

## FTC#70 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2021-042 – Brickfields, Scott Road Development

Date Submitted:	22 July 2021	Tracking #: BRF-144
Security Level	In-Confidence	MfE Priority: Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	TBA

Actions for Minister's Office Staff	Return the signed briefing to MfE.
Number of appendices: 6	<p>Titles of appendices:</p> <ol style="list-style-type: none"> <li>Brickfields, Scott Road Development application documents and further information received</li> <li>Stage 1 Briefing Note and decisions</li> <li>Statutory framework for making decisions</li> <li>Draft Notice of Decisions letter to Aedifice Development Limited</li> <li>Section 17 Report</li> <li>Comments received from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited</li> </ol>

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	✓
Director	Sara Clarke	s 9(2)(a)	

## FTC#70: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

### Key Messages

1. This briefing relates to the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Aedifice Development Limited for referral of the Brickfields, Scott Road Development project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-26) with your initial decisions annotated is in Appendix 2. In the first briefing the Project was referred to as Scott Road Development; it has been updated to the current title at the applicant's request.
3. The Project is a residential development comprising 44 buildings, between 2-3 storeys with a maximum height of approximately 11 metres, and associated subdivision to create approximately 426 residential lots.
4. The Project is located at 4 Scott Road, Hobsonville, Auckland. It will provide approximately 425 residential units, associated infrastructure including roading, parking and three waters services, and development of a reserve area and open space. A heritage building on the Project site will be retained.
5. The Project will involve activities such as:
  - a. subdivision of land
  - b. earthworks, including the disturbance of contaminated soils
  - c. earthworks and vegetation clearance within 10 metres of a natural wetland
  - d. groundwater takes and diversions
  - e. discharge of stormwater run-off and contaminants to land and water
  - f. construction of three waters services and roading infrastructure
  - g. discharge of untreated wastewater overflows to land in emergency situations
  - h. construction of residential buildings
  - i. development of open space including landscaping and restoration planting
  - j. any other activities that are -
    - i. associated with the activities described in 'a' to 'i'
    - ii. within the project scope.
6. The Project requires subdivision and land use consents, and discharge and water permits under the Auckland Unitary Plan (AUP), and land use consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).
7. Residential development at the higher density proposed for the Project is a non-complying activity under the provisions of the Residential Single House Zone of the AUP, and as such must comply with the requirements of section 104D of the Resource Management Act (RMA),

particularly in relation to the significance or otherwise of adverse effects. We consider that a panel will be better placed to make this assessment, with the benefit of more comprehensive information on environmental effects, should the Project be referred.

8. We recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-tracking. We seek your decision on this recommendation and on our recommendations for requirements of the applicant, directions to a panel and notification of your decisions.

## **Assessment against Statutory Framework**

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9. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the referral application and when deciding on any further requirements or directions associated with Project referral.
10. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited (Watercare) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
11. We have also considered if there are any reasons for declining the Project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

## **Further information provided by applicant**

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12. In response to a request under section 22 of the FTCA the applicant provided further information and assessment from their ecologist to support their position that the Project site does not contain any natural wetlands. We have taken this information into account in our analysis and advice.

## **Section 17 Report**

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13. The Section 17 Report indicates that there are ten iwi authorities, six Treaty settlements and nine Treaty settlement entities relevant to the Project area. One further entity (Ngāti Koheriki Claims Committee) may also have an interest in the Project.
14. The report outlines Treaty settlement redress including acknowledgements and apologies relating to recognition of rangatiratanga which have implications for engagement and participation of iwi in resource management decision-making in their rohe. The coastal marine area of the Waitematā Harbour, which adjoins the project site is covered by statutory acknowledgements in the Treaty settlements with Te Kawerau ā Maki and Ngāi Tai ki Tāmaki.
15. The relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the RMA for this project.

