

## FTC#72 Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions:

### Application 2021-54 – Melia Place

Date Submitted:	5 August 2021	Tracking #: BRF-341	
Security Level	In-Confidence	MfE Priority:	Urgent
To Hon David Parker, Minister for the Environment		Action sought:	Response by:
		Decisions on recommendations	TBA
Actions for Minister's Office Staff	Return the signed briefing to MfE.		
Number of appendices: 6	Titles of appendices: 1. Melia Place application documents and further information received 2. Stage 1 Briefing Note and decisions 3. Statutory framework for making decisions 4. Draft Notice of Decisions letter to Melia Development Limited 5. Section 17 Report 6. Comments received from Ministers, Auckland Council, Auckland Transport and Watercare Services Limited		

### Ministry for the Environment contacts

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## FTC#72: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decisions

### Key Messages

1. This briefing relates to the application received under section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) from Melia Development Limited for referral of the Melia Place project (the Project) to an expert consenting panel (a panel). A copy of the application is in Appendix 1.
2. This is the second briefing relating to this application. The first (Stage 1) briefing (BRF-228) with your initial decisions annotated is in Appendix 2.
3. The Project is for subdivision and development of a 1.826 hectare site to provide approximately 59 residential lots and additional lots for private access, communal, and open space purposes. The Project includes the construction of approximately 59 residential units, a multi-use community building and supporting infrastructure including three waters services and roads at 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa, Auckland.
4. The Project will involve activities such as:
  - a. demolition of existing buildings and facilities
  - b. subdivision of land
  - c. vegetation clearance including in riparian areas
  - d. earthworks
  - e. disturbance of potentially contaminated soils
  - f. discharges of stormwater and contaminants to water
  - g. construction of retaining walls
  - h. construction of residential and communal buildings
  - i. placement of structures in a floodplain
  - j. placement of structures in an overland flow path
  - k. construction of roading, transport and three-waters infrastructure
  - l. development of open space including landscaping and planting
  - m. any other activities that are –
    - i. associated with the activities described in 'a' to 'l'
    - ii. within the Project scope.
5. The Project requires subdivision, land use and discharge consents under the Auckland Unitary Plan (AUP) and may require land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011 (NES-CS).
6. The Project is for an Integrated Residential Development (IRD), which has a discretionary activity status in the Residential – Single House Zone in the AUP. Auckland Council agrees that the activity meets the definition of an IRD but considers that the Project has an overall non-complying activity status (rather than discretionary as identified in the application) due to having more than one dwelling per site. As the FTCA allows for projects with non-complying activities to be referred, we do not consider this issue to be a determinative

factor for your decision and note that an application for a non-complying activity must comply with the requirements of section 104D of the Resource Management Act 1991 (RMA), particularly in relation to the significance or otherwise of adverse effects. We consider that a panel will be better placed to make this assessment, with the benefit of more comprehensive information on environmental effects, should the Project be referred.

7. Auckland Council has raised a number of issues which will require further information and/or assessment to enable a panel to consider them in full, however we do not consider that this will unduly delay the Project.
8. We recommend you accept the referral application under section 24 of the FTCA and refer the Project to a panel for fast-tracking. We seek your decision on this recommendation and on our recommendations for requirements of the applicant, directions to a panel and notification of your decisions.

### Assessment against Statutory Framework

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9. 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 referral application and when deciding on any further requirements or directions associated with Project referral.
10. 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.
11. 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

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12. In response to a request under section 22 of the FTCA the applicant provided further information on a number of matters. We have taken this information into account in our analysis and advice.

### Section 17 Report

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13. The Section 17 Report indicates that there are 12 iwi authorities, five Treaty settlements and 10 Treaty settlement entities relevant to the Project area.
14. No specific cultural or commercial redress provided under the settlements would be affected by the proposed Project and the settlements do not create any new co-governance or co-management processes that would affect decision-making under the RMA for the Project.

### Comments received

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15. Comments were received from <sup>s 9(2)(f)(u), s 9(2)(g)(i)</sup> Ministers, Auckland Council, Auckland Transport and Watercare. The key points of relevance to your decision are summarised in Table A.

