

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)	Russell Butchers
	Principal Project Lead
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	The Foundation Village – Building 3
General comment – potential benefits	<p>The proposal would create 65 apartment style retirement units and a range of facilities associated with the use.</p> <p>The creation of these retirement units would add to Auckland’s housing stock and has the potential to free up other sites for intensification as persons vacate standalone dwellings to relocate to the retirement units.</p> <p>The proposed development is centrally located, has good access to public transport and represents an efficient use of the site.</p>
General comment – significant issues	<p>Planning: Whilst the application material indicates the height of the buildings to be 42m, when scaled from the application drawings the maximum height appears to be more than 49m above ground level. This is significantly higher than the 18m building height standard for the Business – Mixed Use Zone.</p> <p>Although the Council has not undertaken a full s95A notification assessment, given the significant increase in height beyond the 18m building height standard for the zone, there is at least a realistic possibility that public notification of the application would be deemed necessary due to the adverse effects created by the height of the proposal being more than minor. This is particularly the case given the proposal’s relationship to the surrounding sensitive environment including the Category A scheduled Pearson House buildings, and the site’s proximity to landmarks such as the Auckland Domain and Auckland War Memorial Museum.</p> <p>As the MfE will be aware, Schedule 6 Clause 17(1) of the COVID-19 Recovery (Fast-track) Consenting) Act 2020 precludes public or limited notification of fast-track consent applications. As such, it is the Council’s view that were this proposal to go through a fast-track process that this would potentially deny the public the opportunity to have a say on the proposal (noting that some nearby property owners/residents would be invited to comment).</p> <p>Landscape and Urban Design: The scale and height up to 49m (where the Building Height standard is 18m) of the proposal, in a context with relatively lower-scale buildings (2-6 storeys, including heritage buildings) has the potential for adverse landscape and urban design effects; including visual amenity, visual dominance and shading to surrounding streets, public spaces (Auckland Domain/</p>

	<p>Pukekawa) and private residents (THAB zoned land to the north-east and south-east), to a significant degree.</p> <p>The proposed scale of the building could significantly impact on the amenity, sense of place and experience from Auckland Domain / Pukekawa for locals and visitors.</p> <p>The building appears bulky from a number of the viewpoints provided (e.g., George Street / Broadway) and greater visual relief and variation should be provided. However, elevations of each side of the building and a material / colour palette have not been provided to be able to comment on this more comprehensively.</p> <p>Built Heritage: The immediate setting of the Project includes the Category A scheduled historic heritage places the former Royal New Zealand Foundation for the Blind office and workshops (545 Parnell Road) and Pearson House (10 Titoki Street). These scheduled buildings define several edges of the Royal New Zealand Foundation of the Blind's campus and were constructed specifically for the rehabilitation and training of blind and partially sighted people originally. The applicant's heritage assessments identify the heritage values of these buildings in sufficient detail.</p> <p>The proposed Building 3 is considerably taller than the surrounding built environment or the anticipated heights found in the area in the Auckland Unitary Plan, and will be located in the centre of the campus fringed by the surrounding scheduled historic heritage places. The height of the Project means that it will easily be seen above these scheduled heritage buildings. The location of the Project means that it will also be experienced at ground level in the round together with the scheduled heritage buildings.</p> <p>As a consequence of the much taller than anticipated height of the Project together with its location and relationships with the identified scheduled historic heritage places, great care needs to be taken to adequately mitigate any potential adverse effects upon the settings of the adjacent buildings. Areas of concern where there is potential for harm include the height and massing of the tower, the form of the podium levels, the material finishes, and the surrounding landscaping.</p> <p>As it stands, the level of detail supplied through the fast-track process is not sufficient to acceptably manage the potential for harm in order to avoid significant adverse effects on significant historic heritage places. It is unlikely that conditions can be solely relied upon to adequately mitigate harm to the sensitive setting of the Project from key factors as height and massing. It is therefore considered that the Project is not suited to the fast-track consenting process on the grounds of potential harm to historic heritage.</p> <p>Watercare: Watercare Services Limited have advised that the site has existing downstream wastewater constraints, as well as water supply issues. Watercare's view is that the proposal should go through a regular resource consent process to ensure that these capacity constraints can be appropriately managed.</p>
Is Fast-track appropriate?	<p>Given the significant breach of the 18m building height standard for this zone, and the potential for more than minor adverse effects, Auckland Council recommends that this application go through a standard Council-led resource consent process. This would allow for a full notification assessment to be undertaken to determine whether the application should be publicly notified, limited notified or non-notified.</p> <p>As fast-track applications cannot be publicly notified, fast-tracking this application runs the risk that the public would be denied the opportunity to make a submission on an application that has a significant deviation from the building height standards of the Auckland Unitary Plan's Business – Mixed Use zone.</p>
Environmental compliance history	<p>Auckland Council is not aware of any environmental compliance history related to the applicant or any of its directors.</p>
Reports and assessments normally required	<p>This project meets the triggers to be reviewed through the Auckland Urban Design Panel (AUDP) but has not yet been presented to the AUDP. The Council recommends that the applicant presents the scheme to the AUDP prior to lodging a fast-track (or standard resource consent) application.</p>