## Comments received

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16. Comments were received from Ministers, Auckland Council, Auckland Transport and Watercare and are summarised in Table A. Key issues raised in comments are discussed below.

s 9(2)(f)(ii), s 9(2)(g)(i)

21. Auckland Council has not explicitly stated whether they support or oppose Project referral. However, they noted that there are no reasons why the Project should proceed through standard RMA processes rather than the process in the FTCA. They noted that different council divisions and agencies, such as Parks and Watercare, have raised significant concerns but that such concerns can be addressed by information from the applicants, appropriate engagement with council agencies and appropriate consent conditions.
22. Auckland Council identified a range of technical reports that would be required for a development of this type. We do not consider it necessary for you to direct the applicant to provide a panel with most of these technical reports as the applicant will be required to submit to a panel supporting information and technical assessments, including mitigation measures where necessary, relating to actual and potential effects (under clause 9(4) Schedule 6 of the FTCA). However, we do recommend that you direct the applicant to provide a panel with specific information relating to contaminated soils, stormwater management and infrastructure provision (as raised by Auckland Council) as the provision of this information will assist a panel with timely consideration of the application.
23. Auckland Transport requested that you direct the applicant to provide a panel with an integrated transport assessment to address potential effects on the roading network. We recommend that you agree to this panel direction if you decide to refer the Project.

## Section 18 referral criteria

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24. You may accept the application for referral of the Project if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
25. Auckland Council commented that the site may contain natural wetlands over and above the wetland identified by the applicant, and that the works may therefore be a prohibited activity under the NES-F. However, we consider the Project satisfies the requirements of section 18(3) of the FTCA, as explained in the issues and risks section and Table A.
26. The matters that you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We confirm that the Project will help to achieve the purpose of the FTCA, and thus satisfy the requirements of section 18(2) as it has the potential to:
  - a. have positive effects on social wellbeing
  - b. generate employment
  - c. increase housing supply
  - d. progress faster by using the processes provided by the FTCA than would otherwise be the case, provided the applicant lodges their applications for resource consent in a timely manner following Project referral.
27. We consider that any actual and potential adverse effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, can be considered and determined by a panel having regard to Part 2 of the RMA and the purpose of the FTCA.

## Issues and Risks

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### *Whether the Project includes prohibited activities*

28. Auckland Council commented that the site may contain natural wetlands not initially identified by the applicant, and that the Project may include a prohibited activity under the NES-F. The applicant provided further information and assessment from their ecologist to support their position that the Project site does not contain any additional natural inland wetlands. The applicant also provided a peer review, prepared by an independent senior ecologist, of the ecological assessment documents they provided as part of their application. The peer review supports the conclusion of the applicants' ecologist that there are no additional natural inland wetlands on the site.
29. For the purpose of making your decision on this referral application, we consider that the applicant has provided sufficient evidence that the Project does not include an activity that has a prohibited status under the NES-F and the eligibility criteria of section 18(3)(a) of the FTCA are met.

### *Section 23 FTCA matters*

30. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and a summary of our analysis of these matters is in Table A. Note that you may accept an application even if one or more of those reasons apply.

31. While the original application included an assessment of the Project against the NES-F it did not include an assessment against the National Policy Statement for Freshwater Management 2020 (NPS-FM). Upon request, the applicant provided an assessment which concluded that the Project is not contrary to the objectives and policies of the NPS-FM, which we consider to be credible. Therefore, we do not consider that you should decline the referral application on the basis of section 23(5)(c) of the FTCA (inconsistency with a relevant national policy statement).

#### *Other matters*

32. The Project involves residential development at a density which exceeds the permitted standards for the Residential Single House Zone of the AUP and therefore requires consent as a non-complying activity. While the applicant has not provided an assessment of how the application would pass the 'gateway tests' under section 104D of the RMA, they have stated that the Project is not contrary to the objectives and policies of the Residential Single House Zone. While we note that the applicant has not confirmed that the adverse effects associated with the Project will be minor, we consider that a panel can assess whether the application passes the gateway tests along with the overall effects assessment.

