

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

Your reference: 2021-B-07906

1 June 2021

Dear Minister Parker,

**RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – George St Mixed Use Development – Comments sought**

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 to Ministry for the Environment is made by Newmarket Holdings Development Limited Partnership and is located at 33-37 George Street, 13-15 Morgan Street, and 10 Clayton Street, Newmarket, Auckland.

Having reviewed the application material provided, we can advise that Auckland Council has some potentially significant concerns with the proposed development, as follows:

- Auckland Council landscape expert advised that while she considers the site is capable of accommodating some additional building height (above what is provided for under the Auckland Unitary Plan); the proposed height of Tower A is too great and will result in high adverse visual dominance effects. She has advised that the development could result in high landscape and visual effects in relation to:
  - views from and to proximate maunga, including the Auckland Domain Volcano (as an Outstanding Natural Feature) and the Auckland Museum.
  - visual dominance effects on the amenity values and urban landscape character experienced by people in the local landscape, including when experiencing these effects from both private and public viewpoints
- Auckland Council urban design expert considers that the proposed building bulk and height is incompatible with the existing character and presents a clear departure from the planned outcomes for the site, its intensity is also likely to undermine the hierarchy of Newmarket as a metropolitan centre as prescribed under the Auckland Unitary Plan. Further, due to proximity, if the site is to be developed to the proposed scale in its current form, it is likely to alter the visual prominence/significance of Pukekawa/Auckland Domain buildings particularly when viewed from the nearby Maunga.
- Auckland Council appointed heritage expert considers the potential of the proposed new development, by virtue of its scale (height) and widespread visibility, to generate adverse visual effects on the historic heritage values of adjacent historic heritage places by virtue of impacts on their setting.

- From a policy perspective, the proposal is considered to be inconsistent, or contrary to the Auckland Unitary Plan particularly due to the proposed building's height infringement and the effects of the building bulk.

The local board have also raised a number of concerns in relation to the proposal and these are also attached.

In response to the information requirements stated in your letter dated 18 May 2021:

1. *Are there any reasons that you consider it more appropriate for the Project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA? In particular, please provide comments on using the fast-track process given the:*
  - (a) *status of Plan Change 44 to the Auckland Unitary Plan*
  - (b) *proposed maximum height of the development is 65 metres compared to the permitted standard of 27 metres*

It is considered that this proposal could be processed through the Fast Track process, however, we note that specific care is required to thoroughly consider the effects from the proposed development. We note that comments from Auckland Council planning, policy, landscape, urban design and heritage experts and the local board, all raise concern with the maximum height of the development. This relates to the landscape and visual effects on regionally significant volcanic viewshafts, and also the effects on the views between the Maunga, public amenity in the Auckland Domain and Museum and character and heritage values of identified historic heritage buildings.

It is noted that the submission and further submission period for the Plan Change has occurred and a hearing report is currently being completed, with a hearing scheduled to commence on 28<sup>th</sup> September 2021.

2. *What is the likelihood that the Project, which appears to be for a restricted discretionary activity, would be notified under standard RMA processes?*

Given the extent of the height infringements and the likely effects on regionally significant, identified features and values it is highly likely, if not a given, that the proposal would trigger the need for full public notification.

3. *What technical reports and assessments would normally be required by Auckland Council for a Project of this nature in this area?*

The attached specialist comments provide further detail on the information that would be required, but essentially:

- Transportation assessment– including traffic and car parking; vehicle access;
- Full urban design and landscape assessment - including building design; design and public accessibility of the plaza and pedestrian connections; amenity of the plaza and pedestrian connections; amenity to adjacent properties and persons;
- Groundwater effects (if excavation is required);
- Noise and vibration during construction;
- Infrastructure capacity.

4. *Does Auckland Council have any comments about implementing the National Policy Statement on Urban Development 2020 as it relates to this site?*

Please see the comments from Plans and Places attached. Overall, the site and proposal is one where Policy 4 of the NPS-UD is directly applicable and additional

height could likely only be exceeded to the extent necessary to accommodate the specified qualifying matters.

5. *Does the applicant, or a companies owned by the applicant, have any environmental regulatory compliance history in Auckland city*

See the attached comments from the Regulatory Enforcement team at Auckland Council. A number of dangerous building notices and abatement notices have been issued for the applicant and companies owned by the applicant.

Yours sincerely,



Ian Smallburn  
General Manager – Resource Consents  
Auckland Council

Enclosed:

- Comments from key experts, Auckland Transport, Watercare, Healthy Waters and Local Board

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the Official Information Act 1982

## Waitematā Local Board feedback on the COVID–19 Recovery (Fast-Track Consenting) Act 2020 – Georges Street Mixed Use Development

### Context

1. The local board provided its views on the Private Plan Change 44 in October 2020, resolution number WTM/2020/254.
2. Newmarket Holdings Development Limited Partnership applied to the Minister for the Environment to refer the George Street mixed development project to an expert consenting panel for consideration under the COVID–19 Recover (Fast-Track Consenting) Act 2020.
3. The Project, located at 33-37 George Street, 13-15 Morgan Street, and 10 Clayton Street, Newmarket, Auckland, is described below:

The Project is to construct and use land for a 65 metre (maximum) mixed use development comprising four buildings, and associated subdivision, including:

- approximately 324 residential units
  - a supermarket
  - other retail and other commercial tenancy space
  - a publicly accessible plaza and pedestrian access through the site.
4. The Project will involve activities such as:
    - demolition of existing buildings and infrastructure
    - earthworks (including bulk earthworks and on contaminated land)
    - water takes and diversions
    - discharge of groundwater, stormwater and contaminants
    - construction of three waters services
    - construction of buildings and underground carparking facilities
    - construction of vehicle access and loading areas
    - construction of a publicly accessible plaza and pedestrian access through the site
    - landscaping including plantings
    - signage
    - subdivision

### Waitematā Local Board feedback

The Waitematā Local Board:

- a) agree to submit its feedback provided via resolution number WTM/2020/254 and to add the following comments:
  - the local board welcomes the development of more housing in the area that will meet the needs of Auckland workers, families and seniors who want homes. We are concerned that this proposal, being

a plan change, may not deliver that outcome in a timely fashion, but will remove the checks and balances and measured thinking-through of a planned decision that comes with following a good process.