20. Auckland Council accepts the Project meets the definition of an IRD but considered the Project to be inconsistent with the high-level policy framework of the AUP as the underlying zoning anticipates one or two storey buildings within spacious sites rather than small lots with up to three storey buildings as proposed. The Council also considered that the Project has a non-complying activity status due to having more than one dwelling per site in the Residential – Single House Zone and because this takes precedence over the discretionary activity status of an IRD. However, the Council also noted that the site topography may act to reduce some of the issues of concern, including visual impact, the amount of green space and overall site coverage.
21. Auckland Council neither supported nor opposed Project referral and noted that the application could be processed under the FTCA.
22. Auckland Council identified additional information and a range of technical reports that would be required for a development of this type. We do not consider it necessary for you to direct the applicant to provide a panel with most of these technical reports as they are covered by the requirements of clause 9(4) Schedule 6 of the FTCA. However, we do recommend that you direct the applicant to provide a panel with specific information relating to three waters infrastructure capacity and detailed design (as raised by Auckland Council) as the provision of this information will assist a panel with timely consideration of the application.
23. Auckland Transport neither supported nor opposed Project referral but noted that the proposed development will generate more vehicle trips than a 'standard' development in the Residential – Single House Zone. Auckland Transport requested that if the Project is referred to a panel the applicant should provide an integrated transport assessment which addresses the capacity of the surrounding road network to accommodate the additional traffic volume and the impact on various intersections. Auckland Transport also noted that the roads within the development would not meet the Auckland Transport standards and would therefore not be appropriate for vesting now or in the future.

24. Watercare neither supported nor opposed Project referral, but noted that, subject to conditions, the water supply network appears to have sufficient capacity to service the development. Watercare noted that there are capacity constraints in the wastewater network downstream of the Project location, and the applicant will need to consider options to connect to the existing network located south at Shadon Place. Watercare noted that upgrades to the network will need to be undertaken by the applicant at their cost, and requests that if the Project is referred the applicant must provide capacity assessments and detailed design as part of their resource consent applications to a panel.

## Section 18 referral criteria

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25. You may accept the application for referral of the Project if you are satisfied that the Project does not include ineligible activities (section 18(3)) and will help to achieve the purpose of the FTCA (section 18(2)).
26. We confirm that the Project does not include ineligible activities, and therefore satisfies the requirements of section 18(3) of the FTCA, as explained in Table A.
27. The matters that 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 confirm that the Project will help to achieve the purpose of the FTCA, and thus satisfy the requirements of section 18(2) as it has the potential to:
- a. have positive effects on social wellbeing by providing additional housing supply at a price point which is currently lacking in the market, in an area that has a housing supply shortage, provide employment opportunities during construction and provide recreation space
  - b. generate employment by providing approximately 96 full-time equivalent (FTE) jobs per year over a two year construction period
  - c. increase housing supply via the construction of 59 new residential units
  - d. progress faster by using the processes provided by the FTCA than would otherwise be the case under standard RMA process provided that the applicant lodges their applications for resource consent in a timely manner following Project referral.
28. We consider that any actual and potential adverse effects arising from the Project, together with any measures to avoid, remedy, mitigate, offset or compensate for adverse effects, can be considered and determined by a panel having regard to Part 2 of the RMA and the purpose of the FTCA.

## Issues and Risks

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29. 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*

30. Section 23(5) of the FTCA provides further guidance on reasons to decline an application, and a summary of our analysis of these matters is in Table A. Note that you may accept an application even if one or more of those reasons apply.
31. Auckland Council notes the applicant has been subject to one abatement notice and one infringement notice under the RMA for breaches of resource consent conditions relating to erosion and sediment control, and discharges of concrete slurry to the road reserve. We



do not consider that this non-compliance is sufficient to recommend declining the referral application on the basis of section 23(5)(f) of the FTCA (the applicant has a poor history of environmental regulatory compliance). However, we consider that it is a matter to which a panel should pay particular attention when determining appropriate consent conditions for the grant of a resource consent. We therefore recommend that you direct the applicant to provide a panel with a construction, erosion and sediment control management plan and a statement on specific measures that will be taken to ensure compliance with it.