### Conclusions

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33. We do not consider there are any significant reasons for you to decline to refer the Project. We consider that you could accept the application under section 24 of the FTCA and that all of the Project could be referred to a panel.
34. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:
- a. an integrated transport assessment including, but not limited to, modelling and analysis which covers speed mitigation, public transport, rubbish/waste servicing, internal road layout, street design and the Scott Road/Ngaroma Road/Clark Road intersection
  - b. a stormwater assessment and stormwater management plan that includes how the project will meet the requirements of the Auckland Council's Healthy Waters approved Regionwide Stormwater Network Discharge Consent (DIS60069613); and
  - c. details on three waters infrastructure provisions and evidence to demonstrate that the development can be serviced via the wastewater and water public networks
  - d. a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
  - e. detailed designs and/or plans of any works that will be located within the proposed 20 metre esplanade reserve and additional 6000 square metre area of reserve and within the scheduled extent of place for the Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks and the 'southern headland' where archaeological midden site R11/484 and four scheduled historic trees are situated. This should include, but not be limited to:
    - i. addition or removal of any vegetation
    - ii. landscaping
    - iii. footpaths, boardwalks and other public amenities



- iv. coastal protection works
  - v. emergency wastewater overflow line
  - f. a heritage assessment and details of how impacts on historic heritage values have been avoided, minimised and/or mitigated, including via the use of construction techniques such as boardwalks, and the provision of interpretation (as appropriate)
  - g. an assessment of the proposed apartment buildings adjacent to the scheduled historic residence (original workers cottage), including:
    - i. the extent to which these buildings will overlook the scheduled historic residence
    - ii. the extent to which the buildings will have adverse effects on the historic residence's access to natural light and the effects of shading and building dominance
    - iii. architectural elevational treatment details of the proposed buildings and their response to the traditional domestic scale and architecture of the historic residence
35. The above information is required to inform a panel of the actual and potential effects of the Project.
36. If you decide to refer the Project we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a resource consent application from:
- a. Auckland Transport, as the Project involves works in Auckland Transport's roading corridor and they are responsible for the safe and efficient operation of the local and wider roading network
  - b. Watercare Services Limited, as the Project may adversely affect wastewater system capacity, which is managed by Watercare, and solutions will require collaboration with Watercare
  - c. Ngāti Koheriki Claims Committee, as the mandated entity which represents Ngāti Koheriki in Treaty settlement negotiations. The Project site falls within the Ngāti Koheriki area of interest but they do not have an Iwi authority or Treaty settlement entity recognised under the FTCA, and as such would not automatically receive an invitation to comment from a panel under clause 17(6) of Schedule 6 to the FTCA
37. We consider that if you decide to refer the Project, the notice of decisions should also be copied to Ngāti Koheriki Claims Committee.
38. Our recommendations for your decisions follow.

## Next Steps

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39. You must give notice of your decisions on the referral application, and the reasons for them, to the applicant and the persons, entities and groups listed in section 25 of the FTCA.
40. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.
41. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
42. Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.<sup>1</sup>

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<sup>1</sup> Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].



## Recommendations

43. We recommend that you:

- a. **Note** that section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
  - b. **Note** that when assessing whether the Project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the Project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply) and also whether it could have significant adverse effects.
  - c. **Note** that if you are satisfied that all or part of the Project meets the referral criteria in section 18 of the FTCA you may:
    - i. refer all or part of the Project to an expert consenting panel (a panel)
    - ii. refer the initial stages of the Project to a panel while deferring decisions about the Project's remaining stages
    - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
  - d. **Note** that if you do refer all or part of the Project you may:
    - i. specify restrictions that apply to the Project
    - ii. specify the information that must be submitted to a panel
    - iii. specify the persons or groups from whom a panel must invite comments
    - iv. set specific timeframes for a panel to complete their process.
  - e. **Note** that before deciding to accept an application for referral under section 24(1) of the FTCA you must consider:
    - i. the application
    - ii. the report obtained under section 17 of the FTCA
    - iii. any comments received
    - iv. any further information requested and provided within the required timeframe.
  - f. **Agree** that the Brickfields, Scott Road Development project meets the referral criteria in section 18 (3) of the FTCA.
- Yes/No
- g. **Agree** that the Project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
    - i. have positive effects on social wellbeing by providing additional housing supply of a range of typologies in an area that has been rapidly growing and has a projected housing capacity shortfall in the medium term and delivering greenspace and infrastructure which will facilitate community connection and provide opportunity for physical activities
    - ii. generate employment by providing approximately 380 direct full-time equivalent (FTE) jobs per year over a three-year planning and construction period
    - iii. increase housing supply via the construction of 425 new residential units

