in the State Forest and to dispose of the effluent in the initial years by discharge into the watercourse in the valley in which the ponds would be situated and later partly by way of irrigation trials and partly into the watercourse.

The applicant, therefore, applied to the respondent for a right under s 21 (3) of the Act to discharge treated effluent into the watercourse. The quantity of effluent to be discharged was stated to be 470,000 gallons per day.

The respondent granted the right sought, for a period of expire on 31 March 1986 upon standard conditions and upon a number of special conditions. The appellant, which is the owner of the farm immediately below the State Forest in the valley in which the ponds would be situated, had

objected to the application; and on the application being granted, it brought this appeal. By its appeal it seeks that the application be declined, or that it be modified or conditions imposed to ensure that no detrimental effects ensue.

The right granted by the respondent would authorise the applicant to discharge the whole of the oxidation pond effluent into the watercourse for the whole period of the right. The appellant informed this Board that it would be perfectly content if the primary method of disposal of the effluent were to be by irrigation in the Forest (or irrigation onto part of its own farm) and the right to discharge into the watercourse were exercised in emergencies only; but that it opposes the right to discharge into the watercourse without any requirement to dispose of effluent by irrigation.

The watercourse into which the applicant proposes to make the discharge commences in the vicinity of the oxidation pond site, which point is about 30 metres above sea level. For about the first 2.5 kiometres below the pond site the watercourse is meandering and marshy, with little discernible flow; then there is a 4 ha natural swamp. Below the swamp there is an open ditch and then a stream for about 4 kilometres; then a small lake; then a further length of about 2 kilometres of stream and then a series of shallow wild life lakes, below Kerikeri Inlet Road and adjacent to the Kerikeri Inlet. The lakes have no visible outlet; it is presumed that water seeps from them into the inter-tidal zone of the Inlet.

The total catchment above the lakes is approximately 1325 ha.

The boundary between the State Forest and the appellant's farm is in the vicinity of the lower end of the 4 ha swamp.

No use is made of the watercourse within the State Forest. Stock have access to the intermediate section of the watercourse, between the 4 ha swamp and the terminal lakes. These lakes are the habitat of large numbers of waterfowl and are popular for shooting.

The present quality of the waters in the watercourse and the present ecology of the system are important in the consideration of the issues raised by this appeal, and must be described in some detail. The following descriptions were given in expert evidence for the applicant and were not challenged:

"Present water quality

"Water quality of the watercourse was investigated during a high flow period in October 1975, and a low flow period in February 1976. Considerable variation in water quality was evident in different parts of the receiving water system, and under different flow conditions.

"Waters were generally slightly acid, and were discoloured a brownish colour, particularly in the upper sections of the watercourse. Oxygen saturation was low in areas with low flows during the dry period (February 1976). Nutrient concentrations were moderately high during the low-flow period. Coliform bacteria concentrations varied markedly within the system, as is to be expected in waters supporting waterfowl, and derived in part from farmland runoff.

"The natural waters would meet the standards of the D classification except in some parts of the upper watercourse during periods of low flow when oxygen saturation is markedly reduced.

"Flow rates of natural waters in the receiving water system vary considerably throughout the system. Surface flows may disappear altogether in the upper parts of the watercourse, and marked fluctuation in water level occurs elsewhere, including the pond and lake sections of the lower part of the watercourse.

"The rate of travel of waters moving downstream from the discharge site was investigated during the high flow period in October 1975, and a transit time of 4.5–6.5 days was estimated for travel from the disposal site to the Kerikeri Inlet Road. The very slow rate of travel of water moving through the upper sections of the watercourse is attributed to the presence of extensive marsh areas. Transit time through the large '4-hectare swamp' on the forest boundary, was estimated at 3 days on the basis of the probable volume of water present in the marsh, and the inflow volume, but has been included in the above estimate as only 24 hours.

"Present ecology

"The present ecology of the receiving water system is considered to be characteristic of a low base flow watercourse with considerable variation in flow. Marsh habitats, which are generally drying out and being invaded by scrub, farm drains, and small ponds and shallow lakes support a characteristic ecology of such areas. The acidity of the waters may be restricting the abundance of some fauna, and enrichment of ponded areas is promoting the growth of algae and aquatic macrophytes, particularly in the lower sections of the watercourse.

"Generally the watercourse is considered to be of low ecological value because of the marked seasonal flow variation, and changes that have occurred as a result of marsh drainage and construction of farm drains. Nevertheless, the more extensive areas of water in the lower sections of the watercourse are important waterfowl habitat".

Among the special conditions imposed by the respondent on the grant of the right sought, were ones to the following effect:

(a) requiring that the organic loading on any one oxidation pond shall not exceed 85 Kg BOD_5 per ha of water surface per day;
(b) requiring that the ponds have a minimum depth of one metre;
(c) requiring that the pond effluent be conveyed to the natural surface water outlet for the catchment in a shallow ditch in which an artificial marsh system shall be cultivated (it is intended that this ditch be about 10 metres wide and 280 metres long);
(d) requiring that all surface water and pond effluent be distributed evenly throughout the 4 ha swamp;
(e) empowering the respondent to require the applicant to cease discharging for a maximum period of 21 days in the event of receiving water quality being impaired because of drought conditions or other reasons;
(f) requiring that all surface water within the catchment above the ponds be diverted around the ponds.

In granting the right sought, subject to the conditions imposed, the respondent recorded that "the point of discharge to natural water should be considered to take place below the 4 ha (swamp), into the receiving stream".

The respondent did not impose any condition as to the quality of the discharge, nor as to minimum dilution with the receiving water. Nor did it require the applicant to conduct irrigation field trials during the term of the right. In relation to the latter point it recorded:

"It is not a function of the Tribunal to consider the merits of any particular alternative to the application under consideration, beyond the point that there are or are not alternatives to any particular course of action".

The applicant proposes to have 3 oxidation ponds, with a combined surface area of approximately 8 ha, with a nominal retention time of 60 days and with emergency storage in excess of 22 days inflow.

The population to be served is greater in summer than in winter, and will grow during the term of the right. The applicant has calculated that maximum and minimum inflows of sewage would be as follows:

	Daily peak flow (summer)	Daily low flow (winter)
1980	1150 cubic metres	650.cubic metres
1986	2000 cubic metres	1360 cubic metres

(The right authorises the discharge of 2137 cubic metres per day). The likely summer evaporation loss was not calculated.

We were informed on behalf of the applicant that pilot studies on the irrigation of pond effluent in the forest will be undertaken during the term of the right, and that "this will absorb up to 25 percent of the initial discharge".

The waters in the watercourse concerned are classified D and the coastal waters in the inlet adjacent to the terminal lakes are classified SA. Thus s 21 (3A) applies to the application. That subsection requires the imposition of terms and conditions to ensure that after allowing for reasonable mixing the quality of the receiving water shall not as a result of the discharge fall below the standards specified in the classification, that the combined effect of all discharges will not result in the quality of the receiving water falling below those standards, and that the discharge be substantially free from suspended solids, grease and oil.

The situation before us is not complicated by the existence of other rights to discharge waste or by the possibility of any other such rights being applied for.

The classification standards of quality are minimum standards; higher standards can be required. But nothing was brought to our attention which requires the maintenance of higher standards if the right is to be upheld in this case.

We have mentioned that in granting the right sought, the respondent recorded that the point of discharge should be considered to be below the 4 ha swamp.

To discharge waste into natural water has two elements: one, the release of the waste from the control of the discharger, and two, the mixing (or joinder) of the waste with the natural water. If the discharge is made via a pipe laid into natural water, then both elements will be co-incident, for it will always be within the power of the discharger to stop the end of the pipe. But both elements will not always necessarily be co-incident; a discharge can be made onto land and once out of control of the discharger then find its way into natural water either directly by a perceptible overland flow or imperceptibly by percolation.

The amendments made to s 21 (1) and (3) and to s 34 (1) by the Water and Soil Conservation Amendment Act 1976 make those points clear. A right under the Act is now required "to discharge natural water or waste into natural water or to discharge natural water containing waste on to land or into the ground".

It appears to us that the point of discharge must always be the point at which the liquid being got rid of leaves the effective control of the discharger; but that the effect of the discharge must be considered by reference to the consequences which will follow once it joins natural water.

In the context of this application the Act is concerned only with the effect of the discharge on the quality of natural water.

In this case the waste which the applicant seeks to discharge viz oxidation pond effluent, will leave the effective control of the applicant on its release from the oxidation ponds. But we apprehend from the evidence that effectively there is no permanent water in the watercourse into which

the applicant proposes to make the discharge until at least the 4 ha swamp is reached.

It is also relevant to record at this point that s 21 (3A) provides that the quality of the receiving water is not to fall below the standards specified in the classification "after allowing for reasonable mixing of the discharge with the receiving water".

The terms in which the right was granted by the respondent undoubtedly assume that while within the length of watercourse down to and including the 4 ha swamp, the oxidation pond effluent will in effect receive a form of "tertiary treatment" through natural influences and the time it will take to travel that portion of the watercourse. Indeed from the evidence we heard it is not too strong to say that the respondent and applicant rely on that occurring.

It may be that the respondent also assumed that the length of watercourse down to and including the 4 ha swamp shall be considered to be a "mixing zone".

In our decision in *Mahuta v NSWCA* (1973) 5 NZTPA 73 we said at p 81:

> ". . . we hold that it is the intention of the Act that mixing shall occur as quickly as possible, in order that the intention of maintaining the classified standard is not frustrated. But what is a reasonable mixing zone will be a question of fact and degree in each particular case".

Natural processes will always occur within a "mixing zone". But it is important that "mixing zones" should not be looked upon generally as areas in which part of the treatment process may occur; otherwise the intention of the Act that water quality standards be maintained will tend to be defeated. However, we hesitate to say categorically that never may a mixing zone be relied upon for part of the treatment process; but clearly the circumstances in which a mixing zone may be so relied upon will be most unusual and rare.

Having considered the evidence and submissions we have concluded that this is an unusual case. The point at which the proposed discharge would enter natural water would be variable, and would be affected by weather and seasonal conditions. The watercourse down to the 4 ha swamp is entirely within State Forest and that situation would remain for the term for which the respondent granted the right appealed against. In the particular circumstances of the case it is reasonable to allow the length of watercourse down to and including the 4 ha swamp to be used for "tertiary treatment" of the effluent and also to consider it to be an area allowed for the mixing of the effluent with natural water. (We apprehend that that is what the respondent meant when it recorded that the point of discharge shall be considered to be below the 4 ha swamp). We hold that the requirement that the quality of the receiving water shall not as a result of the discharge fall below the standards specified in the classification applies in this case only to the water below the 4 ha swamp.

The effluent discharge from the oxidation ponds would be free from grease oil and other floating material, and substantially free from suspended solids, it would have a low BOD and be well oxygenated and would not be toxic to aquatic life. However, it would contain algal cells and nutrient elements and its BOD would not be exerted immediately upon discharge.

According to the evidence the only threats to the quality of the receiving water in terms of the standards required by the D classification would be the occasional possibility of:

(i) a reduction of the dissolved oxygen content as a result of the BOD of the effluent and of decaying algae carried in the receiving water;

(ii) a change in colour due to a periodic high algal content; and
(iii) toxicity of the water due to a high algal content.

An expert witness for the appellant asserted that algae from the ponds would be carried through the 4 ha swamp to enter the stream under a variety of conditions; that blue-green algae carried into the stream could produce both colour and taint in the water, and that if ingested in large quantities they could be fatal to stock. He asserted that the input of nutrients from the oxidation ponds into the swamp will significantly increase the nutrient concentration in the exit waters, will result in increased weed and algal growth and will cause general deterioration of the stream and lake ecosystem.