	<p>As a minimum, the following further reports should accompany any application for resource consent:</p> <ul style="list-style-type: none"> • Traffic assessment report (see comments from AT below regarding what should be included within this report) • Stormwater Management Plan (including Capacity calculations for the downstream connection pipe, proposed attenuation devices sizing calculations, drainage plans showing the private reticulation alignment, connection to the public pipe, approximate attenuation and stormwater treatment devices) • Landscape assessment • Urban design assessment • Height analysis • Shading analysis • Wind assessment • Heritage assessment • Archaeological assessment • Architectural plans and drawings • Infrastructure report • Engineering reports (as required) • Iwi engagement details • Contamination assessments (as required) • Waste management plan • Acoustic report (as required) • Lighting assessment (as required)
Iwi and iwi authorities	<p>Auckland Council's mana whenua engagement tool has identified the following iwi that may have an interest in the proposed development.</p> <ul style="list-style-type: none"> • Ngāi Tai ki Tāmaki • Ngāti Maru • Ngāti Pāoa • Ngāti Tamaoho • Ngāti Tamaterā • Ngāti Te Ata • Ngāti Whanaunga • Ngāti Whātua o Kaipara • Ngāti Whātua Ōrākei • Te Ahiwaru – Waiohū • Te Ākitai Waiohū • Te Kōwhiri ā Maki • Te Patukirikiri • Te Rūnanga o Ngāti Whātua • Waikato Tainui
Relationship agreements under the RMA	<p>The MfE should contact the above mana whenua groups directly regarding any reports or agreements that they may have.</p>
Insert responses to other specific requests in the Minister's letter (if applicable)	<p>N/A</p>

Other considerations	Further comments from Auckland Transport provided below.
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Auckland Transport (AT): AT have advised that a revised and comprehensive Transport Assessment Report, prepared by a qualified traffic engineering professional, should be provided with any application. The TAR must include the following information:

- An assessment of visibility and sightlines in accordance with the requirements of Austroads for all vehicle crossings that could reasonably be considered to provide vehicle access to the project.
- An assessment of intervisibility between pedestrians and vehicles exiting at all vehicle crossings that could reasonably provide vehicle access to the project in accordance with the requirements of the Austroads and Waka Kotahi – NZ Transport Agency Pedestrian Planning and Design Guide. This assessment should also provide measures to avoid, remedy or mitigate any adverse effects identified. Noting the application drawings shows vegetation obstructing pedestrian/vehicle intervisibility.
- Vehicle tracking plans/assessment for internal manoeuvring within the basement parking area, ensuring that all vehicles, including loading and refuse collection trucks, can exit the site in a forward direction. This should include an assessment of loading and servicing in accordance with the Auckland Unitary Plan (Operative in Part).
- Assessment of bicycle parking requirements for the project, and how the proposed bicycle parking provision will meet the needs of the user and be fit for purpose under the Auckland Unitary Plan (Operative in Part), noting the current Traffic Assessment Report states the project will comply with the AUP bicycle parking requirements.
- Assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the Auckland Unitary Plan (Operative in Part);
- How any potential adverse effects on road user safety and operations will be avoided, remedied and/or mitigated; and
- Whether the Project meets the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part) as they relate to transport (Chapter E27).

