

FTC#163: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

Application 2022-099 Great South Homes Park Project

Date submitted:	6 October 2022	Tracking #: BRF-2258	
Security level	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decisions on recommendations	To be advised

Actions for Minister's Office staff	Return the signed briefing to MfE. Send the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Great South Homes Park Project application and further information received (Databox link) 2. Stage 1 Briefing Note and decisions (Databox link) 3. Statutory framework for making decisions (Databox link) 4. Draft Notice of Decisions letter to Unisport Great South Limited 5. Section 17 Report (Databox link) 6. Comments received from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited (Databox link) 7. Further information received post-consultation (Databox link).

Ministry for the Environment contacts

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FTC#163: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

Key messages

1. This briefing seeks your final decisions on the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Unispace Great South Limited to refer the Great South Homes Park Project (project) to an expert consenting panel (panel). A copy of the application is in Appendix 1.
2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-1961) with your initial decisions annotated is in Appendix 2.
3. The project is to subdivide an approximately 6-hectare site located at 470 and 476 Great South Road, and 2 and 8 Gatland Road, Papakura, Auckland and construct approximately 338 residential units, commercial buildings and supporting infrastructure including public open space, roads, vehicle, pedestrian and cycle accessways, car-parking areas and three-waters services.
4. The project will involve activities such as:
 - a. demolishing buildings and infrastructure
 - b. subdividing land
 - c. trimming and removing vegetation
 - d. carrying out earthworks
 - e. diverting overland flow paths
 - f. diverting and discharging stormwater onto land and into water
 - g. constructing residential units
 - h. constructing commercial buildings
 - i. constructing or installing structures and infrastructure associated with the development, including roads, vehicle, pedestrian and cycle accessways and three-waters services (including a stormwater management pond)
 - j. developing land for the purposes of public open space, including by landscaping and planting
 - k. any other activities that are –
 - i. associated with the activities described in a to j
 - ii. within the project scope as described in paragraph 3.
5. The project will require subdivision and land use consents, and water and discharge permits under the Auckland Unitary Plan (AUP).
6. Most of the project site is in the Residential – Mixed Housing Urban Zone with a small area of the site, where the commercial buildings are proposed, in the Business – Neighbourhood Centre Zone under the AUP. The purpose of the Residential – Mixed Housing Urban Zone is to enable intensification, while retaining a suburban character. The purpose of the Business – Neighbourhood Centre Zone is to enable commercial activity that is in keeping with the surrounding residential environment. The site is also within the Gatland Road Precinct under the AUP, that provides for comprehensive and integrated development to increase the supply

of housing in Papakura. The project has overall discretionary activity status under the AUP due to the diversion and discharge of stormwater runoff.

7. Areas of the site are covered by easements in favour of Auckland Council and there is a consent notice registered on 476 Great South Road requiring Council approval for any activities or modification within 10 metres of an overland flowpath. We note that a panel does not have powers under the FTCA to remove easements or cancel or amend a consent notice.
8. The applicant lodged a resource consent application¹ for the site with Council on 5 August 2022 that includes the surrender of the easements and cancellation of the consent notice. The applicant provided an alternative site layout which they consider can be implemented if the easements and consent notice remain in place. Council did not raise any concerns relating to removing the easement and cancelling the consent notice and did not comment on the appropriateness of the proposed alternative layout in light of the easements and consent notice if they were to remain in place.
9. The applicant does not consider the above matter will have any impact on the timing or delivery of the project. We accept the applicant's position that the subdivision and housing layout could be modified to comply with the existing restrictions in the event the Council does not grant the Resource Management Act 1991 (RMA) application to remove the easements and cancel the consent notice.
10. We recommend you accept the referral application under section 24 of the FTCA and refer the project to a panel for fast-track consenting. We seek your decision on this recommendation and on recommendations for directions to the applicants and a panel, and notification of your decisions.