#### *Other matters*

32. In our Stage 1 briefing we advised that the need for various other approvals from Auckland Council (building consent and engineering plan approval), and a lack of funding certainty may affect the Project delivery timeframe and therefore the ability of the Project to meet the purpose of the FTCA.
33. The applicant has provided further information that the additional approvals from Auckland Council will be processed after the issuing of resource consent. We consider that the use of the FTCA will allow work to commence earlier than it would through the use of standard RMA processes. The applicant has also provided a statement from the applicant explaining how they have funded previous developments and confirming that the Project will primarily be funded by private capital, with bank lending being used as a supplementary source. Based on this information we consider that the Project has the potential to meet the purpose of the FTCA.
34. We do not consider the non-complying activity status of the Project under the AUP to be a determinative factor for your referral decision, as the FTCA allows for projects with non-complying activities to be referred. We note that an application for a non-complying activity must comply with the requirements of section 104D of the Resource Management Act 1991 (RMA), particularly in relation to the significance or otherwise of adverse effects. We consider that a panel will be better placed to make this assessment, with the benefit of more comprehensive information on environmental effects, should the Project be referred.
35. We have identified issues further to the matters identified above and our analysis of these is in Table A.

#### **Conclusions**

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36. We do not consider there are any significant reasons for you to decline to refer the Project. We consider that you could accept the application under section 24 of the FTCA and that all of the Project could be referred to a panel.
37. If you decide to refer the Project, we consider that you should specify under section 24(2)(d) of the FTCA that the applicant must provide the following information, additional to the requirements of clause 9 of Schedule 6 of the FTCA, in an application submitted to a panel:
  - a. an archaeological assessment
  - b. an assessment of the potential greenhouse gas emissions resulting from the Project, including:
    - i. quantification of greenhouse gas emissions
    - ii. consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified
  - c. consideration of options to enhance design in order to support the uptake of public and active transport in the development

- d. consideration of opportunities where the existing design could be improved to achieve higher energy performance
  - e. a detailed stormwater assessment including, but not limited to:
    - i. assessment of the downstream flooding effects, including evidence that the development can comply with standard E8.6.1(3) of the Auckland Unitary Plan
    - ii. how the overland flow paths within the site will be protected or diverted
    - iii. how stormwater pipes under the proposed development will be diverted
    - iv. details of treatment to ensure that the quality of water discharging to open watercourses/streams meets the requirements of the Auckland Unitary Plan standard E3.6.1.1.
    - v. assessment of the effects of stormwater discharge on stream hydrology
  - f. an integrated transport assessment which includes, but is not limited to:
    - i. assessment of whether the surrounding road network is able to accommodate the additional traffic volumes from the residential development
    - ii. assessment of the impact of the additional traffic on the Melia Place/Whangaparāoa Road/Poplar Road intersection and Vipond Road access
  - g. a water supply and wastewater capacity assessment which includes, but is not limited to:
    - i. assessment of whether a second connection to the water supply network in Melia Place should be provided to ensure resilient supply
    - ii. details of internal private pipework and sizing to meet fire hydrant distances
    - iii. detailed design of the proposed upgrades to the wastewater necessary to service the development, including evidence of consultation with Watercare
  - h. a construction erosion and sediment control management plan and a statement on specific measures that will be taken to ensure compliance with it.
38. The above information is required to inform a panel of the actual and potential effects of the Project.
39. If you decide to refer the Project we consider that you should specify under section 24(2)(e) of the FTCA that a panel must invite comments on a consent application from:
- a. Auckland Transport, as the Project will result in increased traffic on Auckland Transport's roading corridor (over and above that which is anticipated in the Residential – Single House Zone) and they are responsible for the safe and efficient operation of the local roading network
  - b. Watercare, as the Project may adversely affect wastewater system capacity managed by Watercare, and solutions require collaboration with Watercare.
40. Our recommendations for your decisions follow.

## Next Steps

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41. You must give notice of your decisions on the referral application, and the reasons for them, to the applicant and the persons, entities and groups listed in section 25 of the FTCA.
42. We have attached a notice of decisions letter to the applicant based on these requirements and our recommendations (refer Appendix 4). We will assist your office to give copies to all relevant parties.
43. To refer the Project, you must recommend that a referral order be made by way of an Order in Council (OIC).
44. 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.<sup>1</sup>

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<sup>1</sup> 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** that section 23(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.
  - b. **Note** that 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 also whether it could have significant adverse effects.
  - c. **Note** that 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 (a 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.
  - d. **Note** that 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.
  - e. **Note** that before deciding to accept an application for 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 received
    - iv. any further information requested and provided within the required timeframe.
  - f. **Agree** that the Melia Place Project meets the referral criteria in section 18 (3) of the FTCA.
- Yes/No
- g. **Agree** that 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. have positive effects on social wellbeing by providing additional housing supply including terraced housing which can provide a more affordable option at a time when house prices are rapidly escalating in the Auckland region, provide employment opportunities during construction, and provide recreation space
    - ii. generate employment by providing approximately 96 full-time equivalent (FTE) jobs per year over a two year construction period

