

Appendix 1: Asset Owners' Feedback

Asset Owner / Specialist Response

From: Neil Stone, Senior Development Planner, Auckland Transport

Date: 21/07/2022

Overall Summary:

Thank you for the opportunity to provide comment on the referral of the proposed 57 unit residential apartment building at 11 and 13 Fleet Street, Eden Terrace (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).

Based on the information provided Auckland Transport is neutral as to this application being accepted for the fast-track consenting process. If the Minister were to decide to accept the application for referral, Auckland Transport request that an Assessment of Environmental Effects and comprehensive Transport Assessment that includes the matters discussed in Auckland Transport's comments below 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.

The project proposes a retaining structure in the road reserve which is integral to this development and requires Auckland Transport approval as Road Controlling Authority. Auckland Transport, therefore, requests that the applicant obtain approval from the Chief Engineer at Auckland Transport for the proposed structures in the road and provide evidence that with the consent application to the Environmental Protection Authority that the design of the structures are approved by the Chief Engineer of Auckland Transport and in principle suitable for vesting. It is considered poor resource management practice and to contrary to the benefits of the Fast Track consenting process if a consent was left unable to be implemented due to this approval not being granted.

Specific Comments:

The application documents including the Transport Assessment by TPC dated June 2022, provides an initial assessment of the application but does not adequately address all the required transport matters or potential effects created by this project, including asset owner matters.

Auckland Transport requests that the following transport matters be assessed further should the application be accepted for fast track consenting:

- *Structures in the road reserve*

The level of information provided is not considered adequate to determine the level of effects and whether Auckland Transport could support these proposed works within the road reserve. The applicant will need to provide additional information with regard to any proposed retaining structure within the road reserve and the extent of the asset upgrades proposed. Additional assessment must include information on the construction, structural elements, whole of life cost assessment, identified materials and maintenance costs of all structures in the road reserve.

Given the vehicle access to the proposed building is premised on the amendments to the existing staircase and the construction of retaining walls in the road reserve Auckland Transport is unable to provide an informed review of the application until the above mentioned additional information is provided and an approval from the Chief Engineer at Auckland Transport for the retaining structure is provided. There is also no certainty that the approval for the proposed structure in the road will be provided by Auckland Transport's Chief Engineer, each application is considered on its merits and adherence to the required standards. Therefore, it is considered poor resource management practice and to contrary to the benefits of the Fast Track consenting process if a consent was left unable to be implemented due to required approval not being granted.

Auckland Transport considers that there is merit in getting required approval from Auckland Transport for the structure in the road before resource consent approval. It is further noted that the removal of a portion of staircase would not comply with Auckland Transport standards and required require a Departure of Standards approval from the Auckland Transport Chief Engineer.

In terms of the interface between the proposed building and the road, it is unclear if retaining structures are required within private property or the road reserve. The applicant is required to provide additional information in this regard. If retaining structures are required in the road reserve to allow for the building itself then the applicant is required to apply for an Encroachment Licence from Auckland Transport. There is also no certainty that an Encroachment Licence will be supported by Auckland Transport, each application is considered on its merits. It is considered poor resource management practice and to contrary to the benefits of the Fast Track consenting process if a consent was left unable to be implemented due to a required Encroachment Licence approval not being granted.

- *Building consent*

A building consent will be required for retaining structure more than 1.5m in height above ground level.

- *Refuse collection*

Private refuse collection is proposed for this development however utilising Fleet Street car parking for collection. The transport assessment notes that refuse collection trucks can make use of the existing parking spaces in Fleet Street adjacent to Basque Park (these spaces have 120 minutes time restrictions) or park in the Fleet Street turning head located south of the site when the parking spaces are occupied. The transport assessment does not consider the existing no stopping at all times (NSAAT) line markings in Fleet Street. Auckland Transport will not accept the suggested illegal parking for servicing of a development; additional assessment on refuse collection and its effect on the transport network is required. The applicant is encouraged to explore alternative solutions for refuse collection that does not include utilising the road reserve for parking.