Assessment against statutory framework

11. The statutory framework for your decision-making is set out in Appendix 3. You must apply this framework when you are deciding whether or not to accept the application and when deciding on any further requirements or directions associated with project referral.
12. Before accepting the application, you must consider the application and any further information provided by the applicant (in Appendix 1), the Section 17 Report (in Appendix 5) and comments from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited (Watercare) (in Appendix 6). Following that, you may accept the application if you are satisfied that it meets the referral criteria in section 18 of the FTCA. We provide our advice on these matters below.
13. We have also considered if there are any reasons for declining the project, including the criteria in section 23(5) of the FTCA, and provide our advice on these matters to assist your decision-making.

Further information provided by applicant

14. In response to your request under section 22 of the FTCA the applicant provided further information on jobs resulting from the project, including those associated with commercial activities, and confirmation that sale and purchase agreements for the site are unconditional and will not affect project timing or delivery.

¹ The applications (BUN60406797 and VCN70021108) being considered by Auckland Council are for bulk earthworks and subdivision to create 11 residential super lots (large scale lots for future subdivision and development) and associated reserves to vest in council, surrender of easements and cancellation of a consent notice.

15. The applicant also provided an assessment of the project against Auckland Council's Intensification Planning Instrument (Proposed Plan Change 78: Intensification) and Proposed Plan Change 79: Amendments to the transport provisions, to the AUP (as notified on 18 August 2022). The applicant confirmed that no additional rules that have immediate legal effect apply to the project and the project will have no additional rule breaches as a result of PC78 or PC79 and they consider the project is in accordance with the new objectives and policies that are mandatory under the National Policy Statement on Urban Development 2020 (NPS-UD).

Section 17 report

16. The Section 17 Report indicates that there are eleven iwi authorities, five Treaty settlements and eight Treaty settlement entities relevant to the project area. The report also notes two further iwi authorities and one Treaty settlement negotiations entity which may have an interest in the area.
17. The project site lies within a statutory acknowledgement area created as part of the Treaty settlement with Ngāti Tamaoho.
18. The relevant Treaty settlements do not create any new co-governance or co-management processes that would affect decision-making under the Resource Management Act 1991 (RMA) for the project.

Comments received

19. Comments were received from s 9(2)(f)(ii), s 9(2)(g)(i), Auckland Council, Auckland Transport and Watercare. The key points of relevance to your decision are summarised in Table A.
20. s 9(2)(f)(ii), s 9(2)(g)(i) Auckland Council and Auckland Transport, and Watercare's, comments were received fifteen, six, seven, three and one working days late (respectively). Under section 21(5) of the FTCA you are not required to consider comments received after the 10 working-day period but may do so at your discretion as you have not already made a decision on the application.

s 9(2)(f)(ii), s 9(2)(g)(i)

25. s 9(2)(f)(ii), s 9(2)(g)(i)
26. Auckland Council considered the project could be assessed under a standard consenting process under the RMA. Council commented that the proposal is not contrary to the high-level policy framework of the Auckland Plan and the AUP, and that the proposed recreation reserve and roading layout were acceptable in principle. Council raised specific concerns regarding the design of the project, including the layout and likely intensity, and the lack of details on the stormwater management area, and noted that upgrades to water and wastewater networks (at the applicant's expense) will be needed.
27. We sought comment from Auckland Council on the likelihood of the existing consent notice and easements for the site being removed, or if alternatively, they agreed with the applicant that the project could still proceed with the easements and consent notice in place, as demonstrated by the alternative layout provided by the applicant. Council did not identify any concerns and commented that both aspects could be addressed in association with the consent application currently being processed by Council.
28. Auckland Council identified a number of reports and assessments which would normally be required for a project of this type. We consider these reports are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but recommend you require the applicant to submit to a panel specific information, as detailed in Table A, to assist with consideration of the application by a panel.
29. Auckland Transport was neutral on project referral but considered the project could be assessed under a standard consenting process under the RMA. Auckland Transport commented that the roading layout is acceptable in principle, as it is consistent with the Precinct Plan within the AUP, but noted the scale of the proposed dwellings and provision for retail are not consistent with the development anticipated under the Precinct Plan. Auckland Transport requested that if the project is referred to a panel, you require the applicant to provide an integrated transport assessment with their resource consent application to a panel and direct a panel to invite comments from them.
30. Watercare did not oppose project referral and commented that the project site falls within an area where it is responsible for the operation and planning of the water supply and wastewater transmission networks. Veolia Water Services (ANZ) is responsible for the operation and maintenance of the local water and wastewater networks. Watercare raised specific concern that the Hingaia wastewater pumping station has no capacity to accept additional flows from the development ahead of planned upgrades to the pumping station, which we have addressed further below.

