

Application for a project to be referred to an expert consenting panel

(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)

For office use only:

Project name: East Coast Heights - Stage 5 ("ECH – Stage 5" or "Proposal")

Application number: PJ-0000810

Date received: 11/07/2022

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: fasttrackconsenting@mfe.govt.nz

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

Part I: Applicant

Applicant details

Person or entity making the request: Build Rich Limited

Contact person: Chengliang Qian

Job title: General Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

32 Henwood Road, Taupaki 0782

Address for service (if different from above)

Organisation: Forme Planning

Contact person: Kay Panther Knight

Job title: Director

Phone: s 9(2)(a)

Email: s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address:

P0 Box 24463, Royal Oak, Auckland 1345

Part II: Project location

The application: does not relate to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

Goldwater Drive, Silverdale, Auckland, New Zealand

2 Goldwater Drive, Silverdale, Auckland 0932

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

2 Goldwater Drive, Silverdale, Auckland 0932 (*the Site*)

Lot 2 of SUB60336990 (a subdivision of Lot 18 DP 545151) – total area = 1.55 ha

Copies of these titles are included as **Attachment 1**.

Registered legal land owner(s):

Build Rich Limited (*BRL or Applicant*)

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

BRL owns the land and will undertake the development. BRL has the financial capability and development expertise to deliver this project.

Part III: Project details

Description

Project name: East Coast Heights - Stage 5 ("ECH – Stage 5" or "Proposal")

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

It is proposed to develop a 1.55ha site, being Lot 2 of SUB60336990, to accommodate approximately 62 townhouses and ancillary landscaping, access and infrastructure in an area located close to a wide range of amenities including public transport networks and the Silverdale Town Centre.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

It is proposed to develop a 1.55ha site to accommodate approximately 62 townhouses and ancillary landscaping, access and infrastructure in an area located close to a wide range of amenities including public transport networks and the Silverdale Town Centre.

The Applicant's vision for the project is to provide a high-quality residential community that will be serviced by existing transport routes present along the Hibiscus Coast Highway and the surrounding Silverdale area.

Lot 2 of SUB60336990 will be subdivided into 62 residential lots, with a little more than half being standalone (35) and the remainder being duplex/terraced (27). The standalone dwellings will have sites ranging from 200m² to 340m² and the duplex/terraced dwellings will be on sites of approximately 100-245m², with an average of approximately 130m².

BRL is proposing to provide 11 different dwelling types which will all be two levels, with three or four bedrooms and a parking space (either a garage or external space). Each of the dwelling types has a different number of living spaces, study areas, and bathrooms, and many have flexi spaces intended to be able to accommodate a home office or domestic uses, making a number of the units work-live compatible. The density of the Lot 2 development (41 dwellings/ha) is about 50% higher than BRL has achieved in its residential developments in stages 1-4.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

ECH – Stage 5 is part of a wider subdivision and development plan at East Coast Heights. There are a total of 5 stages. The proposed subdivision will be undertaken in 3 main stages as follows:

- The first stage comprises bulk earthworks that are anticipated to commence October 2022 and be completed December 2022.
- The second stage comprises the remainder of the civil works including retaining and roading construction. This stage is anticipated to commence January 2023 and be completed by May 2023.
- The third stage comprises construction of dwellings on the lots to be created (the titles for which would be scheduled to be issued May 2023 upon completion of civil works). It is anticipated this stage would include two sub-stages likely to comprise units 36 – 62 in Stage 3A and units 1 – 35 in Stage 3B. This stage of work would commence May 2023 upon issue of titles and the entire project is anticipated to be completed by April 2025.