- There is a strong feeling amongst the community that plan changes are not made in an ad hoc basis so as to ensure good urban design outcomes, a well functioning urban form and to assure the provision of infrastructure. Newmarket is a metropolitan centre rather than a city centre, so what is being proposed goes beyond what is proposed in the National Policy Statement of Urban Design.

## Attachments

5. Attachment A – Local Board Resolution WTM/2020/254

### Local board views on private plan change 44 for 33-37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket

Resolution number WTM/2020/254

MOVED by Chairperson R Northey, seconded by Member G Gunthorp:

That the Waitemata Local Board:

- provide local board views below on Private Plan Change 44 by Newmarket Holdings Development Limited Partnership (NHDLP) for 33 -37 George Street, 13-15 Morgan Street and 10 Clayton Street, Newmarket.**
- appoint a local board member A Bonham to speak to the local board views at a hearing on Private Plan Change 44.**
- delegate authority to the chairperson of Waitemata Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the private plan change hearing.**
- note the current proposal has insufficient community including public space benefit provided to justify the significant adverse effects.**
- note the Auckland Unitary Plan support vibrant developments and there is a risk that another upmarket apartment building in this area would be underutilized, which would be of little benefit to local businesses.**
- note that the construction of such a building is highly resource intensive and it can only be justified if it is fully utilized.**
- do not support the proposed height of the tallest apartment block, looking towards the museum, because it tends to tower over the park.**
- confirm its preference for a mixed use development that includes residential, as is promoted in the proposal.**
- should overall the plan change be approved, we urge the following changes:**
  - add in an objective to create a climate change resilient development with regard energy, water, landscaping, and construction materials.**
  - add in an objective that the buildings in this development will be lived in, and managed to ensure the residences are occupied the majority of the time. We believe that there are greater benefits to the local area when the majority of the residences are occupied.**

- iii) add in an objective to create healthy, cross-ventilated, well-insulated (including soundproofing) and well-designed homes for a range of future residents including families. Or any indicator that child friendly urban design guidelines must be used as part of any architectural brief.
  - iv) request that it includes clusters of family friendly housing. This would include safe shared play spaces inside and outside.
  - v) request the design be an exemplar of climate-change resilience which may include but not be limited to solar panels, passive heating/cooling, water capture and storage, green roofs, compost collection, bike racks, electric vehicle and bicycle chargers, as well as natural elements in the plaza.
  - vi) request circular design principles are used so as to make the building itself, and the products used in its construction, reconfigurable.
  - vii) request that the design of the public spaces are sufficiently engaging and welcoming so as to create an activated space and include drinking water fountains, public toilets, places to sit and shade.
- j) agree that the decision only will be released into the open minutes and the report and attachments will remain confidential.

CARRIED

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## Asset Owner / Specialist Response

**From:** Vanessa Wilkinson, Scott Wilkinson Planning on behalf of Auckland Council (Planning Comments)

**Date:** 24 May 2021

### Overall Summary:

The proposal is for a mixed use development comprising four buildings between 9 -16 storeys (up to 65m high), including 324 residential units, a 2,000m<sup>2</sup> supermarket; 1,300m<sup>2</sup> of other retail and other commercial tenancy space; a publicly accessible plaza and pedestrian access through the site; 464 basement car parking spaces; associated earthworks, signage, discharge consents and subdivision. The development is proposed to occur in the Business – Mixed Use Zone under the Auckland Unitary Plan (Operative in Part). This zone anticipates moderate to high intensity residential activities and smaller scale commercial and retail activity, noting that the zone provides a transition to the adjacent Newmarket, Business – Metropolitan Centre.

The key actual and potential adverse effects of the proposal are from the exceedance of the existing 27m height limit imposed by the Height Variation Control over the site by buildings up to 65m high (an up to 38m infringement of height) and the effects of building bulk including:

- adverse landscape and visual effects by buildings up to 65m in height, on identified regionally significant volcanic viewshafts, particularly views to and from Ōhinerau / Mt Hobson and Maungawhau / Mt Eden;
- adverse landscape and visual effects on the views between the Maunga, particularly between Maungawhau / Mt Eden and Maungauika / North Head and Mt Eden's relationship with Rangitoto and the Waitemata;
- adverse landscape and visual effects on the visual prominence and landscape setting of the Auckland Museum;
- cumulative adverse landscape and visual effects on the Auckland Museum;
- adverse public amenity effects on the Auckland Domain and the Auckland Museum;
- adverse visual effects on the identified historic heritage values of the Category A Auckland Museum and Cenotaph;
- adverse visual dominance effects on the character and heritage values of the identified historic heritage buildings (i.e. the Royal New Zealand Foundation for the Blind office and workshops (former) at 545 Parnell Road and Pearson House at 10 Titoki Street) in the Foundation Precinct to the north-east of the site;
- adverse visual and landscape effects on the Auckland Domain Volcano which is an identified/scheduled outstanding natural feature (ID No. 7 ) in the Unitary Plan.
- adverse physical effects on the geology of the Auckland Domain Volcano which is an identified/scheduled outstanding natural feature (ID No. 7 ) in the Unitary Plan.
- adverse visual effects on adjoining properties.

These effects do not currently appear to be avoided or mitigated by the proposal.

As a result of the building height and bulk proposed, and the location of this in a Business-Mixed Use Zone which is a zone intended to provide a transition to an adjacent, higher order Business, Metropolitan Centre (Newmarket), the proposal is likely to be inconsistent with, or contrary to, the Auckland Unitary Plan Regional Policy Statement (RPS) with regard to the following objectives and policies:

- B2.3 Quality Built Environment;

- B2.4 Residential Growth;
- B2.5 Commercial and Industrial Growth;
- B2.7 Open Space and Recreation Facilities;
- B4.2 Outstanding Natural Features and Landscapes;
- B4.3, Volcanic Viewshafts;
- B5.2 Historic Heritage;
- B6.3 Recognising Mana Whenua Values; and
- B6.5 Protection of Mana Whenua Cultural Heritage.

