





# 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>	Katherine Dorofaeff
<b>Contact person (if follow-up is required)</b>	Katherine Dorofaeff, Principal Planner, Land Use Policy and Planning North / West
	s 9(2)(a)
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	Metlifecare Whenuapai PJ-0000862
<b>General comment</b>	<p>Thank you for the opportunity to provide comments on the referral of the Metlifecare Whenuapai (the Project) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Covid 19 Recovery Act).</p> <p>Due to the Future Urban zoning (FUZ) of the site Auckland Transport considers it more appropriate for the Project to proceed through the private plan change process, rather than through the Covid Recovery Act. Under the Auckland Unitary Plan (Operative in Part)(AUP) the site is currently zoned Future Urban. The AUP states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP). While a structure plan has been completed for FUZ land at Whenuapai, the land has not been rezoned for urban use. It is noted that the site is not within the area of Whenuapai included in the Council's previously proposed Plan Change 5, which was withdrawn in June 2022 due to infrastructure funding concerns.</p> <p>Auckland Transport requests that if the project is accepted for fast-track consenting then a requirement for an Integrated Transport Assessment (ITA), which includes analysis addressing the matters set out below, is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. A Stormwater Management Plan should also be required. Auckland Transport also requests that the referral order specifically identifies Auckland Transport as a party which the Expert Consenting Panel must invite comments from.</p>
<b>Other considerations</b>	<p>If the Project is referred for processing under the Covid 19 Recovery Act, then a comprehensive Integrated Transport Assessment should be provided. A transport memorandum has been provided by Flow Transportation Specialists (Flow) to support the application. The transport memo provides a preliminary assessment of the potential transport implications of the proposal. However, a more comprehensive ITA should be provided.</p> <p>The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of accessibility to and from the development for all modes as well as safety and efficiency effects. The assessment should ensure that any potential adverse transport effects of the development have</p>

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been effectively avoided, remedied or mitigated. Auckland Transport requests the following assessments and information form part of the ITA:

- Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport, including integration of land use and transport;
- The potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated;
- The potential adverse effects on the efficient operation of the surrounding transport network and how these effects will be avoided, remedied or mitigated. There should be particular emphasis on key intersections;
- Clear identification of the mitigation required to address transport effects, who is responsible for providing it, and how it would be staged and sequenced with site development;
- Whether the Project provides for adequate transport connections to adjacent sites including for future development;
- The bicycle parking requirements for the Retirement Village;
- The appropriate location and provision of bus stops;
- The street design for upgraded public roads supporting the spatial allocation for each mode and outlining how the design appropriately and safely provides for all transport users;
- Whether proposed road upgrades meet the relevant transport standards of the Auckland Code of Practice for Land Development and Subdivision;
- The effects of any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the AUP;
- A Draft Construction Traffic Management Plan (CTMP) including assessment of effects of construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks;
- The likely impacts of earthworks and construction activity and heavy vehicle movements on road pavements in the vicinity of the site.

The Whenuapai Structure Plan identifies Tōtara Road as a potential future bus route and potential cycle route. Auckland Transport's Future Connect identifies Tōtara Road as a collector road, and part of the cycle network (local supporting) and public transport network. Flow proposes some upgrades on Tōtara Road along the site frontage within the existing road reserve. The upgrades should be amended to include separated cycle facilities along the site frontage, and this is expected to require additional land to be vested as road.

Flow proposes bus stops on both sides of Tōtara Road with a concrete pad waiting areas, and a pedestrian refuge crossing to connect the bus stops. The bus stops are supported in principle. There needs to be adequate space for bus shelters at both stops and the applicant should provide a shelter on at least the western side of Tōtara Road. The proposed pedestrian refuge crossing is not the preferred form of crossing, especially given likely use by older pedestrians from the development. A priority pedestrian crossing point (raised zebra or signal crossing) should be provided. The crossing design needs to be suitable for its location on a bus route.

Further assessment should be provided on the form of the vehicle access points on Tōtara Road, taking into account safety, future traffic volumes and the need to access developments on the opposite side of Tōtara Road. Roundabout access should be considered.

It appears that the proposal does not involve any direct vehicle crossing from residential units onto Tōtara Road. This is supported and provides greater safety for users of cycle facilities.