Another expert witness for the appellant said that it is more than probable that the water flowing from the swamp will be high in dormant algal cell content (hence still retaining high eutrophication potential) and will be very low in dissolved oxygen content. He also said that concentrations of algae in the swamp will cause an odour nuisance from the swamp from time to time. If one can summarize the essence of his views it is that the discharge of oxidation pond effluent into a stream which gives a high ratio of dilution can be a satisfactory method of disposing of the effluent, but that the discharge of effluent into a swamp which at times has a low exit flow is buying trouble.

The principal expert witness for the applicant said that the 4 ha swamp would retain a very high proportion of all algae at all times, sufficient to exclude the possibility of undesirable consequences occurring downstream. He conceded the possibility of a reduction of the dissolved oxygen content of the receiving water below a swamp but said that that is not a serious threat because of the low ecological value of that part of the watercourse and the low flow conditions. He asserted that there would be benefit to water quality and to the ecology of the system by the increase in volume of water which would flow through the system as a result of the applicant's proposals, particularly during natural low flow conditions.

He made recommendations for the management of the rate of discharge of effluent from the oxidation ponds and for management of the artificial and natural marsh systems to give the best conditions for effluent "renovation", and concluded that the proposed discharge presents only very minor threats of adverse effects to either the quality or the ecology of the receiving water system.

In granting rights to discharge oxidation pond effluent it is usual to impose conditions requiring that the rate of discharge be regulated according to the rate of flow of the receiving waters, in order to ensure a minimum dilution ratio and thus to maintain receiving water quality.

In this case it would be impracticable to impose a condition of this kind. The Chief Engineer to the respondent conceded in effect that the dilution ratio measured at the lower end of the 4 ha swamp would be extremely low in low flow conditions but nevertheless was of the opinion that the classification standards would be met there.

At this point it is relevant to note that the standards required by a classification have the object of maintaining the quality of the *water*. In practice they generally have the indirect effect of preserving the ecology of the water system concerned, but that will not always necessarily be so. In particular, unless the waters concerned have been given the special X classification provided for by s 26C (5), the classification is not directed towards guarding the waters and the ecology of the water system from the consequences of their enrichment by nutrients.

There is of course a grey area, because a build-up of nutrients must in the long term have consequences which will affect the quality of the water

concerned and in particular its level of dissolved oxygen. But usually a discharge accelerates rather than commences, a build-up of nutrients.

The Act requires that as a result of the discharge proposed, the quality of the receiving water shall not fall below the standards specified in the classification.

Receiving water quality is not a static thing, but fluctuates in response to natural conditions. We have the fact that already through natural circumstances, the quality of the receiving water from time to time does not meet one of the standards of the classification. The question is whether the effect of the proposed discharge would be to aggravate that situation, or otherwise to cause the quality of the receiving water from time to time to fall below the standards of the classification. Having considered the evidence and submissions our answer to that question is: No. In coming to that conclusion we have taken into account that it will be possible to regulate the rate at which effluent is discharged from the oxidation ponds (and so to take advantage of favourable physical conditions below the point of discharge) and to restrict or cease discharge during unfavourable conditions. We have also taken into account that in the early years in which the right will be exercised the maximum daily volume to be discharged will in fact be about half the volume authorised by the right; and that this will enable experience to be gained in the management of the discharge according to the weather, the seasons and the physical conditions in the water course.

We apprehend that in answering that question we do not have to be satisfied of the answer with complete certainty. After all, no one can be absolutely certain about the future. But we have concluded that the probabilities are sufficiently strong that it would be unreasonable to withhold the right sought.

In coming to that conclusion we have had regard to the fact that should the exercise of the right cause the quality of the receiving water to fall below the standards specified by the classification, alternative methods of disposing of the effluent are available viz irrigation in the State Forest and irrigation on the appellant's farm. We do not rely on that fact in upholding the grant of the right. But clearly it is intended that the oxidation ponds shall continue in operation beyond 1986, when the right will expire; and after that year they may have to receive a much greater daily volume of sewage than in the period up to that year. There must come a time when the volume of effluent to be discharged from the ponds is greater than the capacity of the water-course down to and including the 4 ha swamp to give it "tertiary treatment", and then the quality of the receiving water must suffer. On the evidence we do not expect that time to come before 1986. But if it does, then alternative methods of disposing of all or part of the effluent are available. In case the time comes before 1986 that the quality of the receiving water does suffer, the right should reserve to the respondent the power to cancel it on notice.

The alternatives are also relevant in that it would be irresponsible in the circumstances to grant a right without alternative methods of disposal being available when the system has to cope with a greater volume of sewage than that anticipated up to 1986.

We record that if an offensive odour does arise from the 4 ha swamp that factor will be significant only in that it may indicate a depressed oxygen level in the receiving waters through the decaying algae which cause the odour, a situation which might already occur from natural conditions. It should not cause the water below the 4 ha swamp to emit an objectionable odour. The swamp is sufficiently far away from human habitation and the scene of

ordinary human activity that an odour from the swamp would not of itself be a nuisance.

Finally we mention, for the reassurance of the appellant, that our conclusion from the evidence is that the possibility that the proposed discharge could make the receiving water toxic to the extent it would be unsafe for consumption by farm animals, is so remote that it can be disregarded.

For the foregoing reasons the appeal is dismissed. But pursuant to the powers conferred by s 42 (3) of the Town and Country Planning Act 1953 the Board orders that the decision appealed against be amended by adding the following further special conditions:

> "The grantee shall (within the daily maximum hereby authorised) regulate the rate of discharge from the oxidation ponds according to weather and seasonal conditions, in order to maintain the quality of the receiving water below (here insert the Map Reference of the outlet from the 4 ha swamp) and shall supply a monthly return to the Commission of the volumes discharged and the periods over which the same were discharged.
>
> "This right may be cancelled upon not less than 6 months notice in writing to the grantee if in the opinion of the Commission the public interest so requires; but without prejudice to the right of the grantee to apply for a further right in respect of the same matter".

Annexure C – Letter from Aedifice Limited dated 7 May 2021.

AEDIFICE Limited

Suite 2, Level 3
95 Hurstmere Road
Takapuna
Auckland 0622

Aedifice PROPERTY

Ph: s 9(2)(a)
Mob:
Emai:

Mailing address:
PO Box 33-253
Takapuna,
Auckland 0740

Ministry for the Environment
PO Box 10362
Wellington 6143

7 may 2021

Attention: Max Gander-Cooper

Email: fasttrackconsenting@mfe.govt.nz; s 9(2)(a)

Dear Mr Gander-Cooper

FAST TRACK APPLICATION - AEDIFICE DEVELOPMENT LIMITED

We have been asked to provide a letter to the Ministry in respect of the residential development at 4 Scott Road, Hobsonville, Auckland ("the development") being undertaken by our company Aedifice Development Limited ("ADL").

Aedifice Development Limited

ADL is a property development company. The company has two directors:

a) Francois Marie Gilbert Beziac; and

b) Kieran Edward Doe.

The shareholders are:

a) Aedifica NZ Limited as to a 33.33% share. Francois Marie Gilbert Beziac and Carole Christine Beziac (jointly) have 100% of the shareholdings of Aedifica NZ Limited;

b) Sirius Limited as to a 33.33% share. Rene Heremana Malmezac is the majority shareholder of Sirius Limited with an 80% share; and

c) Vinegar Lane Corporate Trustee Limited as to a 33.33% share. The sole shareholder of Vinegar Lane Corporate Trustee Limited is RLA Trustee Services No 2 Limited, of which Richard Lockhart and Kenneth O'Shea are each 50% shareholders.

A copy of the company extract for Aedifice Development Limited is **attached** to this letter.

Confirmation of intention to fund the development

We confirm that the shareholders of ADL have available funding to complete construction of the development should funding from KiwiBuild not be secured. In that circumstance, ADL will arrange funding for 100% of the development costs.

Please contact us if you have any questions.

Yours sincerely

Francois BEZIAC

Annexure D – Letter from HNZ dated 5 May 2021.

HERITAGE NEW ZEALAND
POUHERE TAONGA

S:\Archaeology\Archaeological Authorities

5 May 2021

File ref: 2021/661
11013-006

Aedifice Development Ltd
9-11 Galatos Street
Newton
Auckland 1010

Attn Kieran Doe

Tēnā koe

APPLICATION FOR AN AUTHORITY PURSUANT TO SECTION 44, HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

Application No.:	2021/661
Date Application Received:	28 April 2021
Archaeological Sites:	Potential sites, as yet unrecorded
Application Status:	Accepted
Location:	4 Scott Road, Hobsonville, Auckland

Thank you for your application for a general authority to modify or destroy an archaeological site, made under section 44 of the Heritage New Zealand Pouhere Taonga Act 2014 (the Act).

As of 5 May 2021, your application has been determined as complete and has therefore been accepted. Pursuant to section 50 of the Act, a determination will be made on your application within 20 working days.

If you have any questions about your application please do not hesitate to contact me.

Nāku noa, nā

Greg Walter
Archaeologist, Heritage New Zealand Pouhere Taonga

cc: Vanessa Tanner, Manager Archaeology, Heritage New Zealand
cc: Alvin Jung, Civix
cc: Glen Farley, Rod Clough, Clough and Associates

Annexure E – Hydrogeologist's report dated 14 April 2021.

MEMORANDUM

TO:	Francois Beziac	Date:	31 March 2021
		Job No:	63905#BEE02
FROM:	Lobo, Luiz Coutinho	eTrack No:	200036478

WETLAND HYDROLOGICAL ASSESSMENT – 4 SCOTT ROAD, HOBSONVILLE

Background

Aedifice Development Limited (Aedifice) seeks resource consent to carry out a residential development (the "Proposal") at 4 Scott Road, Hobsonville (the "Site"). The southern corner of the Site contains a small natural wetland (the "wetland"), and parts of the proposed development are within the wetland catchment.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 came into force on 3 September 2020. To better understand the effects of the proposed development on the wetland, Aedifice asked Babbage Consultants Limited (Babbage) to complete a hydrological assessment. The aim of this assessment is to better understand the inflow and outflow of water from the wetland and guide the proposed development stormwater plan to minimise the effects on the wetland's hydrology.

This assessment is prepared by me, Luiz Lobo Coutinho. I am a Senior Environmental Engineer, Hydrogeologist and GIS Specialist at Babbage. I have 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 Darmstard, 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.

I have over 10 years' experience in Environmental Engineering and Hydrogeology, including the last six years at Babbage. I have 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 at 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). I specialise in assessing impacts of proposed and existing activities in surface and groundwater, such as water and groundwater takes and discharges.

Babbage Consultants Limited
Level 4, 68 Beach Road, Auckland 1010
PO Box 2027, Shortland Street,
Auckland 1140, New Zealand
T 09 379 9980 F 09 377 1170
E admin@babbage.co.nz www.babbage.co.nz

Examples of my experience relevant to this project are:

- Assessment of the hydrology of a wetland near Stonehill Drive and the impacts of the proposed plan change and developments. This included assessing topography, geology and climate data to characterize the wetland catchment and hydrology.
- Catchment analysis in the Manuwatu-Whanganui Region, assessing the risks of a stream to go below its minimum annual low flow (MALF) in the following 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.
- 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 surface water bodies.

I was engaged by Aedifice on 31/03/2021 to assess the hydrology of the wetland located in the southern corner of the proposed 4 Scott Road development, and to investigate the impacts of the Proposal on the inflow and outflow of water and groundwater to/from the wetland. I was also requested to provide feedback on the stormwater plan of the Site to help minimize any impacts in the wetland hydrology.

