

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

Your reference: BRF-228

26 July 2021

Dear Minister Parker,

**RE: COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Melia Place Whangaparaoa – Comments sought**

We are responding to your invitation (dated 12 July 2021) for comments on an application before you for referral to the Expert Panel under the COVID-19 Response (Fast Track Consenting) Act 2020.

The application is made by Melia Development Limited and is located at 43A Vipond Road and 20 Melia Place, Whangaparāoa (Lot 1 DP 169527 and Lot 2 DP 169527).

Having reviewed the application material provided, we can advise that Auckland Council has some concerns with the proposed development but there are also some merits to it. A summary of Council's collective response can be found in Enclosure A and detailed comments from council asset owners in Enclosure B.

In response to the information requirements stated in your letter:

- 1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to continue to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?*

The Council have held two pre-application meetings with significant issues raised on the initial proposal but with reduced concerns on the revised second proposal. The proposal is overall a non-complying activity – the activity status is further discussed in the overall summary in Enclosure A.

While the proposal does not fit well with the Auckland Unitary Plan policy framework, there are some merits to the proposal which could be resolved via further redesign and information about the effects of the proposal. At this stage very little is known on the effects of the proposal on key infrastructure and hazards (flooding and contamination) and more information is required on the effects relating to suburban character and amenity including on adjacent neighbours' properties.

At this stage it is unclear what the notification decision would be under a RMA process but it is unlikely it would need to be publicly notified. However limited notification to the owners and occupiers of adjoining dwellings and the RSA is a possibility.

In terms of process, there are no outstanding reasons why the application should be processed solely through the existing RMA consenting process. The application could also be processed under the FTCA process.

2. *What reports and assessment would normally be required by the council for a project of this nature in this area?*

- An AEE assessing the effects of the proposal and it's fit with the policies and objectives of the AUP.
- Architectural drawings.
- Amenity assessments for each dwelling including the standards applicable to the zone as well as additional amenity assessments relating to outdoor living space, outlook space and daylight.
- Sunlight/shading assessments for all dwellings for all of the solstices and equinoxes.
- Subdivision scheme plan
- Communal facilities plan, operations and assessment of effects from this.
- Landscape Plan
- Urban design assessment
- Records of iwi consultation including cultural values assessments from relevant iwi form the area.
- Engineering and Infrastructure report
- A flood assessment report
- Integrated Transport Assessment
- Geotechnical Report
- Ecological report
- A contaminated land report (a detailed site investigation)
- Earthworks, cut and fill, and erosion/sediment management plan
- A construction management plan.
- A lighting plan of footpath, accessways and parking areas.
- Details on the management and ownership structure of the common assets.

For further details on stormwater, water and wastewater, please see Enclosure B of this letter.

3. *Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your City?*

The following individuals/companies have been reviewed for previous compliance history:

- Yuntao Cai
- Precise Home Limited
- Precise Home North Shore Limited.

The following enforcement actions have been taken.

- Abatement Notice – 24 Tomo Street, New Lynn
- Infringement Notice - 35 Salamanca Road, Sunnynook
- Inspection Letter – 24 Nikau Street, New Lynn

Further details on these enforcement matters are contained in Appendix V – Enforcement and compliance action attached to the referral application.

Yours sincerely,



Ian Smallburn  
General Manager – Resource Consents  
Auckland Council

Enclosed:

Enclosure A: Summary of Auckland Council collective response – Melia Place

Enclosure B: Comments from Auckland Council Asset Owners

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the Official Information Act 1982

## Enclosure A: Summary of Auckland Council collective response – Melia Place

Auckland Council has significant concerns with the proposed development and these are summarised as follows:

1. Auckland Transport does not currently have enough information to determine the effects of the project. A full application should include an Integrated Transport Assessment (ITA).
  - The main objective of the ITA will be to ensure that the transportation effects of a new development proposal are well considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated.
  - The ITA should include an assessment of whether the surrounding roading network is able to accommodate the additional traffic volumes from the residential activity/development. The impact of the additional traffic on the Melia Place/ Whangaparāoa Road/Poplar Road intersection and Vipond Road access should be assessed. It should be noted that the roads within the development are not proposed to be vested, and would not meet Auckland Transport standards, therefore would not be accepted for vesting now, or in the future.
  
