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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

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| Local authority providing comment | Auckland Council |
| Contact person (if follow-up is required) | Tony Bullard s 9(2)(a) |
| | Click or tap here to enter text. |
| | Click or tap here to enter text. |

Comment form

Please use the table below to comment on the application.

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| Project name | 201-203 Browns Bay Road Apartments |
| General comment – potential benefits | Will add additional housing supply and choice in the Auckland region. |
| General comment – significant issues | There may be potential wastewater capacity constraints in the public wastewater line (see attached comments from Watercare for more details). It is unclear whether there are other infrastructure restraints as little infrastructure information has been provided. The development exceeds the height controls and planned building form in the AUP and is potentially inconsistent with the AUP policies which provide for a planned character of predominately 3 storey buildings. |
| Is Fast-track appropriate? | There is no particular reason why it would be more appropriate to proceed through the existing RMA consenting process rather than the FTCA process. We note that the Local Board prefers it to go through the usual RMA consent process as they believe it would be fairer and a better environmental outcome achieved that way. |
| Environmental compliance history | <p>The following individuals/companies have been reviewed for previous compliance history:</p> <ul style="list-style-type: none"> • Matvin Group Limited (Matvin) • Kevin James CLARK (Director) • Matthew Stephen ELLINGHAM (Director) <p>There is no history enforcement actions against these parties and there are no significant outstanding compliance concerns for the 3 abovementioned that we are aware of.</p> |
| Reports and assessments normally required | <ul style="list-style-type: none"> • An AEE assessing the effects of the proposal and it's fit with the policies and objectives of the AUP. • Architectural plans • Survey plans |

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| | <ul style="list-style-type: none"> • Urban design assessment including effects on neighbours from shading, visual dominance, privacy and overlooking and amenity assessments for each proposed dwelling • Landscape assessment • Geotechnical report • Stormwater infrastructure report including a stormwater management plan and flood assessment. • An integrated traffic assessment • Water and wastewater infrastructure report including engineering plans, capacity assessment, fire/water supply-demand and connection points. • An assessment of construction related effects including traffic, noise and vibration and a construction management plan • Arboricultural report • Landscape and visual assessment • Shading diagrams for all solstices and equinoxes • Communal facilities plan, operations and assessment of effects from this. • Records of iwi consultation • Earthworks, cut and fill, and erosion/sediment management plan • A lighting plan of footpath, accessways and parking areas. • Details on the management and ownership structure of the common assets. |
| Iwi and iwi authorities | Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua, Ngāti Whanaunga, Te Ākitai Waiohū, Ngāi Tai ki Tāmaki, Te Patukirikiri, Ngāti Paoa, Te Kawerau Ā Maki, Ngāti Whātua Ōrākei, Ngāti Tamatera, Ngāti Wai, Ngāti Manuhiri, Ngāti Te Ata, Ngāti Maru |
| Relationship agreements under the RMA | NA |
| Insert responses to other specific requests in the Minister's letter (if applicable) | Questions 1,2 and 4 are answered above and below. In relation to question 3, until further details are provided on the stormwater infrastructure, it is unclear what impact this will have on the stormwater and the easement. |
| Other considerations | There are significant gaps in the infrastructure information provided with this referral application. Please note the comments from the infrastructure providers attached to this response which provide further information on infrastructure information requirements. |

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

From: Tessa Craig, Major Developments Interface Lead, Auckland Transport

Date: Wednesday 10th November 2021

Overall Summary:

Thank you for the opportunity to provide comment on the referral of 14 Central Ltd for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).

The subject site is located within the Mixed Housing Urban Zone and the proposed 51 residential unit development is a Restricted-Discretionary Activity. Browns Bay Road is an Arterial Road where vehicle access restrictions apply under the Auckland Unitary Plan (Operative in Part) (AUP(OP)), requiring Restricted-Discretionary consent. The development would be served via an existing vehicle crossing at 201 Browns Bay Road (to be widened to a two-way access 5.5m wide) and the existing vehicle crossing at 203 Brown Bay Road (a two-way right-of-way serving 9 other existing properties). The application material also indicates that the development would not comply with the parking, loading and access standards (requiring Restricted-Discretionary consent) of the AUP(OP), although it is not clear what the exact reason for consent would be under this standard. The Team Transport Assessment indicates that the gradient of the existing access serving 2021 Browns Bay Road has an unsuitable gradient for access, but that this would be addressed as the design develops.

It is considered that a residential development of this nature can be reasonably expected in the Mixed Housing Urban Zone, as indicated by the Restricted-Discretionary status of the proposal. However, Auckland Transport requests that, should the Project be accepted for fast-track consenting, the full application material include an Integrated Transport Assessment (ITA).