Wetland Details

The wetland has been delineated and described in our memo dated 25 February 2021. It is located on the north-eastern side of Limeburners Bay (Figure 1) and covers 236 m^2. The wetland is surrounded by a mix of coastal reserve areas, residential, and open space areas.

Most of the wetland is shallow, with no free water surface or pools (Figure 2a). A small permanent channel (about 20 m long, 0.5 m wide, and 0.2 m deep) flows through the wetland (Figure 2b) before discharging to the west into the tidal areas of Limeburners Bay.

The wetland and stream were described as "*of moderate-high ecological value due to their context on a national scale and their role in the localised ecotone*". Photos of the wetland and stream are shown in Figure 2.

Two overland flow paths were also identified that discharge into the wetland. These overland flow paths were classified as ephemeral reaches, because they lacked a defined channel, flowing water, pools, and substrate sorting processes. Additionally, terrestrial vegetation (pasture), was established within the ill-defined channels.

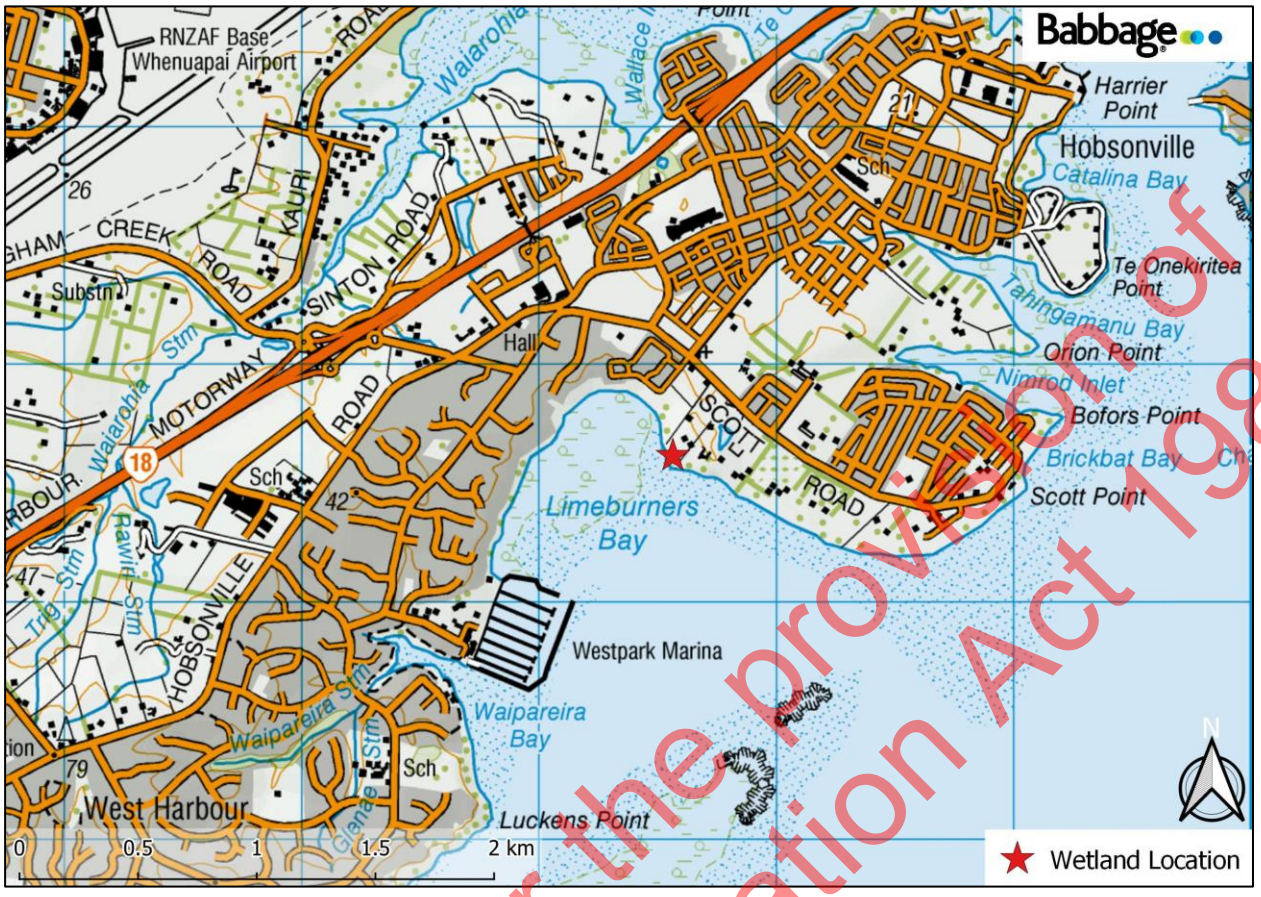


Figure 1: Wetland Location (from New Zealand Topomap).

a)

b)

Figure 2: Photos of a) the wetland and b) the stream channel.

Geology

The wetland is at the bottom of a small gully in the coastal cliffs at the southern boundary of the Site, bordering the inner Waitemata Harbour. QMAP (1:250 000 Geological Map of New Zealand – GNS), shows the area to be underlain by Puketoka Formation, comprising pumiceous mud, sand, silt, clay gravel and peat beds. An extract of QMAP is shown in Figure 3.

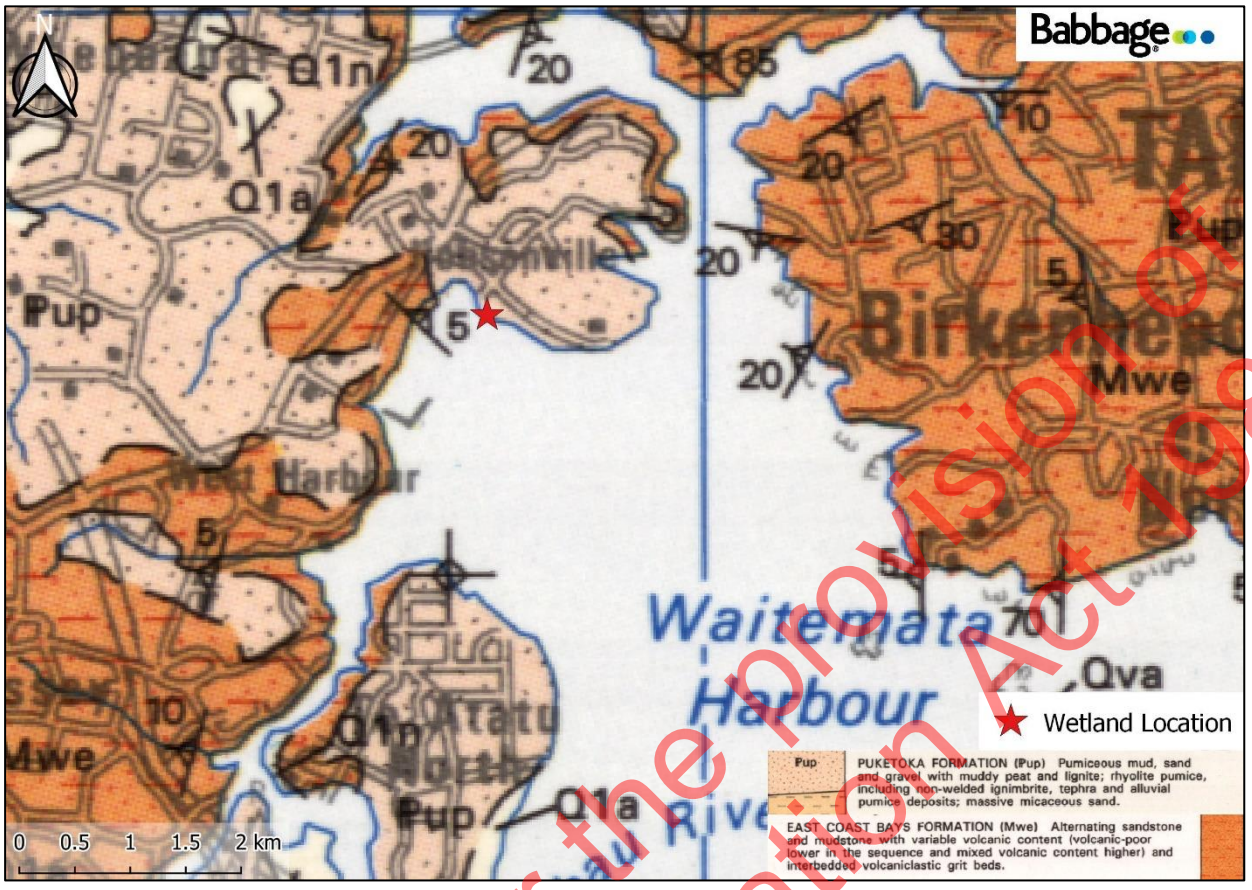


Figure 3: QMAP (1:250 000 Geological Map of New Zealand - GNS) extract for the region.

ENGEO (2021)[1] carried out a geotechnical investigation and assessment of the site. The bore logs showed subsurface conditions in alignment with the regional description by GNS, with layers of "*very stiff silts and clays*" interbedded with layers of fibrous peats and organic clay, and others of pumiceous silt and fine sand. The peat and organic layers reported vary from 0.5 to 4.0 m thickness, while pumiceous silt and fine sand layers were up to 1.0 m thick.

ENGEO (2021) reported perched groundwater levels at the top of the coastal cliffs, approaching surface level near the overland flow paths, including those within the wetland catchment. ENGEO (2021) also reported "*scour from overland flow was noted within incised gullies at the site*" and that "*A deep, prevailing groundwater surface is likely to be present at depths below 7.0 m relative to the elevated eastern portions of the site, approaching Mean High Water Spring (MHWS) level at the coastal margin*".

The investigations by ENGEO showed that, due to the interbedded layers of low permeability materials (peat, and other organic and inorganic clays) and permeable materials (pumiceous sands), the groundwater component flowing to the wetland results from seepage from a small local perched

[1] ENGEO Limited, *Geotechnical and Environmental Summary – 4 Scott Road, Hobsonville, Auckland*. Ref 17871.000.001_4, 24 February 2021

groundwater table fed by infiltration within the smaller local catchment, and by a wider groundwater surface. The groundwater component from the local catchment is likely small due to the low hydraulic conductivity of peat and inorganic silty clay layers found underlaying the area.

Land Contours and Catchment

Contour lines from Auckland Council GIS (Geomaps), dating from 2006 to 2010 are shown in Figure 4, along with the delineated flow paths, streams, and wetlands.