Furthermore, expert assessment and careful consideration would be required to determine and ensure effects associated with the following matters are managed and mitigated to a suitable (less than minor) level:

- traffic and car parking;
- vehicle access;
- building design;
- design and public accessibility of the plaza and pedestrian connections;
- amenity of the plaza and pedestrian connections;
- amenity to adjacent properties and persons;
- any groundwater diversion;
- construction noise and traffic;
- the provision of infrastructure, noting that there may not be sufficient capacity in the existing electricity network.

Given the extent of the height infringements and the likely effects on regionally significant, identified features and values it is highly likely that the proposal would trigger the need for full public notification.

The adverse effects outlined above will need to be balanced against the positive effects of the proposal which is the delivery of 324 residential units within a mixed use development in an area / zone anticipated for such uses, located in close proximity to good public transport (rail and bus) connections and in close proximity to open space and other supporting community and social infrastructure and commercial/retail services.

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## Asset Owner / Specialist Response

**From:** Fiona Sprott, Plans and Places, Auckland Council

**Date:** 24 May 2021

### Overall Summary:

A high-level assessment of the fast-track referral against the relevant plans, policy statements and strategies has been undertaken, noting that the proposal is the same, or very similar to, private Plan Change 44 (PPC44) currently being considered by the Council.

The key actual and potential adverse effects of the proposal are from the exceedance of the existing 27m height limit imposed by the Height Variation Control over the site by buildings up to 65m high (an up to 38m infringement of height) and the effects of building bulk. These are documented in the Planning Response (by Vanessa Wilkinson). However, I also add the following comments.

As a result of the building height and bulk proposed, the proposal is considered to be inconsistent with, or contrary to, the Auckland Unitary Plan Regional Policy Statement (RPS) with regard to the following objectives and policies:

- B2.3 Quality Built Environment
- B2.4 Residential Growth
- B2.5 Commercial and Industrial Growth
- B2.7 Open Space and Recreation Facilities
- B4.2 Outstanding Natural Features and Landscapes
- B4.3, Volcanic Viewshafts
- B5.2 Historic Heritage
- B6.3 Recognising Mana Whenua Values
- B6.5 Protection of Mana Whenua Cultural Heritage

as the proposal does not respond sufficiently or appropriately to the intrinsic qualities and physical characteristics of the site and area, including its landform, or its setting and relationship to its surroundings, including:

- Auckland Domain / Pukekawa, including the Auckland Domain Volcano / Pukekaroa which is identified as an outstanding natural feature in the Unitary Plan (ID 7);
- Auckland Museum which is an identified heritage building in the Unitary Plan (ID 1640) and by Heritage New Zealand;
- other identified heritage buildings in the area bound by Parnell Road, Maunsell Road, George Street and Titoki Street to the north-east; or
- various maunga, particularly the views between them and some of the established viewshafts to or from them.

Furthermore, the building height and bulk proposed will result in the adverse visual, landscape, historic heritage and amenity effects as documented in the Planning Response (by Vanessa Wilkinson). Furthermore, the proposed building height and the location of this in a Business - Mixed Use Zone which is a zone intended to provide a transition to an adjacent, higher order Business, Metropolitan Centre (Newmarket), has the potential to undermine the integrity of the urban form and character of Newmarket, including the prominence of the Newmarket, Business - Metropolitan Centre in the hierarchy of centres.

In addition, the proposed quality and accessibility of the proposed pedestrian connections and public plaza is uncertain.

The NPS-UD seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

While the proposal may give effect to the NPS-UD, particularly with regard to Policy 8, as development capacity would increase given the greater building height proposed. Policy 4 and Sub-part 6 as it relates to a qualifying matter are relevant. Qualifying matters are listed in 3.32 as including:

- (a) *a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act*
- ...
- (h) *any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.*

The matters of national importance under s6 of the RMA that are relevant to the proposal include:

- 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development and*
- 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- 6(f) the protection of historic heritage from inappropriate subdivision, use, and development:*

These matters are relevant given the sites and proposals location on, or in proximity to, the identified outstanding natural features (such as the Auckland Domain Volcano), various identified historic heritage buildings (such as the Auckland Museum and the Foundation for the Blind buildings in the block of land to the north-east of the site), and the potential effect on views to or between Maunga.

As a result, the site and proposal is one where Policy 4 of the NPS-UD is directly applicable and additional height could likely only be exceeded to the extent necessary to accommodate the above-mentioned qualifying matters.

Furthermore, the proposal does not appear to adequately recognise and provide for matters of national importance 6(b), 6(e) and 6(f) and does not appear to achieve the purpose of the RMA as it relates to the protection of natural and physical resources and the provision of cultural wellbeing.

It is also considered that the Business – Mixed Use zoning of the site and the Height Variation Control over the site are already consistent with the NPS-UD as they enable building of up to 27m in height (or at least 7-8 storeys depending on floor to floor heights); and the zone/height variation control heights have regard to the relevant NPS-UD qualifying matters and s6(b), (e) and (f) of the RMA.

As outlined above, the site is subject to a private plan change application, being PPC44 which seeks to introduce a new Precinct into the Unitary Plan containing provisions that enable increased building height (i.e. up to 65m high). The key theme arising from plan change submissions is the extent of building height, visual dominance and adverse effects on Maunga, volcanic viewshafts, the Museum, historic heritage buildings and amenity values.

It is considered that some additional building height can be accommodated on the application site; however, the extent of height needs to be further modelled and considered with reference to the above mentioned matters and concerns.

## Specialist Response

**From:** Yu-Ning Liu, Principal - Urban Design. Auckland Council

**Date:** 26.05.2021

### Overall Summary:

From an urban design perspective, I consider the proposed development application is of an inappropriate scale for the site and surrounding areas. The proposed building bulk and height is incompatible with the existing character and presents a clear departure from the planned outcomes for the site, its intensity is also likely to undermine the hierarchy of Newmarket as a metropolitan centre as prescribed under the Auckland Unitary Plan.