Section 18 referral criteria

31. You may accept the application for project referral if you are satisfied the project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
32. The project does not include any ineligible activities, as explained in Table A.
33. The matters you may consider when deciding if a project will help achieve the purpose of the FTCA are in Section 19 of the FTCA. Our assessment of these matters is summarised in Table A. We consider the project will help achieve the purpose of the FTCA, and thus meet the requirements of section 18(2), as it has the potential to:
- generate employment by providing approximately 1086 direct full-time equivalent (FTE) jobs over an approximately 4-year period
 - increase housing supply by constructing approximately 338 residential units

- c. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.
- 34. We consider any actual and potential effects arising from the project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, could be tested by a panel against Part 2 of the RMA and the purpose of the FTCA.

Issues and risks

- 35. Even if the project meets the referral criteria in section 18 of the FTCA, section 23(2) of the FTCA permits you to decline to refer the project for any other reason.

Section 23 FTCA matters

- 36. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and our analysis of these matters is summarised in Table A. Note that you may accept an application even if one or more of those reasons apply.
- 37. Auckland Council did not identify any environmental regulatory compliance history for the applicant. We note Council commented they have had monitoring and compliance dealings with Opal Zhu, a director of the applicant's company, regarding the lack of site management and maintenance, and street tree planting, on other sites. However, the Council noted there are no records on council file that enforcement action has been taken against the applicant. We do not consider that you should decline the referral application on the basis of section 23(5)(f) of the FTCA (poor history of environmental regulatory compliance).

Other matters

- 38. We have identified issues further to the matters identified above and our analysis of these is in Table A.
- 39. Areas of the site are covered by easements in favour of Auckland Council and there is a consent notice registered on 476 Great South Road requiring council approval for any activities or modification within 10 metres of an overland flowpath. The applicant lodged a resource consent application, under the RMA, for the site with council on 5 August 2022 that includes the surrender of the easements and cancellation of the consent notice. The application being considered is also for bulk earthworks and subdivision to create 11 residential super lots (large scale lots for future subdivision and development) and associated reserves to vest in council. We note that that we do not consider this application is the same or substantially the same activity as the project, and therefore the applicant would not be required to withdraw this application before lodging a consent application with the panel (FTCA, sched 6 cl 38(3)).
- 40. We sought comment from Council on the likelihood of the current RMA application being granted, or alternatively, if it agreed with the applicant, that the project could still proceed with the easements and consent notice in place. The applicant has provided an alternative site layout which they consider can be implemented if the easements and consent notice remain in place. Council did not raise any significant concerns relating to removing the easement and cancelling the consent notices and did not comment on the appropriateness of the proposed alternative layout in light of the easements and consent notice if they were to remain in place.
- 41. In the event the Council does not grant the RMA application to cancel the consent notice and remove the easements, we accept the applicant's position that the subdivision and housing layout could be modified to comply with the existing restrictions. The detailed subdivision design and housing layout is a matter that will be more appropriately considered by a panel with the benefit of a full resource consent application. The applicant does not consider the

easement and consent notice issue will have any impact on the timing or delivery of the project and we do not consider it is a reason to decline the referral application.

42. Watercare noted their existing wastewater network does not have sufficient capacity and additional wastewater infrastructure will need to be installed to service the proposed development. The applicant provided further information from their design engineers, who advised that the servicing upgrades will be one of the first civil construction works to commence on site. The applicant advised that any new and upgraded infrastructure required to service the project will be completed at their cost as part of project delivery. We consider a panel is able to consider and address this issue (with the benefit of specific information provided by the applicant), and that this does not preclude project referral.