2. Healthy Waters does not currently have enough information to determine whether the proposal will result in adverse stormwater or flooding effects, or whether any potential mitigation measures will be suitable to manage effects generated by the proposal. Healthy Waters requests a stormwater management plan. In addition, the application will need to address:
  - Flooding downstream. Auckland Council flood maps indicate that there is considerable flooding that affects a significant number of existing residential buildings and yards and roads downstream of the site before discharging into Stanmore Bay.
  - Overland flowpaths within the site. The site at 43A Vipond Road has a number of overland flow paths traversing through the site that will need protection and or diversion within the site
  - Stormwater pipes within the site. The site at 43A Vipond Road has several stormwater pipes under the proposed blocks that will likely need diversion.
  - Water Quality. The development will be discharging to an open watercourse/stream, so water quality treatment of all impervious areas will be required
  - Stream hydrology. The development will be discharging to an open watercourse/stream, which will trigger hydrology mitigation from the impervious areas.
  
3. Watercare Services Limited does not currently have enough information to determine whether the proposal will result in adverse effects on the public wastewater or water networks, or whether any potential mitigation measures will be suitable to manage effects generated by the proposal.
  - Water supply: The water network seems to have sufficient capacity to service this development. However, more detailed information is required to assess the impact of the development on the network.
  - Wastewater: There are capacity constraints in the wastewater network downstream of the potential connections. The capacity constraint in the wastewater network will need to be mitigated by the developer through public network extensions or upgrades, depending on the agreed solution with Watercare as part of the resource consent process.

4. From a planning perspective, the proposal is considered to be inconsistent with the high-level policy framework promoted by the Auckland Plan and the Auckland Unitary Plan. The Auckland Unitary Plan zoning of Residential – Single House Zone does not anticipate a level of development that is multi-unit in nature and the creation of small freehold sites. The zone anticipates one to two storey high buildings consistent with a suburban character within spacious sites. All types of development (including non-residential activities) should be in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood. The proposal does not respond well to either the existing established suburban character or the planned character of the zone. Many of the proposed dwellings are either terrace houses or duplexes with a good proportion of them being three-storey in height on very small sites. These types of development are not envisaged in this zone.

Nonetheless there are some merits to the proposal that relate to its topography which slopes downwards and reduces its visual impact, it has a large amount of green space and reasonably low overall coverage, and it is a rear site which minimises its public street visual impact.

More detail is required to better understand the potential adverse effects of the proposal. In addition to the potential adverse effects identified above, other potential effects include construction effects, noise effects, effects on residential amenity (from over intensified development) and reverse sensitivity in terms of the Returned Services associated located beside the development.

Council accepts the proposal is an integrated residential development but it also is a proposal that contains more than one dwelling. Council considers the overall activity status to be non-complying. This is due to the proposal triggering the need for consent under H3.4.1(A6) as an activity with more than one dwelling in the Single House Zone (which has a non-complying activity status) as well as under H3.4.1(A9) as an Integrated Residential Development (which has a discretionary activity status). The most restrictive activity status must apply and therefore the overall activity status is non-complying.

This approach is considered consistent with Council's assessment requirements following the decisions of the Environment Court in the Auckland Council v Budden ([Auckland Council v London Pacific Family Trust NZEnvC 030 \[2018\]](#)) declaration proceedings.

## Asset Owner / Specialist Response

**From:** Lakshmi Nair, Senior Specialist, Healthy Waters, Auckland Council

**Date:** 16/07/2021

### Overall Summary:

The proposed development will be considered as a Large Brownfield Development as per schedule 4 of the Regional Network Discharge Consent for stormwater discharge and diversion. Accordingly, a stormwater management plan will be required to demonstrate the stormwater management techniques that will be adopted to mitigate the effects of the development on the downstream stormwater properties and stormwater network

This site is located at the head of the Stanmore Stormwater Catchment. The following constraints will need to be addressed as part of the development application

#### Flooding downstream

Auckland Council flood maps indicate that there is considerable flooding that affects a significant number of existing residential buildings and yards and roads downstream of the site before discharging into Stanmore Bay. This will trigger standard E8.6.1 – General Standards. In accordance with E8.6.1(3), (a) & (b) and E8.6.1 (4) for these discharges to be either permitted, controlled or Restricted Discretionary activities as listed in Table E8.4.1 the development proposal must meet the following standards:

- 6) *The diversion and discharge must not result in or increase the following:*
  - a) *Flooding of other properties in rainfall events up to the 10 per cent annual exceedance probability (AEP), or*
  - b) *Inundation of buildings on other properties in events up to the 1 per cent annual exceedance probability (AEP)*

No assessment of the impact of this development on the 10% or 100% AEP has been undertaken and given the topography of the site and identification of an intermittent stream channel within the lower section we believe it will be technically difficult for the applicant to propose a typical flood detention device to mitigate the effects of increased runoff from the site caused by additional impermeable surfaces.