Further, due to proximity, if the site is to be developed to the proposed scale in its current form, it is likely to alter the visual prominence/significance of Pukekawa/Auckland Domain buildings particularly when viewed from the nearby Maunga.

These findings were derived from analysing the following key characteristic of the site and proposal:

#### Proposed Building Height and Bulk

- The layout of the development comprises four mixed use residential towers to be erected on a podium which contains about 3 carparking levels with a portion of supermarket located at Clayton Street. The podium itself is raised about 10m from the existing ground level at Clayton Street to be at level with the George Street site frontage. (The site has a gradual slope dropping down 10m from George Street to Clayton Street boundary.) While there's a lack of clarity on the exact dimensions of exceedance of height for each tower in relationship to their position of the site, I note Tower A (adjoining Clayton Street) is about 11 storeys above the 27m maximum building height standard stipulated for the site/zone, Tower D (adjacent to Morgan Street) is about 4 storeys over-height.
- I have strong concerns in terms of the visual dominance these towers would impose on the immediate street environment, taking into consideration that with the exception of George Street, both Clayton and Morgan Street have narrow widths with a 'service' lane characteristic. While the development has a small section of street frontage along Morgan Street; Clayton Street is essentially a dead-end and such nature would exacerbate the 'visual dominance' effect imposed by the towers due to no excess of space available to absorb the visual bulk and scale at the particularly at the human/street level.
- Consequently, as illustrated in the visual stimulations provided in ALVE documents, the development is visually prominent from various mid-to-far range views. I refer to Landscape and Visual specialist for detailed comments on this point.
- As the result of excessive height, I also have concern with the shading effect the proposal would introduce to its surrounding sites/developments. Whilst the majority sites in the Newmarket environment are of either Mixed-Use or Metropolitan Centre zones where the AUP (OP) gives very limited consideration to the quality sunlight access; I am cognisant that with the increase intensity of the residential use within these zones, I am of the view that a better understanding on the shading impact to the existing and future residents should also be examined more closely.

#### Quality of the Street Interface

- Whilst the site is considered large in area, it is situated in a 'land-locked' position with three limited street frontages: 25m on Clayton Street, 37m on George Street and 26m on Morgan

Street respectively. The proposal indicates a positive design responding to George Street by attaining a level access and commercial premises with glazing located at street level (Tower B). However, the majority of Morgan Street frontage is proposed for vehicle access/entry points by placement of two gates (for vehicles and services) with very limited consideration to the pedestrian amenity. Similarly, while the main pedestrian access (via escalator) is located via Clayton Street, Clayton Street retains its service lane nature having the 'exit' of carpark access from the same route. Therefore, I am of the view that the proposal does not enhance or address positively to these two street frontages/environments.

#### Pedestrian Amenity/Connectivity

- I note a north-south 'through-site-link' has been proposed connecting Newmarket to Pukekawa/Auckland Domain. While the inclusion of such is generally positive and supportive from an urban design perspective, I am uncertain whether the connection as it proposed (via escalator) would benefit the public as it pronounced in the application as it would for the local residents. Possibly, there is scope to explore a more inclusive accessible and legible connection, a typical street on a gentle gradient through extension of Clayton Street. (Should the building platform haven't been raised three (3) storeys at this end to accommodate 400+ carparks.) In this case, I am of the view that the 'public benefit' of the proposed connection should not be overtly celebrated.

Overall, while I note there are some positive attributes in response to land use efficiency, support the proximity to a metropolitan centre and associated amenities, and quality compact urban form, I am of the view the potential adverse effects to the surrounding environment, Newmarket and wider, is significant regarding its visual impact. Therefore, in my opinion, the application is likely to be notified.

#### **Further Information:**

I consider the application documents presents the proposal at a 'preliminary/conceptual' stage, while I have some fundamental and significant concerns regarding the proposal (as outlined above), I am of the view, that to enable a more detailed assessment on the quality and merit of the scheme, the following information is required.

- Height Infringement Analysis- a tower by tower analysis diagram depicting the extent of height exceedance in comparison to 27m on each elevation of each tower in relation to the natural RL (not just from the George Street datum/Plaza level)
- Shading Analysis- comparison of the extent of shading between permissible bulk/height and proposed.
- Cross sections and perspectives showing levels, retaining and podium structure and interface response along each site boundary
- Detailed Assessment and Design/Management Response on Wind and Glare effects on the affect streets, proposed plaza (podium) and public open spaces (Auckland Domain)
- Details on proposed materials, colours and finishes of buildings and ancillary structures on the streets, podium and rooftops
- Details on Landscape/Public Realm (Plaza) design proposal

## Asset Owner / Specialist Response

**From:** Ainsley Verstraeten, Principal Landscape Architect, Urban Design Unit, Auckland Council

**Date:** 26.05.2021

### Overall Summary:

I consider, from a landscape and visual effects perspective, that the heights of towers C and D are generally considered acceptable. The height of Tower A is a concern particularly in views from Mt Hobson and Mt Eden summits.

In addition, the wide dimension of Tower A results in a bulky form and less separation between other towers. This contributes to additional landscape and visual effects. A smaller footprint (narrower width) would possibly result in a more appropriately proportioned built form when viewing the towers altogether. A difference in height between the four towers is a positive aspect of the proposal.

While I consider the site is capable of accommodating some additional building height (above what is provided for under the AUP (OP)) the proposed height of Tower A is too great and will result in high adverse visual dominance effects. These effects will also include the potential erosion of the Auckland Museum buildings visual prominence in the landscape.