Consents / approvals required

Relevant local authorities: Auckland Council

Resource consent(s) / designation required:

Land-use consent, Subdivision consent

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)	Auckland Unitary Plan	General Business zone	n/a	<p>Precinct: Silverdale 3 sub-precincts A and C</p> <p>Controls:</p> <p>Macroinvertebrate Community Index – Rural, Urban</p> <p>Controls: Stormwater Management Area – Silverdale South, Flow 1 (SMAF)</p>

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan E10 – Stormwater Management Area – Flow 1	E10.4.1 Activity table (A3) Development of new or redevelopment of existing impervious areas greater than 50m2 within SMAF control that complies with Standard E10.6.1 and E10.6.4.1 – restricted discretionary	<p>Site is wholly within SMAF control and therefore proposal to develop more than 50m2 of impervious area requires consent – restricted discretionary.</p> <p>Compliance with relevant standards addressed below but Eighty6 Engineering confirms it is likely.</p>	Restricted discretionary	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)
Auckland Unitary Plan E11 – Natural Resources: Land disturbance – Regional	E11.4 Activity table (A2) Greater than 10,000m2 up to 50,000m2 where land has a slope less than 10 degrees outside the Sediment Control Protection Area – controlled	<p>Resource consent required – controlled activity. Eighty6 Engineering confirms that the slope of the site is less than 10 degrees (approx. 8.53 degrees) and the area of earthworks comprises 15,372m2.</p> <p>Compliance with controlled activity standards addressed below but Eighty6 Engineering confirms it is likely.</p>	Controlled	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)

Auckland Unitary Plan E12 – Natural Resources: Land disturbance – District	E12.4 Activity table (A6) Greater than 2500m ² – restricted discretionary (A10) Greater than 2500m ³ – restricted discretionary	Resource consent required – restricted discretionary activity. Eighty6 Engineering confirms that 6,850m ³ of fill and 470m ³ of cut is required, with a maximum cut depth of 1.2m and maximum fill depth of 2.5m, over an area of 15,372m ² .	Restricted discretionary	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)
Auckland Unitary Plan E27 – Infrastructure: Transport	E27.4. Activity table (A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access – restricted discretionary E27.6.2(8) Number of loading spaces Greater than 5,000m ² for “all other activities” – 1 loading space required E27.6.4.3 Vehicle crossing and vehicle access widths Serving 1 or 2 parking spaces – min width of crossing at boundary 2.7m; max width 3m Serving 3 – 9 parking spaces – min width of crossing at boundary 3m (one way); max width 3.5m (one way) Serving 10 or more parking spaces – min width of crossing at boundary 5.5m (two way); max width 6m (two-way)	Resource consent required – restricted discretionary activity. No loading space provided where 1 is required. Proposal does not achieve compliance with vehicle crossing widths on some lots and with parking space dimensions on some lots. The combined vehicle crossings serving Lots 1 & 2 and 4 & 5 are serving two parking spaces each with a width of 5.0 metres (maximum 3.0m permitted) – does not comply. The combined vehicle crossings serving Lots 6 & 7 is serving two parking spaces with a width of 5.5 metres (maximum 3.0m permitted) – does not comply. All other vehicle crossings serving one or two parking spaces will be provided with a width of 3.0 metres – complies.	Restricted discretionary	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)
Auckland Unitary Plan E38 – Subdivision: Subdivision – Urban	E38.4.1 and 3 Activity tables (A33) Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1 – restricted discretionary	Subdivision in accordance with a land use consent – restricted discretionary activity.	Restricted discretionary	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)

Auckland Unitary Plan H14 General Business zone	H14.4. 1 Activity table (A2) Dwellings – non-complying (A42) New buildings – restricted discretionary	Consent required - non-complying activity for 62 residential units in the General Business zone and restricted discretionary activity for new buildings.	Non-complying	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)
Auckland Unitary Plan I537 Silverdale 3 Precinct	I537.4.1 Activity table (A1) Buildings, and alterations and additions to buildings – restricted discretionary	<p>Consent required – restricted discretionary for buildings.</p> <p>Traffic Planning Consultants confirm that Goldwater Drive has been completed and connects the Spine Road to East Coast Road.</p> <p>The Hibiscus Coast Bus Station is operational.</p> <p>A second road connection (Silverwater Drive) between the Spine Road to East Coast Road has been constructed and will be open to the public at the completion of Stage 2.</p> <p>The third eastbound exclusive through lane on Hibiscus Coast Highway will be completed in early 2023, as a worst case, noting the EPA is shortly to be approved.</p> <p>The physical works for Penlink are anticipated to be underway in early 2023.</p> <p>Therefore all transport infrastructure triggers are either complete or will be complete prior to dwellings being occupied on the subject site.</p> <p>Need to confirm compliance with Standard I537.6.2 Indicative Roads to confirm whether precinct consent matter arises from subdivision.</p>	Restricted discretionary	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)