Retirement Villages are self-contained developments which rely on private roads and tend not to provide transport connections, including for active modes, to adjacent sites. Flow indicates that a rear vehicle access is proposed at the southwest corner of the development from a road that is otherwise formed as a cul-de-sac onto the road network proposed for the residential subdivision to the south. It is not clear how this link is intended to function. The Design Report from Reset Urban Design (Reset) describes this as a 'gated entry to connect to future neighbouring subdivision and provide an alternate route in case main entry is blocked'. Further thought should be given to how the proposal can provide better connections. Reset also identifies two other walking connections

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	<p>to the future neighbouring subdivision and associated with a public walkway / link along the coastal edge. These should be referenced in any ITA.</p> <p>A fast track application has been lodged for a 244 lot residential subdivision ('Tōtara Landing') immediately to the south. Co-ordination and integration with this project is important, particularly in terms of planning the upgrades on Tōtara Road and achieving appropriate connections between the two developments.</p> <p>Flow considers potential vehicle generation for the proposal but does not include any information about the likely need for servicing by larger vehicles and emergency vehicles during its operation. This is particularly relevant to the care units. Service vehicles are likely to be associated with waste disposal, food delivery, and laundry operations.</p> <p>If the project is referred for processing under the Covid 19 Recovery Act, a Stormwater Management Plan should be provided.</p>
<b>[Insert specific requests for comment]</b>	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

# Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

*This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.*

Local authority providing comment	Auckland Council
Contact person (if follow-up is required)	Mimouk Hannan (s 9(2)(a) [REDACTED])
	Ian Smallburn (s 9(2)(a) [REDACTED])
	<a href="#">Click or tap here to enter text.</a>

## Comment form

Please use the table below to comment on the application.

Project name	Metlifecare Whenuapai Project
General comment – potential benefits	Will add additional housing supply for the retirement market. Enhancement of the coastal edge and provision of publicly accessible coastal walkway and park. Additional employment over the proposed development period and into the future.
General comment – significant issues	<ul style="list-style-type: none"> <li>Insufficient information has been provided in this application to confirm the serviceability of the development. Wastewater capacity for this catchment relies on delivery of the Brigham Creek pumping station, which is currently anticipated in 2025/2026.</li> <li>Timing – If for some reason the Whenuapai Green subdivision were not granted under the FTCA or did not proceed, access to the proposed headland park and coastal walkway would be severely restricted. In such a scenario, the council would understandably not want to seek acquisition of the land in this location until it was open and accessible to the wider community. This matter does not appear to have been considered in the application and exemplifies the purpose behind the Future Urban Zone seeking a rezoning process prior to urbanisation of land.</li> <li>The application is inconsistent with the Auckland Unitary Plan and not aligned with the outcomes in the Auckland Plan 2050 as well as the Auckland Plan Development Strategy and Future Urban Land Supply Strategy.</li> <li>There is no immediate funding solution to respond to the cumulative effects from the unplanned urbanisation. This could potentially result in future wider network infrastructure upgrades required for this development to be borne by the ratepayer.</li> <li>There remains no funding allocated for the upgrade of the wider transport network. Allowing the application to proceed could effectively “orphan” the development without suitable infrastructure, or result in an infrastructure provision being forced on the council, meaning that the currently unbudgeted costs of that infrastructure will fall on ratepayers</li> </ul>

	<ul style="list-style-type: none"> <li>• There may be also potential reverse sensitivity issues as there will not be an appropriate regulatory framework (i.e. an urban residential zone) in place to manage those effects in the future.</li> <li>• The proposal to retain the neighbourhood park and coastal walkway in private ownership raises concerns and risks with open space provision, maintenance and accessibility and may not suitably meet the needs and standards of the community.</li> <li>• It is unclear whether stormwater management conceptually proposed will provide the necessary stormwater management. No further information is provided on the location, type or performance standards of any devices proposed to provide treatment. Intended ownership or operation and maintenance responsibility of future stormwater quality management devices has not been clarified.</li> </ul>
<b>Is Fast-track appropriate?</b>	<p>Council considers the RMA process is more appropriate for this application for the following reasons;</p> <ul style="list-style-type: none"> <li>• Under the Auckland Unitary Plan (Operative in Part)(AUP) the site is currently zoned Future Urban. The AUP states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP). <ul style="list-style-type: none"> <li>○ While a structure plan has been completed for FUZ land at Whenuapai, the land has not been rezoned for urban use. Fast tracking this process will undermine the management and funding of future urban growth.</li> <li>○ The application is considered to be repugnant to this Future Urban Zone (FUZ) objectives and policies which sets a very high threshold test of avoiding premature urbanisation until rezoning occurs so future urban development is not compromised.</li> </ul> </li> <li>• The Schedule 1 RMA process is considered to be more suitable, as the nature of this application, and the effects on the surrounding landowners (that could be limited by the roading capacity) requires public notification and the ability of those other land owners to participate in a plan change process. This approach may also require a precinct to be applied to the site, requiring infrastructure upgrades prior to development, which is a consistent approach with greenfield development in the Auckland Region.</li> <li>• It would allow for a more comprehensive assessment and consideration of the potential impacts on the community and environment as well as enforcement and management of public access to the proposed open spaces.</li> <li>• Auckland Council does not have any dedicated funding or financing for infrastructure to facilitate the development ahead of the rezoning process.</li> </ul>
<b>Environmental compliance history</b>	<p>The following companies/persons have been reviewed for previous compliance history:</p> <ul style="list-style-type: none"> <li>• Metlifecare Limited</li> <li>• Jonathan David COLEMAN</li> <li>• Murray Peter JORDAN</li> <li>• Kenneth Talatonu LOTU-IIGA</li> <li>• Eric Paul MCCLINTOCK</li> <li>• Margaret Julie OWENS</li> <li>• PCM INVESTMENTS (NSW) PTY. LIMITED</li> <li>• Patrick John RODDEN</li> <li>• STRIPEY SOCK INVESTMENTS PTY LTD</li> </ul> <p>To be thorough we have reviewed compliance history for multiple other companies where the applicant is a director/ shareholder.</p> <p>No enforcement action has been taken against any of the stakeholders above. There are no significant outstanding compliance concerns for the parties above that we are aware of.</p>

