









# 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.*

Local authority providing comment	Auckland Council
Contact person (if follow-up is required)	Steve Seager s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

Project name	East Coast Heights Stage 5 Silverdale
General comment – potential benefits	Will add additional housing supply and choice in the Auckland region
General comment – significant issues	<ul style="list-style-type: none"> <li>The overall proposed layout and design, and how this responds to the topography/ land contours.</li> <li>Proposed stormwater management approach (see Healthy Waters comments attached).</li> <li>Wastewater and water infrastructure (see Watercare's comments attached). Potential capacity issues in relation to wastewater.</li> <li>Building intensity</li> <li>Landscape/visual effects</li> <li>Development effects and potential reverse sensitivity effects on neighbouring commercial developments in a zone that is primarily intended for businesses activities.</li> <li>Loss of land intended for business use to solely residential use</li> <li>Roading design and layout and effects on the surrounding transport network (see AT's comments below).</li> <li>Dwellings are a non-complying activity in the General Business zone</li> <li>Rule H14.5(1)(a) of the Auckland Unitary Plan requires public notification for 'dwellings' in the General Business zone.</li> </ul>
Is Fast-track appropriate?	There are wastewater constraints in the local network downstream of the proposed site; hence it is not considered appropriate that this goes through the fast track process. See Watercare's comments attached.
Environmental compliance history	Abatement notices have been issued to Build Rich Limited for insufficient erosion and sediment controls across various residential sites.

Reports and assessments normally required	<ul style="list-style-type: none"> <li>• An AEE assessing the effects of the proposal and it's fit with the policies and objectives of the AUP and other relevant statutory documents.</li> <li>• Architectural plans</li> <li>• Survey plans</li> <li>• Urban design assessment</li> <li>• Landscape &amp; visual assessment including perspective sketches or photomontages showing the proposed buildings when viewed from public areas</li> <li>• Geotechnical report including groundwater diversion assessment</li> <li>• Stormwater infrastructure report including a stormwater management plan and flood assessment.</li> <li>• An integrated traffic assessment (see comments from Auckland Transport)</li> <li>• Water and wastewater infrastructure report including engineering plans, capacity assessment, fire/water supply-demand and connection points.</li> <li>• An assessment of construction related effects including traffic, noise and vibration and a construction management plan.</li> <li>• Records of iwi consultation</li> <li>• Earthworks, cut and fill, and erosion/sediment management plan</li> <li>• A lighting plan of footpath, accessways and parking areas.</li> <li>• An Economic assessment that analyses the effect of loss of land intended for business use to fully residential use.</li> </ul>
Iwi and iwi authorities	<p>Ngāi Tai ki Tāmaki  Ngāti Manuhiri  Ngāti Maru  Ngāti Pāoa(Ngāti Paoa Iwi Trust)  Ngāti Pāoa(Ngāti Paoa Trust Board)  Ngāti Te Ata  Ngātiwai  Ngāti Whanaunga  Ngāti Whātua o Kaipara  Ngāti Whātua Ōrākei  Te Ākitai Waiohū  Te Kawerau ā Maki  Te Patukirikiri  Te Rūnanga o Ngāti Whātua</p>
Relationship agreements under the RMA	N/A
Insert responses to other specific requests in the Minister's letter (if applicable)	Questions 1 to 3 are answered above and below. In relation to question 4 application SUB60336990 (BUN60337961) granted 10th September 2019 created the subject lot (Lot 2) and contained a fairly standard set of conditions.
Other considerations	N/A

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.

## **Auckland Council Specialist comments**

### **Asset owners Watercare**

From: Ameya Bhiwapurkar, Development Engineer

#### **Applicant's proposals:**

##### **Wastewater**

There are existing wastewater connections at the western corner to service development according to the granted RC in 2019. The existing wastewater connections will be discharged into the existing wastewater network to the Hibiscus Coast Highway.

Based on the current design layout of 62 houses, the estimated design flow is 2.6l/s. Further capacity assessment is to be carried out to evaluate the downstream system.

##### **Water**

It is anticipated that the existing water main along the public roads has sufficient capacity for the subject site with a water supply classification of FW2. Future water connections will be extended off the existing network into the site. There is an existing fire hydrant outside the western boundary. A new fire hydrant may be required presuming the furthest residential unit exceeds 135m to the street hydrant.

#### **Watercare's comment on proposals:**

##### **Wastewater**

There are wastewater constraints in the local network downstream of the proposed site. This constraint is along the Hibiscus Coast Highway and Flexman Place. The local wastewater network constraints will need to be addressed by the developer before the connection for the proposed development can be approved.