		Discretionary as worst case, noting that Road 2 has not been constructed to connect to the Spine Road and nor has the eastbound through-lane on Hibiscus Coast Highway.		
Auckland Unitary Plan I537 Silverdale 3 Precinct	I537.4.2 Activity table – sub-precinct A and sub-precinct C (A22) Any development generally in accordance with I537.10.1 Silverdale 3: Precinct plan 1 – restricted discretionary (A24) New buildings – restricted discretionary	Consent required – restricted discretionary for new buildings and development generally in accordance with I537.10.1 Silverdale 3 Precinct plan 1 (noting that underlying subdivision consent SUB60336990 was deemed to be in accordance).	Restricted discretionary	Part of Lot 18 DP 545151 (being Lot 2 of SUB60336990)

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

Subdivision consent SUB60336990 as part of bundled land use and subdivision consent BUN60337961 was granted on 10 September 2019 to subdivide the parent site into 3 superlots (including Lot 2 which is the subject of this application) to enable future subdivision and development of the subject land.

Associated land use consent matters included development of new impervious areas within the SMAF 1 control area, earthworks and development generally in accordance with the Silverdale 3 Precinct Plan 3.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

There are no resource consent applications, notices of requirement for designations or other approvals required that would be obtained by persons other than the Applicant.

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

Vehicle crossing permits will be required from Auckland Transport prior to construct the new crossings to the road that is proposed to be vested. These permits will be applied for prior to the construction works occurring on site. The Applicant is not aware of any other legal authorisations that are required to undertake the project.

Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

The following summarises the design and construction programme for ECH - Stage 5:

- Funding confirmed: s 9(2)(b)(ii) including design & consent, civil construction and dwelling construction
- Detailed design: Already underway and proposed to be completed by April 2023 (incorporating building consent for dwellings)
- Sales & Marketing launch: April 2023
- Civil Construction (including initial works, site clearance, civil works following resource consent): October 2022 – May 2023
- Dwelling construction: April 2023 – April 2025
- Project completion: April 2025

ECH – Stage 5 will be fully development ready once resource consent is issued.

Accordingly, if ECH – Stage 5 is considered eligible for the process under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (*FT Act*), our request is to work with the Ministry for the Environment and Environmental Protection Authority to enable resource consent to be issued by 1 October 2022 and earthworks to commence the same month.

Finance is in place for the entire project.

Part IV: Consultation

Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

The Applicant held a pre-application meeting with Ministry for the Environment staff on 15 June 2022 to discuss the FT Act process and the information that would be required to support an application. Ministry staff in attendance included Samantha Maxwell and Jess Hollis.

Local authorities

Detail all consultation undertaken with relevant local authorities:

The Applicant has not undertaken a formal pre-application meeting with Auckland Council in respect of development of Stage 5. A telephone conversation between the Applicant's planning consultant and Mr Steve Seager (Team Leader Resource Consents) was attempted on two occasions (28 June and 5 July). This consultation is ongoing.

Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

No persons are considered to be adversely affected by the Proposal as it is well separated from adjacent land uses either by road boundaries, topography, appropriate boundary screening or site layout and design. There are no sensitive or residential neighbours adjoining the site, with the nearest residential properties separated by the road reserve of Goldwater Drive, noting the intended residential to residential interface is not considered to give rise to adverse effects. With respect to the potential for reverse sensitivity effects on specified identified parties, these are discussed further in this application and it is concluded no person or property is adversely effects beyond a less than minor degree.