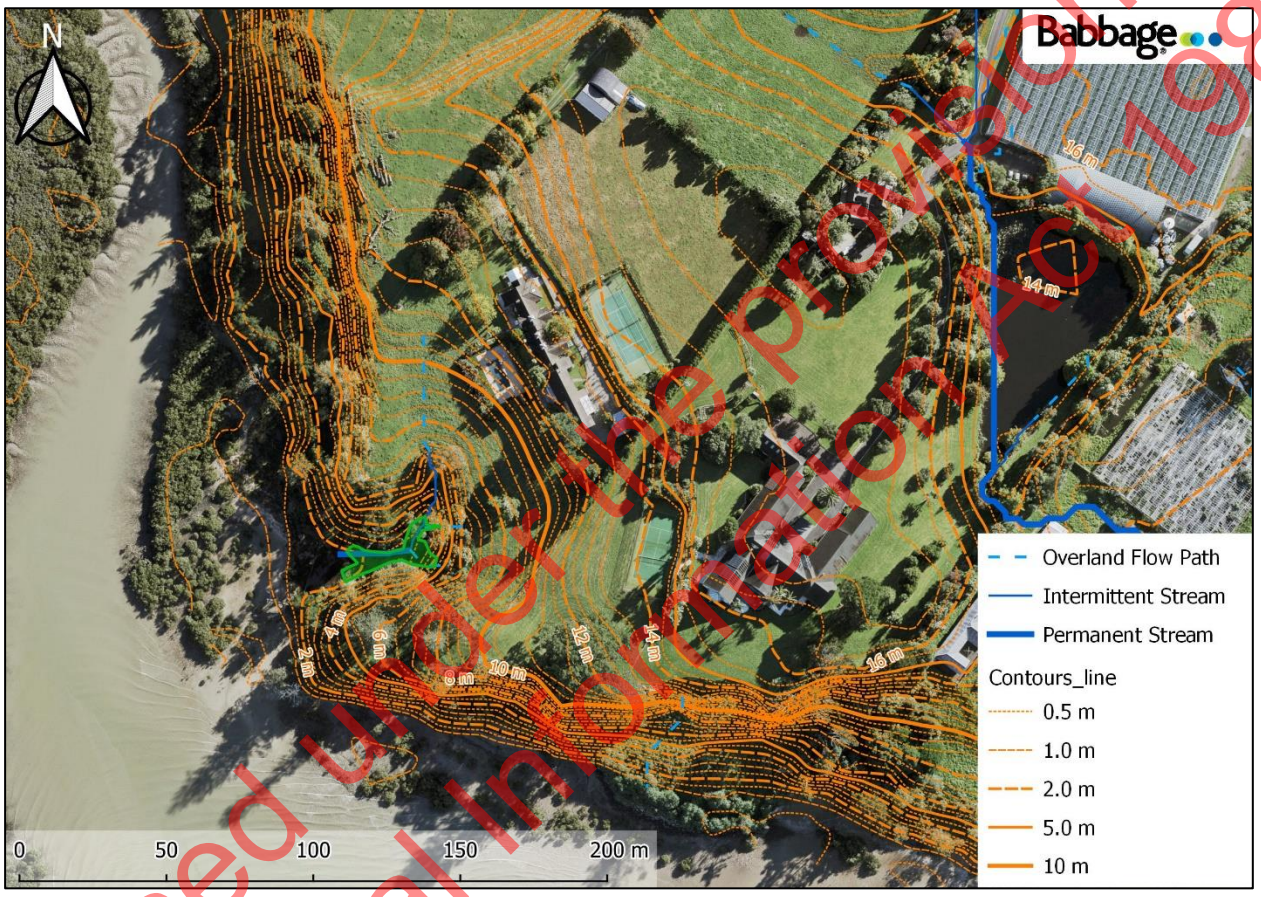


Figure 4: Land Contours from Auckland Council GIS and flow paths, streams and wetland.

Based on the land contours, the catchment of the wetland covers about 2.4 ha (Figure 5). The catchment can be split in three distinct areas, based on slope:

- An upper catchment area of 1.7 ha, mostly flat to gentle sloping (0 to 5 degrees slope), comprising the top of the plateau and extending from 17 to 12 m RL;
- A mid catchment area of 0.4 ha, with gentle slopes (5 to 8 degrees slope), comprising the top of the gully and extending from 12 to 8 m RL; and
- A lower catchment area of 0.3 ha, with steep slopes (8 to 12 degrees slope), comprising the base of the gully directly around the wetland and extending from 8 to 2 m RL.

The upper and mid catchment areas are comprised of grasslands and some large residential properties with associated amenities (gardens, tennis courts, and swimming pools). The lower catchment area, in the immediate surrounding of the wetland, is more densely covered in vegetation, with the presence of bushes and trees.

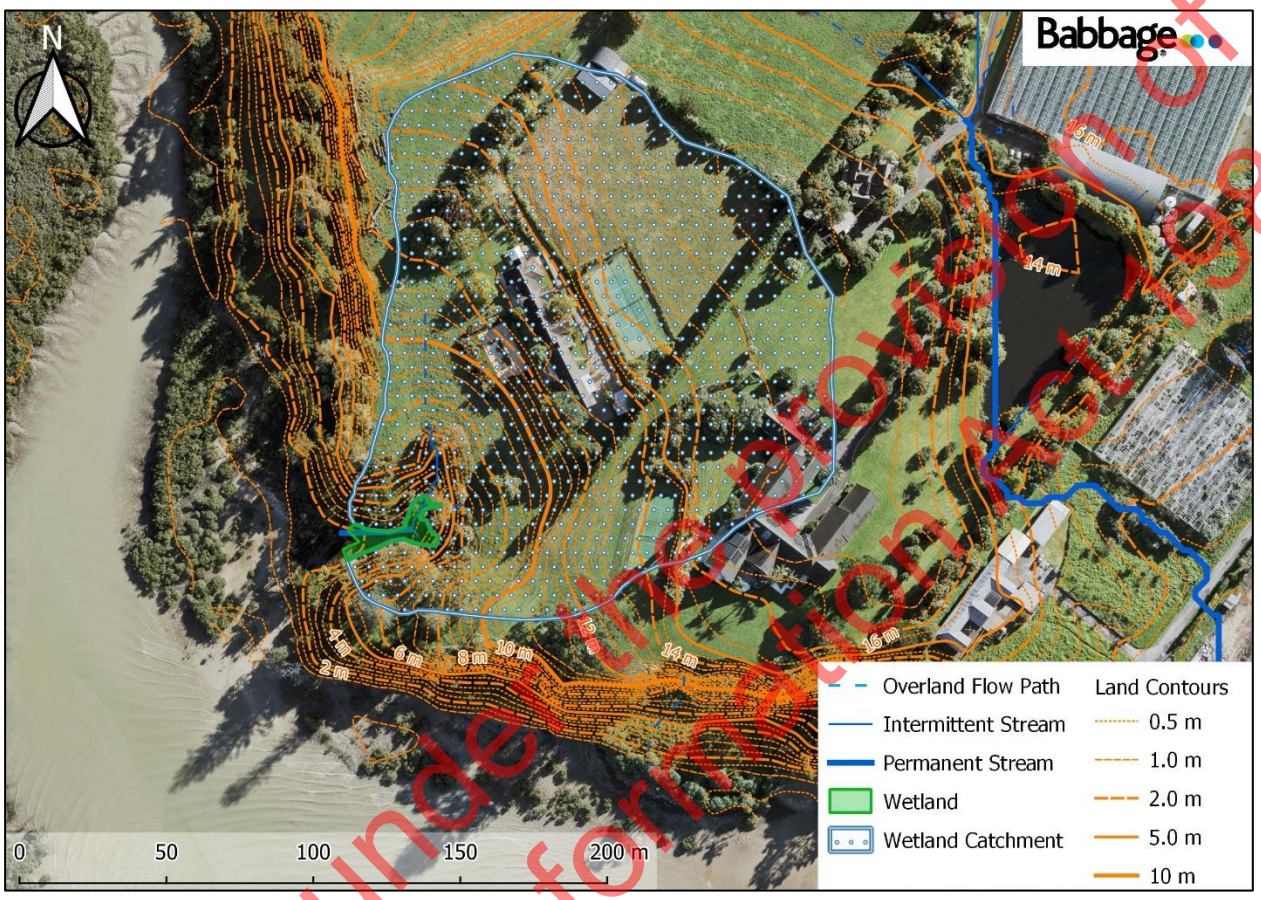


Figure 5: *Estimated catchment area of the wetland based on land contours from Auckland Council GIS.*

Wetland Hydrology

Based on the estimated catchment (shown in Figure 5) and weather and climate data from NIWA[2] for the region (summarised in Table 1), the wetland receives about 10,200 m^3 of stormwater per year, mostly from direct rainfall and runoff from the catchment. The inflow of stormwater to the wetland is summarised in Table 2 (attached).

Groundwater flows are likely a minor component due to the predominance of peat and silty clay layers (materials with very low hydraulic conductivity) underlaying the catchment (see earlier). Furthermore, as reported in ENGEO (2020), some groundwater is present as perched groundwater levels in the upper catchment area. Where the land slopes towards the coast, in the mid and lower catchment areas, the perched groundwater tables approach ground level and create seepage into the overland flow paths and

[2] The Climate and Weather of Auckland, 2nd edition. https://niwa.co.nz/static/Auckland%20ClimateWEB.pdf

intermittent streams, some of which discharge into the wetland. It is likely a lower groundwater level is present in layers underlaying the organic and inorganic clay and silt layers, which would have a direct/ albeit small, interaction with the wetland as explained in more detail below.

As described earlier, the outflow of water from the wetland occurs through an open channel to the west into the tidal areas of Limeburners Bay. Based on the calculated volumes of stormwater shown in Table 2 and given the shallow nature of the wetland, the wetland would be expected to constantly discharge into Limeburners Bay and maintain a constant (shallow) water level through the year. The shallow nature of the wetland in conjunction with the open channel means that any larger flows of surface water into the wetland quickly exit the wetland without significant changes in water levels.

Effects of the Proposed Development on the wetland

The proposed development (as per the plans provided by Aedivice on 28 March 2021) covers about 1.5 ha of the wetland catchment (60 % of the total catchment), as shown in Figure 6. Of this, about 1.2 ha is impervious in nature (e.g., roading and housing) with the remainder (0.3 ha) comprising gardens and green open space areas. The impervious areas are concentrated on the upper and mid catchment areas, with the lower catchment (the steeper areas of the gully directly around the wetland) not within the proposed developable area.

Figure 6: Estimated catchment for the Wetland overlayed to proposed development plan.

The main effect of the proposed development on the wetland hydrology is the diversion of stormwater from the wetland. This is mostly caused by changes in land contours and use of stormwater systems that divert stormwater flow from the catchment for treatment and discharge. It is also noted the proposed development intends to reuse up to 80% of rainwater at the dwellings. The reuse does not include garden irrigation (which would potentially return some stormwater as groundwater).

In the context of this wetland's hydrology, to avoid partially draining the wetland, the inflow of stormwater needs to be greater than the evapotranspiration losses over the wetland area. This will guarantee that the natural variations in the Wetland water level are maintained (i.e., the wetland receives enough water to offset the evapotranspiration losses and maintain a discharge to Limeburners Bay).

Table 3 shows calculated inflows and outflows of stormwater to the wetland after the proposed development under the conservative assumption that all the stormwater from the developable area will be diverted from the catchment. The calculations show that, for most of the year, the wetland will still receive enough stormwater from rainfall and the remaining catchment to maintain a discharge to Limeburners Bay, even considering maximum evapotranspiration losses (and therefore maintaining its extent and water levels). The only exception would be in December, when the reduced inflow of water is insufficient to offset the maximum potential evapotranspiration.

Changes in groundwater flow from the catchment into the wetland are considered a minor component in the wetland hydrology, as the subsurface layers are not considered to offer conditions for significant groundwater flow. A lower groundwater surface, present on the deeper sandy layers of higher hydraulic conductivity, is likely to discharge into the wetland. Although, this layer is unlikely to be receiving significant surface recharge at the Site, as evidenced by the perched groundwater levels, and therefore will not be significantly affected by the proposed development.

Conclusions

The wetland located in the southern corner of 4 Scott Road, Hobsonville, Auckland, receives water from a 2.4 ha catchment and discharges to the tidal areas of Limeburners Bay. The wetland is mostly fed by overland stormwater flows from the catchment. Due to the poor draining soils underlaying the area, groundwater seepage from the catchment is likely to be relatively small. Some groundwater flow might be present, originating from a lower groundwater surface recharged beyond the catchment area.