##### **Water**

The Planning team has conducted a capacity assessment for the proposed 62-residential lot development. We confirm that the network has enough capacity to supply this development without needing any further upgrades.

## **Asset Owner Healthy Waters**

From: Richard Challis, Senior Healthy Waters Specialist

### Overall Summary:

The site discharges to an existing wetland/pond which provides stormwater quality and quantity management subject to new development having a maximum level of imperviousness of 60 percent.

The planning assessment submitted with the application notes, on page 25, that the proposal does not exceed 60 percent

It is noted that the application includes subdivision to create 62 lots.

No scheme plan for this subdivision nor details of proposed public stormwater infrastructure within the site being developed, is included with the application documents.

Application for Engineering Plan Approval to construct public infrastructure, designed in accordance with Stormwater Code of Practice Version 3, will need to be made.

## **Asset Owner Auckland Transport**

From: Liam Burkhardt, Senior Planner, Auckland Transport

The subject site is currently zoned as Business – General Business and is located within Silverdale 3 sub-precincts A and C under the Auckland Unitary Plan (Operative in Part) (AUP). Any resource consent application for dwellings within the Business – General Business zone is classified as a non-complying activity. Silverdale 3 sub-precinct A is intended to enable a range of business activities, and while Silverdale 3 sub-precinct C does allow for some residential activity, such activity must be secondary to business activity in the form of work / live units only.

Section 4 of the applicant's Planning Assessment by Forme Planning, dated 8 July 2022, notes that residential development within the Business – General Business zone would be unlikely to pass the "gateway test" under



s104D of the Resource Management Act 1991. In addition to this, resource consent applications for dwellings within the Business – General Business zone must be publicly notified in accordance with H14.5(1) of the AUP.

For the reasons above, Auckland Transport therefore considers it more appropriate for the Project to proceed through the standard consenting process or a private plan change process, rather than through the Covid Recovery Act. In particular, the standard consenting process or a private plan change process would allow the opportunity for public input, which is not available through the Covid Recovery Act.

The Preliminary Assessment - Transport by Traffic Planning Consultants Ltd, dated 30 June 2022, provides some initial comments related to the transport requirements outlined in the Silverdale 3 precinct of the AUP. However, if the project is accepted for fast-track consenting, a full Integrated Transport Assessment (ITA) should also be provided to recognise the non-complying nature of the Project (i.e. residential development within the Business – General Business zone).

The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of accessibility to and from the development as well as safety and efficiency effects.

Auckland Transport requests the following matters form part of the ITA:

- Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport;
- An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated;
- An assessment of potential adverse effects on the efficient operation of the surrounding transport network and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on key intersections, including (but not limited to) Hibiscus Coast Highway / East Coast Road, Alberto Lane / Hibiscus Coast Highway and Goldwater Drive / East Coast Road;
- An assessment of bicycle parking requirements for the residential lots;
- An assessment of street design including the design philosophy for all new roads supporting the spatial allocation for each mode and outlining how the design appropriately and safely provides for all transport users;
- Whether proposed roads to vest meet the relevant transport standards of Chapter 3 in the Auckland Code of Practice for Land Development and Subdivision;
- Whether the Project meets the relevant transport standards in the Silverdale 3 precinct;
- An assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the AUP;
- A Draft Construction Traffic Management Plan (CTMP) covering an assessment of effects on construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks;
- An assessment on the likely impacts of earthworks and construction activity and heavy vehicle movements on road pavements in the vicinity of the site.

Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.

## **Policy comments from Auckland Council Plans and Places Team**

From: Dave Paul, Senior Policy Planner

These comments are subject to input from specialist such as urban design, landscape and transport.

### **NPSUD**

The NPSUD recognises that business is needed to be enable and contribute to a well-functioning urban environment, and that there be sufficient development capacity for business. So, the focus is not solely on providing dwellings.

Proposals like this which replace business land with residential activity continually deplete the supply of business land and do not give effect to the business objectives of the NPSUD.

### **General Business Zone**

The zoning of the land is General Business Zone and the zone description states:

Residential activity is also not envisaged due to the potential presence of light industrial activities and the need to preserve land for appropriate commercial activities.

The General Business Zone objectives are also clearly aimed at providing for business activity and make no reference to enabling residential activity. The relevant objectives and policies are:

#### **Objective**

(6) A range of business activities outside centres are provided for, while ensuring activities within the zone do not compromise the function, role and amenity of centres.