The AUP (OP) (B4.3) seeks to protect significant public views to and between Auckland's maunga, from inappropriate subdivision and development. A full assessment of the maunga-to-maunga views has not been included within the application however from the visual simulations provided I consider the following views to demonstrate up to a high degree of adverse effects:

- Views to and from Ōhinerau / Mt Hobson and Maungawhau / Mt Eden
- View from Ōhinerau / Mt Hobson tihī towards Pukekaroa / Pukekawa / Auckland Domain (VPT)
- View from Maungawhau (Mt Eden) tihī towards Newmarket and the Waitematā - Maungauika / North Head and Rangitoto (VPT 4)
- View from Maungauika / North Head tihī towards Maungawhau / Mt Eden (VPT 11)

In my opinion, the applicants Assessment of Landscape and Visual effects (ALVE) takes a narrow view of landscape effects, concluding that very low adverse landscape effects would result. This is based on the site being part of a heavily modified urban commercial area, with little remaining 'natural' landscape elements. However, given the importance of the site's existing context (being located in close proximity to Pukekaroa / Pukekawa / Auckland Domain) and the strong sense of place

arising from the existing character of this part of Newmarket, a broader consideration of landscape effects is required.

I also consider the ALVE to have over relied on surrounding sites developing to their full potential as there is no certainty when or if they will develop. In this regard the sites ability to visually absorb the development should be assessed with caution, and I do not consider this statement to be accurate when considering the wider views towards the site which demonstrate the developments potential to interrupt and detract from the visual integrity of views towards and between Auckland's natural features (ONF's).

Overall, the proposed development could result in high landscape and visual effects in relation to:

- Views from and to proximate maunga, including the Auckland Domain Volcano (as an ONF) and the Auckland Museum; and
- Visual dominance effects on the amenity values and urban landscape character experienced by people in the local landscape, including when experiencing these effects from both private and public viewpoints

#### **Further information**

- Higher resolution visual simulations in order to fully read the images.
- An assessment of the effects of likely future built form, that would be enabled through this plan change / fast track application, on views to and from maunga (under both identified volcanic viewshafts and in relation to maunga-to-maunga views) is required.

## Asset Owner / Specialist Response

**From:** Carolyn O'Neil, Heritage Consultant on behalf of Auckland Council Built Heritage Implementation Team

**Date:** 26 May 2021

### Overall Summary:

#### Key Heritage Issues

- The potential of the proposed new development, by virtue of its scale (height) and widespread visibility, to generate adverse visual effects on the historic heritage values of adjacent historic heritage places by virtue of impacts on their setting.
- Whether the proposed new development has regard to the protection of these historic heritage places from inappropriate subdivision, use, and development, as sought by Section 6(f) of the RMA and Objective D17.2.(2) of the AUP (OIP).

#### Summary of Concerns

For the reasons outlined below, there are concerns from a heritage perspective that the development enabled by this Fast-track Consenting application will result in adverse visual dominance effects on the heritage values of the Auckland War Memorial Museum (and Cenotaph), the former Royal New Zealand Foundation for the Blind office and workshops, and, albeit to a lesser extent, the Auckland Domain. As a result, the proposed development is not, in my view, consistent with the direction of the AUP (OIP), particularly in relation to relevant historic heritage provisions in the RPS, nor does it respond to applicable outcomes sought in the plans developed for the Domain and Museum.

The proposed development is not covered by the historic heritage overlay in the AUP (OIP), but a provision in the Regional Policy Statement (RPS) does encourage new development to have regard to adjacent historic heritage places. Policy B5.2.2.(8) reads:

*(8) Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.*

Further provisions in the AUP (OIP) that seek to avoid significant adverse effects on historic heritage places and provide direction around the protection of scheduled historic heritage places from inappropriate development, are also considered relevant. A number of provisions in the Auckland Domain Plan (1993) and the Auckland Domain Masterplan (2016), which provide a governing framework for this historic heritage place, may also be relevant here.

The submissions from PC44 (which were attached as part of this Fast-track Consenting request) have raised specific concerns about how the excessive height and resultant visibility of the proposed development, particularly 'Tower A', has the potential to impact on the heritage values of the following adjacent significant historic heritage places:

- The Auckland Domain / Pukekaroa / Pukekawa
- Auckland War Memorial Museum and Cenotaph
- Royal New Zealand Foundation for the Blind site, 545 Parnell Road

The applicant's documentation does not currently include a dedicated assessment of effects on the historic heritage values of these adjacent historic heritage places. As a result, the supporting information, particularly in relation to the viewpoints selected for the photomontages, is also limited. This makes it difficult to confirm the level of impact the development may have on the heritage values of these adjacent historic heritage buildings. However, based on the information that is available, it is my view that there is potential for the proposed development to undermine the heritage values of these places, and to adversely impact on the way in which they are experienced.

In my opinion, the height of the built form, especially 'Tower A', has the potential to compromise the open character of the southern part of the Domain, challenging the landscape qualities and visual appeal that contribute to its aesthetic heritage value and sense of place, resulting in a scale of development that, in my view, is neither sympathetic nor appropriate within this historic context.

Of particular concern is the potential visual impact on the heritage values and appreciation of the Museum – an iconic landmark, war memorial and reputedly one of the finest and most important works of architecture in the country. Occupying exposed and elevated land within the Domain, the place has a strong relationship with, and derives much of its visual appeal from, its setting. From within the Domain, I accept that the proposed development may not visually dominate the Museum. However, with a maximum height rivalling that of the Museum and a collective bulk that interrupts its silhouette, it is my opinion that the proposed built form does have the potential to undermine the aesthetic and context heritage values of the Museum by distracting from its landmark qualities and detracting from its important relationship with its setting. In my view, these landmark values are expressed in the Museum's immediate setting within the Domain and in the broader landscape.

Similarly, in my opinion, the height and bulk of the proposed built form are likely to overshadow the former Royal New Zealand Foundation for the Blind office and workshops, encroaching on its setting, distracting from its streetscape presence and thereby diminishing its heritage values.

Further information required:

- Photomontages from additional viewpoints that enable the proposed development to be seen within the context of the adjacent historic heritage places. These are needed to determine the full extent of the effects of the proposed built form on the heritage values of these places.
- A specialist assessment of effects on historic heritage is required to enable the AUP (OIP) provisions to be considered and responded to.

## Asset Owner / Specialist Response

**From:** May Huang, Traffic Engineer, Regulatory Engineering

**Date:** 25/05/2021

### Overall Summary:

I provide the following feedback based on the concept plan, technical memo from Commute Transportation Consultants and peer review report of the Precinct Plan change from Harrison Grierson Ltd.