Reports and assessments normally required	<ul style="list-style-type: none"> <li>a) Assessment of Environmental Effects:</li> <li>b) Economic assessment</li> <li>c) Integrated Transport Assessment</li> <li>d) Infrastructure funding proposal, (noting that Auckland Council does not have any allocated funding for the Whenuapai FUZ area).</li> <li>e) Stormwater Management Plan</li> <li>f) Draft Construction Traffic Management Plan</li> <li>g) Infrastructure Report</li> <li>h) Geotechnical assessment</li> <li>i) Coastal Hazard Assessment</li> <li>j) Groundwater effects assessment</li> <li>k) Lighting impact assessment</li> <li>l) Ecology assessment</li> <li>m) Detailed Site Investigation for contaminated land/Remedial Action Plan</li> <li>n) Stormwater Management Plan</li> <li>o) Water and wastewater capacity assessment</li> <li>p) Urban Design Assessment</li> <li>q) Construction and erosion management plan</li> <li>r) Cultural Values Assessment</li> </ul>
Iwi and iwi authorities	<p>Ngāti Manuhiri - Ngati Manuhiri Settlement Trust  Ngāti Maru - Ngāti Maru Rūnanga Trust  Ngāti Pāoa - Ngāti Paoa Iwi Trust  Ngāti Pāoa - Ngāti Paoa Trust Board  Ngāti Te Ata - Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū  Ngāti Whātua o Kaipara - Ngā Maunga Whakahi o Kaipara Development Trust  Ngāti Whātua Ōrākei - Ngāti Whātua Ōrākei Trust  Te Ākitai Waiohū - Te Ākitai Waiohū Iwi Authority  Te Kawerau ā Maki - Te Kawerau Iwi Settlement Trust  Te Rūnanga o Ngāti Whātua - Te Rūnanga o Ngāti Whātua</p>
Relationship agreements under the RMA	NA
Insert responses to other specific requests in the Minister's letter (if applicable)	<ol style="list-style-type: none"> <li>1. <b>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</b>  In addition to the information provided above, the Whenuapai Structure Plan identifies slope stability and coastal erosion. Based on a regional assessment of coastal erosion, a 100m building line restriction from the toe of the cliff is recommended unless a site specific coastal erosion study is provided to confirm an appropriate building setback. The applications Geotechnical Report notes an average rate of coastline regression of 10m over 100 years, evidence of instability, landslides and structures within 15m from the crest of the coastal slope/cliff. Given this constraint and the need to thoroughly consider the management of risks from natural hazards and climate change, and the appropriateness of locating residential dwellings in close proximity to the coastal edge, it would be appropriate to ensure that the project went through the RMA consenting process.</li> <li>2. <b>Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?</b> This is answered above.</li> <li>3. <b>Would you consider proposed neighbourhood (headland) park appropriate in terms of location, size, use and access as intended by the Whenuapai Structure Plan?</b> <ul style="list-style-type: none"> <li>• Location – A neighbourhood park is identified in this location in the WSP</li> <li>• Size – The proposed size meets the minimum size for a neighbourhood park 0.3-0.5 hectare (identified in Council Open Space Provision Policy). The area is</li> </ul> </li> </ol>