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.

Asset Owner / Specialist Response

From: Katja Huls, Principal – Strategic Development, Growth and Development Team, Healthy Waters, Auckland Council

Date: 21/07/22

Overall Summary:

The development at 11 – 13 Fleet Street apartments comprises a multi-storey building with apartment and basement carpark

Stormwater servicing

The downstream 375 mm diameter stormwater network is unlikely to have 10yr Annual Recurrence Interval (ARI) capacity. Detention of the 10 year ARI event to pre-development levels is required as a minimum.

Overland flow path in Fleet Street

The OLFP seems to be located entirely in Fleet Street. Note the OLFP in Geomaps isn't 100% correct.

The Urban design plans seems to show the basement garage close to the adjacent road level. Further assessment is needed to ensure 300 mm freeboard above the adjacent OLFP 100yr Annual Recurrence Interval plus Climate Change (ARI+CC) peak water level in Fleet Street to comply with the Auckland Council Stormwater Code of Practice (SWCOP).

See diagrams below:



Hydrology Mitigation

The site is not in a Stormwater Management Area Flow (SMAF) control layer, however the downstream primary network discharges to Motions Creek so WSD principles have been applied. Retention practices are proposed including on-site irrigation and non- potable water use. No specific design details are provided but the concept is supported.

Asset Owner / Specialist Response

From: Ameya Bhiwapurkar, Development Engineer, Watercare Services Ltd.

Date: 21/07/2022

Overall Summary:

It is proposed to develop a 671m² site to accommodate approximately **57 apartments** ranging from 1-2 beds across 8 levels, of which **29 apartments** would be sold to the market. The remaining **28 apartments** would be made available as build-to-rent (BTR), with supporting parking and resident amenities in an area close to a wide range of amenities, including high-frequency public transport networks (City Rail Link).

The development will result in new dwellings being separated into freehold units. A small office floor area is proposed comprising an on-site manager and a resident shared workspace with a total area of around 70m². The applicant's vision for the project is to provide a high-quality residential community serviced by the existing transport routes and commercial and community activities at the Eden Terrace and Mt Eden area.

Proposals

Wastewater

There is an existing 150mm dia. gravity wastewater line on Fleet Street with a downstream manhole depth (GIS ID: 532822) of 2.53m which allows the site to be serviced via gravity outfall. The downstream network capacity requires an assessment as part of the Resource Consent application.

Water supply

There is an existing 150mm dia. water main on Fleet Street with the nearest Hydrant (GIS ID: 1097747) opposite 3E/15 Fleet Street. According to The New Zealand Fire Service Firefighting code of practice, SNZ PAS 4509:2008 is classified as FW2 water supply classification, and it is our understanding that the proposed building will be sprinkled.

Hydrant flow testing will be undertaken during the resource consent stage.

Watercare's comments on the proposals

Wastewater

There are significant existing wastewater capacity constraints downstream of the proposed development.

Currently, Watercare is planning some wastewater capacity upgrade projects in the area. Until the planned upgrades are constructed, the developer will need some temporary mitigation measures. Those measures may include installing an on-site wastewater holding tank or any other solutions that will provide a reduction in peak wastewater flows.

Water supply

We have carried out the capacity assessment and can confirm that there is enough capacity to cater to the proposed development and supply without needing any further upgrades.

The sprinkler flow is assumed to be FW2 with 25 litres/second flow. If the developer requires more than the assumed flow, we will need to review this once the requirements are clearly defined with the necessary calculations.

Appendix 2: Ward Councillor/Local Board feedback

From: s 9(2)(a)
To: s 9(2)(a)
Cc: s 9(2)(a)
Subject: FW: Fleet Street Apartments – COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Tuesday, 19 July 2022 11:54:24 am

Dear Tammy and Tommy

The WLB's comments are below.