#### 1. Access

The plan shows three vehicle accesses from George Street, Morgan Street and Clayton Street. The report doesn't show the width of vehicle crossing/access, or if the access will be operated in one or two-ways. It is recommended to provide more detail design of vehicle crossings, accesses in RC stage.

#### 2. Parking

The proposed total number of parking spaces will be less than 500 and the number of office parking spaces will meet E27.3(5) which is considered acceptable.

#### 3. Trip generation

The trip generation is estimated 314-652 /peak hour based on different scenarios of the proposal and many concerns have been raised from the submitters on traffic congestion. I recommend the applicant to provide traffic modelling of the proposal in the area which will help understand the potential queuing/congestion and traffic operation/safety/efficiency of traffic network.

#### 4. Loading

The report didn't state how many loading will be provided. I recommend the number of loading shall comply with precinct plan or E27.

#### 5. The report stated the number of cycle parking will comply with E27.

#### 6. Pedestrian facilities

The plan shows good pedestrian amenity in the site like pedestrian paths are approached from three roads and paths are separate with all vehicle accesses. I recommend pedestrian safety and slow speed environment are considered where traffic interacts with pedestrian in design stage.

#### 7. Public Transport

Please show the connection from the site to public transport/rail or walking/cycling facility nearby. Is any upgrading required?

## Asset Owner / Specialist Response

From: Matthew Revill Principal, Project Manager, Regulatory Engineering

Date: 24.05.21

### Overall Summary:



*The proposed sites are already developed, and impermeable coverage appears to be 100%.*

*The site is not in a Stormwater management area requiring consideration of additional stormwater mitigations.*

*The existing sites are served by public three waters reticulation networks. Subject to Asset owner requirements for capacity upgrades or issues, there proposed development appears serviceable.*

*Part of the proposed development appears to be affected by an overland flow path but not flooding. There appears to be no information provided on the overland flow path. At this stage while the information will be required and become critical as the design is progressed, the detail does not affect Regulatory Engineering's high-level assessment.*

*With respect to three waters infrastructure and natural hazards, the proposal is consistent with similar developments processed under the Auckland Unitary Plan.*

*Earthworks proposed seem consistent with the size and scale of similar developments in a brownfield area*

## Asset Owner / Specialist Response

**From:** Randy Leung – Licensing and Regulatory Compliance

**Date:** 25/5/21

### Enforcement history:

#### Newmarket Holdings Limited:

- Nothing in Council's system.

#### David John Sax:

- Como Holdings Limited: Current director, Dangerous building notice (at 62-64 Anzac Street, Takapuna), related to an active fire systems not operation and façade structure has been compromised due to fire. Issued on 11 December 2015.
- Southpark Corporation Limited: Current director, Abatement notice (at 15-21 Bell Avenue, Mt Wellington) to cease sediment discharge onto road issued on 28 September 2017.

#### Arthur William Young:

- Como Holdings Limited: Current director, Dangerous building notice (62-64 Anzac Street, Takapuna), related to an active fire systems not operation and façade structure has been compromised due to fire. Issued on 11 December 2015.
- Frankel Consultants Limited: Current director, Abatement notices (three)
  - At 69 Captain Springs Road, Te Papapa, I cannot find any further details, issued on 1 October 2008.
  - At 69 Captain Springs Road, Te Papapa, related to cease operating of a waste transfer station issued on 17 April 2020.
  - At 69 Captain Springs Road, Te Papapa, related to a waste transfer station issued on 6 May 2020.
- Food and Fun Limited: Current shareholder, Abatement notice (at 62-66 Benson Road Remuera), I cannot find any further details issued on 3 December 2010.

## Asset Owner / Specialist Response

**From:** Jason Drury – Principal Planner, Auckland Transport

**Date:** 26/5/2021

### Overall Summary:

Auckland Transport (AT) has been consulted with and submitted on the stated AUP(OP) Proposed Plan Change 44. The items below are consistent with ATs submissions into that process.

Overall an Integrated Transport Assessment is required from the applicant which appropriately expands upon the detail of assessment provided in the Commute report so that the scale of the proposal and its adverse effects can be appropriately quantified. Detail of mitigation requires expanding upon so that it can be fully understood and relied upon to confirm that the roading infrastructure will be sufficient to support the project.

### Specific comments:

- a. The planning framework provides for intensive use of the site by relying on the site's pedestrian accessibility to public transport and a metropolitan centre reducing the reliance on private vehicle trips. The planning framework does not actively require mitigation of vehicle trips adverse effects on the level of service for private vehicles. This does not preclude an assessment on adverse effects on vulnerable road users (pedestrians and cyclists).

The existing pedestrian aspect of the road network needs to be considered as to whether it adequately provides for this movement safely and with an appropriate level of amenity. The brief comments in the covering letter and Commute report supports this approach with the key objective for the project being to "*establish a community that has easy access to public transport...*" and as identified in the applicants' transport report prepared by Commute, under section 3.2, as "*potential amenity improvements*" including:

- *Upgrading to crossing facilities on George Street link to Auckland Domain;*
- *Clayton Street upgrades relates to pedestrian safety and amenity;*
- *Rationalisation of on street parking to accommodate for streetscaping works.*

Further detail of assessment methodology, timing, extent, and design standards proposed is required. This will include a localised understanding of pedestrian desire lines, existing safety issues, existing state of pedestrian facilities and the resulting traffic flows at different points in the local environment.

- b. The through site pedestrian links are supported. Further detail is requested outlining the mechanisms to establish public access, design of legibility as a public access, universal access and CPTED safety.

- c. Safety and operational aspects of the vehicle crossings need to be assessed in detail as stated in the Commute report. Key matters for assessment include safe sight distances; inter-visibility with pedestrians; design, widths and locations to ensure pedestrian safety and priority; and operational and safety effects on the localised road network. Morgan Street vehicle accesses will need to consider heavily utilised on street parking, with limited room for manoeuvring. Given the width of the street, AT has concern with heavy vehicles using the street, particularly semi-trailers if these are used to service a supermarket. Detail is required outlining the manoeuvring required for these larger vehicles, the frequency of movements causing delays of disruption to the local network and how mitigation of adverse effects will be achieved.
- d. Detail is required outlining cycle parking and end of trip facilities to suitably meet the AUP(OP) requirements and incentivise cycle as a mode of transport.