It is acknowledged that, if referred, the Panel may invite comment on the Proposal from adjacent properties as part of any fast track consent application process.

Consideration has been given to the consented (and now under construction) Botanic retirement village development and its consent process (LUC60345460, granted 22 September 2020) noting that the same planning framework applies to this site at Small Road, Silverdale, as to the subject site, i.e. General Business zone, sub-precincts A and C of Silverdale 3 Precinct. That proposal required non-complying activity consent and was automatically publicly notified pursuant to Rule H14.5(1) of the AUP. Two submissions were received on the application – one from Fire and Emergency New Zealand who withdrew their wish to be heard on the basis that conditions proposed by the applicant addressed their concerns regarding water supply and access for firefighting purposes. The second was in support by LM Painton Trust.

Given the similarities of the Proposal and close proximity, it is considered the same level of public interest, i.e. very minor, would arise.

Detail all consultation undertaken with the above persons or parties:

N/A

Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to [Te Kāhui Māngai – Directory of Iwi and Māori Organisations](#).

Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ngaati Whanaunga	Response awaited
Ngāi Tai ki Tāmaki	Response awaited
Ngāti Manuhiri	Response received 30 June which stated: "Ngāti Manuhiri would like to register our interest. Letter of engagement supplied and responded to on same day. Awaiting confirmation of scope of works and timeframes." On 4 July, clarified intention is to undertake Kaitiaki Report (not CIA or CVA).
Ngāti Maru	Response awaited
Ngāti Paoa Iwi Trust	Response awaited
Ngāti Paoa Trust Board	Response awaited
Ngāti Te Ata	Response awaited
Ngātiwai	Response awaited
Ngāti Whātua o Kaipara	Response received 27 June which stated: "Ngāti Whātua o Kaipara will not be assessing or commenting in this instance. Due to current resourcing and prioritisation of work, we are focussing efforts on the western part of our rohe at present. We pass to Ngāi Tai ki Tāmaki, Te Kawerau iwi, and Ngāti Manuhiri should they wish to be involved accordingly."
Ngāti Whātua Ōrākei	Response awaited
Te Ākitai Waiohū	Response awaited
Te Kawerau ā Maki	Response awaited
Te Patukirikiri	Response awaited
Te Rūnanga o Ngāti Whātua	Response awaited

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
N/A	N/A

Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

The Applicant is not aware of any Treaty settlement entities with an interest in the area in which the Proposal will occur.

Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

The Proposal will not occur in a customary marine title area.

Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

The Proposal activity will not occur in a protected customary rights area.

Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

Please refer to **Attachment 12** attached to this application.

Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development (*NPSUD*) directs local authorities to provide sufficient development capacity in their resource management plans to meet demands in housing and business growth. The NPSUD acknowledges that sufficient development capacity is critical to ensuring urban land can be developed efficiently to meet community needs. Further, the NPSUD acknowledges the importance of commercial feasibility and commercial viability when taking account of whether certain developments can occur in certain locations.

The NPSUD requires councils to plan well for growth and to do so in a way that:

- Ensures the principles of the Treaty of Waitangi are taken into account.
- Ensures that plans make room for growth both up and out, and that rules are not unnecessarily constraining growth.
- Develops, monitors and maintains local evidential bases for demand, supply and prices of land (for housing and to inform planning decisions).
- Aligns and coordinates with planning across urban areas.

In the context of the site, Auckland Council is a Tier 1 authority and therefore all provisions of the NPSUD apply.

Of particular interest to the Proposal:

- Objective 1 is the NPSUD's overarching objective which seeks to deliver well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and in the future.
- Objective 2 of NPSUD seeks that planning decisions improve housing affordability by supporting competitive land and development markets.
- Objective 4 of the NPSUD recognises that urban environments and their amenity values change over time and develop in response to the diverse and changing needs of people, communities and future generations.
- Objective 6 seeks that planning decisions on urban development are (amongst other things) responsive, particularly in relation to proposals that would supply significant development capacity.
- Finally, Objective 8 seeks that urban environments support reductions in greenhouse gas emissions and are resilient to climate change effects.