1. There are inconsistencies within the application document. On page 3 of the application it is proposed that 29 apartments are to be sold and 28 apartments are build to rent. However, on page 13 the applicant declares that Shackleton will deliver "57 new build to rent homes". On page 14 they say confusingly, "At its core, Fleet Street will supply around 57 new build to rent homes to contribute to the housing supply in Auckland with a range of housing typologies including market housing and Build to Rent". Which is it?
2. Flood plains. This is a real risk – the building is at the bottom of a slope – how will this be mitigated so as to ensure no adverse effect on neighbours?
3. Cross ventilation and impermeable areas seem insufficient. By going so close to the boundary there is limited permeable space and fewer opportunities for opening windows that enable cross ventilation. For the apartments in the middle outlook will be very limited. We would strongly urge not breaching planning guidelines to ensure better outcomes.
4. Setback rules that would mitigate the issues above are being breached. The WLB recommend compliance here. In addition this will mean better outcomes for existing neighbours and future development also.
5. The WLB recommends consideration of the Local Government Act that is designed to promote the four wellbeings. Will this accommodation (putting aside other factors) foster wellbeing longterm? I fear that it will not and that what is being proposed is not affordable and offers low value for money. We would strongly recommend redesigning, with input from the Auckland Council Design Panel, into creating housing that is profitable but also offers better value for money for future residents for decades to come.

Best wishes

Alex

Alexandra Bonham | Local Board Deputy Chair
Waitematā Local Board
Mobile s 9(2)(a)
Auckland Council, 52 Swanson St, Auckland 1010
Visit our website: aucklandcouncil.govt.nz

To keep up to date with information on how Auckland Council services are changing in response to Covid-19 please click on to the Our Auckland website:
<https://ourauckland.aucklandcouncil.govt.nz/>

From: Tommy Ma s 9(2)(a)
Sent: Friday, 15 July 2022 2:23 PM
To: Alexandra Bonham (Waitemata Local Board) s 9(2)(a)

Tammy Hendricks s 9(2)(a)

Cc: RES Local Board Waitemata <WaitemataLocalBoard@aucklandcouncil.govt.nz>

Subject: Fleet Street Apartments – COVID-19 Recovery (Fast-Track Consenting) Act 2020

Tēnā koutou katoa,

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Fleet Street Apartments

Address: 11 and 13 Fleet Street, Eden Terrace

The project is for subdivision and land use consent to construct an apartment building consisting of 57 units across 8 storeys. 29 of the proposed apartment units will be sold to the market and the remaining 28 apartment units will be made available as building to rent.

The project involves the following activities:

- works within street tree/street tree removal
- dewatering/ diversion of groundwater
- dwelling construction
- disturbance of contaminated soils
- associated earthworks and subdivision

Please note that this proposal has not been the subject of a resource consent application to date.

You are being contacted to provide comments on the proposal as Local Board Councillor.

Please note that I must receive your comments by COB Thursday 21 July 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

A full copy of the application with all attachments that have been supplied to the council can be downloaded from: Fleet Street Apartments – s 9(2)(a)

Your comments on this proposal are sought by way of return email which must be received by **COB Thursday 21 July 2022**.

Please let me know if you have any queries.

Kind regards,

**Tommy Ma | Principal Specialist – Planning (Central)
Central Resource Consents**

Mobile s 9(2)(a)

Te Kaunihera o Tāmaki Makaurau / Auckland Council
Level 6, 135 Albert Street, Auckland

Visit our website: aucklandcouncil.govt.nz

From: s 9(2)
To: s 9(2)(a)
Subject: FW: Fleet Street Apartments – COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Tuesday, 19 July 2022 8:00:00 am

Hi Cathy/Christine

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Fleet Street Apartments

Address: 11 and 13 Fleet Street, Eden Terrace

The project is for subdivision and land use consent to construct an apartment building consisting of 57 units across 8 storeys. 29 of the proposed apartment units will be sold to the market and the remaining 28 apartment units will be made available as building to rent.