Conclusions

43. We do not consider you should decline the referral application in whole or in part on the basis of the risks and issues identified above, provided the applicant provides appropriate information (including the information we recommend you specify) to a panel. You could accept the application under section 24 of the FTCA and refer all of the project to a panel.
44. If you decide to refer the project, we consider you should specify under section 24(2)(d) of the FTCA (as requested in comments) that the applicant must submit the following information to a panel with their consent applications in addition to the requirements of clause 9 of Schedule 6 of the FTCA:
- a. a three-waters infrastructure assessment
 - b. information on stormwater management
 - c. a transport infrastructure assessment
 - d. an integrated transport assessment
 - e. an urban design assessment
45. The above information will inform a panel's assessment of the project's effects and whether to invite comments from any additional persons or groups. This does not preclude a panel from requiring the applicant to provide any additional information on any application lodged with the EPA under the FTCA.
46. If you decide to refer the project, we consider you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on consent applications for the project from
- a. Associate Minister for the Environment (urban policy)
 - b. Auckland Transport
 - c. Watercare Services Limited
 - d. Veolia Water Services (ANZ) Pty Limited
 - e. Hauraki Māori Trust Board
 - f. Makaurau Marae Māori Trust
 - g. Ngāti Koheriki Claims Committee.
47. We have included Veolia Water Services (ANZ) as Watercare identified the project site is located in an area serviced by Veolia. In this area, Watercare is responsible for the operation and planning of the water supply and wastewater transmission networks, whilst Veolia is responsible for operating and maintaining the local water and wastewater network.

Next steps

48. If you decide to refer the project, you must give notice of your decisions on the referral application, and the reasons for them, to the applicant, anyone invited to comment under section 21, and the persons, entities and groups listed in section 25(2) of the FTCA. We consider you should also give the notice of decisions together with a copy of the application to Veolia Water Services (ANZ), Hauraki Māori Trust Board, Makaurau Marae Māori Trust and Ngāti Koheriki Claims Committee.
49. If you decide to decline project referral, you must give the notice of your decisions, and the reasons for them, to the applicant and anyone invited to comment under section 21.
50. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 4). Once you have signed the letter we will assist your office to copy it to all relevant parties.
51. To refer the project, you must recommend that a referral order be made by way of an Order in Council (OIC). Cabinet has agreed that you can issue drafting instructions to the Parliamentary Counsel Office without the need for a policy decision to be taken by Cabinet in the first instance.²
52. As required by section 25(3) of the FTCA, you must ensure that your decisions on the referral application, the reasons and the Section 17 report are published on the Ministry for the Environment's website. We will undertake this task on your behalf in accordance with your direction.
53. Our recommendations for your decisions follow.

² Following the first OIC, the Minister for the Environment (and Minister of Conservation for projects in the Coastal Marine Area) can issue drafting instructions directly to the Parliamentary Counsel Office. Cabinet has also agreed that a Regulatory Impact Assessment is not required for an OIC relating to projects to be referred to a panel [ENV-20-MIN-0033 and CAB-20-MIN-0353 refer].

Recommendations

1. We recommend that you:

- a. **Note** section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline the referral application from Unisport Great South Limited unless you are satisfied that the Great South Homes Park Project (project) meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
 - b. **Note** when assessing whether the project would achieve the FTCA's purpose, you may consider a number of matters under section 19, including the project's economic benefits and costs, and effects on social or cultural well-being; whether it may result in a public benefit (such as generating employment or increasing housing supply); and whether it could have significant adverse effects.
 - c. **Note** before deciding to accept the application for project referral under section 24(1) of the FTCA you must consider:
 - i. the application
 - ii. the report obtained under section 17 of the FTCA
 - iii. any comments and further information sought and provided within the required timeframe.
 - d. **Note** if you are satisfied that all or part of the project meets the referral criteria in section 18 of the FTCA you may:
 - i. refer all or part of the project to an expert consenting panel (panel)
 - ii. refer the initial stages of the project to a panel while deferring decisions about the project's remaining stages
 - iii. still decline the referral application for any reason under section 23(2) of the FTCA.
 - e. **Note** if you do refer all or part of the project you may:
 - i. specify restrictions that apply to the project
 - ii. specify the information that must be submitted to a panel
 - iii. specify the persons or groups from whom a panel must invite comments
 - iv. set specific timeframes for a panel to complete their process.
 - f. **Agree** the project meets the referral criteria in section 18(3) of the FTCA.
- Yes/No
- g. **Agree** the project will help achieve the purpose of the FTCA (and therefore meets the referral criteria in section 18(2) of the FTCA) as it has the potential to:
 - i. generate employment by providing approximately 1086 direct full-time equivalent (FTE) jobs over an approximately 4-year period
 - ii. increase housing supply by constructing approximately 338 residential units
 - iii. progress faster than would otherwise be the case under standard Resource Management Act 1991 process, provided that the applicant lodges their applications for resource consent in a timely manner following project referral.