In response to the above objectives, the site is conveniently located to accommodate residential intensification in a manner that can provide for the changing needs of the local community, specifically recognising that the character of the area (and the size, shape and physical characteristics of the site) is changing with the development of East Coast Heights. Therefore, residential use of the site as proposed can deliver a well-functioning urban environment and further, represents improved housing affordability with the introduction of 11 new typologies, each on smaller lot sizes and at a greater density than the adjacent developing community. Further, proximity to the Hibiscus Coast bus station, Silverdale town centre, other employment hubs (existing and proposed) and commercial services means that the Proposal can positively impact greenhouse gas emission reduction. The site is not subject to any hazards that would otherwise be exacerbated by development and climate change. It is considered therefore that the Proposal achieves the objectives of the NPSUD.

The objectives are given effect to by directive NPSUD policies. In particular, Policy 1 directs that planning decisions contribute to well-functioning urban environments that enable a variety of homes that meet the needs, in terms of type, price, and location, of different households.

Policy 6 seeks that decision makers should have particular regard to any relevant contribution that will be made to meeting the requirements of the NPSUD to provide or realise development capacity. That policy also makes it clear that significant changes to planned urban built form are likely to arise in order to give effect to the NPSUD (such as by providing increased and varied housing densities and types) and that such changes may detract from amenity values but are not of themselves an adverse effect.

Policy 8 requires local authorities to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by the planning documents.

Notably the Proposal delivers a variety of households with a range of affordability. It also introduces an additional 62 family-sized dwellings into the market, with in-built design flexibility to encourage a range and change of uses over time with the number of bedrooms and "flexi-room" option in many typologies. In this way, the Proposal is consistent with and advances the purpose and policies of the NPSUD.

With respect to Policy 8 in particular, while the Proposal is not a plan change, it does represent an outcome not otherwise anticipated by the General Business zone that applies to the site. That said, it is considered, for the reasons identified above and in the assessment of effects, that the ability for the Proposal to deliver a well-functioning urban environment and to make a significant contribution to the local housing market can be elevated in the consideration of the planning merits given the intent of Policy 8. Indeed, it is clear that the NPSUD requires and supports the type of 'step change' in planning for urban areas that are experiencing rapid growth.

Having regard to Part 3 (Implementation) of the NPSUD, the Proposal is development ready with existing infrastructure connections available (noting that the Proposal can be accommodated in respect of capacity of those

existing networks also); the land is vacant and ready to be earthworked upon grant of statutory approvals, and having reviewed the matters contained within section 3.32 Qualifying Matters, there are no matters that prevent the site from being suitable for additional intensification in accordance with the directives of the NPSUD.

The Proposal will accord with the NPSUD in that it will facilitate a well-functioning urban environment that will enable people and communities to provide for their social, economic, and cultural wellbeing, recognising that the urban environment will change over time to meet the changing needs of people, communities and future generations, as required by Objectives 1 and 2 of the NPSUD

National Policy Statement on Freshwater 2020

The National Policy Statement on Freshwater (*NPSFW*) provides direction to local authorities on managing activities that affect the health of freshwater. It came into force on 3 September 2020. Requirements of the NPSFW include:

- Managing freshwater in a way that gives effect to Te Mana o te Wai through involving tangata whenua and working with the community to set long term visions in regional policy statements.
- Improving degraded water bodies.
- Avoiding any further loss or degradation of wetlands or streams, mapping existing wetlands and encouraging their restoration.
- Monitoring and reporting annually on freshwater.

Given no water bodies are present on the site and the proposal to discharge stormwater (compliant with 60% site imperviousness) to the stormwater attenuation pond to be vested (and located adjacent Lot 2) is already consented, the NPSFW is not considered to be relevant.