The project involves the following activities:

- works within street tree/street tree removal
- dewatering/ diversion of groundwater
- dwelling construction
- disturbance of contaminated soils
- associated earthworks and subdivision

Please note that this proposal has not been the subject of a resource consent application to date.

Please note that I must receive your comments by COB Thursday 21 July 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

Please find attached the following information:

- Ministry for the Environment consultation letter
- Application form/covering report

A full copy of the application with all attachments that have been supplied to the council can be downloaded from: Fleet Street Apartments – s 9(2)(a)

Your comments on this proposal are sought by way of return email which must be received by **COB Thursday 21 July 2022**.

Please let me know if you have any queries.

Kind regards

Tommy Ma | Principal Specialist – Planning (Central)
Central Resource Consents

Mobile s 9(2)(a)

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Appendix 3: Council Expert feedback

Asset Owner / Specialist Response

From: Paul Crimmins, Senior Specialist (Soil Contamination)

Date: 19 July 2022

Overall Summary:

I consider that soil contamination is likely to pose a relatively low risk for this project, but that further information is required to determine this risk level. As such, I recommend the soil contamination aspect can be assigned an 'Amber Flag' for the risk profiling process.

The application material does not include any specific investigation or assessment of soil contamination. The Application Document states:

The site is not noted as containing any HAIL activities. The site has not been historically used for Horticulture. The applicant will obtain a detailed site investigation of the site. And in the event that any contamination is identified, the applicant will prepare a Remediation Action Plan. Any contamination would be disposed of at a certified landfill site. As such, it is considered that the NES : Contamination is not relevant to the proposal.

I agree that the site does not appear to have certainly been subject to any activities included on the Hazardous Activities and Industries List (Ministry for the Environment, 2011). However, the historical aerial images and Geotechnical Report (Soil&Rock, 16/03/2022) do suggest that filling is likely to have been undertaken at the site. If the fill material contained significant contamination, this could have resulted in soil contamination at the site and would constitute a HAIL activity.

A Detailed Site Investigation (DSI, as proposed by the applicant) would suitably identify the risks of contamination at the site, including any related to the potential filling activities. I note that the consultancy that prepared the Geotechnical Report (Soil&Rock) include Suitably Qualified and Experienced contaminated land Practitioners (SQEP), capable of completing a DSI in accordance with the requirements of the NES:CS.

In the absence of a DSI completed prior to the lodgement of the application, it would be prudent to include the NES:CS as a reason for consent as a Discretionary Activity (NES:CS Regulation 11). I consider that a Discretionary Activity NES:CS consent could be granted subject to conditions that contamination is investigated by a DSI and any contamination identified is managed in accordance with a Contamination Site Management Plan (CSMP).

I recommend that offered consent conditions regarding soil contamination would benefit the processing under the COVID-19 Recovery (Fast-track Consenting) Act 2020. These offered consent conditions should include the provision of a DSI and CSMP (both prepared by a SQEP in accordance with the *Contaminated Land Management Guidelines Nos.1&5*, Ministry for the Environment, revised 2021) prior to the commencement of earthworks.

Asset Owner / Specialist Response

From: Marija Jukic, Team Leader, Coastal and Water Allocation Team, Specialist Unit, Resource Consents, Auckland Council

Date: 21 July 2022

Overall Summary:

I have reviewed the document titled *Geotechnical Desktop Study for Proposed Apartment Development, 11-13 Fleet Street, Eden Terrace*, prepared by Soil & Rock Consultants (SRC), dated 16 March 2022 ("the GDS"), with respect to the requirements under Chapter E7 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)) pertaining to groundwater diversion and dewatering, and offer the following comments:

- I understand that the Applicant proposes to redevelop the subject site, with the construction a multi-storey development arranged around a central stair and lift area.
- The subject site is surrounded by apartment buildings on the adjoining properties to the southwest and northwest of the site and a villa -style dwelling to the north-east. The south-western building includes a single level basement car park that extends to the common boundary between the properties.
- Architecture plans provided in Appendix A of the GDS show the Ground Floor level partly set into the northern slope area of the site in order to achieve a level carpark grade. The Applicant's geotechnical consultants SRC note that this will require a significant retaining wall in order to facilitate construction of the ground floor level.
- The GDS reveals that several geotechnical investigations of the subject site have been completed by SRC in the past, including in 2007, 2014 and 2017. These investigations included the drilling of machine boreholes and hand auger holes; however, no map is provided in the GDS to show where these were established. The GDS identifies that groundwater levels were measured at these boreholes/auger holes, with resulting measurements ranging from 0.9m to 4.6m below ground level (bgl).
- Section 6 of the GDS discusses geotechnical considerations and with respect to the northern boundary retaining, concludes that based on the measured groundwater levels from the previous investigations it is unlikely that excavations to facilitate a level building platform within the northern area of the site will encounter groundwater. As no dewatering would be required, the development would qualify as a Permitted Activity regarding groundwater impacts under the AUP(OP).
- However, I note that section 7 of the GDS (Additional Geotechnical Investigations) includes an allowance for the drilling and installation of a standpipe piezometer for groundwater monitoring and for three site visits to monitor the piezometer. I concur that additional groundwater level measurements are required, and therefore recommend that a standpipe piezometer is installed as close as possible to the proposed deepest excavation (northern area), after which groundwater level measurements should be undertaken as follows: 48 hours after augering, 7 days and 14 days after augering.

- Once the groundwater levels measurements have been completed the Applicant should carry out an assessment of the proposed activity against AUP (OP) Standards E7.6.1.6 (1 to 3) and E7.6.1.10 (1 to 6), based on the most up-to-date Architects and Engineers drawings.
- If the assessment indicates that a consent for dewatering and groundwater diversion is required, then the Applicant should provide an assessment of the effects of the proposal on the environment, adjacent buildings /structures, public infrastructure and public services that is commensurate with the risk.

Conclusions

Based on the information provided, I consider that it is not possible to determine whether a consent is required for dewatering and groundwater diversion or not. Without a plan showing the locations of the former machine boreholes and hand auger holes, it is not clear whether the proposed excavation works to facilitate a level building platform within the northern area will encounter groundwater or not. I concur that further groundwater investigations should be undertaken to determine the level of groundwater in the area of proposed deepest excavation.

Given the very close proximity of the buildings on the adjoining sites, I consider that there may be a risk of damage to neighbouring buildings, structures and public services should the effects of consolidation and/or mechanical settlements associated with any groundwater dewatering or diversion not be adequately assessed and suitably mitigated/managed.

On this basis, I consider that the application should be referred to an expert consenting panel for the consideration of a full application.

19.e-

From: s 9(2)(a)
To:
Subject: RE: Fleet Street Apartments – COVID-19 Recovery (Fast-Track Consenting) Act 2020
Date: Monday, 18 July 2022 4:01:37 pm

Hi Tommy,

As requested compliance monitoring have looked at the compliance enforcement history of:

- *Shackleton Developments Limited / 11 Fleet*
 - *Geoffrey Henry CAWSON – Director*
 - *Scott O'LOUGHLIN - Director*

and to be thorough we have reviewed compliance history for several over companies where the applicant is a director / shareholder.

No enforcement action has been taken against any of the parties listed above.

There are no significant outstanding compliance concerns for the parties above that I am aware of.