#### **Policy**

(16) Enable a range of business activities, including large format retail, trade suppliers, light industry and small service activities that are either:

- (a) difficult to accommodate within centres due to their scale and functional requirements;
- (b) more appropriately located outside of the Business – City Centre Zone, Business – Metropolitan Centre Zone or Business – Town Centre Zone; or
- (c) already established in locations where they are able to continue.

There are also numerous objectives and policies in the zone relating to ensuring business activity does not have adverse effects on adjoining residential activity which supports the policy that residential activity should not occur in the zone.

In the zone activity table, Dwellings are **non-complying** activities.

The General Business zone allows for industrial activity and there is a shortage of land in the Hibiscus Coast for industrial activity.

### Silverdale 3 Precinct

The proposal is in sub-precinct A and sub precinct C. The purpose of sub-precinct A is to enable a range of business activities. Sub-precinct C enables residential activity but only as a work/live style, not conventional residential activity.

There could be reverse sensitivity with adjoining business land to the north where the residential site would immediately adjoin business activity. Urban design and landscape comments will be relevant to this.

Consideration also needs to be given to the impact of the development on the transport staging provisions.

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<b>Organisation providing comment</b>	Auckland Transport
<b>Contact person (if follow-up is required)</b>	Matthew Richards, Manager Development Planning
	s 9(2)(a)
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	East Coast Heights Stage 5–Silverdale Project
<b>General comment</b>	<p>Thank you for the opportunity to provide comments on the referral of East Coast Heights Stage 5–Silverdale Project (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Auckland Transport considers it more appropriate for the Project to proceed through the standard consenting process or a private plan change process rather than through the Covid Recovery Act.</p> <p>Auckland Transport requests that, should the project be accepted for fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting panel must invite comments from.</p>
<b>Other considerations</b>	<p>The Project proposes to subdivide part of Lot 18 DP 545151; that part being Lot 2 created by SUB60336990 granted in 2019. The Project also proposes the construction of approximately 62 dwellings.</p> <p>The subject site is currently zoned as Business – General Business and is located within Silverdale 3 sub-precincts A and C under the Auckland Unitary Plan (Operative in Part) (AUP). Policy 16 of the Business – General Business zone sets clear direction that the zone is intended to enable a wide range of business activities, such as light industry, small service activities, trade suppliers and large format retail. Any resource consent application for dwellings within the Business – General Business zone is therefore classified as a non-complying activity and must be publicly notified in accordance with H14.5(1) of the AUP.</p> <p>Silverdale 3 sub-precinct A is also intended to enable a range of business activities, and while Silverdale 3 sub-precinct C does provide for some residential development as a restricted discretionary activity, such activity must be secondary to business activity in the form of work / live units only.</p> <p>Section 104D of the Resource Management Act 1991 (RMA) is directly ‘imported’ into the COVID-19 Recovery (Fast-track Consenting) Act 2020 by clause 32. Section 104D clearly operates to prevent the consent authority (in this scenario an Expert Consenting Panel) from granting a resource consent for a non-complying activity, unless one of the two limbs of the gateway test is passed. Section 4 of the applicant’s Planning Assessment by Forme Planning, dated 8 July 2022, notes that residential</p>

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development within the Business – General Business zone would be unlikely to pass the policy limb of the “gateway test” under s104D of the RMA.

Auckland Transport notes that there is limited availability of business land in the Hibiscus and Bays Local Board area and that the Project would replace land intended for business use as residential development. It is vital that business land in the Hibiscus and Bays Local Board area is retained to ensure there is access to employment for residents, particularly in consideration of the significant residential development that has recently occurred in the area. This contributes towards a reduction in vehicle kilometres travelled by private vehicles and a reduction in transport-related greenhouse gas emissions. Further, it is not considered that residential development within the Business – General Business zone contributes towards a “well-functioning urban environment”. This is further supported by Policy 1 of the National Policy Statement on Urban Development 2020, which requires planning decisions to contribute towards “well-functioning urban environments” that “have or enable a variety of sites that are suitable for different business sectors in terms of location and site size” and “support reductions in greenhouse gas emissions”.

For the reasons above, Auckland Transport considers that it is not appropriate for the Project to proceed through the fast-track process. In particular, Auckland Transport considers that any application for dwellings within the Business – General Business zone may not be able to meet the s104D “gateway test” under the RMA and would undermine the integrity of the AUP, given that the Project is contrary to the objectives and policies of the zone and the potential adverse effects are likely more than minor when considered as a whole. On this basis, Auckland Transport considers that it is more appropriate for the Project to proceed either as a private plan change request or through the standard consenting process.