	<p>already underserved for play and recreation spaces so the minimum size may not meet the needs of the community now and in the future.</p> <ul style="list-style-type: none"> <li>• Use – People may be less inclined to use these spaces if they perceive them as private property, even with public access rights, leading to underutilisation of the open space area. Retirement village residents may develop an expectation that these are ‘their’ recreational assets, rather than spaces belonging to the wider community, which contradicts the WSP's goal of providing public spaces</li> <li>• Ensuring compliance with the terms of any public access agreement may be challenging, as it might depend on the private owner to monitor and enforce rules or restrictions.</li> <li>• Retirement village residents may disproportionately benefit from these privately owned open spaces, potentially creating inequities in access to recreational opportunities for the wider Whenuapai community.</li> <li>• Private owners may be hesitant to provide all the desired public amenities for the wider community due to cost or liability concerns.</li> <li>• Access - As these open spaces would be privately owned, the owner may have or seek the ability to change the terms of public access or easement rights, which could limit access or alter hours of operation. The proposed access to the headland park is only via the coastal edge of the project site which limits the accessibility of it to the general public and is outside what is anticipated in the WSP (accessible to most residents within a 400m walk).</li> <li>• SUMMARY - There is insufficient information available to conclusively determine whether the “Headland” neighbourhood park is appropriate in terms of location, size, use, and access, or that timing of the delivery of this space has been adequately planned or accommodated for. It cannot be confidently stated that the park meets the necessary criteria for appropriateness and alignment with the goals and objectives set out in the WSP and the Auckland Unitary Plan (Operative in Part).</li> </ul>
<b>Other considerations</b>	<ul style="list-style-type: none"> <li>• The Design Report from Reset Urban Design (Reset) describes this as a ‘gated entry to connect to future neighbouring subdivision and provide an alternate route in case main entry is blocked’. Further thought should be given to how the proposal can provide better connections.</li> <li>• A fast track application has been lodged for a 244 lot residential subdivision (‘Tōtara Landing’) immediately to the south. Co-ordination and integration with this project is important, particularly in terms of planning the upgrades on Tōtara Road and achieving appropriate connections between the two developments.</li> <li>• Servicing by larger vehicles and emergency vehicles throughout the development requires consideration.</li> <li>• Further information is required on the location, type or performance standards of any devices proposed to provide treatment. Intended ownership or operation and maintenance responsibility of future stormwater quality management devices has not been clarified.</li> <li>• The design of the stormwater network within the site and conveyance of the existing overland flow path through the site should accommodate for any upstream Future Urban Zoned catchment and contributing areas.</li> </ul>

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.

## Asset Owner / Specialist Response

**From:** Todd Elder, Senior Planner, Plan and Places

**Date:** 20 April 2023

### Overall Summary:

- (1) The following is Plans and Places comments on the 'Metlifecare Whenuapai' application under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("FCTA"), requested by the Resource Consents Department of Auckland Council.
- (2) Plans and Places considers that if this application is to proceed under the FCTA, this will urbanise the Site and influence the land-use of the site for more than the lifetime of the Auckland Unitary Plan (Operative in part) ("AUP").
- (3) Plans and Places oppose this application, and request that this application goes through the Schedule 1 process of the Resource Management Act 1991 ("RMA") and then obtain resource consent through the AUP. The Council opposes this application as the Council considers:
  - a) The application to be repugnant to the Future Urban Zone (FUZ) objectives and policies.
  - b) Auckland Council does not have any dedicated funding or financing for infrastructure to facilitate the development, and applicant has not raised how this upgrade will be funded or financed in its application, nor has it provided any indication of its assessment of its contribution to the upgrades.

### Strategic Documents

- (4) The Whenuapai Structure Plan (WSP) indicates the site is in 'stage 2' of development, which is identified in the Future Urban Land Supply Strategy (FULSS) as being development ready between in the next decade (2017 – 2027). The FULSS informs the Council's infrastructure funding priorities and feeds directly into the Council's long-term plans, annual plans, and other strategic documents. The FULSS was refreshed by Council in July 2017.
- (5) Council is currently drafting Auckland's Future Development Strategy (as required by the National Policy Statement on Urban Development 2020 and the Local Government (Auckland Council) Act 2009) which will provide updated information on the timing and sequencing of all Future Urban Areas that align with key infrastructure requirements.
- (6) A contributions policy which reflects the infrastructure needed to urbanise the Whenuapai area has not yet been developed and will likely be behind the developer's timeframe for development. This policy will ensure that the cost of new infrastructure is fairly shared between developers and ratepayers on the basis of who causes the need for and who benefits from the investment. Allowing this proposed development to proceed ahead of an updated contributions policy will result in future wider network infrastructure upgrades required for this development to be borne by the ratepayer under the current policy setting. This is assuming funding becomes available to deliver these upgrades.
- (7) Auckland Council are entering into a process to review the current DC charge for the Northwest. Until this work is completed, the future anticipated DC amount that reflects the urbanisation of the Northwest is unknown. However, recent examples such as Drury have shown that DC costs have gone from **\$22,500 per household unit equivalent** (DC charge is reflective of projects over the 10-year LTP period) to a proposed average charge in the 2022 Drury DC

consultation is **\$83,000 per household unit equivalent** (this DC charge is still to be confirmed and includes transport, community facilities and parks projects required over a 30-year period). It should be noted that Auckland Council is experiencing a significant number of Private Plan Changes and Fast Track applications in the Northwest. Therefore, using the Drury example, the difference in DC costs per household unit equivalent under the current and proposed policies would be picked up by Auckland Rate Payers under the current policy framework. This provides an example of the potential significant financial impacts to Council in the Northwest should these developments proceed.