Yes/No

h. **Agree** to **refer** all of the project to a panel.

Yes/No

i. **Agree** to specify under section 24(2)(d) of the FTCA that the applicant must submit the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:

i. an assessment of the relevant infrastructure for three waters services that:

1. identifies the existing condition and capacity of that infrastructure
2. identifies any upgrades to that infrastructure that are required in connection with the project
3. identifies any funding required to carry out those upgrades (including who will provide that funding)
4. contains information on discussions held, and agreements made, between the applicant and Auckland Council or Watercare Services Limited or Veolia Water Services (ANZ) Ptd Limited (or all parties), that are relevant to three waters services, including the matters referred to in subparagraphs 1-3

ii. the following information relating to stormwater management:

1. stormwater and flood risk assessment, including flood modelling that accounts for the effects of climate change
2. a draft stormwater management plan

iii. a transport infrastructure assessment, that:

1. assesses the existing capacity of the local road network to service traffic associated with both the project while it is carried out and the resulting development
2. identifies any upgrades to the local road network that are required to service that traffic
3. identifies any funding required to carry out those upgrades (including who will provide that funding)
4. contains information on discussions held, and agreements made, between the applicant and Auckland Transport, that are relevant to transport infrastructure, including the matters referred to in subparagraphs 1-3

iv. an integrated transport assessment that:

1. assesses the effects on the surrounding transport network, including the key intersections of Park Estate Road and Great South Road, and Gatland Road and Great South Road, of both the project while it is carried out and the resulting development
2. includes modelling to determine the most appropriate intersection treatment, including the consideration of a signalised intersection, of Gatland Road and Great South Road
3. identifies how the resulting development will support people to use public transport and active modes of transport (such as walking and cycling)
4. contains information on discussions held, and agreements made, between the applicant and Auckland Transport, that are relevant to the

integrated transport assessment, including the matters referred to in subparagraphs 1-3

- v. an urban design assessment of the effects of the project

Yes/No

- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following persons or groups in addition to those specified in clause 17 of Schedule 6 of the FTCA:

- i. Associate Minister for the Environment (urban policy)
- ii. Auckland Transport
- iii. Watercare Services Limited
- iv. Veolia Water Services (ANZ) Pty Limited
- v. Hauraki Māori Trust Board
- vi. Makaurau Marae Māori Trust
- vii. Ngāti Koheriki Claims Committee

Yes/No

- k. **Agree** to copy the application and notice of decisions to the following parties additional to those specified in section 25 of the FTCA:

- i. Veolia Water Services (ANZ) Pty Limited
- ii. Hauraki Māori Trust Board
- iii. Makaurau Marae Māori Trust
- iv. Ngāti Koheriki Claims Committee

Yes/No

- l. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the project to a panel in accordance with your decisions recorded herein.

Yes/No

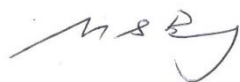
- m. **Sign** the notice of decisions letter to the applicant (attached in Appendix 4).

Yes/No

- n. **Require** the Ministry for the Environment to publish your decisions, reasons and the Section 17 report on the Ministry for the Environment's website.