Comment from Waitemata Local Board

The Waitemata Local Board view is that a proposal that is substantially different to what is anticipated in the Auckland Unitary Plan or obliged by law (e.g. MRDS) and that is likely to change the character of a place should not be fast-tracked and should go through due process. It is far taller than is anticipated in the AUP (and plan change 78) and better suited to Newmarket and the city centre. This site should also be heritage supporting of the Category A Heritage Building. It does not seem sympathetic to the surrounding area, nor indeed the other buildings in the development. We recommend full public notification.

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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	The Foundation Village – Building 3
General comment	<p>Overall Summary:</p> <p>Thank you for the opportunity to provide comment on the referral for the proposed 65-unit retirement village at 16 Titoki Street, Parnell (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Based on the level of information provided and specifically the lack of stormwater related assessment Auckland Transport is neutral on whether this referral should be accepted.</p> <p>Auckland Transport requests that, should the Project be accepted for fast-track consenting, the requirement for an updated Traffic Assessment Report as well as a Stormwater Management Plan is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority and that Auckland Transport is specifically referenced as a person to be invited to comment on the application.</p> <p>Specific Comments:</p> <p><i>Stormwater</i></p> <p>The application documents mention that building 3 will increase the impervious surface of the site and an increase in flooding in the road is anticipated. The effects of this are not discussed in the application and must be assessed. It is known that George Rd at the location of the site's vehicle crossing already doesn't meet AT's primary and major flood event limitations as per the Auckland Transport Design Manual on Road Drainage Table 3 – Major Events – Roadway Flow Limitation's requirements. The existing over land flow path of this development leads to the George Street vehicle access and any increase in impervious surface of this development will worsen the flooding in George Street. The applicant must provide a stormwater management plan and must provide evidence that the flooding in George Street is not worsened by the development.</p> <p><i>Transport</i></p>

A revised and comprehensive Transport Assessment Report undertaken by a qualified traffic engineering is required. This is reinforced by the transport related requirements of the Auckland Unitary Plan chapters E27 and E38 as well as the requirements of the Regional Policy Statement requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.

The finer detail with regards to proposed changes to the existing Titoki Street access is unclear. The Transport Assessment notes it will function as a porte cochere with separate entry and exit vehicle crossings, however the application document and design show a single vehicle crossing. AT supports the internal closure of vehicle through movement from Parnell Road. Compliance of the proposed Titoki Street vehicle access has not been assessed in accordance with the Auckland Unitary Plan (operative in part) and the safety effects of the location and design of the vehicle access remain unknown. It is noted that pedestrian and vehicle intervisibility will be severely constrained by the proposed landscaping and an assessment of this must be included with the relevant mitigation measures, provided in the updated traffic assessment report.

Auckland Transport supports the provision of the internal car parking spaces to provide for the parking needs of this development and reduce the need for on street parking.

The revised Traffic Assessment Report must include the following assessments:

- An assessment of visibility and sightlines in accordance with the requirements of Austroads for all vehicle crossings that could reasonably be considered to provide vehicle access to the project.
- An assessment of intervisibility between pedestrians and vehicles exiting at all vehicle crossings that could reasonably provide vehicle access to the project in accordance with the requirements of the Austroads and Waka Kotahi – NZ Transport Agency Pedestrian Planning and Design Guide. This assessment should also provide measures to avoid, remedy or mitigate any adverse effects identified. Noting the application drawings shows vegetation obstructing pedestrian/vehicle intervisibility.
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- Assessment of effects for any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the Auckland Unitary Plan (Operative in Part);
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- Whether the Project meets the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part) as they relate to transport (Chapter E27).

The applicant must also provide a Stormwater Management Plan that assesses the effects of the development on the road network with specific reference to the Auckland Transport, Transport Design Manual – Road Drainage. The applicant must indicate how any potential adverse effects on the road and road user safety will be avoided, remedied and/or mitigated.

	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.