### ***Auckland Unitary Plan (AUP OP) – Auckland Council FUZ Policy Position***

- (8) *Reverse Sensitivity* - If this is to proceed, this application must take a strategic approach to all resource management matters as occurs in the Schedule 1 process of the RMA.
- (9) In the Councils view, the application is not consistent with the Objectives and Policies of the Regional Policy Statement (“RPS”) and the FUZ. This includes two separate aspects of the FUZ being:
- a) The establishment of an urban activity in FUZ without the land being rezoned.
  - b) The activity being established with conflicting RMA frameworks (urban uses in a zone that does not manage urban development and land use) to ensure land use continues to be managed effectively and efficiently post this resource consent decision (if it is approved).
- (10) Regarding the first point raised under paragraph (9), it is considered that the application is inconsistent with the following, but not limited to, objectives and policies are relevant:

<i>RPS Objective B2.2.2(3)</i>	<i>Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.</i>
<i>RPS Objective B2.2.2(8)</i>	<i>Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land.</i>
<i>Objective H18.2(4)</i>	<i>Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.</i>
<i>Policy H18.3(1)</i>	<i>Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use, and development is inconsistent with policies H18.3(2) to (6).</i>
<i>Policy H18.3(3)</i>	<i>Require subdivision, use and development to maintain and complement rural character and amenity.</i>
<i>Policy H18.3(4)</i>	<i>Avoid subdivision that will result in the fragmentation of land and compromise future urban development.</i>

- Policy H18.3(6) Avoid subdivision, use and development of land that may result in one or more of the following:*
- (a) structures and buildings of a scale and form that will hinder or prevent future urban development;*
  - (b) compromise the efficient and effective operation of the local and wider transport network;*
  - (c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;*
  - (d) inhibit the efficient provision of infrastructure;*
  - (e) give rise to reverse sensitivity effects when urban development occurs;*
  - (f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or*
  - (g) undermine the form or nature of future urban development.*

- (11) Regarding the RPS objectives and policies that are considered relevant, the site has been structure planned (Whenuapai Structure Plan 2016) and clearly meets the first part of policy B2.2.2(3) (structure plan) but not the second (plan change) .
- (12) Regarding Objective H18.2(4), the application does not avoid the creation of urban land use activities. This will 'urbanise' the site. and fails to meet H18.2(4).
- (13) Regarding the FUZ policies, Policy H18.3(1) provides FUZ for use and development which supports the policies of the Rural - Rural Production Zone, unless that use and development is inconsistent with policies H18.3(2) to (6). Policy H18.3(1) applies to rural activities, if they are inconsistent with the listed policies under H18.3(6). In this circumstance, the Council considers that the proposed activity is inconsistent with the some of the listed policies and is urban in nature. Therefore, this application is inconsistent with Policy H18.3(1).
- (14) Policy H18.3(3) seeks for subdivision, use and development to maintain and complement rural character and amenities. As this application is an urban activity that proposes to provide infrastructure in its 'planned urban' state, and it does not meet Policy H18.3(3).
- (15) Policy H18.3(4) seeks to avoid subdivision that will result in fragmentation of land and compromise future urban development. The scale and size of the application could avoid fragmentation of the land. However, unless the development provides the infrastructure required to service the site; and the application provides a method to undertake effective and efficient land use management to avoid reverse sensitivity effects, the application fails to meet policy H18.3(4) in part.
- (16) Policy H18.6, the resource consent application is required to avoid subdivision, use and development unless it meets all sub-policies listed.
- a) In terms of 18.3(6)(b). the application does propose to provide some infrastructure to manage effects of the proposal. This development may not compromise the operation of the infrastructure and therefore may not be inconsistent with Policy H18.(3)(6)(b), however, this needs further assessment to clarify as discussed below, the Applicants Transport assessment sets out a lack of walking and cycling facilities to the site.
  - b) Policy H18.3(6)(c) of which seeks to avoid subdivision, use and development if significant infrastructure is required to facilitate the land use. As the Hobsonville

Road (northern section) will be required to be at an urban standard, the Council considers Policy H18.3(6) is not met.