- iii. increase housing supply via the construction of 59 new residential units
- iv. progress faster by using the processes provided by the FTCA than would otherwise be the case, 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 the following additional information that the applicant must submit with any resource consent application lodged with the Environmental Protection Authority:

- i. an archaeological assessment
- ii. an assessment of the potential greenhouse gas emissions resulting from the Project, including:
  - 1. quantification of greenhouse gas emissions
  - 2. consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified
- iii. information on how the design could be enhanced to support the uptake of public and active transport in the development
- iv. consideration of opportunities where the existing design could be improved to achieve higher energy performance
- v. a detailed stormwater assessment including, but not limited to:
  - 1. assessment of the downstream flooding effects, including evidence that the development can comply with standard E8.6.1(3) of the Auckland Unitary Plan
  - 2. how the overland flow paths within the site will be protected or diverted
  - 3. how stormwater pipes under the proposed development will be diverted
  - 4. details of treatment to ensure that the quality of water discharging to open watercourses/streams meets the requirements of the Auckland Unitary Plan standard E3.6.1.1.
  - 5. assessment of the effects of stormwater discharge on stream hydrology
- vi. an integrated transport assessment which includes, but is not limited to:
  - 1. assessment of whether the surrounding road network is able to accommodate the additional traffic volumes from the residential development
  - 2. assessment of the impact of the additional traffic on the Melia Place/Whangaparāoa Road/Poplar Road intersection and Vipond Road access
- vii. a water supply and wastewater capacity assessment which includes, but is not limited to:
  - 1. assessment of whether a second connection to the water supply network in Melia Place should be provided to ensure resilient supply
  - 2. details of internal private pipework and sizing to meet fire hydrant distances

3. detailed design of the proposed upgrades to the wastewater necessary to service the development, including evidence of consultation with Watercare
- viii. a construction erosion and sediment control management plan and a statement on specific measures that will be taken to ensure compliance with it.
- Yes/No
- j. **Agree** to specify under section 24(2)(e) of the FTCA that a panel must invite comments from the following additional persons or groups:
- i. Auckland Transport
- ii. Watercare Services Limited
- Yes/No
- k. **Agree** to the Ministry for the Environment issuing drafting instructions to the Parliamentary Counsel Office for an Order in Council to refer the Melia Place Project to a panel in accordance with your decisions recorded herein.
- Yes/No
- l. **Sign the attached** notice of decisions to Melia Development Limited.
- Yes/No
- m. **Note** that to ensure your compliance with section 25(3) of the FTCA, the Ministry for the Environment will publish the decisions, the reasons, and the Section 17 Report on the Ministry for the Environment's website.