A large part of the catchment (60 % of the area) is proposed to be redeveloped into a residential area, and therefore, stormwater inflow to the wetland will be reduced. Nonetheless, as the wetland is shallow (0 to 0.2 m deep) and relatively small (236 m^2), the remaining catchment is sufficient to maintain the wetland hydrology (enough inflow of water to maintain natural water levels variations and a constant

discharge) through most of the year. The exception is in December, when a combination of lower rainfalls and high evapotranspiration potential might cause the wetland to have reduced water levels.

Therefore, to avoid effects on the wetland hydrology and maintain the natural water level variations and a discharge into Limeburners Bay, the proposed development is recommended to maintain a treated stormwater discharge to the lower wetland catchment areas corresponding to at least 10 m^3 per month from November to February (inclusive).

Table 1. Summary of weather and climate data from NIWA.

Metric	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Rainfall	85	73	102	91	87	107	142	140	109	96	95	105	1,231
Max PET	187	146	124	79	51	36	65	60	81	126	150	176	1,281
Mean PET	161	129	109	65	40	27	31	48	72	107	133	153	1,075
Min PET	137	113	91	52	33	18	23	35	61	87	116	139	905
Runoff	9	4	7	7	33	84	120	81	44	22	3	1	415

Note: All values in mm; PET: potential evapotranspiration.

Table 2. Summary inflow and outflow of stormwater into and out of the wetland before the proposed development

Metric		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Catchmen	Upper	155	69	120	120	567	1,443	2,062	1,392	756	378	52	17	7,130
	Mid	37	16	29	29	135	343	490	331	180	90	12	4	1,694
	Lower	24	11	18	18	87	221	315	213	116	58	8	3	1,091
Total runoff		215	96	167	167	788	2,007	2,867	1,935	1,051	526	72	24	9,914
Dir. rainfall		20	17	24	21	21	25	34	33	26	23	22	25	291
Total inflow		**235**	**113**	**191**	**189**	**809**	**2,032**	**2,900**	**1,968**	**1,077**	**548**	**94**	**49**	**10,205**
Max PET		44	34	29	19	12	8	15	14	19	30	35	42	302
Discharge *		191	78	162	170	797	2,024	2,885	1,954	1,058	519	59	7	9,903

Note: All values in m^3; Dir. Rainfall: Direct rainfall captured by the wetland area; Max PET: Maximum Potential Evapotranspiration from the wetland area; *: Estimated discharge, does not include groundwater inflows and outflows.

Table 3. Summary inflow and outflow of stormwater into and out of the wetland after the proposed development.

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Catchmen	Upper	56	25	43	43	204	519	742	501	272	136	19	6	2,566
	Mid	9	4	7	7	34	87	125	84	46	23	3	1	432
	Lower	19	8	15	15	70	178	254	171	93	47	6	2	878
Total runoff		84	37	65	65	308	784	1,121	756	411	205	28	9	3,876
Dir. rainfall		20	17	24	21	21	25	34	33	26	23	22	25	291
Total inflow		**104**	**55**	**89**	**87**	**329**	**810**	**1,154**	**789**	**437**	**228**	**50**	**34**	**4,166**
Max PET		44	34	29	19	12	8	15	14	19	30	35	42	302
Discharge *		60	20	60	68	317	801	1,139	775	418	198	15	- 7	3,864

Note: All values in m^3; Runoff values based on all stormwater from the developable areas being redirected away from the catchment; Dir. Rainfall: Direct rainfall captured by the wetland area; Max PET: Maximum Potential Evapotranspiration from the wetland area; *: Estimated discharge, does not include groundwater inflows and outflows or any stormwater discharge from the development.

Annexure F – Copy of the draft minutes from the 19 April 2021 Meeting

1. MEETING DETAILS

Date 19/04/2021 **Time** 10am

2. MEETING PARTICIPANTS - CUSTOMERS

Name	Area of expertise / profession / title
Nick Mattison	Director & Planner – Civix Ltd
Alvin Jung	Senior Planner – Civix Ltd
Helen Mellsop	Director – Helen Mellsop Landscape Architect
Peter Kelly	Senior Transport Engineer - TPC
Sarah Macready	Director – Clough & Associates
Engineer	
Engineer	

3. MEETING PARTICIPANTS - COUNCIL

Name	Title	Role at meeting
Nicola Holmes	Principal Specialist - Planning	Planning/Record taker
Mitra Prasad	Team Leader – NW Development Planning	Auckland Transport
Brian Wolfman	Senior Development Planner	Auckland Transport
Ethan Fu	Senior Development Engineer	Development Engineering
Nagaraj Prabhakara	Traffic Engineer	Traffic Engineering
Ash Richards	Parks Planner	Parks Planning
Mica Plowman	Principal Heritage Advisor West	Cultural Heritage - archaeology

4. SITE & PROPOSAL

Site address of proposal

Street number and name: 4 Scott Road, Hobsonville

Brief Description of Proposal:

Residential development to crate 435 residential units and a series of public and private roads to service the development, along with associated servicing. Land disturbance activities will also be required to facilitate the development.

5. INITIAL COUNCIL COMMENTS

Matter / Item 1: Parks

- Parks assessment around the width of the esplanade reserve will have to take into consideration the Coastal Hazard Assessment and any archaeological or heritage requirements.

- The proposed public access and pathway is supported and plans should be provided with any resource consent to show adequate width (3m preferred), gradients, provision for drainage, and ongoing maintenance requirements. The location of the path should be designed in accordance with the outcomes of the Coastal Hazard Assessment.

- Landscape Plans can be reviewed for species and locations to ensure specimens are appropriate for the soil type etc. and there is sufficient protection, restoration and amenity provided. Please note that under the current funding environment, Parks have to carefully balance acquisition of assets with maintenance cost. Please ensure all assets are appropriate for the environment and have few ongoing maintenance obligations.

- The Engeo (2020) report provides brief site context and general qualitative description of coastal erosion, however it does not provide adequate detail for a site specific coastal hazard assessment based on the Auckland Council Coastal hazard assessment guidance memo.

- A site specific coastal hazard assessment (CHA) is requested. The CHA must provide details of the parameter values and calculations applied to determine the area susceptible to cliff erosion, and should also factor in the effects of sea level rise. The 100 year cliff regression line should be shown as an overlay on the proposed site layout plans. I have attached an updated version of the Auckland Council CHA guidance.

- The proposal should demonstrate how the coastal erosion hazard risk is avoided with adequate set back and site layout of the subdivision prior to any options for structural coastal protection to remedy or mitigate the hazard. The CHA is required to demonstrate that adequate width of proposed esplanade reserve will remain over 100 year planning timeframe. The plans must show mean high water springs (MHWS) and should show the top of bank (or cliff crest) line on the plans to demonstrate that the proposed reserve area has adequate width suitable for public access.

Matter / Item 2 - Archaeology

No written comments have been received however at the pre-application meeting the following comments were made by MP:

- Currently there is work being undertaken to re-classify the site as a Category A* and therefore any development will need to avoid the heritage site. The applicant should address the effects upon extension of the boundary. (No timeframe was given as to when this would occur if the re-classification was deemed appropriate).
- The walkway is viewed as a positive attribute.
- Works within the heritage overlay area for the construction of a stormwater pipe is not supported.

AJ updated council in terms of mana whenua engagement currently being undertaken and noted the following:

- Ngati Whatua Orakei do not require a CVA to be prepared but want a low impact stormwater outfall.
- Ngati Whatua o Kaipara have no issue with the proposal.
- Ngati Manuhiri defer to Ngati Whatua o Kaipara.
- Awaiting feedback from Te Kawerau a Maki.

Matter / Item 3 - Engineering

Stormwater Discharge and Stormwater Management

- It is understood that the stormwater runoff from the proposed development will be discharged to the existing outlet adjacent to Ngaroma House Drive. It shall be considered the development is greenfield development, therefore a stormwater management report is required prepared as per Precinct Plan and Schedule 4 - Regional Stormwater Network Discharge Consent (NDC) which will be reviewed by the HWT. Please see the attached documents for your reference.
- It has advised in the meeting that the number of raingardens along the proposed public road shall be minimized to reduce council's maintenance cost as emphasized by HWT. Also please note if stormwater tanks are to be proposed, tank details and sizing calculations will need to accompany the resource consent application. The location of the tanks must also be clearly shown. If they are located above ground, their placement must be carefully considered so that they do not compromise outdoor living areas.
- A capacity check of the downstream stormwater network is also required and should be provided as part of an infrastructure report addressing the overall connection of the site to the stormwater network. If there are capacity constraints identified then it will be necessary to provide additional mitigation for the 1 in 10 year AEP rainfall event.

Wastewater and water supply

- Given the scale of the development, there is capacity restriction for wastewater network to serve the proposed development, a pump station will be installed by WSL, therefore, it is believed the wastewater capacity will be addressed accordingly with WSL's review letter along the submitted application.
- The water supply layout shall be shown in the plan to demonstrate the development will be well served and fire fighting serviced.

Earthworks and Geotechnical

- Resource consent will be required if the proposal exceeds the permitted standards under E11 & E12 of the AUP (OP). Earthworks plan at resource consent stage detailing all proposed sediment and erosion control methods and be advised that adverse effect of land disturbance shall be avoided as far as practicable in terms of the stability and safety of surrounding land, buildings and structures and on water quality and receiving environments.
- The geotechnical investigation report will be reviewed by Council's geotechnical specialist at the application process stage.
- Please be advised resource consent will be required for diversion of groundwater does not meet the permitted activity standards.

Natural hazard

- Flood assessment report shall be provided as the subject property contains overland flow path to demonstrate the extent and depth of the flood water for 100 year ARI rainfall event as per E36 of AUP-OP.
- Freeboard shall be provided for vulnerable activity and less vulnerable activity respectively as per Section 4.3.5.7 of SWCoP.
- 1m sea level rise shall be considered for the proposed development to ensure the dwellings will be freed from coastal inundation hazard.
- Coastal erosion line shall be shown in the plan to ensure the dwellings are away from the erosion hazard.

Matter / Item 4 – Traffic Engineering

The proposal consists of the following transport elements:

- Two connections are proposed to Scott Road, with one road providing for vehicle movements and one connection (Road A) being for cycle/pedestrian use only consisting of an 8m width overall (2.5-3m shared path with landscaping either side).
- Internal roads will be designed to be local roads with a 30kph design speed, including traffic calming measure to achieve speeds, 1m back berms., 1.8m wide footpath and 2.1m front berms.
- Pram crossings on all roads.

A final memo from AT has not yet been received however the following traffic comments were made during the pre-application meeting:

- Frontage upgrade along Scott Road with kerb and channel and pedestrian path and cycleway to match the frontage on the opposite side.
- Bus shelter and bus stop to be installed near to the one located outside the Ryman site, along with a safe crossing point.
- Retaining walls to be contained within site boundaries and not in the road reserve.
- Traffic assessment needs to demonstrate that parking supply meeting demand. (AJ noted that the parking is compliant with the AUP requirements).
- Construction traffic to use T(?) Road.
- AT to advise on the extent of area the transport assessment should consider.
- Avoid access in close proximity to the access serving the Ryman site.
- The intersection between Scott Road/Clark Road/Ngaroma House Drive will need up upgrading to a mini roundabout within the existing road reserve that has priority crossings on all legs and calming device.