- c) Policy H18.3(6)(d) is for development that will inhibit the efficient provision infrastructure. This policy may be met, of which is more relevant to the recently notified NoR for Hobsonville Road. The NoR process should manage this outcome.
- d) Regarding Policies H18.3(6)(e)-(g), the Council does not consider the proposed resource consent has provided a framework that is effective of efficient for the future management of the land. Therefore, there is uncertainty on the land management, which leaves the Council uncertain about any potential compliance matters.

- (17) The process to urbanise land required by the AUP occurs in three distinct stages, being structure planning - followed by plan change(s) to rezone for urban purposes – followed by resource consent proposals for specific subdivision and land use development. The first stage (structure planning) is usually at a more generalised conceptual level and often shows indicative elements and preferred future development. The second stage of a plan change seeks to rezone land and is required to be supported by more in-depth analysis and refines the development concepts identified in the structure plan. The plan change stage requires the supporting comprehensive s.32 analysis. Finally, the applications for subdivision and development are site-specific and the most detailed with specific conditions of consent tailored to the proposal.
- (18) These three stages are complementary and build-on one another. Following through all three stages is particularly important to planning, designing and providing for infrastructure that is efficient, effective and integrated with urban development for the wider area. It is quite common for the in-depth analysis carried out at the plan change stage to result in significant changes and refinements to the structure plan (so therefore the structure plan guides development but is not the definitive development framework).
- (19) In addition to infrastructure planning, the plan change stage is also important as it sets up the regulatory framework to manage the on-going use and development of the land. This includes (for example) the application of methods including zones, precincts, overlays, classes of activities, development standards, assessment criteria (including objectives and policies) and subdivision requirements.
- (20) An application proceeding on FUZ land could lead to future reverse sensitivity issues for future resource consent applications, as there will not be an appropriate regulatory framework (i.e., An urban residential zone or business zone) in place to manage those effects in the future.
- (21) If the activity is legally established through the FCTA, any future land use consents will be considered against the FUZ objectives and policies. The nature of the FUZ objectives and policies are to enable rural use of the land until a site has been through the plan change process. The FUZ is not an efficient and effective zone for these urban types of development until the site is re-zoned for urban purposes.
- (22) It should not be anticipated that the Council will initiate a plan change to urbanise this site, as the current Covid Recovery Budget means that this land is unlikely to become a priority for the Council.

#### ***Council Initiated - Plan Change 5 (PC 5 - Withdrawn)***

- (23) Infrastructure Funding and Financing – one of the reasons for withdrawing PC5 was that there was no funding budgeted in the lifetime of the Auckland Unitary Plan (ten years) for the upgrading of the wider transport network to address the anticipated adverse effects from

increased traffic generated by the development of land in the proposed plan change area. There remains no funding allocated for the upgrade of the wider transport network. Allowing the application to proceed could effectively “orphan” the development without suitable infrastructure, or result in an infrastructure provision being forced on the council, meaning that the currently unbudgeted costs of that infrastructure will fall on ratepayers (see comment regarding development contributions above).

- (24) The applicant will need to provide further information on how infrastructure upgrades (including those required for the wider network to manage cumulative effects) will be funded. Noting that Auckland Council does not have any dedicated funding for the PC5 area.
- (25) The applicant has not raised these upgrades in its application, nor has it provided any indication of its assessment of its contribution to those upgrades. Further, as outlined above the Council does not have the ability to fund such projects. It is also considered that this application should not cause the Council to have to re-allocate potential or actual infrastructure funding, which may be the result of approving this resource consent application.
- (26) The Schedule 1 RMA process is considered to be more suitable, as the nature of this application, and the effects on the surrounding landowners (that could be limited by the roading capacity) requires public notification and the ability of those other landowners to participate in a plan change process. This approach may also require a precinct to be applied to the site, requiring infrastructure upgrades prior to development, which is a consistent approach with greenfield development in the Auckland Region (PC 48, PC 49, PC 69).

**Information required (but not limited to):**

- s) Include in the Assessment of Environmental Effects:
  - i. Auckland Councils Strategic Framework, including an assessment against the Whenuapai Structure Plan, Auckland Plan 2050, Future Urban Land Supply
  - ii. An assessment of required infrastructure, to an urban standard, to be provided in facilitate this development.
- t) An assessment against all relevant parts of Auckland Unitary Plan’s Regional Policy Statement, noting that an assessment only against ‘*Chapter B2 urban Growth and form*’ is not sufficient for a strategic decision.
- u) Economic assessment, that includes:
  - i. Analysis in the context of the COVID-19 Recovery (Fast-track Consenting) Act 2020;
  - ii. Enabled residential capacity of the AUP OP
  - iii. Outlining the likely location where future residents will access key amenities.
- v) Integrated Transport Assessment:
  - i. That includes information on Public Transport services, including future upgrades and current level of service;
  - ii. Infrastructure upgrades required to facilitate the development including any network upgrades that may be required for the wider area.
  - iii. An assessment against Regional Policy Statement objectives and policies
  - iv. An assessment against the objectives and policies of the National Policy Statement on Urban Development.
- w) Information on what infrastructure will be funded and built by the applicant and how all remaining infrastructure will be funded that is not being funded by the applicant, noting

that Auckland Council does not have any allocated funding for the Whenuapai FUZ area.