### Signatures



Stephanie Frame  
**Manager – Fast Track Consenting**

Hon David Parker  
**Minister for the Environment**

**Date**

Table A: Stage 2 - Project Summary and Section 24 Assessment

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
<b>Project name</b> Melia Place  <b>Applicant</b> Melia Development Limited  <b>Location</b> 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa, Auckland	<p>The Project is to for subdivision and development of a 1.826 hectare site to provide approximately 59 residential lots and additional private lots for access and community and open space purposes. The Project includes the construction of approximately 59 residential units, a multi-use communal building and supporting infrastructure including three waters services and roads at 20 Melia Place and 43A Vipond Road, Stanmore Bay, Whangaparāoa, Auckland.</p> <p>The Project will involve activities such as:</p> <ol style="list-style-type: none"> <li>demolition of existing buildings and facilities</li> <li>subdivision of land</li> <li>vegetation clearance including in riparian areas</li> <li>earthworks</li> <li>disturbance of potentially contaminated soils</li> <li>discharges of stormwater and contaminants to water</li> <li>construction of retaining walls</li> <li>construction of residential and communal buildings</li> <li>placement of structures in a floodplain</li> <li>placement of structures in an overland flow path</li> </ol>	<p>The Project is eligible under section 18(3)(a-d) as:</p> <ul style="list-style-type: none"> <li>it does not include any prohibited activities</li> <li>it does not include land returned under a Treaty settlement</li> <li>it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.</li> </ul>	<p><b>Economic benefits for people or industries affected by COVID-19 (19(a))</b></p> <p>The applicant estimates that the Project will:</p> <ul style="list-style-type: none"> <li>provide 96 full time equivalent (FTE) jobs per year over the two-year construction period</li> <li>provide 59 residential units in an area with housing demand.</li> </ul> <p>The Project is expected to contribute approximately \$23 million to GDP.</p> <p><b>Economic costs for people or industries affected by COVID-19 (19(a))</b></p> <p>N/A</p> <p><b>Effect on the social and cultural well-being of current and future generations (19(b))</b></p> <p>The applicant considers that the Project has the potential for positive effects on social wellbeing of current and future generations as it will:</p> <ul style="list-style-type: none"> <li>provide additional housing supply in an area that has a housing shortage</li> <li>provide housing at a price point which is currently lacking in the market</li> <li>provide employment opportunities during construction</li> <li>provide public recreation space</li> </ul> <p>The applicant considers that the Project recognises and promotes cultural values by:</p> <ul style="list-style-type: none"> <li>inviting mana whenua input into the landscape management plan, and selection of native plant species</li> <li>ensuring accidental discovery protocols are followed</li> <li>incorporation of consent conditions requested by Ngāti Manuhiri, particularly relating to erosion and sediment control</li> <li>promoting and using sustainable building materials and construction methods to protect the mauri of the water</li> </ul> <p><b>Is the Project likely to progress faster by using this Act? (19(c))</b></p> <p>The applicant considers that the FTCA will allow the Project to progress at least 5 months faster than under standard Resource Management Act (RMA) processes, and potentially 12 months faster if the application were to be notified. Auckland Council have</p>	<p><b>Ministers</b></p> <p>s 9(2)(f)(ii), s 9(2)(g)(i)</p>	<p><b>Section 23(5) matters:</b></p> <p><b>Insufficient information (23(5)(a))</b></p> <p>The applicant has provided sufficient information for you to determine whether the Project meets the criteria in section 18 of the FTCA.</p> <p><b>More appropriate to go through standard RMA process (23(5)(b))</b></p> <p>We do not consider it would be more appropriate for all or part of the Project to proceed through the standard consenting process under the RMA.</p> <p><b>Inconsistency with a national policy statement (23(5)(c))</b></p> <p>We do not consider that the Project is inconsistent with any relevant national policy statements.</p> <p><b>Inconsistent with a Treaty settlement (23(5)(d))</b></p> <p>The Project does not directly affect any Treaty settlement redress.</p> <p><b>Involves land needed for Treaty settlements (23(5)(e))</b></p> <p>The Project site does not include land needed for Treaty settlement purposes.</p> <p><b>Applicant has poor regulatory compliance (23(5)(f))</b></p> <p>Auckland Council notes the applicant has been subject to one abatement notice and one infringement notice under the RMA for rules breaches relating to erosion and sediment controls and discharge of concrete slurry. While we do not consider that the referral application should be declined on this basis, we consider that the applicant should provide an Erosion and Sediment Control Plan, and that this is a matter to which a panel should pay particular attention when determining what conditions of consent to impose.</p> <p><b>Insufficient time for the Project to be referred and considered before FTCA repealed (23(5)(g))</b></p> <p>There is sufficient time for the application to be referred and considered before the FTCA is repealed.</p> <p><b>Other issues &amp; risks:</b></p> <p>In our Stage 1 briefing we advised that the need for various other approvals from Auckland Council (building consent, engineering plan approval) and that a lack of funding certainty may affect the Project</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p>In response to Auckland Council's comments that the Project has a non-complying activity status and is inconsistent with the high-level policy direction in the AUP, we consider that this is something that can be assessed by a panel and is not a barrier to Project referral.</p> <p>In response to comments from Auckland Council, Auckland Transport and Watercare do not consider it necessary for you to direct the applicant to provide a panel with most of the technical reports requested by the Council, as the applicant will be required to submit to a panel supporting information and technical assessments relating to actual and potential effects (under clause 9(4) Schedule 6 of the FTCA). However, we do recommend that you direct the applicant to provide a panel with specific information relating to transport, roading and three waters infrastructure and flood hazard effects as this information will assist a panel with timely consideration of the application.</p> <p><b>Recommendations</b></p> <p>Note that section 23(1) of the FTCA requires you to decline this application for referral unless you are satisfied that the Project meets the referral criteria in section 18 of the FTCA including that it would help to achieve the FTCA's purpose.</p> <p>There are no 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.</p> <p>We recommend that you do not place any restrictions on the Project, nor impose any specific timeframes for panel consideration.</p> <p>We recommend you direct a panel to invite comment from Auckland Transport and Watercare.</p> <p>We recommend that you require the applicant to submit the following information with any</p>



Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
	<p>k. construction of roading, transport and three-waters infrastructure</p> <p>l. development of open space including landscaping and planting</p> <p>m. any other activities that are:</p> <ol style="list-style-type: none"> <li>associated with the activities described in 'a' to 'l' within the Project scope</li> </ol> <p>The Project requires subdivision, land use and discharge consents under the Auckland Unitary Plan (AUP) and may require land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soils to Protect Human Health) Regulations 2011 (NES-CS).</p>		<p>stated that while they consider public notification unlikely, limited notification of the application is still a possibility.</p> <p>The applicant also notes that Auckland Council has a standard policy of doubling the processing timeframes for any application which it deems 'complex'.</p> <p>We consider that the applicant's estimate of the time saved by using the FTCA process is reasonable.</p> <p><b>Will the Project result in a public benefit? (19(d))</b></p> <p>Based on the information provided, we consider the Project may result in the following public benefits:</p> <ul style="list-style-type: none"> <li>• generation of employment throughout construction</li> <li>• increase of housing supply at a range of price points</li> <li>• development of public open space and community recreational facilities.</li> </ul> <p><b>Potential to have significant adverse environmental effects, including greenhouse gas emissions (19(e))</b></p> <p>The applicant states that the Project has the potential for adverse effects, including on:</p> <ul style="list-style-type: none"> <li>• traffic and the transport network</li> <li>• residential and visual amenity</li> <li>• land stability</li> <li>• dust and noise</li> <li>• infrastructure capacity</li> <li>• stormwater discharge and overland flow paths</li> </ul> <p>We note that you do not require a full Assessment of Environmental Effects and supporting evidence to make a referral decision, and that a panel will consider the significance of effects should the Project be referred.</p> <p><b>Other relevant matters (19(f))</b></p> <p>N/A</p>	<p>s 9(2)(f)(ii), s 9(2)(g)(i)</p> <p><b>Local authorities</b></p> <p>Auckland Council neither supported nor opposed Project referral. However, they noted that there are no significant reasons why the Project should be processed solely through the existing RMA consenting process and that the application could also be processed under the FTCA. The Council identified additional information and reports required to address the capacity of roading and three waters infrastructure to service the Project.</p> <p>Auckland Council considered the Project to be inconsistent with the high-level policy framework of the AUP as the underlying zoning anticipates one or two storey buildings within spacious sites rather than small lots with up to three storey buildings as proposed. The Council also considered that the Project has a non-complying activity status under the AUP (rather than discretionary as listed in the application) due to having more than one dwelling per site in the Residential - Single House Zone.</p> <p>Auckland Council's Healthy Waters department noted that the Council's flood maps indicate that there is considerable flooding which affects a number of existing residential buildings and yards and roads downstream of the site before discharging into Stanmore Bay. We consider that information on how this will be addressed should be included in an application to a panel.</p> <p><b>Auckland Transport</b></p> <p>Auckland Transport neither supported nor opposed Project referral but noted that the proposed development will generate more vehicle trips than a 'standard' development in the Residential - Single House Zone. Auckland Transport requested that if the Project is referred to a panel the applicant should provide an integrated transport assessment which addresses the capacity of the surrounding road network to accommodate the additional traffic volume and the impact on various intersections. Auckland Transport also noted that the roads within the development would not meet the Auckland Transport standards and would therefore not be appropriate for vesting now or in the future.</p>	<p>delivery timeframe and therefore the ability of the Project to meet the purpose of the FTCA.</p> <p>The applicant has provided further information that the additional approvals from Auckland Council are required to be processed after the issuing of resource consent. We consider that the use of the FTCA will allow work to commence earlier than it would through the use of standard RMA processes. The applicant has also provided a statement from the applicant explaining how they have funded previous developments and confirming that the Project will primarily be funded by private capital, with bank lending being used as a supplementary source. Based on this information we consider that the Project has the potential to meet the purpose of the FTCA.</p> <p>The Project is for an Integrated Residential Development, which has a discretionary activity status in the Residential – Single House Zone (SHZ) in the AUP. Auckland Council agrees that the activity meets the definition of an Integrated Residential Development but considers that the Project has an overall non-complying activity status (rather than discretionary as listed in the application) due to having more than one dwelling per site in the SHZ. As the FTCA allows for projects with non-complying activities to be referred, we do not consider this issue to be a determinative factor for your decision and note that an application for a non-complying activity must comply with the requirements of section 104D of the Resource Management Act 1991 (RMA), particularly in relation to the significance or otherwise of adverse effects. We consider that a panel will be better placed to make this assessment, with the benefit of more comprehensive information on environmental effects, should the Project be referred.</p>	<p>consent application lodged with the Environmental Protection Authority:</p> <ol style="list-style-type: none"> <li>an assessment of the potential greenhouse gas emissions resulting from the Project, including: <ol style="list-style-type: none"> <li>quantification of greenhouse gas emissions</li> <li>consideration of options to avoid, remedy and mitigate the greenhouse gas emissions that have been identified</li> </ol> </li> <li>information on how the design could be enhanced to support the uptake of public and active transport in the development</li> <li>consideration of opportunities where the existing design could be improved to achieve higher energy performance</li> <li>a detailed stormwater assessment including, but not limited to: <ol style="list-style-type: none"> <li>assessment of the downstream flooding effects, including evidence that the development can comply with standard E8.6.1(3) of the AUP</li> <li>how the overland flow paths within the site will be protected or diverted</li> <li>how stormwater pipes under the proposed development will be diverted</li> <li>details of treatment to ensure that the quality of water discharging to open watercourses/streams meets the requirements of the Auckland Unitary Plan standard E3.6.1.1</li> <li>assessment of the effects of stormwater discharge on stream hydrology</li> </ol> </li> <li>an integrated transport assessment which includes, but is not limited to: <ol style="list-style-type: none"> <li>assessment of whether the surrounding road network is able to accommodate the additional traffic volumes from the residential development</li> <li>assessment of the impact of the additional traffic on the Melia Place/Whangaparāoa Road/Poplar Road intersection and Vipond Road access</li> </ol> </li> <li>a water supply and wastewater capacity assessment which includes, but is not limited to: <ol style="list-style-type: none"> <li>assessment of whether a second connection to the water supply network in Melia Place should be provided to</li> </ol> </li> </ol>