Regards,
Sian

**Sian Farrell | Team Leader Compliance Monitoring Region-wide
Licensing & Regulatory Compliance**

Phone (09) 301 0101 | s 9(2)(a)
Auckland Council, Level 7, 135 Albert Street, Auckland Central
Visit our website: www.aucklandcouncil.govt.nz

Useful Council contact numbers:
24 hr Pollution Hotline: 09 377 3107
Call Centre: 09 301 0101

From: Tommy Ma <s 9(2)(a)>
Sent: Friday, 15 July 2022 2:23 pm
To: Sian Farrell <s 9(2)(a)>
Subject: Fleet Street Apartments – COVID-19 Recovery (Fast-Track Consenting) Act 2020

Hi Sian

The Auckland Council has received a request from the Ministry for the Environment for comments on an application that is under consideration for the COVID-19 Recovery (Fast-track Consenting) Act 2020. The project is described as follows:

Fleet Street Apartments
Address: 11 and 13 Fleet Street, Eden Terrace

The project is for subdivision and land use consent to construct an apartment building consisting of 57 units across 8 storeys. 29 of the proposed apartment units will be sold to the market and the remaining 28 apartment units will be made available as building to rent.

■

The project involves the following activities:

- works within street tree/street tree removal
- dewatering/ diversion of groundwater
- dwelling construction
- disturbance of contaminated soils
- associated earthworks and subdivision

You are being contacted to undertake a background check on the applicant on compliance records. Specifically MfE have asked whether the applicant, or a company owned by the applicant, have any environmental regulatory compliance history.

Please note that I must receive your comments by COB Thursday 21 July 2022 and that this deadline reflects the timeframes in the COVID-19 Recovery (Fast-track Consenting) legislation and is not negotiable and cannot be extended.

Please find attached the following information:

- Ministry for the Environment consultation letter
- Application form/covering report

A full copy of the application with all attachments that have been supplied to the council can be downloaded from: Fleet Street Apartments – s 9(2)(a)

If you are having any difficulty accessing this link, please let me know as soon as possible so that I can try another method of delivery to you.

Your comments on this proposal are sought by way of return email which must be received by **COB Thursday 21 July 2022**.

Please let me know if you have any queries.

Kind regards

Tommy Ma | Principal Specialist – Planning (Central)

Central Resource Consents

Mobile s 9(2)(a)

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The Minister for the Environment
c/o The Environment Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

25th July 2022

Dear Minister Parker

We are responding to your invitation for comments on an application before you for referral to the Expert Panel under the COVID-19 Response (Fast Track Consenting) Act 2020.

The application is made by Shackleton Developments Limited / 11 Fleet Limited, and is located at 11 and 13 Fleet Street, Eden Terrace (LOT 1 DP 389386 and Lot 2 DP 389386). Having reviewed the application material provided, Auckland Council, on balance, does not support the referral of this application.

The full commentary provided by the asset owners, ward councillor, local board and Council experts are included in the following appendices:

- **Appendix 1:** Asset owners' feedback
- **Appendix 2:** Ward councillor / local board feedback
- **Appendix 3:** Council expert feedback

We make the following key points:

Benefits of the proposal to the district and region

The proposed development will provide additional housing opportunities to meet current housing demands and contribute to the intensification of the urban environment, albeit a marginal contribution.

Issues arising from the project

The proposed development results in a notable infringement of maximum height; being 12.5m over the required 18m. Such an infringement may result in adverse shading, visual dominance and visual privacy effects on adjoining properties.

Given the proximity of the buildings on the adjoining sites, there may be a risk of damage to neighbouring buildings, structures and public services should the effects of consolidation and/or mechanical settlements associated with any groundwater dewatering or diversion not be adequately assessed and suitably mitigated/managed.

Watercare Services Limited ("Watercare") have identified wastewater capacity constraints in the existing network. Watercare have planned upgrades to the network in the area, however, until such time that these upgrades can be constructed, the proposed development will need to incorporate mitigation measures such as on-site wastewater holding tanks or any other practical solution to reduce peak wastewater flow.

It is noted that the Waitematā Local Board have expressed concerns regarding the design quality of the proposed units (particularly the adequacy of cross ventilation and outlook) and therefore recommend the development be reconsidered to incorporate a higher quality design that offers more value for money for future residents as opposed to focussing on affordability.