- (27) If this application is approved for processing, the non-infrastructure economic and social benefits identified in the application should not be counted as contributing to the current shortfall of funding for infrastructure projects in the region. For certainty on this matter, the Applicant should fund the infrastructure required in full and not anticipate any funding from the Council.

## Parks Asset Owner / Specialist Response

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

**Date:** 18 April 2023

### Proposal Summary:

The proposed Metlifecare Retirement Village development consists of approximately 185 units, including 135 Independent Living Units (ILUs) and 50 Care Units (CUs), on an 8.957ha site. The development includes a park, coastal area walkway, pedestrian and vehicle access off Totara Road, and planting throughout the development.

The coastal area adjacent to the development site is designed to feature a variety of plantings and vegetation, as well as a privately owned coastal walkway that extends around the entire coastal edge of the site. The privately owned headland park, which will be accessible via the coastal walkway, aims to offer open space for recreational activities. The park would be accessible not only from within the development site but also from the Whenuapai Green subdivision to the south. The Whenuapai Green subdivision is currently under consideration by the expert consenting panel under project ID 2021-070. The public would be provided access over the coastal walkway and headland park via an easement instrument

### Key Points:

1. The site is currently zoned Future Urban Zone and is proposed by the applicant to be urbanised ahead of any rezoning process, contrary to Auckland Unitary Plan (Operative in Part) Objective H18.2(4).
2. The Whenuapai Structure Plan (WSP) emphasises the importance of a quality open space network for informal recreation, organised sport, civic amenity, and conservation purposes. A proposed neighbourhood park is identified in the WSP within the headland area where the retirement village is proposed. The coastal location would provide open space in this location with additional amenity along with integration with a coastal edge walkway/cycleway.
3. The AUP(OP) Appendix 1 Structure Plan Guidelines seeks the provision of open spaces that are highly visible from streets, meeting identified community needs. This is reinforced in the WSP.
4. The WSP seeks the creation of esplanade reserves of at least 20 meters in width along the coast and waterways. While the applicant's geotechnical report prepared by Engeo suggests that the coastal walkway will be an esplanade reserve, it does not appear that subdivision is proposed at this stage. The list of consent reasons in the application do not refer to E38. Other application material suggests that public easement rights are proposed only.
5. The proposed park would be privately owned with public access granted via an easement. While Parks would not usually support publicly vested open space as part of a retirement village proposal, as retirement villages are often designed to be quite insular and restrictive of private access, a neighbourhood park is identified in this location in the WSP, and the currently proposed location would be accessible from the Whenuapai Green subdivision if granted.

### Potential Issues with Private Ownership of "Headland" Neighbourhood Park and Coastal Walkway:

Parks have identified several potential issues associated with maintaining the proposed headland park and coastal walkway under private ownership:



1. Maintenance: The owner may not be as committed to maintaining these open spaces to the same standard as the council, potentially resulting in reduced aesthetics, safety, and usability for the public.
2. Changes in access: As these open spaces would be privately owned, the owner may have or seek the ability to change the terms of public access or easement rights, which could limit access or alter hours of operation.
3. Limited amenities: Private owners may be hesitant to provide all the desired public amenities for the wider community due to cost or liability concerns.
4. Public perception: People may be less inclined to use these spaces if they perceive them as private property, even with public access rights, leading to underutilisation of the open space area. Retirement village residents may develop an expectation that these are 'their' recreational assets, rather than spaces belonging to the wider community, which contradicts the WSP's goal of providing public spaces.
5. Enforcement: Ensuring compliance with the terms of any public access agreement may be challenging, as it might depend on the private owner to monitor and enforce rules or restrictions.
6. Future development: The private owner may have the option to develop these spaces or parts of the adjoining land in the future, potentially resulting in the loss or reduction of the open space area.
7. AUP controls do not apply: If these areas are not rezoned to open space in the future – which the owner could argue is not appropriate due to its 'private' ownership status – open space amenity could be affected through a lack of development standard control over new buildings proposed adjacent to or adjoining the space.
8. Unequal benefits: Retirement village residents may disproportionately benefit from these privately owned open spaces, potentially creating inequities in access to recreational opportunities for the wider Whenuapai community.
9. Inconsistent management: If coastal walkway areas on either side of the site are publicly vested, but the walkway on this site is not, it would lead to an inconsistent coastal walkway/cycleway management approach across the WSP area. This inconsistency could impact the interconnectedness of open space provision, leading to potential differences in signage types, maintenance standards, and other aspects.

