



BRF-144

29 July 2021

Nick Mattison
Director
Civix

s 9(2)(a)

Dear Nick Mattison

COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Notice of Decisions (Section 25) – Brickfields, Scott Road Development

Thank you for Aedifice Development Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Brickfields, Scott Road Development project to an expert consenting panel (a panel) for consideration under the FTCA.

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, including approximately 425 residential units and one existing heritage building, associated infrastructure including roading, parking and three waters services and development of a reserve area and open space at 4 Scott Road, Hobsonville.

The Project involves activities such as subdivision of land, earthworks including the disturbance of contaminated soils, earthworks and vegetation clearance within 10 metres of a natural wetland, groundwater takes and diversions, discharge of stormwater run-off and contaminants to land and water, construction of three waters services and roading infrastructure, discharge of untreated wastewater overflows to land in emergency situations, construction of residential buildings and development of open space including landscaping and restoration planting.

The purpose of the FTCA is to promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.

I can only refer the project to a panel for consideration under the FTCA if it meets the referral criteria in section 18 of the FTCA, which includes me being satisfied the project will help achieve the FTCA's purpose.

I have decided the project meets the referral criteria in section 18 of the FTCA and I consider it will help to achieve the FTCA's purpose as it has the potential to:

1. 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 activity
2. Generate employment by providing 380 direct full-time equivalent (FTE) jobs per year over a three-year planning and construction period
3. Increase housing supply via the construction of approximately 425 new residential units
4. Progress faster by using the processes provided by the FTCA than would otherwise be the case, provided that the applicant lodges their application for resource consent in a timely manner following Project referral

Any potential adverse effects arising from the project, and proposed mitigation measures, could be tested by a panel against Part 2 of the Resource Management Act 1991 and the purpose of the FTCA (section 4 and clause 31 Schedule 6).

Accordingly, I have decided to accept your application for referral under section 24(2) of the FTCA and refer all of the project to a panel.

Information required to be submitted with your resource consent applications

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the information listed in Appendix A with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6:

This information will inform a panel's assessment of the proposal's effects and whether to invite comment from persons or groups in addition to those specified in clause 17 Schedule 6 of the FTCA. This does not preclude a panel from requiring you to provide any additional information on any application lodged with the EPA under the FTCA.

I draw your attention to clause 14 Schedule 6 of the FTCA that details that the above information must be provided in sufficient detail to correspond to the scale and significance of effects. You should therefore provide what you believe is a reasonable level of information, and if a panel requires further information they can seek it from you under clause 25 Schedule 6 of the FTCA.

Persons or groups a panel must invite comments from

In accordance with section 24(2)(e) of the FTCA, I have also decided that a panel must invite comments on any resource consent application for the project lodged with the EPA from the following persons or groups additional to those specified in clause 17 Schedule 6 of the FTCA:

1. Auckland Transport
2. Watercare Services Limited
3. Ngāti Koheriki Claims Committee

This will allow those parties the opportunity to have input into the consideration of the application and enable a panel to better understand the potential effects of the proposal.

These directions do not preclude a panel from inviting any other parties to comment on any application lodged with the EPA under the FTCA.

I will progress an Order in Council through the Executive Council for the project. Once this Order is made you will be able to lodge your applications for resource consent with the EPA for a decision by a panel. The decision to approve or decline the resource consents is a matter for the panel appointed by the Panel Convener Judge L J Newhook. You should not take my decision to refer the project as an indication or direction that the determination of those approvals will be successful. Additionally, my decision does not in any way endorse any related or concurrent planning decisions such as zoning decisions that may affect the project.

Please do not publicly release my decision or this notice until the Order in Council for this project has been approved by Cabinet and notified in the New Zealand Gazette.

The FTCA requires that:

1. I provide a copy of my decisions to the persons, entities and groups specified in section 25(1) and (2) of the FTCA
2. My decisions, the reasons for them, and the Section 17 Report will be published on the Ministry for the Environment's website in accordance with section 25(3) of the FTCA.

In addition, I have also decided to provide a copy of this decision to the Ngāti Koheriki Claims Committee.

Please contact the Fast-track Consenting Team at the Ministry for the Environment (fasttrackconsenting@mfe.govt.nz) if you have any questions or wish to discuss this decision.

Yours sincerely



Hon David Parker
Minister for the Environment

cc Ministers of/for:

Infrastructure; Māori Crown Relations—Te Arawhiti; Housing; Education; Arts, Culture, and Heritage; Treaty of Waitangi Negotiations; Local Government; Land Information; Defence; Transport; Conservation; and Climate Change

Local authorities:

Auckland Council

Other parties:

Auckland Transport
Watercare Services Limited
Ngāti Koheriki Claims Committee

Relevant iwi authorities:

Ngāti Whātua o Ōrākei Trust Board
Ngā Maunga Whakahii o Kaipara Development Trust
Te Rūnanga o Ngāti Whātua
Te Kawerau Iwi Settlement Trust
Ngāi Tai ki Tāmaki Tribal Trust
Ngāti Tamaoho Trust
Ngāti Paoa Iwi Trust
Ngāti Paoa Trust Board
Ngāti Maru Rūnanga Trust
Ngāti Tamaterā Treaty Settlement Trust
Te Ākitai Waiohūa Iwi Authority
Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohūa

Relevant Treaty settlement entities:

Ngāti Whātua Ōrākei Trust Board
Ngā Maunga Whakahii o Kaipara
Te Kawerau Iwi Settlement Trust
Ngāi Tai ki Tāmaki Trust
Ngāti Tamaoho Settlement Trust
Ngāti Paoa Iwi Trust
Ngāti Maru Rūnanga Trust
Ngāti Tamaterā Treaty Settlement Trust
Te Ākitai Waiohūa Settlement Trust

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application lodged by Aedifice Development Limited for Brickfields, Scott Road Development

Information required to be submitted with your application

In accordance with section 24(2)(d) of the FTCA, I have also decided that you must provide the following information with any application:

- 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