- iv. progress faster by using the processes provided by the FTCA than would otherwise be the case, provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.

Yes/No

h. **Agree** to refer all of the Project to a panel.

Yes/No

i. **Agree** to specify under section 24(2)(d) of the FTCA the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:

- i. an integrated transport assessment including, but not limited to, modelling and analysis which covers speed mitigation, public transport, rubbish/waste servicing, internal road layout, street design and the Scott Road/Ngaroma Road/Clark Road intersection
- ii. a stormwater assessment and stormwater management plan that includes how the Project will meet the requirements of the Auckland Council's Healthy Waters approved Regionwide Stormwater Network Discharge Consent (DIS60069613)
- iii. a three waters services assessment, including evidence to demonstrate that the development can be serviced via the wastewater and water public networks
- iv. a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- v. detailed designs and/or plans of any works that will be located within the proposed 20 metre esplanade reserve and additional 6000 square metre area of reserve and within the scheduled extent of place for the Clark Pottery and Brickworks/Robert Holland Pottery and Brickworks and the 'southern headland' where archaeological midden site R11/484 and four scheduled historic trees are situated. This should include, but not be limited to:
  - (1) addition or removal of any vegetation
  - (2) landscaping
  - (3) footpaths, boardwalks and public amenity works,
  - (4) coastal protection works
  - (5) emergency wastewater overflow line
- vi. a heritage assessment and details of how impacts on historic heritage values have been avoided, minimised and/or mitigated, including via the use of construction techniques such as boardwalks, and the provision of interpretation (as appropriate)
- vii. an assessment of the proposed apartment buildings adjacent to the scheduled historic residence (original workers cottage), including:
  - (1) the extent to which these buildings will overlook the scheduled historic residence
  - (2) the extent to which the buildings will have adverse effects on the historic residence's access to natural light and the effects of shading and building dominance
  - (3) architectural elevational treatment details of the proposed buildings and their response to the traditional domestic scale and architecture of the historic residence

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:

- i. Auckland Transport
- ii. Watercare Services Limited
- iii. Ngāti Koheriki Claims Committee.

Yes/No

- k. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer Brickfields, Scott Road Development project to a panel in accordance with your decisions recorded herein.

Yes/No

- l. **Sign the attached (Appendix 4)** notice of decisions to Aedifice Development Limited.

Yes/No

- m. **Agree** to providing copies of the notice of decisions to Ngāti Koheriki Claims Committee.

Yes/No

- n. **Note** that to ensure your compliance with section 25(3) of the FTCA, the Ministry for the Environment will publish the decisions, the reasons, and the Section 17 Report on the Ministry for the Environment's website.