The ITA should include an assessment of:

- the proposed vehicle crossings, including engineering drawings with dimensions, details of the width, visibility assessment, right turns and queuing, and an assessment of effects on the transport network (including the safe and efficient operation of the operation of the network and street and pedestrian amenity), given Browns Bay Road is an Arterial Road, with a vehicle access restriction under Rule E27.4.1 (A6) AUP(OP));
- pedestrian amenity including provision for footpaths. The site frontage should be upgraded to a 1.8m wide footpath tying into the facilities either side of the site;
- cycle store facilities in accordance with the AUP(OP) requirements;
- queuing analysis and tracking to confirm whether vehicles entering the site will experience conflict points;
- loading/servicing details for waste trucks;
- trip generation details and the ability for the Browns Bay/East Coast Road intersection to accommodate additional movements generated by the development; and assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the AUP(OP).

From: Mark Iszard, Growth and Development Manager, KC Lee, Catchment Planner

Date: 09/11/2021

Overall Summary:

Currently the site is serviced for SW through a public SW network located at the low point (north western boundary) of the site.

1. However, no infrastructure report or SW assessment has been provided above a brief letter from MSC Consultants advising that adequate serving is likely to be available.

As the development is proposing to connect to the public SW network as well as vest new infrastructure with Auckland Council, a stormwater management plan (SMP) is required to be prepared and authorised by Healthy Waters to authorise connection to the public SW network under HWs regional stormwater. <http://www.aucklanddesignmanual.co.nz/regulations/technical-guidance/ndc>.

2. This will require that the site meets the requirements set out in schedules 2 & 4 of the Network Discharge Consent which seek to manage quality, hydrology, and flooding within the development area.
 - a. To achieve this authorisation, it is likely that the development concept will need to be amended to provide the necessary space and management areas to achieve these performance requirements.
 - b. Approval to have the SW discharges authorised under this NDC cannot be undertaken by the EPA or Resource Consents Department and authorisation must be provided by the consent holder.
 - c. If no authorisation is able to be provided, then the site would need to be considered to be un-serviced and not able to adequately manage the SW effects and runoff. This would raise a Red Flag.
 - d. To manage this risk, we would encourage the applicant to engage early with Auckland Council Healthy Waters department as the holder of this consent to develop a suitable stormwater management plan for the site and provisional approval which would allow the applicant to enter any hearings with this provisional approval already in place.
3. Specific stormwater management matters that the applicant will need to address are set out below:
 - a. An Initial review of the proposal has indicated that the downstream public network is likely to be undersized to cope with the runoff generated by the proposal. This is likely to mean that further attenuation by way of detention for storm events up to the 10% AEP would be needed to limited the flows to the pre-development peak flow rate.
 - b. There is stream erosion within the gullies and watercourses below the site and as such stormwater hydrology mitigation will be required to be implemented at source.
 - c. There are no habitable floor flooding currently occurring within the lower catchment and it is unlikely flood attenuation will be needed.

- d. *Water quality treatment will be needed in accordance with the requirements of the NDC. This will need to demonstrate a net reduction in contamination from the site across all the contaminants of concern (TSS, Heavy Metals, dissolved metals, Hydrocarbons)*

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Asset Owner: Watercare

From: Amir Karimi, Development Engineer, Watercare

Date: 10 November 2021

Overall Summary:

There were no infrastructure report, engineering plans, capacity assessment, fire/water supply-demand, or information on wastewater flow and connection points provided as part of this application.

Based on very limited data provided, Watercare has completed a very high-level assessment for the proposed development at 201-203 Browns Bay Rd, Browns Bay. The proposal is for approximately 51 one and two-bedroom residential apartments in four blocks up to six storeys. It is considered that the proposed development will have a minor impact on the water and wastewater network. However, more detailed information is required to determine the extent of the potential upgrades associated with the proposed development.

Water Supply

The water network seems to have sufficient capacity to service this development under typical demand. There are different pressure zone pipes in the area. The connection for this development would need to be from the 150mm AC water main on the development frontage.

The potential firefighting sprinkler requirements have not been identified and, therefore, have not been assessed at this stage. Upgrades linking to the firefighting requirements may still be required. Further investigations will need to be carried out by the developer to determine the extent of upgrades based on the agreed solution at no cost to Watercare.

Wastewater Network

Based on the available information, there is a potential capacity constraint in the wastewater line between MH GIS ID 397902 and GIS ID 389605 (a total of 470m), shown in Figure 1, which needs to be investigated further. The developer is required to undertake an asset survey of this section to confirm that the pipe diameter matches the GIS records and undertake a capacity assessment to ensure there is sufficient capacity before the Resource Consent is granted.

It is the developer's responsibility to address any potential capacity constraints through public network extensions or upgrades, depending on the agreed solution with Watercare.

Figure 1: Section of pipeline to be surveyed



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