



BRF-887

6 December 2021

Thomas Rutter
Matvin Group Limited
c/- Gemma-Rose Brooke
Director/Planner
The Planning Collective
s 9(2)(a)

Dear Gemma-Rose Brooke

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Notice of Decisions (Section 25) – Browns Bay Road Apartments

Thank you for Matvin Group Limited's application under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) seeking referral of the Browns Bay Road Apartments project to an expert consenting panel (a panel) for consideration under the FTCA.

The project is to establish a residential development that includes four apartment blocks up to six storeys (approximately 17 metres) high comprising approximately 51 one- and two-bedroom residential units, basement and deck parking, outdoor courtyard space and gardens, and associated infrastructure including roads, vehicle access and three-waters services, at 201 and 203 Browns Bay Road, Auckland.

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. generate employment by providing approximately 96 full-time equivalent jobs over a two-year construction period
2. increase housing supply through provision of approximately 51 residential units

3. contribute to a well-functioning urban environment and social well-being by providing a variety of housing typologies with good accessibility to job opportunities and public transport
4. progress faster than would otherwise be the case under standard Resource Management Act 1991 processes, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.

Any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, 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 of this letter with any resource consent application for the project lodged with the Environmental Protection Authority (EPA) under clause 2 Schedule 6.

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.

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.

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. Healthy Waters
4. 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 planning 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 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 Relevant Ministers of/for portfolios specified in section 21(6)(a)–(m) FTCA:

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

Other relevant Minister: Associate Minister for the Environment (Urban Policy)

Local authority: Auckland Council

Other parties:

Auckland Transport
Water Services Limited
Healthy Waters department of Auckland Council
Ngāti Koheriki Claims Committee

Relevant iwi authorities:

Ngā Maunga Whakahii o Kaipara Development Trust
Ngaati Whanaunga Incorporated Society
Ngāi Tai ki Tāmaki Tribal Trust
Ngāti Manuhiri Settlement Trust
Ngāti Maru Runanga Trust
Ngāti Paoa Iwi Trust
Ngāti Paoa Trust Board
Ngāti Tamaoho Trust
Ngāti Tamaterā Treaty Settlement Trust
Ngātiwai Trust
Ngāti Whātua o Ōrākei Trust Board
Te Ākitai Waiohua Iwi Authority
Te Ara Rangatū o Te Iwi o Ngāti Te Ata Waiohua
Te Kawerau Iwi Settlement Trust
Te Kupenga o Ngāti Hako Incorporated
Te Patukirikiri Iwi Trust
Te Rūnanga o Ngāti Whātua

Treaty settlement entities:

Hako Tūpuna Trust
Ngā Maunga Whakahii o Kaipara Development Trust
Ngaati Whanaunga Ruunanga Trust
Ngāi Tai ki Tāmaki Trust
Ngāti Maru Runanga Trust
Ngāti Paoa Iwi Trust
Ngāti Tamaoho Settlement Trust
Ngāti Tamaterā Treaty Settlement Trust
Ngāti Whātua Ōrākei Trustee Limited
Te Ākitai Waiohua Settlement Trust
Te Kawerau Iwi Settlement Trust
Te Patukirikiri Iwi Trust

Environmental Protection Authority

The Panel Convener

Appendix A – Requirements specific to application lodged by Matvin Group Limited for Browns Bay Road Apartments

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:

- i. an assessment of –
 1. the existing condition and capacity of the relevant infrastructure for three waters services; and
 2. any upgrades to that infrastructure that are required to service the development
- ii. a draft construction management plan that addresses construction traffic, dust, noise, site stability, and erosion and sediment control
- iii. a stormwater assessment and a draft stormwater management plan along with information about discussions held and any agreements made with Auckland Council's Healthy Waters department regarding management of stormwater
- iv. an integrated transport assessment, including modelling and engineering drawings and analysis for the construction and operation phases of the Project, and an assessment of effects on the transport network including the Browns Bay/East Coast Road intersection
- v. a preliminary site investigation or detailed site investigation report, prepared in accordance with the requirements of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.