The proposed retaining wall within the road reserve and amendments to the design of the staircase will require separate asset owner approval from Auckland Transport. Given the lack of certainty that asset owner approval can be obtained, it is recommended that the applicant seek approval from Auckland Transport's Chief Engineer prior to lodgement of any consent under the COVID-19 Response (Fast Track Consenting) Act 2020.

There are also concerns regarding the refuse collection solution and the utilisation of existing on-street parking to provide manoeuvring for collection vehicles. Auckland Transport as asset owners, do not support this proposed solution and suggest the applicant consider an alternative solution.

Views on the appropriateness of the project or part of the project to go through the standard RMA consenting or designation process

Given the potential effects on adjoining properties associated with groundwater diversion and the proposed exceedance in maximum height, the standard RMA consenting provides a robust notification process to consider concerns of affected parties and may lead to better design outcome.

Environmental regulatory compliance history

The compliance enforcement history of the Shackleton Developments Limited / 11 Fleet Limited was reviewed.

No enforcement action has been taken against any of these parties and there are no significant outstanding compliance concerns.

Information normally required by Council for projects of such a scale and nature

The project would normally require the following list of the technical reporting and assessment in order to enable a robust planning decision to be made:

- Assessment of effects on the environment
- Detailed site investigation
- Contamination site management plan
- Landscape and Visual assessment
- Urban design assessment
- Traffic impact assessment
- Infrastructure report
- Flood report
- Erosion and sediment control plans
- Geotechnical investigation report
- Construction noise and vibration assessment
- Waste management plan
- Detailed shading analysis
- Groundwater assessment
- Mana whenua assessment

Yours faithfully



Ian Smallburn
General Manager – Resource Consents

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	Auckland Transport
Contact person (if follow-up is required)	Neil Stone – Senior Development Planner
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Fleet Street Apartments – 11 & 13 Fleet Street, Eden Terrace
General comment	Overall Summary: Thank you for the opportunity to provide comment on the referral of the proposed 57 unit residential apartment building at 11 and 13 Fleet Street, Eden Terrace for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act). Based on the information provided, Auckland Transport is neutral as to this application being accepted for the fast-track consenting process. If the Minister were to decide to accept the application for referral, Auckland Transport requests that the information required to be submitted with the application to the Environmental Protection Authority (EPA) include an assessment of the transport matters outlined below and the requirement for this to be formally stated in the referral order to accompany any resource consent application. Auckland Transport would also request the referral order specifically identifies Auckland Transport as a party which the Expert Consenting panel must invite comments from. This project is quite complex given its location and interface with adjoining land, including as an integral part of the development proposing retaining structures and other amendments to Auckland Transport assets in the road reserve. This requires Auckland Transport approval as Road Controlling Authority and could require an Encroachment Licence from Auckland Transport. The proposal would appear to not be viable without this approval(s). Auckland Transport, therefore, requests that the applicant obtain written approval from the Chief Engineer at Auckland Transport for all proposed structures in the road reserve to ensure implementation feasibility of the proposal. Auckland Transport requests that evidence of this is provided with the consent application to the Environmental Protection Authority indicating that the design of the structures are approved by the Chief Engineer and are in-principle suitable for vesting. It is not considered sound resource management practice, including being contrary to the benefits of the Fast Track consenting process, if a consent was left unable to be implemented due to this approval not being able to be granted and hence Auckland Transport believes the

panel should have confidence that this is already approved as it is integral to their overall consideration of the application.

Specific Comments:

The Transport Assessment prepared by TPC, dated June 2022, provides an initial assessment of the application but does not adequately address all the required transport matters or potential effects created by the proposal, including information and assessment of proposals in the road reserve which are of particular interest to Auckland Transport as a Road Controlling Authority.

Should the application be accepted for fast track consenting, Auckland Transport requests that the following transport matters be assessed in the application:

- *Structures within the road reserve*

The level of information provided on structures proposed within the road reserve is not considered adequate to determine the level of effects generated, and whether Auckland Transport could support in principle these works. The application will need to provide additional information with regard to any proposed retaining structure within the road reserve and the extent of the proposed asset upgrades. Additional assessment must include information on the construction, structural elements, stormwater matters, and whole of life cost assessment of all structures within the road reserve.