Likewise, therefore, the National Environmental Standard for Freshwater is not relevant.

National Environmental Standard for Assessment and Management of Contaminants in Soil to Protect Human Health

The purpose of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (*NESCS*) is to provide a nationally consistent approach to the assessment and management of contaminants in soil for the protection of human health.

The NESCS does not include a policy framework to guide the assessment of applications, however, it does identify the matters that will be taken into account when a controlled or restricted discretionary activity consent is required under the NES.

In this case, no NESCS consent matter arises given the site has not accommodated a HAIL activity and has been extensively earthworked in the past. In this regard, no further assessment under the NESCS is required.

Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently 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”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The Proposal squarely gives effect to the purpose of the FT Act, particularly by providing significant and urgent public benefits in respect of employment, economic development, and housing while strengthening environmental, economic and social resilience and avoiding significant adverse environmental effects, as evidenced in this application and accompanying plan package and associated technical reports.

With regard to employment, the land development works will provide full time employment for tradespeople (across all building and construction trades), disciplines relating to materials manufacturing and supply, design, planning, environmental, ecological, civil engineering, and geotechnical assessment, monitoring and reporting urban designers, planners, civil engineering designers, surveyors, project managers, administrators and sales staff. This will provide for a certain and continual workstream of approximately 250 FTE employment years over the course of the proposed development.

The direct, indirect and induced economic impact of the residential development on Lot 2 is estimated to support \$24.4 million in GDP.

As the residential development is completed the impact will stabilise at around \$1 million in GDP per annum and approximately 12 jobs in the Auckland economy. This activity is generated by the on-going spending by new residents.

Project's effects on the social and cultural wellbeing of current and future generations:

The Site is adjacent to existing established urban activities and well serviced by infrastructure. Infrastructure costs are likely to be lower than comparably-sized developments in greenfield locations that are not yet serviced by water and wastewater. This outcome would improve the productivity of the economy by reducing the amount of resources needed to accommodate new growth.

The Proposal is close to major transport infrastructure (including State Highway 1, and the Hibiscus Coast bus station) and to significant and established retail, commercial and employment areas within 1km of the Site including Silverdale town centre. This means that households establishing on Lot 2 will be able to travel more sustainably and efficiently and better access their needs locally than comparably-sized developments in greenfield locations. This superior access to local businesses will contribute to mitigating transport costs and greenhouse gas emissions, relative to development in many alternative locations, resulting in better transport outcomes and associated public benefits. This has a positive social wellbeing outcome.

The development of Lot 2 will contribute to a well-functioning urban environment. The Proposal is an appropriate location to enable higher density residential growth because it is adjacent to an established residential area, and is close to the Hibiscus Coast bus station, and a range of other services and employment areas. Locations with those characteristics are an ideal place for higher density residential activity to establish. The development of Lot 2 can be expected to positively impact the local businesses in the area, and contribute to the efficient functioning of Silverdale town centre. The additional households would be expected to shop and visit services within the local area, which will improve the viability of existing business and also potentially attract more businesses and community services to the area. This additional activity can be expected to improve the level of amenity in the town centre, which will positively contribute to a well-functioning urban environment. This again is considered to have a positive social wellbeing outcome.

Consultation with iwi is ongoing to ascertain how the Proposal can deliver positive cultural wellbeing outcomes. More broadly, the provision for flexible living within the proposed typologies is considered to foster multi-generational living or co-living in a manner that contributes to both social and cultural wellbeing.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The Proposal would otherwise require public notification if it proceeds under the traditional RMA consenting pathway and would therefore experience considerable delay through a submission period and hearings process. Given additional delays currently being experienced with Auckland Council, ECH – Stage 5's consenting process could take up to 2 years.

The use of the FT Act will bring the project forward by 12-18 months.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

The Economic Assessment by Formative (**Attachment 3**) concludes:

The direct, indirect and induced economic impact of the ECH5 development would support \$24.4 million in GDP and approximately 276 employment years (or 250 full time equivalent employment years) over the development period in the Auckland economy.