## Signatures



Stephanie Frame  
**Manager – Fast Track Consenting**

**Date**

Hon David Parker  
**Minister for the Environment**

**Date**

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
<b>Project name</b> Brickfields, Scott Road Development <b>Applicant</b> Aedific Development Limited <b>Location</b> 4 Scott Road, Hobsonville, Auckland	<p>The Project is a residential development comprising 44 buildings, between 2-3 storeys with a maximum height of approximately 11 metres, and associated subdivision to create approximately 426 residential lots. It will provide approximately 425 residential units, associated infrastructure including roading, parking and three waters services, and development of a reserve area and open space. A heritage building on the Project site will be retained.</p> <p>The Project will involve activities such as:</p> <ol style="list-style-type: none"> <li>subdivision of land</li> <li>earthworks, including the disturbance of contaminated soils</li> <li>earthworks and vegetation clearance within 10 metres of a natural wetland</li> <li>groundwater takes and diversions</li> <li>discharge of stormwater run-off and contaminants to land and water</li> <li>construction of three waters services and roading infrastructure</li> <li>discharge of untreated wastewater overflows to land in emergency situations</li> <li>construction of residential buildings</li> <li>development of open space including landscaping and restoration planting</li> <li>any other activities that are               <ul style="list-style-type: none"> <li>associated with the activities described in 'a' to 'i'</li> <li>within the project scope.</li> </ul> </li> </ol>	<p>The Project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> <li>based on information provided by the applicant it does not include any prohibited activities</li> <li>it does not include activities on land returned under a Treaty settlement</li> <li>it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011</li> </ul>	<p><b>Economic benefits for people or industries affected by COVID-19 (19(a)):</b></p> <p>The applicant estimates that the Project will provide approximately 380 direct full time equivalent (FTE) jobs per year over a three-year planning and construction period and add approximately <sup>s 9(2)(b)(iii)</sup> million to the construction industry which has been affected by COVID-19.</p> <p><b>Economic costs for people or industries affected by COVID-19 (19(a)):</b></p> <p>N/A</p> <p><b>Effect on the social and cultural well-being of current and future generations (19(b)):</b></p> <p>The Project has the potential for positive effects on the social wellbeing of current and future generations as it will provide additional housing supply of various typologies in an area that is rapidly growing and has a projected housing capacity shortfall in the medium term, and deliver greenspace and infrastructure which will facilitate community connection and provide opportunity for physical activities.</p> <p>The applicant has not directly considered the effects of the Project on cultural wellbeing. However, they have confirmed that they will engage with all relevant iwi authorities should you decide to refer the Project.</p> <p><b>Is the Project likely to progress faster by using this Act(19(c))?</b></p> <p>The applicant considers that the fast-track process is likely to be faster than standard RMA processes given the nature of the Project. The applicant estimates that the standard RMA process will add a delay of between 5 and 11 months to commencing work on the site.</p> <p><b>Will the Project result in a public benefit (19(d))?</b></p>	<p><b>Ministers</b></p> <p><sup>s 9(2)(f)(ii), s 9(2)(g)(i)</sup></p> <p><sup>s 9(2)(f)(ii), s 9(2)(g)(i)</sup></p>	<p><b>Section 23(5) matters:</b></p> <p><b>Insufficient information (23(5)(a))</b></p> <p>The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA.</p> <p><b>More appropriate to go through standard RMA process (23(5)(b))</b></p> <p>We do not consider it would be more appropriate for all or part of the Project to proceed through the standard consenting process under the RMA.</p> <p><b>Inconsistency with a national policy statement (23(5)(c))</b></p> <p>While the original application included an assessment of the Project against the NES-F it did not include an assessment against the National Policy Statement for Freshwater Management 2020 (NPS-FM). Upon request, the applicant provided an assessment which stated that the Project is not contrary to the objectives and policies of the NPS-FM.</p> <p>We do not consider that the Project is inconsistent with any relevant national policy statements.</p> <p><b>Inconsistent with a Treaty settlement (23(5)(d))</b></p> <p>The Project does not directly affect any Treaty settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The Project site does not include land needed for Treaty settlement purposes.</p> <p><b>Applicant has poor history of environmental regulatory compliance (23(5)(f))</b></p>	<p>In response to Ministers' comments, we advise as follows:</p> <p><sup>s 9(2)(f)(ii), s 9(2)(g)(i)</sup></p> <p>In response to Auckland Council comments, we advise as follows:</p> <ol style="list-style-type: none"> <li>a panel can consider the appropriateness of open space, three waters and roading infrastructure, public and active transport modes. We note that a panel's assessment will be informed by comments received from Auckland Council</li> <li>We do not consider it necessary for you to direct the applicant to provide a panel with most of the technical reports requested by the Council, as the applicant will be required to submit to a panel supporting information and technical assessments relating to actual and potential effects (under clause 9(4) Schedule 6 of the FTCA). However, we do recommend that you direct the applicant to provide a panel with specific information relating to contaminated soils, stormwater management and infrastructure upgrades as this information will assist a panel with timely consideration of the application.</li> <li>information Auckland Council has provided on iwi groups and authorities whom they consider relevant for the Project has been taken into account in the preparation of the Section 17 report.</li> </ol> <p>In response to Auckland Transport and Watercare comments, we advise as follows:</p> <ol style="list-style-type: none"> <li>we agree with the suggestion for an integrated transport assessment that the applicant should be required to submit to a panel</li> <li>inviting comments from Auckland Transport and Watercare would further inform a panel's assessment of actual and potential effects</li> </ol>



Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	The Project requires subdivision and land use consents, and discharge and water permits under the Auckland Unitary Plan (AUP), and land use consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS) and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).		<p>Based on the information provided we consider the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> <li>generate employment by providing approximately 380 direct FTE jobs per year over a three year planning period</li> <li>increase housing supply via the construction of 425 new residential units</li> </ul> <p><b>Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e)):</b></p> <p>The Project has the potential for adverse environmental effects including on:</p> <ul style="list-style-type: none"> <li>traffic and transport</li> <li>character and amenity due to increased density within the Single House Zone</li> <li>noise and vibration</li> <li>the carrying capacity of infrastructure</li> <li>ecology due to proximity to wetlands and saltmarsh</li> <li>coastal hazards and sea level rise</li> <li>historic heritage</li> <li>cultural values</li> </ul> <p>The applicant has have provided details of mitigation measures to address potential adverse effects and have confirmed that technical experts have completed a range of supporting assessments. The applicant advises that subject to appropriate mitigation, the proposed activities will not result in significant adverse environmental effects.</p> <p>We note that you do not require a full assessment of environmental effects and supporting evidence to make a referral decision, and that a panel will assess environmental effects and appropriate mitigation should you decide to refer the Project.</p> <p><b>Other relevant matters (19(f)):</b></p> <p>N/A</p>	<p>s 9(2)(g)(i), s 9(2)(f)(ii)</p> <p><b>Local authorities</b></p> <p>Auckland Council has not explicitly stated whether they support or oppose Project referral. However, they note that there are no reasons why the Project should proceed through standard RMA processes rather than the process in the FTCA. They note that different Council divisions and agencies, such as Parks and Watercare Services Limited (Watercare), have raised significant concerns but that such concerns can be addressed by information from the applicants, appropriate engagement with Council agencies and appropriate consent conditions.</p> <p>Auckland Council notes that the site may contain natural wetlands over and above the wetland originally identified by the applicant, and the works may therefore be prohibited activities under the National Environmental Standards for Freshwater 2020 (NES-F). The applicant provided an ecological memo and peer review confirming that the site does not contain any additional natural wetlands and that the activity would not have a prohibited status under the NES-F.</p> <p>Auckland Council notes that the Project is not considered to be contrary to the high-level policy framework promoted by the AUP</p>	<p>The applicant is not known to have poor history of environmental regulatory compliance.</p> <p><b>Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g))</b></p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p><b>Other issues &amp; risks:</b></p> <p>The Project involves residential development at a density which requires consent as a non-comply activity under the provisions of the underlying Residential Single House Zone. While the applicant has not provided an assessment of how the application would pass the 'gateway tests' under section 104D of the RMA, they have stated that the adverse effects of the activity would not be significant and that the Project is not contrary to the objectives and policies of the Single House Zone.</p> <p>Until a full assessment of adverse effects and any proposed mitigation has been undertaken it is not possible to accurately determine if adverse effects on the environment will be minor, as required by section 104D(1)(a) of the RMA. Neither Ministers nor Auckland Council raised this as a reason to decline project referral. We consider that a panel will be better placed to make this assessment, with the benefit of more comprehensive information on environmental effects, should the Project be referred.</p>	<p><b>Recommendations</b></p> <p>Note that section 23(1) of the COVID-19 Recovery FTCA requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.</p> <p>There are no reasons to decline to refer the Project. We recommend that you accept the application under section 24 of the FTCA and refer all of the Project to a panel.</p> <p>We recommend that you do not place any restrictions on the Project, nor impose any specific timeframes for panel consideration.</p> <p>We recommend you make the following directions to the panel:</p> <p>a. to invite comments from Auckland Transport, Watercare Services Limited and Ngāti Koheriki Claims Committee - in addition to those parties specified in clause 17(6) of Schedule 6 of the FTCA.</p> <p>We also recommend you require the applicants to submit the following information with any consent application lodged with the Environmental Protection Authority:</p> <p>a. an integrated transport assessment including, but not limited to, modelling and analysis which covers speed mitigation, public transport, rubbish/waste servicing, internal road layout, street design and the Scott Road/Ngaroma Road/Clark Road intersection</p> <p>b. a stormwater assessment and stormwater management plan that includes how the project will meet the requirements of the Auckland Council's Healthy Waters approved Regionwide Stormwater Network Discharge Consent (DIS60069613); and</p> <p>c. a three waters services assessment, including evidence to demonstrate that the development can be serviced via the wastewater and water public networks</p> <p>d. a preliminary site investigation report done in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011</p> <p>e. detailed designs and/or plans of any works that will be located within the proposed 20 metre esplanade reserve and additional 6000 square metre area of reserve and within the scheduled extent of place for the Clark Pottery and</p>