Given the vehicle access to the proposed building is premised on the amendments to the existing public pedestrian staircase and the construction of retaining structures in the road reserve, Auckland Transport is unable to provide an informed review of the application until the above mentioned information is provided.

As mentioned an approval from the Chief Engineer at Auckland Transport for the retaining structures will be necessary. There is no certainty that the approval for the proposed structure in the road will be provided by Auckland Transport as each application is considered on its merit and adherence to the required standards, therefore, it is considered poor resource management practice and contrary to the benefits of the Fast Track consenting process if a consent was left unable to be implemented due to required approval not being granted.

Auckland Transport considers that it is necessary to obtain approval from the Chief Engineer for the structure in the road before any resource consent approval. The removal of a portion of the staircase would result in non-compliance with Auckland Transport standards and require a Departure of Standards approval from Auckland Transport in accordance with the Section 3.1.3 of the 'Auckland Code of Practice for Land Development and Subdivision - Transport'. These approvals are required before the development can proceed.

Through the provided plans and desktop research it is apparent that the proposed building abuts an unformed portion of public road and it is unclear if separate retaining structures are proposed or required to support the building's interface with the unformed road. Should the retaining structure be proposed or required within the road reserve to support the interface between the apartment building and the unformed road and staircase/access an Encroachment Licence or other appropriate approval from Auckland Transport will be required before construction can commence. Auckland Transport requests that additional information on the location and function of all retaining structures be provided in order to determine the need for an Encroachment Licence. If an Encroachment Licence is required, the development will not be able to proceed without this approval from Auckland Transport.

	• <i>Refuse collection</i> The application material notes that a private refuse collection is proposed for this development. The transport assessment notes that refuse collection trucks can make use of the existing parking spaces in Fleet Street adjacent to Basque Park (120 minutes time restriction park), or park in the Fleet Street turning head located south of the site if the parking spaces are occupied. The transport assessment does not consider the constrained road environment, existing no stopping at all times (NSAAT) line markings in Fleet Street. Auckland Transport is concerned about any reliance on illegal parking for servicing of a private development. Additional assessment on refuse collection and its effect on the transport network is required. The applicant is encouraged to explore alternative solutions for refuse collection that does not include utilising the road reserve for parking. • <i>Pedestrian safety</i> Additional assessment is required to determine the effects of this development on pedestrian safety and amenity. The transport assessment provided, for example, does not adequately assess the discontinuation of the footpath on the western side of Fleet Street and how this footpath will connect to the amendments proposed by the applicant to the existing public staircase. The applicant needs to assess this and avoid, remedy or mitigate any effects created. • <i>Road Safety Audit</i> Auckland Transport requests that the applicant be required to engage an independent and suitably qualified Safety Engineer to undertake and complete a Preliminary Design Road Safety Audit of all site access points and layout changes associated with the development. The Road Safety Audit should include particular emphasis on pedestrian safety as a result of the proposed changes. 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.
Other considerations	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.
[Insert specific requests for comment]	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.

COVID-19 Recovery (Fast-track Consenting) Act 2020 –

Red Flag Checklist

Guidance Note – Red Flag should be ticked where the criteria question is categorically answered in the affirmative. Amber should be ticked if the question is not categorically answered in the affirmative, but where there are one or two potential issues or uncertainties which mean Green cannot be confidently selected.

Green should be selected where it is clear that there are no issues with regard to the criteria question.

Criteria Question	Red Flag	Amber	Green
Is the application clearly inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050?			X
Is the application out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy?			X
Is there insufficient infrastructure to support the application and/or significant infrastructure spend is required to support the project?			X
Is there a significant impact on Auckland Council / CCO and/or third-party infrastructure?	X		
Is the application a notice of requirement?			X
Is there the potential for significant adverse environmental effects to occur?		X	
Other comments?			