Matter / Item 5 – Regional Earthworks and Streamworks

- There following areas of wetland identified within the ecology report and are considered natural wetlands:
    - 2 salt marshes transitioning into the mangrove estuary (coastal but above mean high water spring)
    - A wetland on the south-east boundary with stream flowing into it.

- The gully on the western portion of the site is questionable; an area of open water is consistently visible throughout previous aerials. Notable changes in vegetation/colour and extent of water are evident between summer and winter months. This could be a seasonal wetland. Further comment/assessment should be sought for this area.

- Due to the presence of natural wetlands, the consent would trigger resource consent under the National Environmental standard for Freshwater (2020). In particular:
    - 54(c) for stormwater diversion and discharge.
    - 54(c) for wastewater discharge.
    - 54(c) for diversion and discharge of water during bulk earthworks (via clean water bunds and sediment retention ponds etc).

- Water quality, quantity and freshwater ecology assessments will need to be provided for the discharge applications, in addition to assessments against GD01 and TP58.

- Permitted activity assessments will also need to be supplied, including to satisfy that the proposal is not prohibited under regulation 53:
    - 52(1) & 52(2) Hydrological assessment for all activities within 100m of a natural wetland. The assessment will need to demonstrate that the earthworks, diversions and discharges etc will not result in drainage or partial drainage of the wetlands.
    - 38(1) Restoration of natural wetland (pest/weed management).
- Standard detail for regional earthworks is required – erosion sediment control plans, cut/fill plans etc to demonstrate how potential sediment discharges will be managed.
- Note that the site is also adjacent to the coastal marine area and is a sensitive receiving environment. Staging/maximum open area or implementation of an adaptive management plan should be considered.
  RC 3.2.22 Erosion and Sediment Control Adaptive Management Plan Discussion Document and Exemplar.pdf (aucklanddesignmanual.co.nz)

Matter / Item 6 – Coastal (NRSI)

The applicant has provided a short statement on coastal erosion hazard assessment in the Geotech report, stating "10m regression over 100 years is a realistic assumption". The report seems to point towards coastal structures at a later stage being sufficient to manage any erosion hazards.

As this is a greenfields development, policy direction is to avoid coastal hazard rather than mitigate it. Please request a site specific coastal erosion hazard report to show the area susceptible to coastal erosion in the next 100 years, and plans showing the 100 year regression lines. The report should demonstrate that the proposed dwellings are outside of the 100 year

areas susceptible to erosion, and should also assess the impact of this erosion on the width of the esplanade reserve proposed.

I note that there are no coastal structures in the adjacent CMA at the moment. Any proposed structures in the CMA will need a coastal consent, noting that consultations under the marine and coastal area act need to be undertaken before the coastal consent is lodged.

Matter/Item 7 – Built Heritage

I have reviewed the documents provided for the pre-application meeting, and based on my understanding of the proposal at this stage, I will have the following comments:

- According to the Heritage Memorandum, the applicant have relied "upon Auckland Council's legacy statement of values and Heritage Assessment of 4 Scott Rd to provide a baseline of the historic values of the subject place. We note that while the scheduled place has recognised values for its local historical and aesthetic associations, it is not recognised for any context, setting, or technological values". My understanding of the discussion held with the council during the consultation process of the Auckland Unitary Plan proposed in 2015 (following which the extent of place was reduced to the only footprint of the house), is that there was not a lot of info to support its values at this time, and that recommendation for further review was made by the Built and Cultural Heritage Policy team.

- Also, at this time (in 2015), the following additional comment was made by the team: "there has been a suggestion by the submitter that an application for the relocation of the house might be made at some future point. This would obviously need to be assessed against the provisions of the relevant plans but it would be recommended that, if relocation were to occur, an appropriate area around the house in its new setting be provided as an extent of place". Therefore, I understand that a reasonable breathing space around the house would be expected.

- In the proposal, "the historic house will retain front, side and rear yards, maintaining its immediate landscape relationship". This is not true: replace the existing hedges and vegetation with three-storey blocks, remove the drive driveway and put a hedge or a fence alongside the historic house, do not maintain the immediate landscape relationship.

- At that stage and based on the provided documents, my overall impression is that the protected house will be overwhelmed by the surrounding three-storey long and bulky blocks, and that it will be hardly perceptible, or in a very limited catchment, from Scott Road. Therefore, a strong assessment including context and views demonstrating that the historic house will not be completely dominated would be necessary to support the application.

- Suggestion is made to provide:
  - good landscape plan to soften the surrounding new tall blocks
  - particularly good design and architectural detailing for those buildings around the historic house to ensure the elevational treatment of the new blocks will "positively respond to the traditional domestic scale and architecture of the original worker's cottage".

- It would be also necessary to demonstrate that "the proposed 'break' in the continuity of the otherwise anticipated taller, street facing apartment blocks will effectively frame the historic house to passers-by and provides contrast amidst the new built forms" and how this outcome will be able to "enhance the values of the scheduled building by

providing a deliberate visual break to passing foot and road traffic, rather than blending the house into the adjacent built forms".

- I understand that the driveway and access to the house from Scott Road will be removed. Therefore, it is not totally correct to consider that "the house will continue to directly address Scott Rd, maintaining that connection to the public realm", because there will not be any more access from the public realm.

- It is noted that repair and maintenance work to the historic house is proposed, and that the work will likely comply with the standard set out under chapter D17.6.2. of the AUP(OIP). While permitted, the repair and maintenance work shall be secured with the resource consent, in order to ensure that the work is made and that the proposal "will (effectively) have an overall enhancing effect on the values of the place, ensuring its ongoing use".

- The site also includes the Category A* Clark Pottery and Brickworks (Schedule ID: 00002) extent of place. The Heritage Memorandum says that "all proposed development works are outside this extent of place and will have no effect". At this stage, I am not able to comment further on that particular point.

Matter/Item 8 – Contaminated Land

I have reviewed the following technical documents with reference contamination matters under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES:CS) and Chapter E30 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)).

- *Environmental Site Investigation, 4 Scott Road Hobsonville, Auckland*, prepared by ENGEO Limited, dated 2 December 2020

In addition to the above I have also briefly reviewed the other preliminary plans and reports provided as part of this pre application process (under this proposed fast track consent) to better understand the development plans for this site.

I understand the applicant is proposing to undertake a large residential development at this 7.5 ha site at 4 Scott Rd Hobsonville. The high-density residential development will involve the construction of some 426 units along with associated infrastructure (including roading, servicing and reserves).

Plans provided show large scale earthworks are required over an area 60 571m^2 involving approximately 67,881 m^3 of earthworks, a total of 3,529m^3 of this will be surplus topsoil that will be removed from the site.

The site is currently undeveloped land (areas of grass and densely vegetated areas) with the exception of a single residential house in the central northern area of the site (adjacent to Scott Rd and a larger residential lifestyle block in the southern area of the site.

The site is not listed on council's database as being a potentially contaminated site, however the surrounding area is tagged due to activities associated with large scale historical horticultural in the region.

The PSI/DSI identify several potential contaminating activities on the site including; filled ground, lead-based paint and asbestos on existing and former buildings and "spray drift" onto the site from surrounding sites.

Soil testing identified several contaminations 'hotspots' of heavy metals (namely arsenic and lead) and asbestos that potential pose a risk to human health.

- The concentration of arsenic one sample (SS08), positioned inside the shed, exceeded the standard residential human health criterion, but was below the high-density residential human health criterion.

- The concentration of lead in two of the five samples (SS19 and SS22) collected around the northern dwelling exceed the standard residential human health criterion. Sample SS22 also exceeds the high-density residential human health criterion and contained a asbestos that exceeded safe human health level for "all site uses".

- The concentration of arsenic in composite sample CS03 exceeded the adjusted standard residential human health criterion, however was below the adjusted high-density residential human health criterion.

The PSI/DSI concluded that the remediation of soils was likely required for the site to be suitable for future high residential land use. Specially around sample location SS22.

Although the lead in sample SS22 also exceeded the regional environmental permitted activity discharge criteria it was considered this location would represent less than 200m3 which would comply with the Permitted Activity threshold of E30.6.1.2 and therefore no short-term discharge consent would be required, provided management procedures are in place during the earthworks in this area. ENGEO recommends that a Remedial Action Plan (RAP) be prepared to support the resource consent application.

The heritage report states this northern dwelling is a heritage listed, single storey, former workers cottage , dated from around the 1920s. The applicant intends to retain the house in its original location and carry our repair and maintenance works. It will continue to be used as a private residence.

Although I agree with ENGEOs assessment the removal of impacted soil in identified "hot spot" areas prior to bulk earthworks commencing will ensure the site is made safe for the residential development. I also recommend this remediation work be carried out after all the maintenance works have also been carried out. As any maintenance works on painted surfaces of this historic dwelling may result in further contamination of the surrounding soils.

I agree a plan of the intended remediation strategy will be required prior to commencing any works on this site. Therefore the RAP should be provided with the application when it is submitted for processing. The RAP should also include management procedures for the balance of the earthworks (outside the hotspot areas) due to the detection of contaminants above background levels in topsoil across the site.

The RAP should outline remediation requirements for soil impacted by contaminants above human health and environmental discharge criteria, as well as monitoring and management procedures for the balance of the earthworks due to the detection of contaminants above background levels and potential for encountering unidentified contamination. The remedial works are likely to include:

- Removal of impacted soil in identified "hot spot" areas.

- Validation soil sampling to confirm impacted soil above human health and environmental discharge criteria has been removed from site (following the completion of all maintenance works)

Based on the lead exceedances the future land subdivision and associated land disturbance is likely to be considered a restricted discretionary activity under Regulation 10 of the NES:CS (If a suitable RAP is provided). While the remediation works will meet the permitted activity standards under Chapter E30 rules of the AUP(OP).

Matter/Item 9 – Arborist

While the works appear to be largely distanced from the protected root zone of the notable trees, there is scope for longer term damage if the adjacent earthworks result in a change in soil hydrology such as an increase of decrease in overland flow and/or the lowering or raising of the water table. The Applicant needs to address this in their assessment and physically exclude any machine activity from causing damage to the protected rootzone of these trees by way of adequate protection fencing for the duration of the works.

Matter/Item 10 – Heritage Arborist

It is good that the works appear to be largely distanced from the protected root zone of the notable trees but I cannot suggest my support or otherwise until I have had a more thorough assessment.

The arborist report is somewhat inadequate as does not consider all works within the protected root zones or the potential for earthworks to alter hydrological cycles or put forward control measures and methodologies.

6. IMPORTANT INFORMATION

The purpose of a pre-application meeting is to facilitate communication between applicants and the Council so that the applicant can make informed decisions about applying for consents, permits or licenses.

The views expressed by Council staff in or following a pre-application meeting are those officers' preliminary views, made in good faith, on the applicant's proposal. The Council makes no warranty, express or implied, nor assumes any legal liability or responsibility for the accuracy, correctness, completeness or use of any information or views communicated as part of the pre-application process.

The applicant is not required to amend their proposal to accommodate the views expressed by Council staff, nor to comply with any suggestions made by Council staff. Further, it remains the applicant's responsibility to get their own professional planning and legal advice when making any application for consents, permits or licences, and to rely solely on that advice, in making any application for consents, permits or licenses.

To the extent permissible by law, the Council expressly disclaims any liability to the applicant (under any theory of law including negligence) in relation to any pre-application process.

The council acknowledges that the confidential nature of pre-application meetings is important to encourage future applicants to engage with the council and attend pre-application meetings. By attending a pre-application meeting, both parties expect that the meetings are held in confidence and the intention is that the associated information that is provided to the council at these meetings, and the meeting minutes, will remain confidential. However, under the Local Government Official Information and Meetings Act 1987 any person may request any information that is held by the council. There is a presumption that information is made available unless there is good reason for withholding it, which is not outweighed by the public interest in making the information available. This is assessed on a case by case basis.