#### Overland flowpaths within the site

The site at 43A Vipond Road has a number of overland flow paths traversing through the site that will need protection and or diversion within the site

#### Stormwater pipes within the site

The site at 43A Vipond Road has several stormwater pipes under the proposed blocks that will likely need diversion.

#### Water Quality

The development will be discharging to an open watercourse/stream, so water quality treatment of all impervious areas will be required

#### Stream hydrology

The development will be discharging to an open watercourse/stream, which will trigger hydrology mitigation from the impervious areas.

## Asset Owner / Specialist Response

**From:** Tessa Craig, Major Developments Interface Lead, Auckland Transport

**Date:** Tuesday 20th July 2021

### Overall Summary:

Thank you for the opportunity to provide comment on the referral of Melia Place, Whangaparāoa for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA). Auckland Transport does not currently have enough information to assess the effects of the Project.

The subject site is located within the Single House Zone (SHZ) under the Auckland Unitary Plan Operative in Part. The proposed development is for a 59 unit Integrated Residential Development and would therefore be of a much greater density than anticipated in the SHZ. The Project would generate more trips than a 'standard' SHZ development.

Auckland Transport requests that, should the Project be accepted for fast track consenting, the full application material include an Integrated Transport Assessment (ITA). The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated.

The preparation of an ITA seeks to ensure that appropriate thought is given to the zoning or land use proposed so that integrated transport and land use outcomes occur. [Guidance](#) to assist in preparing an ITA is available, along with a draft template, on the AT website. An Integrated Transport Assessment provides a more comprehensive assessment than a Traffic Impact Assessment (TIA), with an emphasis on considering the full range of transport modes. An ITA considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity as a last resort.

The ITA should include an assessment of whether the surrounding roading network is able to accommodate the additional traffic volumes from the residential activity/development. The impact of the additional traffic on the Melia Place/ Whangaparāoa Road/Poplar Road intersection and Vipond Road access should be assessed. It should be noted that the roads within the development are not proposed to be vested, and would not meet Auckland Transport standards, therefore would not be accepted for vesting now, or in the future.

## Asset Owner / Specialist Response

**From:** Amir Karimi, Development Engineer, Watercare

**Date:** 19 July 2021

### Overall Summary:

No infrastructure report, engineering plans, capacity assessment, fire/water supply-demand, wastewater flow and connection points were provided as part of this application.

Based on very limited data provided, Watercare has completed a very high-level assessment for the proposed development, including 59 residential units, a multi-use community building at 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa.

**Water supply:** The water network seems to have sufficient capacity to service this development. However, more detailed information is required to assess the impact of the development on the network.

**Wastewater:** There are capacity constraints in the wastewater network downstream of the potential connections. The capacity constraint in the wastewater network will need to be mitigated by the developer through public network extensions or upgrades, depending on the agreed solution with Watercare as part of the resource consent process. The upgrade will need to be done by the developer at its cost.

### Water Supply

Subject to the conditions below, it appears that there is capacity in the water network to service the proposed development in principle. This will need to be assessed via a capacity assessment submitted to Watercare.

- Primary water connection is expected from 200mm CLS on Vipond Road. A second connection to the network in Melia Place should be considered to ensure a resilient and secure supply.
- Internal private pipework and sizing (if internal roads not vested) to meet fire hydrant distances will need to be considered during the design.
- It is unclear if sprinklers are required. If so, the expected flow ranges would need to be provided so the impact on the public network can be assessed.

### Wastewater Network

There are capacity constraints in the wastewater network downstream of the potential connections.

The developer will need to consider options to connect to the existing DN450 WW network located south at Shadon Place. The design needs to be provided and confirmed before the Resource Consent should be granted. See Figure 1 for an illustration of the potential wastewater connection point.

The developer should provide their capacity assessment for review by Watercare.