Yes/No

Signatures



Madeleine Berry
Acting Manager – Fast-track Consenting

Hon David Parker
Minister for the Environment

Date:

Table A: Stage 2 - Project summary and section 24 FTCA assessment for projects where the Minister for the Environment is the sole decision maker

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
Name Great South Homes Park Project Applicant Unispot Great South Limited c/- Barker & Associates Location 470 and 476 Great South Road, and 2 and 8 Gatland Road, Papakura, Auckland	The project is to subdivide an approximately 6-hectare site located at 470 and 476 Great South Road, and 2 and 8 Gatland Road, Papakura, Auckland and construct approximately 338 residential units, commercial buildings and supporting infrastructure including public open space, roads, vehicle, pedestrian and cycle accessways, car-parking areas and three-waters services. The project will involve activities such as: a. demolishing buildings and infrastructure b. subdividing land c. trimming and removing vegetation d. carrying out earthworks e. diverting overland flow paths f. diverting and discharging stormwater onto land and into water	The project is eligible for referral under section 18(3)(a)–(d) as: • it does not include any prohibited activities • it does not include activities on land returned under a Treaty settlement • it does not include activities in a customary marine title area or a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.	Economic benefits for people or industries affected by COVID-19 (19(a)) Based on the information provided by the applicant we consider the project may result in the following economic benefits: • provide approximately 1086 direct and 950 indirect full time equivalent (FTE) jobs over a 4-year design and construction period • contribute approximately \$278 million to GDP through the development Economic costs for people or industries affected by COVID-19 (19(a)) • N/A Effect on the social and cultural well-being of current and future generations (19(b)) The project has the potential for positive effects on the social wellbeing of current and future generations as it will: • generate employment by providing approximately 1086 direct full-time equivalent (FTE) jobs over an approximately 4-year period • increase housing supply by constructing approximately 338 residential units Is the project likely to progress faster by using this Act? (19(c)) The applicant considers the fast-track process will allow the project to progress approximately 18-24 months faster than under standard Resource Management Act 1991 (RMA) processes due to the potential for notification and delays with Auckland Council's consenting processes.	Ministers s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i) s 9(2)(f)(ii), s 9(2)(g)(i)	Section 23(5) matters: Insufficient information (23(5)(a)) The applicant has provided sufficient information for you to determine whether the project meets the criteria in section 18 of the FTCA. More appropriate to go through standard RMA process (23(5)(b)) We sought comment from Auckland Council on the appropriateness of using the FTCA process. They consider it is not appropriate in this instance as the proposal could be assessed under Council's normal resource consent process. We do not consider you should decline the referral application on the basis that it is more appropriate to go through the standard RMA process. Inconsistency with a national policy statement (23(5)(c)) We do not consider the project is inconsistent with any relevant national policy statements. Inconsistent with a Treaty settlement (23(5)(d)) The project does not directly affect any Treaty settlement redress. Involves land needed for Treaty settlements (23(5)(e)) The project site does not include any land needed for Treaty Settlement purposes. Applicant has poor regulatory compliance (23(5)(f)) Auckland Council noted there are no records on file that enforcement action has been taken against Unispot Great South Limited,	In response to key comments: • s 9(2)(f)(ii), s 9(2)(g)(i) • s 9(2)(f)(ii), s 9(2)(g)(i) • s 9(2)(f)(ii), s 9(2)(g)(i) • We note Auckland Council's comments identified a number of reports and assessments which would normally be required for a project of this type. We consider these reports are generally covered by the requirements of clause 9 Schedule 6 of the FTCA but recommend you require the applicant to submit specific information, as detailed in Table A, to assist with consideration of the application by a panel. • We recommend that you agree to the request from Auckland Transport to require the applicant to provide an integrated transport assessment with a resource consent application to a panel, and that a panel invite comments from Auckland Transport. There are no significant reasons to decline to refer the project. We recommend that you accept the application under section 24 of the FTCA and refer all of the project to a panel.