All resource consent applications become public information once lodged with council. Please note that council compiles, on a weekly basis, summaries of lodged resource consent applications and distributes these summaries to all local boards and all mana whenua groups in the Auckland region. Local boards and mana whenua groups then have an opportunity to seek further details of applications and provide comment for council to take into account.

Submitted for approval as accurate record of meeting by record taker	**Name:**	
	Signature:	
Approved as accurate record of meeting by meeting lead	**Name:**	
	Signature:	
Approved as accurate record of technical requirements by reviewer [delete this signature box if not required]	**Name:**	
	Signature:	

Annexure G - Urban Design feedback

20.04.21

Hi Nicola

Thank you for the opportunity to review the pre-application proposal for **4 Scott Road, Hobsonville (PRR00036350)**

Construction of 426 units along with associated infrastructure (including roading, servicing and reserves).

Please find below my urban design comments for inclusion in the pre-application meeting minutes:

High level UD comments

Site is noted to be covered by the following:

MHU, MHS, General Coastal Marine, Single House zones.

Scott Point Precinct

Heritage and Notable tree overlays.

General/Layout

- Recommend LA and Heritage specialists provide comments.
- Consideration of adverse effects on dwelling on the north corner and south east boundary.
- Consider amalgamating the north corner site to form an improved development layout and frame for the street edge.
- Consider retaining any existing, mature and notable trees on site that could fit with the proposed development to add instant landscape character and visual amenity to the development. Noting trees along existing access road through middle of the site.
- The proposal generally fits with the Scott Point Precinct master plan layout, in that it provides a direct road link north south to the coast through the centre of the site. Other roads connect crosswise allowing connections with future development sites are positive. However it doesn't provide a northeast- southwest link road around the middle of the site from Ngaroma House Views road. Instead the road connection that could do this (Road E) turns south rather than connecting with the opposite edge of the site. This limits the sites permeability and connections with the wider locality and future development. Could this connection be provided instead of the parking between Block C4 and 11E?
- Consider providing a stronger visual connection with the coastal edge at the end of Road B. Currently views to the coast are offset and this view shaft could be better aligned with the road and strengthen.
- Concerns with the proposed long terrace development within zone B onwards not meeting AUP zone expectations for density and character. Specifically along Ngaroma House Views road. MHS development should generally consider duplexes or short length terraces. 3 and 4 unit terrace blocks would be more appropriate and a gradation of dwelling intensity reducing the closer to the coast is recommended.
- While a positive mix of unit typology is provided across the whole site, they tend to be grouped together rather than mixed across the site. If shorter terraces were proposed, a

greater mix of typology along a street could possibly be achieved and provide more built form variety along the streetscape enhancing character and amenity.

- A walkable block structure is generally provided.
- The perimeter block layout is a logical layout design.
- Many public 'fronts' are not designed as public fronts and provide the private outdoor space and or rear designed dwelling facades (sliding doors) facing the street. This reduces the character and quality of the streetscape.
- Street fronting outdoor space is generally not recommended due to privacy and amenity effects on private outdoor space. Comments on how this layout and arising issues were considered are required to support any proposal. However, it is noted that rear lane parking and solar orientation benefits are noted. Well designed front outdoor spaces with appropriate landscape planting is required to offset adverse privacy and amenity effects while balancing passive surveillance of the street.

Individual lot layout issues

- Apartment A1 and A4 provide a poor street frontage to Scott Road. End elevations fronting the main street are not recommended.
- Layout of apartment buildings surrounding the heritage building do not appear to be sensitive or complementary. There are concerns with this layout and streetscape character. Heritage specialist should take lead on this matter.
- Zone D and E have long terraces providing end elevations fronting the coastal street resulting in no active frontages on that side of the street. In addition, the double parking areas fronting the street have an adverse character and amenity impact. Shorter block designs, as envisaged by the AUP for this zone, would allow for re-orientated dwellings/blocks to front streets instead and provide a more active street frontage.
- Three storey height and multi-unit development along the coastal edge is considered contrary to the AUP zone expectations.

Typology Matters

- Terrace typologies A, C1 and C2 show as having the rear of units facing the streets for blocks the majority of blocks. This presents sliding doors and tall boundary fencing as fronting the street. Sliding doors are not supported as an acceptable front façade entrance design and neither is tall boundary fencing, both raise streetscape character, amenity and passive surveillance effects. Street fronting facades should be designed with a traditional single front door and fencing should be lowered to 1.2m in height.
- Typology A units have no glazing at ground floor on the front elevation with the front door. It is recommended that additional glazing is provided from the stairwell and kitchen to provide more connection with the street and provide passive surveillance opportunities.
- There are concerns with typology D as it provides a garage door dominant street frontage with no ground floor activation or passive surveillance of the street. This typology design and garage dominance conflicts with the Scott Point precinct plan standard regarding garages.
- No typology plan for F type provided.
- Walk up apartment typologies do not provide any glazing from the kitchen onto the semi-private walkway and breezeway significantly restricting passive surveillance towards this space and the street. Reconsider this building frontage design. In some this provides a blank wall elevation discounting the doors.

- No elevations for walk up apartments are provided for review.

Development Height and density

- Concerns with the proposed long terrace development not meeting zone expectations for built form, density and character within zone B onwards. Specifically along Ngaroma House Views road. Development within MHS zones should generally consider duplexes or short length terraces. 3 to 4 unit terrace blocks would be more appropriate and a gradation of dwelling intensity reducing the closer to the coast is recommended.
- Overall density of units is considered intense for the MHS zone and concerns are raised around effects on residential and streetscape character and spaciousness.
- Recommend providing taller height dwellings (such as three stories) along Scott Road. Cognisance of the heritage building's setting and possibly stepping down building height around it.
- Apartment lengths fronting Scott Road should be broken up and reduced.
- Concerns with proving three storey development along the coastal edge. Recommend keeping height lower.
- Concerns with providing multi-unit and tree storey development form along the coastal edge. Further consideration of the AUP zone requirements and the single house zone character should be provided.

Building Design

- Need to consider how dwelling and block appearances are provided variety, articulation and modulation to avoid repetitive and monotonous streetscapes.
- Its not clear what drawing 21-01 shows as no single or duplex units are proposed. Consider clearly designing the duplex unit frontages to be able to identify individual units.
- It is noted that longer terraces have been designed in a specific manner and appearance. Architectural statements regarding this design concept should support any proposal.
- The material palettes shown look positive. However these needs to be shown in relation to typologies proposed and in relation to the overall streetscape. This is to understand the variety proposed along the full length of streetscapes.
- Other unit material palettes are required for review.
- Coloured rear elevations need to be provided for review.

Outlook

- There are a number of upper level apartments which infringe outlook onto an adjacent dwelling. There are concerns with loss of privacy and provision of amenity for the adjacent dwelling. This is compounded by the fact that balconies extend closer to the boundary, increasing their presence and overlooking effects.
- Screening measures to reduce overlooking effects should be considered.
- Concerns with outlook conflict and privacy matters between the breezeway and the single bedroom window within certain blocks.
- Plan 31.10 and 11 need updated to identify outlook infringements as per the key.

Outdoor Space

- Balconies of the two bedroom apartments are undersized in area and dimension. They should be increased to meet the AUP minimum requirements. Infringement of this across multiple units is generally not supported from a design perspective.

Shading of Outdoor space

- Some terrace's outdoor space may receive less than acceptable direct sunlight and significant shading due to their orientation and the proximity of other adjacent terraces. (Blocks: B3, B5, B8, C2, D8, E4, E5, E8, F1-2 and G1-2 specifically) Shading diagrams on an hourly basis during the equinox (21st Sept) with the quantification of sunlight access should be provided for review.

Landscape Treatment

- Generally well provisioned street tree planting is provided.
- Planting between car parks and the street should be made more substantial to better screen cars.
- More plant bed buffers spaced along long rows of car parks to soften intensity of parking areas should be provided. Some are done well but others have none or too few.

Street Design

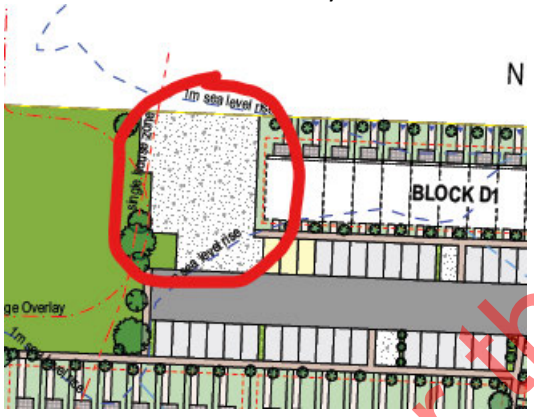
- No pedestrian crossing connections on the perimeter path network from each block across road berms is proposed. Recommend providing path extensions at suitable corners and mid-street locations to allow safety when crossing the street. Demarked pedestrian crossings across the roads is also recommended. These will help create a safer walkable neighbourhood.
- Laneway use and rear parking courtyards are generally supported in principal as this removes car parking from the street. However landscape screening from the streetfront and quality of space design within rear lanes providing resident amenity is of high priority. Further consideration of landscape planting to break up long runs of parking, pedestrian path widths being a minimum of 1.5-1.8m and having suitable boundary treatments to provide a well overlooked and connected space.
- Laneway surfaces should be broken up with different colour and textured materials to reduce visual dominance of the large area of hard surfaces and lower speeds.
- Laneways should be designed to provide high quality amenity for residents and pedestrians.
- Traffic calming treatments should be provided within long laneways and within long straight public roads to better manage vehicle speeds.
- All rear lanes should be provided with pedestrian access for pedestrian safety and amenity.

Coastal Walkway

- Is a coastal walkway proposed? While paths leading to the coast from the perimeter road is welcome they appear to go nowhere. Consideration of joining these up along the coastal edge should be given Council Parks should be contacted for advice/requirements for esplanade.
- A clearer link path to the esplanade should be provided at the end of Road A to enhance pedestrian connectivity.

Waste Management

- Communal bin storage areas for private collection are generally supported in principal but the positioning of these fronting the street is not supported from a design perspective. Alternative locations set back from the street front, preferably within the laneway parking areas are strongly recommended. These should be well designed, screened and landscape planted.
- Closer located waste bin areas should be considered for Blocks: A1, A6, D6, G1, F1, F2. Smaller block lengths could help to resolve this with additional bin stores.
- Clarification on what is happening with this lot should be provided (refer image below)? This is identified for refuse on the plan and is considered a very large and unacceptable area. More detailed information to explain this and its design is required. Concerns with street front character and amenity effects.



Further information required:

- A site plan showing the proposed development overlayed with the AUP's split zoning for the site should be provided.
- Evaluation of how proposal meets zone built form and character expectations.
- Missing typology elevations.
- Missing material palettes.
- Full streetscape elevations should be provided at an acceptable scale and detail to understand the use of colour, materials, modulation and articulation along streetscape.
- Detailed landscape plans.
- Waste storage area elevations
- Lighting plans for laneways/parking areas and paths.