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
				<p>and has identified a range of information and technical reports that should accompany consent applications to a panel.</p> <p>Auckland Council referred the application onto Auckland Transport, Healthy Waters, Watercare, Parks, Upper Harbour Local Board Members and Ward Councillors.</p> <p><b>Auckland Transport</b></p> <p>Auckland Transport is neutral on Project referral but identified some outstanding matters and specialist input required to inform a panel's decision for which engagement with Auckland Transport would be beneficial. Auckland Transport specifically requested the provision of an Integrated Transport assessment under s24(2)(d) of the FTCA to address speed mitigation, public transport, rubbish/waste servicing, internal road layout, street design and Scott Rd/Ngaroma Rd/ Clark Rd intersection.</p> <p><b>Watercare</b></p> <p>Watercare neither supports nor opposes Project referral but notes that there are capacity constraints in the water supply network and upgrades are required, in particular a new 250 mm Outer Diameter (OD) watermain to link to the existing services on Joshua Carder Drive. They also note that a wastewater pump station will be required to service this development and is to be funded and built by the developer.</p> <p>All responses received by parties invited to comment are attached at Appendix 6.</p>		<p>Brickworks/Robert Holland Pottery and Brickworks and the 'southern headland' where archaeological midden site R11/484 and four scheduled historic trees are situated. This should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i. addition or removal of any vegetation</li> <li>ii. landscaping</li> <li>iii. footpaths, boardwalks and public amenity works,</li> <li>iv. coastal protection works</li> <li>v. emergency wastewater overflow line</li> </ul> <p>f. a heritage assessment and details of how impacts on historic heritage values have been avoided, minimised and/or mitigated, including via the use of construction techniques such as boardwalks, and the provision of interpretation (as appropriate)</p> <p>g. an assessment of the proposed apartment buildings adjacent to the scheduled historic residence (original workers cottage), including:</p> <ul style="list-style-type: none"> <li>i. the extent to which these buildings will overlook the scheduled historic residence</li> <li>ii. the extent to which the buildings will have adverse effects on the historic residence's access to natural light and the effects of shading and building dominance</li> <li>iii. architectural elevational treatment details of the proposed buildings and their response to the traditional domestic scale and architecture of the historic residence</li> </ul>

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## **Schedule of Appendices**

Appendix 1 – Brickfields, Scott Road Development – Application form and additional information received

Appendix 2 – BRF-26 / FTC#57 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decisions on Scott Road Development project

Appendix 3 – Statutory framework for making decisions

Appendix 4 – Draft Notice of Decisions letter to Aedifice Development Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited

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