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the Official Information Act 1982

## Asset Owner / Specialist Response

**From:** Tarso Luiz dos Santos Giron, Technical Lead Engineer, Watercare

**Date:** 26 May 2021

### Overall Summary:

The proposal for a mixed-use development located at 33-37 George Street, 13-15 Morgan Street, and 10 Clayton Street, Newmarket, Auckland, comprising of four building, includes:

- Approximately 324 residential units
- 1,300m<sup>2</sup> of retail and commercial tenancies
- 2,000m<sup>2</sup> supermarket

No water and wastewater flow or water supply demand data were provided as part of this application.

Watercare has undertaken a review of the private plan change on this site's area, on behalf of Auckland Council, in relation to the water and wastewater aspects in September 2020, Auckland Council's reference: PC44 George Street Precinct, Newmarket.

A high-level flow estimation was made based on the Engineering Infrastructure Report for Proposed Mixed-Use Development at 13-15 Morgan Street & 10 Clayton Street, Newmarket for South park Corporation, prepared by MSC Consulting Group Ltd, dated March 2020, provided under the Private Change Plan review.

The below comments are based on the Plan Change documentation as that is the best information available.

### Water Supply:

Watercare confirms that the bulk water supply network has sufficient capacity to supply this development.

There is an existing Bulk Supply Point (BSP) on George Street next to the proposed development that supplies a 300mm watermain and a 200mm watermain west to east. There are two 150mm road crossings watermains connected to this 200mm in front of 13-15 Morgan Street. These supply one of the existing connections to the site.

Due to the size of the development, it would be expected that any supply to the development would be from the existing 300mm water main on the northern side of the road via a new connection, however, an alternative backup supply should be considered, or multiple connections could be made for each building. All of the demand would still be on the George Street BSP. The extent and location of the new connections can be determined in the next development's stage and prior to the EPA stage.

### Wastewater:

The applicant needs to provide Watercare with detailed information on expected water supply and wastewater demand. Using this information, Watercare will need to assess the development's proposed demand/flows calculations and a catchment analysis investigation before confirming the impact on the wastewater infrastructure and the required network upgrades.

The proposed site is located within a partially combined sewer and stormwater network. It is unclear what the current drainage status is of the properties within this catchment.

A high-level assessment of the proposed development confirms the requirement for the identified 150mm wastewater pipe in Clayton St to be upgraded. The requirement for any further upgrade of the 225mm network is dependent on confirmation of the current drainage status of adjacent properties within the catchment.

If it is determined that there are combined properties within the catchment draining through the 225mm pipeline, then this pipe will be under capacity and will require upgrading by the applicant to a 300mm pipeline. For the purpose of the high-level assessment, we assume that the local network will need to be upgraded to a 300mm pipeline. Further investigation could confirm that the 225mm pipe is sufficient; however, this is the responsibility of the applicant to determine.

Analysis of the dry weather flows in the downstream transmission network (bulk networks) confirms that there is sufficient capacity to convey dry weather flows without the risk of dry weather overflows.

Wet weather overflows that have been identified within the submissions are predicted to become more frequent and of higher volume in the short term due to flows from this development. These overflow issues will be addressed through a proposed transmission project that is programmed for the catchment and potential further network separation if this is identified within the catchment. The transmission project is programmed for 2025-2027, depending on funding availability.

All local upgrades required to service this development must be fully funded by the developer.

### **Works Over**

The wastewater assets that transverse the site may need to be relocated to achieve Watercare's works over requirements. The relocation of these pipes will be at the developer's cost.

## Asset Owner / Specialist Response

**From: Mark Iszard, Healthy Waters.**

**Date: 25 May 2021**

### Overall Summary:

#### General comments:

The overall scale of the redevelopment presents significant opportunities to achieve good water sensitive design outcomes.

Under Auckland Councils regional stormwater Network Discharge Consent, Schedule 4, the site would be described as a 'large scale brownfield redevelopment' that requires the preparation of a SMP where the BPO (best practicable option) is developed and documented for developments seeking to connect (or reconnect) to the Public Stormwater network.

The site is currently subject to Private Plan change (PPC44) which proposes a similar layout and development scale as that of this Fast Track application. In the absence of any infrastructure information within the Fast Track supporting material the below comments include discussions based on the Plan Change documentation which; given the similarity of the schemes represents the best information available.

#### Site Specific Comments:

Infrastructure capacity; - The existing site is currently considered to be fully impervious, so there will not be any additional runoff generated from this development.

Stormwater pipe re-alignment: - it is proposed to realign a public stormwater peep through the site, though no details of how this would be achieved have been provided so we are unsure if a Code of Practice acceptable solution this is feasible. If this pipe cannot be diverted, the applicant would either need to amend their design or identify and construct an acceptable alternative alignment for the upstream catchment.

Overland flow path: - Councils flood mapping identifies that the site is subject to overland flow paths that dissect the site. The applicant will need to allow for these through the site development and ensure that any alterations to these do not adversely affect the adjacent properties.

#### Regional Stormwater Network Discharge Consent:

As noted in the general comments the site would fall within the remit of Councils Regional Stormwater Network Discharge Consent that will require the applicant to prepare and submit a stormwater management plan (SMP) that complies with schedule 2 and 4 of the network discharge consent to Council for assessment and approval. This consent imposes a different set of stormwater performance requirements that the AUP that the site would need to meet and sets out the process for being authorised under this regional consent.

<http://www.aucklanddesignmanual.co.nz/regulations/technical-guidance/ndc>

## Parks Asset Owner / Specialist Response

**From:** Hester Gerber, Parks Planning Team Leader

**Date:** 25.05.2021

### Overall Summary:

#### Background information:

The site is within the Business - Mixed Use Zone and adjoins the Auckland Domain. The Fastrack application is subject to notified Private Plan change 44, for which Parks, Sport and Recreation have not made a submission, nor inputted into.