Housing supply:

ECH – Stage 5 will supply around 62 new homes to contribute to the housing supply in Auckland with a range of housing typologies. The range of housing typologies proposed will provide more housing choice in an attractive area at a time when house prices have been escalating and moving beyond the reach of many Auckland residents.

It is expected that the average dwelling could sell for around \$1million, which is much lower than the current dwelling price in the Hibiscus Coast area (\$1.3m) or Silverdale-Millwater-Milldale (\$1.5m).

Provision of more homes in this location will also assist to support local businesses in the adjacent Silverdale Town and Commercial centre and reinforce the public transport provision.

BRL proposes to include development covenants that would require construction on all new titles created within Lot 2 to be completed within 24 months of the new lots being sold. This means that the development of Lot 2 is very likely to be completed within two years of consent being issued, therefore the Proposal contributes to the short- and medium-term housing market.

Contributing to well-functioning urban environments:

It is considered that the Proposal contributes to a well-functioning urban environment, as it provides for increased residential density around centres and transport facilities, and provides a high-quality urban design response to the site without creating adverse effects on the environment while achieving genuine environmental and economic sustainability.

Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

ECH – Stage 5 is an appropriate location to enable higher density growth because it is close to the Hibiscus Coast bus station, and within a developing mixed use environment incorporating higher density residential activity, employment areas, commercial services and community facilities. The location of ECH – Stage 5, and the Proposal assessed in this report, therefore contributes to a well-functioning urban environment by providing dwellings in close proximity to major public transport links, which will also have positive effects in reducing greenhouse gas emissions. The Proposal would also support efficient use of existing infrastructure, noting the site has ready access to existing public networks with capacity to support the Proposal and therefore represents efficient access to infrastructure.

The Proposal will enable high levels of both land and infrastructure efficiency to be achieved within an urban development-ready area.

Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

Environmental benefits are as detailed in the other sections, the most significant being the increased potential for mode change to public and active transport and the efficient use of land and infrastructure as outlined above.

Further, the site does not accommodate any significant natural features, having been earthworked for development previously and being surrounded by existing urban development. The Proposal provides the opportunity for comprehensive landscaped planting in an urban setting that will contribute to improved biodiversity and urban ngahere.

Minimising waste:

Waste minimisation during construction will be signalled in the build tender documentation to ensure it is built into the final methodology.

Contributing to New Zealand’s efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand’s net emissions of greenhouse gases):

Overall, it can be expected that residential development at the site will encourage mode share, contributing to patronage for public transport services, demand for further walking and cycling improvements, and enhance the vibrancy for the nearby Silverdale town centre.

Promoting the protection of historic heritage:

The Proposal will not impact historic heritage.

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

The Proposal represents the opportunity to deliver 62 new dwellings to the competitive housing market in a location proximate to existing infrastructure, including public transport, centres and commercial activity including employment areas. The site is not subject to any hazards that will be exacerbated by development and climate change such that the risk of natural hazards is appropriately managed and development can be seen as resilient in all senses as required.

Other public benefit:

The Proposal directly responds to the FT Act and the NPSUD. A decision by the Minister to refer this to the fast track process will allow the project to continue at speed and be seen as an example to follow.

Whether there is potential for the project to have significant adverse environmental effects:

The Proposal is not considered to result in significant adverse effects.

Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The Proposal would not be affected by climate change and natural hazards.

Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Auckland Council	BRL has never had any compliance and/or enforcement actions taken against them by Council.
Auckland Council	Auckland Transport BRL has had stop works notices in preceding stages due to sub-contractors working on public roads without adequate notification or in advance of traffic management plans. No such notices are live and all have been satisfactorily resolved.

Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Kay Panther Knight

11/07/2022

Signature of person or entity making the request

Date

Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at www.ombudsman.parliament.nz.

Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
Yes	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.

No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.