The upgrades will need to be undertaken by the developer at their cost.



Figure 1: Potential Wastewater Connection point



# 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>	Auckland Transport
<b>Contact person (if follow-up is required)</b>	Tessa Craig
	Major Developments Interface Lead
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Melia Place, Whangaparāoa
<b>General comment</b>	Thank you for the opportunity to provide comment on the referral of Melia Place, Whangaparāoa for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA). Auckland Transport does not currently have enough information to assess the effects of the Project.
<b>Other considerations</b>	<p>The subject site is located within the Single House Zone (SHZ) under the Auckland Unitary Plan Operative in Part. The proposed development is for a 59 unit Integrated Residential Development and would therefore be of a much greater density than anticipated in the SHZ. The Project would generate more trips than a 'standard' SHZ development.</p> <p>Auckland Transport requests that, should the Project be accepted for fast track consenting, the full application material include an Integrated Transport Assessment (ITA). The main objective of an ITA is to ensure that the transportation effects of a new development proposal are well considered, that there is an emphasis on efficiency, safety and accessibility to and from the development by all transport modes where practical; and that the adverse transport effects of the development have been effectively avoided, remedied or mitigated.</p> <p>The preparation of an ITA seeks to ensure that appropriate thought is given to the zoning or land use proposed so that integrated transport and land use outcomes occur. <a href="#">Guidance</a> to assist in preparing an ITA is available, along with a draft template, on the AT website. An Integrated Transport Assessment provides a more comprehensive assessment than a Traffic Impact Assessment (TIA), with an emphasis on considering the full range of transport modes. An ITA considers measures to reduce travel demand, how to utilise the existing network more efficiently, encouragement of other modes and then finally adding road capacity as a last resort.</p> <p>The ITA should include an assessment of whether the surrounding roading network is able to accommodate the additional traffic volumes from the residential activity/development. The impact of the additional traffic on the Melia Place/ Whangaparāoa Road/Poplar Road intersection and Vipond Road access should be assessed. It should be noted that the roads within the development are not proposed to be vested, and would not meet Auckland Transport standards, therefore would not be accepted for vesting now, or in the future.</p>

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**[Insert specific requests for comment]**

Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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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

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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>	Watercare Services Limited
<b>Contact person (if follow-up is required)</b>	Amir Karimi - § 9(2)(a)
	Ilze Gotelli - § 9(2)(a)
	Click or tap here to enter text.

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Melia Place, Whangaparāoa
<b>General comment</b>	<p>No infrastructure report, engineering plans, capacity assessment, fire/water supply-demand, wastewater flow and connection points were provided as part of this application.</p> <p>Based on very limited data provided, Watercare has completed a very high-level assessment for the proposed development. The proposed development is 59 residential units and a multi-use community building at 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa. Our general comments are as follows:</p> <p><b>Water Supply</b></p> <p>The water network appears to have sufficient capacity to service this development. However, more detailed information is required to assess the impact of the development on the network.</p> <p>Subject to the conditions below, it appears that there is capacity of the water network to service the proposed development in principle:</p> <ul style="list-style-type: none"> <li>• Primary water connection is expected from 200mm CLS on Vipond Road. A second connection to the network in Melia Place should be considered to ensure a resilient and secure supply.</li> <li>• Internal private pipework and sizing (if internal roads are not vested) to meet fire hydrant distances will need to be considered during the design.</li> <li>• It is unclear if sprinklers are required. If so, the expected flow ranges would need to be provided so the impact on the public network can be assessed.</li> </ul>

	<p><b>Wastewater Network</b></p> <p>There are capacity constraints in the wastewater network downstream of the potential connections.</p> <p>The developer will need to consider options to connect to the existing DN450 WW network located south at Shadon Place. The design needs to be provided and confirmed as part of the Resource Consent process. See Figure 1 for an illustration of the potential wastewater connection point.</p> <p>The upgrades will need to be undertaken by the developer at their cost.</p>
<p><b>Other considerations</b></p>	<p>As no infrastructure report was provided, this is a high-level assessment only and cannot be relied on as confirmation of capacity.</p>
<p><b>[Insert specific requests for comment]</b></p>	<p>Please advise the applicant that they must prepare a water and wastewater network assessment and submit this to Watercare for review and confirmation of network capacity.</p>

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.

**Figure 1: Potential Wastewater Connection point**