#### Positives of application

From the site context and concept design provided by the applicant it can be determined that:

- The proposal will provide passive surveillance to the Auckland Domain and pedestrian access through to Clayton Street.

#### Key Issues from a Parks Planning Perspective

The key issue with the project going through the COVID-19 Recovery Act 2020 fast track consenting process is the potential for inappropriate development and management of private open spaces for public use. There is a risk that the public access links through private open space are not clearly identified as such and are not managed by the appropriate mechanisms. There is also a risk that the vested assets Council may inherit are not to the same standard or consistent with those assets which go through the normal resource consent and engineering plan approval process, resulting in a financial burden not anticipated.

#### Parks Planning information, reports, and assessment requirements:

- a) subdivision plans identifying public assets to be vested, and for private open space assets, whether there will be public access easements provided to allow public access through the private open space through the site.
- b) landscape plans sufficiently detailed to properly assess any proposed assets in the streetscape, accessway's, or any public open space to be vested.
- c) consideration of a body corporate or other management structure plan for the maintenance of private open space.
- d) consideration of additional impacts the proposal will put on nearby parking and other infrastructure at the Auckland Domain.

This would provide Council with the means to determine factors such as:

- Whether open space and streetscape assets are to be public or privately owned.
- Whether streetscape or open space planting is appropriate. Council has significant experience in this area as an asset owner and promotes species which provide attractive streetscapes but species which are also suitable from a maintenance perspective and are practical in their chosen location e.g. will not reduce usability of areas over time.
- Whether any aspects of the design would require the approval of the Local Board or Governing Body to accept any proposed assets as delegated decision makers.
- Whether access ways to public open space are suitable from a crime prevention through environmental design (CPTED) perspective. This includes assessing building orientation and fencing on properties adjoining such spaces to ensure appropriate passive surveillance over these areas is provided. Accessway widths and gradients are also important for the safe movement of walkers and cyclists.
- Whether the interfaces between the development and the existing Auckland Domain and any proposed open space are appropriate.

- Whether Parks and Community Facilities have the budget to maintain assets proposed to be vested.
- Consideration of whether the private assets will be appropriately managed by the private entity and that suitable instruments can be put in place to deal with liabilities and its ongoing maintenance.
- Identification of clearly demarcated public access links through the private open space from the roads in the form of public access easements.

### **Acquisition of land**

Should public open space be proposed to be vested, the Community and Social Policy team would undertake an assessment of the acquisition of such land. A decision on whether to acquire any proposed reserve would be made by the relevant Local Board and Council's Governing Body.

Here the proposed open space appears to be retained as private, however if it was to be vested to Auckland Council, it would appear to be classified as a pocket park according to Auckland Council's Open Space Provision Policy. The policy states that pocket parks can be voluntarily provided at no capital cost to Council and only on agreement by Council. It is pointed out that there is no requirement that Auckland Council is to accept any reserves proposed through a development proposal.

### **Overall position of Parks Planning**

Overall, it is considered that measures will need to be put in place under the COVID-19 Recovery Act 2020 fast track consenting process to ensure Council is able to provide sufficient input to decisions around the management of private open spaces for public use or acceptance of vested assets. This is to ensure public open spaces are safe and appropriately managed and any assets Council receives are to the normal standard and consistent with those that have gone through a normal resource consent process.

### **Conclusion**

Should the EPA decide to allow the development to go through the Covid-19 Fast Track process, it is recommended that the proposal address all information requirements from a Parks perspective supplemented by a suitable assessment for the matters of concern. The applicant should also be made aware of any political decisions that are required for proposed vested assets (land acquisition, easements etc.) which may impact on the delivery of the project.

**Prepared by:** *Ashleigh Richards, Senior Parks Planner – Parks, Sports and Recreation*

**Parks Agency Lead:**



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**Hester Gerber**  
**Parks Planning Team Leader**  
**Parks, Sports and Recreation**

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# 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.

<b>Organisation providing comment</b>	Tūpuna Maunga Authority
<b>Contact person (if follow-up is required)</b>	Dominic Wilson
	Head of Co-governance / Te Pou Mana Whakahaere
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	George St Mixed Use Development, Parnell, Auckland
<b>General comment</b>	The Tūpuna Maunga Authority opposes the height of the buildings as they adversely impact on the Tūpuna Maunga and the Waitemātā Harbour.
<b>Other considerations</b>	<p>It is more appropriate for the matter to be addressed through the plan change process. Submissions and further submissions are complete and the matter is ready to be set down for a hearing.</p> <p>The Tūpuna Maunga Authority is a submitter on the plan change and remains opposed to the building heights.</p>
<b>Ministers specific request for comments on the proposed building height</b>	<p>The Tūpuna Maunga Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga.</p> <p>The proposed building heights will have a significant adverse effect on connections to and between Tūpuna Maunga. The Authority is particularly concerned with the building that is 65m.</p> <p>The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region. This significance extends well beyond Auckland as they are part of the volcanic field of Ngā Tapuwāe ō Mataaho, whose natural and cultural importance underpins the nomination for World Heritage status (they are on the tentative list for such status with UNESCO), which is still underway.</p> <p>The Maunga are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations). The significance of the relationship between Māori and Maunga is succinctly described in the Waitangi Tribunal Tāmaki Makaurau Settlement Process Report:</p>

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...maunga are iconic landscape features for Māori. They are iconic not because of their scenic attributes, but because they represent an enduring symbolic connection between tangata whenua groups and distinctive land forms. Sometimes, these land forms are the physical embodiment of tūpuna. Thus, associations with maunga are imbued with mana and wairua that occupy the spiritual as well as the terrestrial realm. Maunga express a group's mana and identity. This connection and expression is an integral part of Māori culture.

This project would lead to outcomes that would disturb the relationship of mana whenua and their Tūpuna Maunga and is therefore contrary to the principles of the Treaty of Waitangi, which is a relevant consideration under s6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.

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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.

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the Official Information Act 1982