Project details	Project description	Does all or part of the Project meet the referral criteria in section 18?		Summary of comments received	Section 23 assessment – potential reasons for declining	Referral conclusions & recommendations
		Project eligibility for referral (section 18(3a - d))	Section 18(2) - Does the Project help achieve the purpose of the FTCA (as per section 19)?			
				<p><b>Watercare Services Limited (Watercare)</b></p> <p>Watercare neither supported nor opposed Project referral, but noted that, subject to conditions, the water supply network appears to have sufficient capacity to service the development. Watercare noted that there are capacity constraints in the wastewater network downstream of the Project location, and the applicant will need to consider options to connect to the existing network located south at Shadon Place. Watercare noted that upgrades to the network will need to be undertaken by the applicant at their cost, and requests that if the Project is referred the applicant must provide capacity assessments and detailed design as part of their application to the panel.</p> <p>All responses received by parties invited to comment are attached at <b>Appendix 6</b>.</p>		<p>ensure resilient supply</p> <p>ii. details of internal private pipework and sizing to meet fire hydrant distances</p> <p>iii. detailed design of the proposed upgrades to the wastewater necessary to service the development, including evidence of consultation with Watercare.</p> <p>g. a construction erosion and sediment control plan and a statement on specific measure that will be taken to ensure compliance with it.</p>

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## **Schedule of Appendices and Attachments**

Appendix 1 – Melia Place – Application form and additional information received

Appendix 2 – 2021-B-228 -FTC#68 – Application for referred project under the COVID-Recovery FTCA - Stage 1 decisions on Melia Place project

Appendix 3 – Statutory framework for making decisions

Appendix 4 – Draft Notice of Decisions letter to Melia Development Limited

Appendix 5 – Section 17 Report

Appendix 6 – Comments received from Ministers, Auckland Council, Auckland Transport and Watercare

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