The Preliminary Assessment - Transport by Traffic Planning Consultants Ltd, dated 30 June 2022, provides some initial comments related to the transport requirements outlined in the Silverdale 3 precinct of the AUP. However, if the project is accepted for fast-track consenting, a full Integrated Transport Assessment (ITA) should also be provided to recognise the non-complying nature of the Project (i.e. residential development within the Business – General Business zone).

The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of accessibility to and from the development as well as safety and efficiency effects.

Auckland Transport requests the following matters form part of an ITA:

- Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport;
  - An assessment of potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated;
  - An assessment of potential adverse effects on the efficient operation of the surrounding transport network and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on the Hibiscus Coast Highway, SH1 motorway interchange, and key intersections, including (but not limited to) Hibiscus Coast Highway / East Coast Road, Alberto Lane / Hibiscus Coast Highway and Goldwater Drive / East Coast Road;
  - An assessment of bicycle parking requirements for the residential lots;
  - An assessment of street design including the design philosophy for all new roads supporting the spatial allocation for each mode and outlining how the design appropriately and safely provides for all transport users;
  - Whether proposed roads to vest meet the relevant transport standards of Chapter 3 in the Auckland Code of Practice for Land Development and Subdivision;
  - Whether the Project meets the relevant transport standards in the Silverdale 3 precinct;
  - Whether residential activity, which differs to that anticipated in the AUP, would undermine the transport infrastructure upgrades outlined in Table I537.4.1 or would result in any additional transport infrastructure requirements;
  - An assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the AUP;
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	<ul style="list-style-type: none"> <li>• A Draft Construction Traffic Management Plan (CTMP) covering an assessment of effects on construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks;</li> <li>• An assessment of the likely impacts of earthworks and construction activity and heavy vehicle movements on road pavements in the vicinity of the site.</li> </ul> <p>Given the need to review any potential adverse effects on the transport network, Auckland Transport requests that any referral order for this project requires the Expert Consenting Panel to include Auckland Transport as a person who is to be invited to comment on the project.</p>
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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.















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

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

Organisation providing comment	Watercare Services Ltd.
Contact person (if follow-up is required)	Shane Lawton, Head of Developer Services, s 9(2)(a)
	Mark Iszard, Head of Major Developments, s 9(2)(a)
	Ameya Bhiwapurkar, Development Engineer, s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

Project name	East Coast Heights Stage 5 – Silverdale Project
General comment	<p><b>Summary:</b></p> <p>The project is to subdivide a 1.55-hectare site in Silverdale, Auckland, and construct approximately <b>62 residential units</b> and supporting infrastructure, including a road, accessways, and three-waters services. The project site is contained within Lot 2 of an approved subdivision consent at 2 Goldwater Drive, Silverdale; however, new titles are yet to be issued.</p> <p>The project comprises the <b>fifth stage</b> of a residential and commercial development undertaken by the applicant between East Coast Road and State Highway 1 at Silverdale. Stages one and two, lying immediately to the south of the project site, are currently under construction, and stages three and four, located further to the south, are the subject of a separate referral application that you have previously been invited to comment on (2022-088 East Coast Heights–Silverdale Project).</p> <p><b>Proposals:</b></p> <p><b>Wastewater</b></p> <p>There are existing wastewater connections at the western corner to service development according to the granted RC in 2019. The existing wastewater connections will be discharged into the existing wastewater network to the Hibiscus Coast Highway.</p> <p>Based on the current design layout of 62 houses, the estimated design flow is 2.6l/s. Further capacity assessment is to be carried out to evaluate the downstream system.</p>

	<p><b>Water</b></p> <p>It is anticipated that the existing water main along the public roads has sufficient capacity for the subject site with a water supply classification of FW2. Future water connections will be extended off the existing network into the site. There is an existing fire hydrant outside the western boundary. A new fire hydrant may be required presuming the furthest residential unit exceeds 135m to the street hydrant.</p> <p><b>Comment on proposals:</b></p> <p><b>Wastewater</b></p> <p>There are wastewater constraints in the local network downstream of the proposed site. This constraint is along the Hibiscus Coast Highway and Flexman Place. The local wastewater network constraints will need to be addressed by the developer before the connection for the proposed development can be approved.</p> <p><b>Water</b></p> <p>The Planning team has conducted a capacity assessment for the proposed 62-residential lot development. We confirm that the network has enough capacity to supply this development without needing any further upgrades.</p>
<b>Other considerations</b>	Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.
<b>[Insert specific requests for comment]</b>	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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.

