

BRF-748

1 November 2021

Jim Stabback
Chief Executive Officer
Auckland Council
Email: [s 9\(2\)\(a\)@auckland.govt.nz](mailto:s 9(2)(a)@auckland.govt.nz)

Dear Jim Stabback

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Browns Bay Road Apartments – Comments sought

In the week commencing Monday 20 September 2021, Matvin Group Limited applied to the Minister for the Environment (the Minister) to refer the Browns Bay Road Apartments project (the Project) to an expert consenting panel (a panel) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).

The Project is described below, and a link to all application documents is provided in the covering email.

The Project is to demolish two existing dwellings and establish a residential development and associated facilities, that includes:

- a. four blocks up to 6 storeys (17 metres) high comprising approximately 51 one and two bedroom residential units
- b. semi basement and deck parking
- c. outdoor courtyard space and gardens
- d. associated infrastructure including vehicle access modifications.

The Project involves activities such as: demolition of existing dwellings, vegetation removal, earthworks (including bulk earthworks and disturbance of contaminated land), groundwater takes, diversion and dewatering, discharges of stormwater and contaminants to land, construction of four blocks of residential units and associated facilities, construction of associated infrastructure including parking areas, accessways, outdoor areas and three waters services, landscaping (including planting), and subdivision of land (including unit title subdivision).

The applicant is seeking land use and subdivision consents, and water permits under the Auckland Unitary Plan, and consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, to be determined for the Project through the fast-track process.

Under delegated authority from the Minister and pursuant to section 21(2) of the FTCA, I invite you to provide written comments on the referral application. A template is attached for this purpose. Comment is sought on the specific matters outlined in the table below, and on any

other matter you consider relevant to the Minister's decision on whether to refer the Project to a panel.


If it is more efficient to discuss this application, please contact me or my team at fasttrackconsenting@mfe.govt.nz to arrange an appointment.

Specific questions on the application
<ol style="list-style-type: none">1. Are there any reasons that you consider it more appropriate for the Project, or part of the Project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?2. Clarify the impacts of the Project design on the existing water drainage right currently registered against the record of title for 201 Browns Bay Road in favour of The East Coast Bays Borough Council.3. What reports and assessments would normally be required by the Council for a project of this nature in this area?4. Does the applicant, or companies owned by the applicant, have any environmental regulatory compliance history in your city?

Also note that if the Minister decides to refer the Project to a panel, the Council will have the opportunity to nominate a local authority representative (who could be a councillor or independent hearings commissioner) to sit on the panel and determine the resource consent applications for the Project. The applicant will provide a detailed assessment of environmental effects at this stage and the Council will have the opportunity to provide further comments to the panel. The Ministry for the Environment has prepared guidance on local authority involvement with fast-track consenting projects which you can access on the Ministry for the Environment website.

Please provide your comments via return email within 10 working days to ensure that the Minister will take your comments into consideration when deciding on the referral application. Please note that the Minister is not required to consider comments provided after this time, although he can still choose to do so.

Yours sincerely



Stephanie Frame
Manager, Fast-Track Consenting Team

Enclosures:

A. Response template for written comments

cc: Ian Smallburn, General Manager Resource Consents
Auckland Council - s 9(2)(a)