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received (Note: for analysis and/or recommended responses to these comments refer to column 7)	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	<p>g. constructing residential units</p> <p>h. constructing commercial buildings</p> <p>i. constructing or installing structures and infrastructure associated with the development, including roads, vehicle, pedestrian and cycle accessways and three-waters services (including a stormwater management pond)</p> <p>j. developing land for the purposes of public open space, including by landscaping and planting</p> <p>k. any other activities that are</p> <p>i. associated with the activities described in a to j; and</p> <p>ii. within the project scope as described in paragraph 3</p> <p>The project will require subdivision and land use consents, and water and discharge permits under the</p>		<p>We note this projected timeframe appears to be based on the assumption that Council will not meet its statutory timeframes under the RMA, which may or may not be the case however, we still consider that the project is likely to progress faster using the FTCA.</p> <p>Will the project result in a public benefit? (19(d))</p> <p>Based on the information provided by the applicant we consider that the project may result in the following public benefits:</p> <ul style="list-style-type: none"> •generating employment •increasing housing supply <p>Potential to have significant adverse environmental effects, including greenhouse-gas emissions (19(e))</p> <p>The applicant considers the project has the potential for adverse environmental effects arising from:</p> <ul style="list-style-type: none"> •earthworks and construction activities (including traffic, noise, vibration, sedimentation) •infrastructure and servicing capacity •and may include adverse effects on: •residential character and amenity •transport (interfaces and intersections) <p>The applicant has provided some preliminary technical assessments in support of their view that the project will not have any significant adverse effects.</p> <p>We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision and a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>Local authorities</p> <p>Auckland Council considered that the project did not need to go through the FTCA and could be assessed under a normal resource consent process. Auckland Council commented that overall the proposal is not contrary to the high-level policy framework prompted by the Auckland Plan and the Auckland Unitary Plan.</p> <p>Auckland Council identified concerns with the overall design of the project, including the layout and likely intensity of the proposed development, and that further detail on the stormwater management area is needed. Auckland Council also provided comments from Veolia as the operator of the water and wastewater network in the area, which noted that upgrades to water and wastewater networks are needed, and that these costs should be met by the applicant. Auckland Council commented that the park meets the open space provision policy and that it is also a requirement under the National Policy Statement for Urban Development (NPS-UD) to secure adequate open space for future communities.</p> <p>Auckland Council also commented on the applicant's environmental regulatory compliance history, identifying that while there are no records on Council file that enforcement action has been taken against Unisport Great South Limited, the Council's Monitoring and Compliance Team have had dealings with Opal Zhu (Managing Director of Unisport Great South Limited) regarding the lack of site management, street trees planting and maintenance of sites that he has developed previously. We address this further in the section 23 matters.</p> <p>Auckland Council also identified a number of reports and assessments which would normally be required for a project of this type.</p> <p>Other parties</p> <p>Auckland Transport is neutral to project referral and commented that the roading layout is acceptable in principle as it is consistent with the Precinct Plan within the Auckland Unitary Plan, but that the scale of the proposed dwellings and proposed provision for retail are not consistent with the anticipated development under the precinct plan. Auckland Transport considers that as the</p>	<p>however, the Council's Monitoring and Compliance Team have dealings with Opal Zhu regarding the lack of site management, street trees planting and maintenance of other sites.</p> <p>We do not consider that you should decline the referral application on the basis of poor history of environmental regulatory compliance.</p> <p>Insufficient time for the project to be referred and considered before FTCA repealed (23(5)(g))</p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p>Other issues and risks:</p> <p>Areas of the site are covered by easements in favour of Auckland Council and there is a consent notice registered on 476 Great South Road requiring Council approval for any activities or modification within 10 metres of an overland flowpath. The applicant lodged an application with Council to remove the easements and cancel the consent notice and does not consider this matter will have any impact on the timing or delivery of the project. They have provided an alternative site layout which they consider can be implemented if the easements and consent notice remain in place.</p> <p>We sought comment from Auckland Council on the likelihood of these being removed, or if alternatively, they agreed with the applicant that the project could still proceed with the easements and consent notice in place, as demonstrated by the alternative layout provided by the applicant. Auckland Council did not raise any significant concerns</p>	<p>We recommend you require the applicant to provide the following information with their resource consent applications to a panel:</p> <p>i. an assessment of the relevant infrastructure for three waters services that:</p> <ol style="list-style-type: none"> 1. identifies the existing condition and capacity of that infrastructure 2. identifies any upgrades to that infrastructure that are required in connection with the project 3. identifies any funding required to carry out those upgrades (including who will provide that funding) 4. contains information on discussions held, and agreements made, between the applicant and Auckland Council or Watercare Services Limited or Veolia Water Services (ANZ) Pty Limited (or all parties), that are relevant to three waters services, including the matters referred to in subparagraphs 1-3 <p>ii. the following information relating to stormwater management:</p> <ol style="list-style-type: none"> 1. stormwater and flood risk assessment, including flood modelling that accounts for the effects of climate change 2. a draft stormwater management plan <p>iii. a transport infrastructure assessment, that:</p> <ol style="list-style-type: none"> 1. assesses the existing capacity of the local road network to service traffic associated with both the project while it is carried out and the resulting development 2. identifies any upgrades to the local road network that are required to service that traffic 3. identifies any funding required to carry out those upgrades (including who will provide that funding) 4. contains information on discussions held, and agreements made, between the applicant and Auckland Transport, that are relevant to transport infrastructure, including the matters referred to in subparagraphs 1-3 <p>iv. an integrated transport assessment that:</p>