Relevant Urban Design Guidance

- Applicant should strongly consider design guidance:
  - Auckland Design Manual (ADM) for stand alone and terrace Dwellings: http://www.aucklanddesignmanual.co.nz/sites-and-buildings/terraces http://www.aucklanddesignmanual.co.nz/sites-and-buildings/stand-alone
  - ADM Design Elements, specifically regarding garages, surveillance, privacy, and waste: http://www.aucklanddesignmanual.co.nz/regulations/design-for-the-rules

Yours sincerely,

Andrew Henderson

Principal Urban Designer

Annexure H - Supplementary ecological report

MEMORANDUM

Bioresearches
A Babbage Company

TO:	Aedifice Development Limited	Date:	5 May 2021
COPY TO:	Nick Mattison, Civix	Job No:	63905
FROM:	Mark Delaney, Senior Ecologist		

4 SCOTT ROAD – ECOLOGY ASSESSMENT

Introduction

Aedifice Development Limited are proposing a residential development[1] at 4 Scott Road, Hobsonville (Site). This memorandum provides a high-level assessment of ecological effects for the aforementioned development.

Methodology

An initial site visit was undertaken by an experience ecologist on October 21st, 2020. Botanic and terrestrial fauna values within the Site were qualitatively assessed. Fauna habitats assessed considered indigenous lizards, birds, and bats. Overland flow paths / watercourses were classified under the Auckland Unitary Plan - Operative in Part (AUP-OP) to determine, in accordance with the definitions in this plan, the ephemeral, intermittent or permanent status of these watercourses. Wetlands were identified within the Site as per the definitions and criteria laid out in the National Policy Statement for Freshwater Management 2020 (NPS-FM). The aquatic habitat was then qualitatively assessed. The identified ecological features within the Site are presented in Appendix I and photos of these features are provided in Appendix II.

Existing Environment

Background and Ecosystem Classification

The Site is within the Tāmaki Ecological District of the Auckland Region. Historically (pre-human), the area would have comprised the forest ecosystem type of pūriri forest (WF7-1) and would have supported a diverse range of invertebrates, amphibians, reptiles, birds and bats (Singers et al., 2017). WF12 ecosystems have a regional International Union for Conservation of Nature (IUCN) threat status of "Critically Endangered". Earliest historical aerials available, indicate that the Site and much of the surrounding landscape has been devoid of native vegetation and managed as agricultural land for at least the last 80 years (Appendix III).

[1] Proposed Masterplan, Drawing no. 2448-00-13, prepared by Brown Day Group

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Currently, the Site consists of managed pasture, two dwellings, farm outbuildings and a mix of exotic and native vegetation. The Site does not support a recognised current terrestrial ecosystem type, as classified under the AUP OP: Biodiversity current extent and is not subject to any Significant Ecological Area (SEA) overlay.

The Site is surrounded by a mixture of residential development and agricultural land and the coastal marine area to the south-west. The surrounding agricultural land is zoned for residential.

Terrestrial Ecology

The site predominately consists of managed pasture with associated exotic shelterbelts and amenity plantings surrounding the dwellings. Along the southwestern boundary a stand of mature exotic and native trees runs along the coastal edge which transitions into the coastal marine environment. The coastal marine environment consists of salt marshes and a mangrove estuary, some of which is located within the Site boundary.

The botanical value of the native trees along the coastal edge was low, consisting of scattered common native trees (e.g. tōtara, mānuka and kānuka) with a damaged understorey. Although some of the native trees were mature, they provide overall low-quality fauna habitat due to the lack of complexity, high edge effects and low terrestrial connectivity. However, this vegetation does provide buffering functions to the more sensitive marine, wetland and stream environments and constitutes a part of a high value ecotone (transition areas between ecosystems, i.e. estuary-saltmarsh-wetland-stream-terrestrial transition).

Freshwater Ecology

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.

All other overland flow paths were classified as ephemeral reaches, due to their lack of; defined channel, flowing water, pools and substrate sorting processes. Additionally, terrestrial vegetation (pasture), was established within the ill-defined channels.

An area located in the north-western corner of the Site has visible surface water evident within aerials dating back to approximately 2008. Prior to 2008, there is no indication of surface water however this may be due to the season in which the aerial photographs were taken. Due to the presence of the surface water, this area was further assessed. At the time of the site visit no surface water was evident but a slight depression in the land was visible (Appendix II). The area was completely surrounded by exotic pasture species and within the area nine plant species were identified (Table 1).

In regards to plant species wetland indicator status ratings[2], of the nine identified species; four species are classified as 'facultative upland', two species are classified as 'facultative' and the remaining three species have no classification. The three non-classified species are terrestrial plants not considered associated with wetlands and as such should be considered 'facultative upland'. The two 'facultative' species are associated with the coastal environment rather than the freshwater environment. Five of the identified species are coastal transition plants with a high salt tolerance. No native species were identified and all species are considered weeds. Due to the dominance of 'facultative upland' species (≈75%) and the complete lack of 'facultative wetland' or 'obligate wetland' species this area was not assessed as a wetland under the NPS-FM. It is evident, by the abundance and diversity of salt tolerant plant species present, that this area is somehow influence by the marine environment, possibly by the groundwater.

No other natural wetlands were identified within the Site, with other potential areas defined as improved pasture as per the NPS-FM.

Table 1. Plant species within the area located in the north-western corner of the Site.

Scientific Name	Common Name	Wetland Rating[2]	Salt Tolerant	Native
Anagallis arvenis	Scarlet pimpernel	Facultative upland	Yes	No
Atriplex prostrata	Orache	Facultative upland	Yes	No
Cakile sp.	Sea rocket	N/A	Yes	No
Helminthotheca echioides	Oxtongue	N/A		No
Lotus suaveolens	Hairy birdsfoot trefoil	N/A		No
Plantago coronopus	Buck's-horn plantain	Facultative	Yes	No
Senecio bipinnatisectus	Australian fireweed	Facultative upland		No
Sonchus asper	Prickly sowthistle	Facultative upland		No
Symphyotrichum subulatum	Sea aster	Facultative	Yes	No

Estuarine Ecology

Two salt marsh areas were identified within the site, both of which transitioned into a mangrove estuary. The salt marshes are considered part of the estuarine environment and as such the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) do not apply[3]. The salt marshes were considered of high ecological value, due to their local rarity and role as an ecotone.

[2] Clarkson BR, Champion PD, Johnson PN, Bodmin KA, Forester I, Gerbeaux P, Reeves PN 2013. Wetland indicator status ratings for New Zealand species. Landcare Research, Hamilton.

[3] Bay of Islands Maritime Park Incorporated v Northland Regional Council [2021] NZENVC 006.

Assessment of Ecological Effects

It is intended that all the native trees within the proposed reserves along the coastal edge will be retained. Additionally, the identified salt marshes, natural wetland and stream are proposed to be retained. As such, there will be no direct adverse effects (i.e. removal/reclamation) on these ecosystems.

Indirect adverse effects, such as sedimentation and stormwater contaminants, are proposed to be adequately mitigated through appropriate controls and following best practice guidelines, to ensure adverse effects on aquatic life are no more than minor.

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. I have also reviewed the Wetland Hydrological Assessment[4] report and I am in agreement with the report's assessment and recommendations.

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.

The proposed development of the Site is consistent with the outcomes expected of the NES-F and the NPS-FM and will allow for the protection and enhancement of the identified ecological features, including the wetland, stream and saltmarshes, providing for an overall net biodiversity gain.

A more comprehensive ecological assessment will be provided to support the development application, at the expert consenting panel stage, which will further assess the potential indirect adverse effects and detail the proposed ecological enhancement actions.

Regards,

Mark Delaney MSc. | Ecologist | Bioresearches Group Ltd
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[4] Wetland Hydrological Assessment, prepared by Babbage, dated 31 March 2021.

Appendix I: Identified Ecological Features

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Appendix II: Photos of Identified Ecological Features

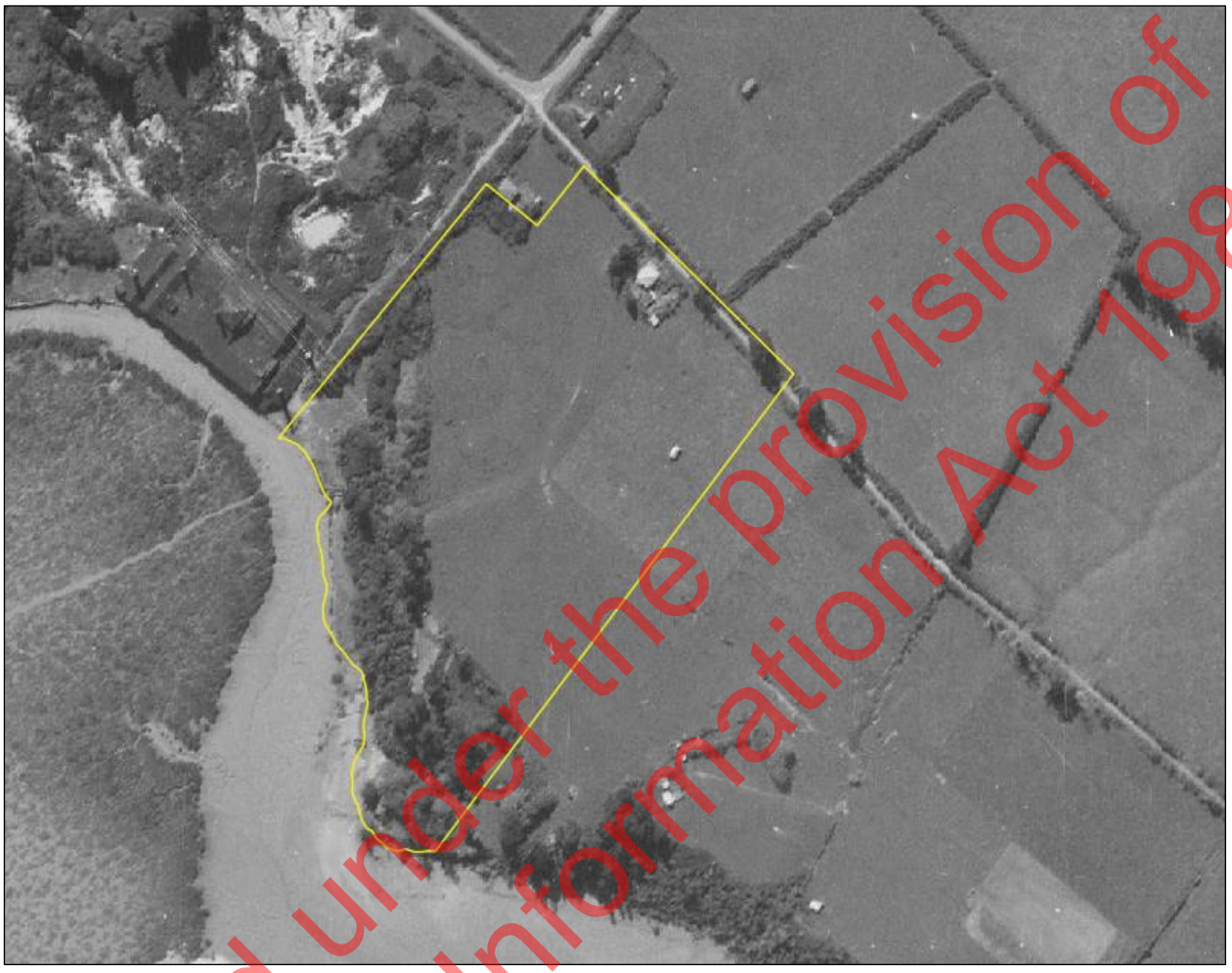
Exotic and native vegetation along the coastal edge.

Stream and natural wetland.


The area located in the north-western corner of the Site that had visible surface within historical aerials.


Two salt marshes.

Appendix III: 1940 Aerial Image



*Base image sourced from Retrolense. Yellow polygon represents the approximate Site boundary.