Project details	Project description	Does all or part of the project meet the referral criteria in section 18?		Summary of comments received <i>(Note: for analysis and/or recommended responses to these comments refer to column 7)</i>	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3)(a)–(d))	Section 18(2) - does the project help achieve the purpose of the FTCA (as per section 19)?			
	Auckland Unitary Plan (AUP).		Other relevant matters (19(f)) <ul style="list-style-type: none"> • N/A 	<p>Gatland Road Precinct Plan is operative the proposed development can be assessed under the Council's normal resource consent process and that the benefits of assessing this application under the FTCA are unclear. Auckland Transport requested that if the project is referred to a panel, the applicant be required to provide an integrated transport assessment with their resource consent application and a panel be required to invite comments from Auckland Transport.</p> <p>Watercare Services Limited (Watercare) commented that based on the location, it is assumed the developer would be intending to discharge wastewater to the Hingaia pumping station, and that there is no ability to accept additional flows from this development ahead of planned upgrades to the pumping station. Watercare commented that the water supply transmission system seems to have sufficient capacity for the development.</p> <p>All responses received by parties invited to comment are attached in Appendix 6.</p>	<p>relating to the current applications removing the easement and cancelling the consent notices and did not comment on the appropriateness of the proposed alternative layout in light of the easements and consent notice if they were to remain in place.</p>	<ol style="list-style-type: none"> 1. assesses the effects on the surrounding transport network, including the key intersections of Park Estate Road and Great South Road, and Gatland Road and Great South Road, of both the project while it is carried out and the resulting development 2. includes modelling to determine the most appropriate intersection treatment, including the consideration of a signalised intersection, of Gatland Road and Great South Road 3. identifies how the resulting development will support people to use public transport and active modes of transport (such as walking and cycling) 4. contains information on discussions held, and agreements made, between the applicant and Auckland Transport, that are relevant to the integrated transport assessment, including the matters referred to in subparagraphs 1-3 <p>v. an urban design assessment of the effects of the project</p> <p>We recommend you direct a panel to invite comments on any resource consent applications for the project from:</p> <ul style="list-style-type: none"> • Associate Minister for the Environment (urban policy) • Auckland Transport • Watercare Services Limited • Waka Kotahi NZ Transport Agency • Veolia Water Services (ANZ) Pty Limited • Hauraki Māori Trust Board • Makaurau Marae Māori Trust • Ngāti Koheriki Claims Committee <p>We recommend you provide a copy of the application and the notice of decision to the following parties in addition to those specified in section 25 of the FTCA:</p> <ul style="list-style-type: none"> • Veolia Water Services (ANZ) Pty Limited • Hauraki Māori Trust Board • Makaurau Marae Māori Trust • Ngāti Koheriki Claims Committee