For the reasons above, Parks do not support the identified WSP open space needs being provided through privately owned assets.

#### **Timing:**

There is also a timing issue with the proposal. If for some reason the Whenuapai Green subdivision were not granted under the FTCA or did not proceed, access to the proposed headland park and coastal walkway would be severely restricted. In such a scenario, the council would understandably not want to seek acquisition of the land in this location until it was open and accessible to the wider community. This matter does not appear to have been considered in the application and exemplifies the purpose behind the Future Urban Zone seeking a rezoning process prior to urbanisation of land.

#### **Proposed Totara Road Upgrade:**

A number of upgrades are proposed to Totara Road adjoining the site. Parks would expect to see grassed berms and street trees in the upgraded areas adjoining the site on the western side of the road. Gardens and planting cannot be accepted.

#### **Overall Conclusion:**

Considering the potential issues regarding open space provision under the WSP, the concerns surrounding private ownership of the coastal strip and neighbourhood park, and timing, it is

recommended that the application be considered under the Resource Management Act (RMA) processes rather than the Fast-Track Consenting Act (FTCA).

The RMA process would allow for a more comprehensive assessment and consideration of the potential impacts on the community, as well as enforcement and management of public access to these open spaces and considering whether urbanisation of this land is appropriate ahead of a rezoning process.

In conclusion, Parks currently find that there is insufficient information available to conclusively determine whether the “Headland” neighbourhood park is appropriate in terms of location, size, use, and access, or that timing of the delivery of this space has been adequately planned or accommodated for. Based on the information provided at this stage, it cannot be confidently stated that the park meets the necessary criteria for appropriateness and alignment with the goals and objectives set out in the WSP and the Auckland Unitary Plan (Operative in Part)

## Asset Owner / Specialist Response

**From:** Katherine Dorofaeff, Principal Planner, Land Use Policy and Planning North / West, Auckland Transport

**Date:** 19/04/2023

### Overall Summary:

Due to the Future Urban zoning (FUZ) of the site Auckland Transport considers it more appropriate for the Project to proceed through the private plan change process, rather than through the Covid Recovery Act. Under the Auckland Unitary Plan (Operative in Part)(AUP) the site is currently zoned Future Urban. The AUP states that Future Urban zoned land should not be developed for urban purposes until it has been through a structure planning and plan change process (refer Policy B2.2.2(3), Objective H18.2(1) of AUP). While a structure plan has been completed for FUZ land at Whenuapai, the land has not been rezoned for urban use. It is noted that the site is not within the area of Whenuapai included in the Council's previously proposed Plan Change 5, which was withdrawn in June 2022 due to infrastructure funding concerns.

Auckland Transport requests that, should the project be accepted for Fast-track consenting, the requirement for an Integrated Transport Assessment (ITA) which includes analysis addressing the matters set out below, is formally stated in the referral order to accompany any resource consent application for the Project lodged with the Environmental Protection Authority. A Stormwater Management Plan should also be required. Auckland Transport also requests that the referral order specifically identify Auckland Transport as a party which the Expert Consenting Panel must invite comments from.

A transport memorandum has been provided by Flow Transportation Specialists (Flow) to support the application. The transport memo provides a preliminary assessment of the potential transport implications of the proposal. However, a more comprehensive ITA should be provided. The main objective of an ITA is to ensure that the potential adverse transport effects of a development proposal are well considered and addressed with particular consideration of accessibility to and from the development for all modes as well as safety and efficiency effects. The assessment should ensure that any potential adverse transport effects of the development have been effectively avoided, remedied or mitigated. Auckland Transport requests the following assessments and information form part of the ITA:

- Whether the Project meets the relevant objectives and policies of the AUP as they relate to transport, including integration of land use and transport;
- The potential adverse safety effects on the surrounding transport network and how these effects will be avoided, remedied or mitigated;
- The potential adverse effects on the efficient operation of the surrounding transport network and how these effects will be avoided, remedied or mitigated. There should
- be particular emphasis on key intersections;
- Clear identification of the mitigation required to address transport effects, who is responsible for providing it, and how it would be staged and sequenced with site development;
- Whether the Project provides for adequate transport connections to adjacent sites including for future development;
- The bicycle parking requirements for the activity;
- The appropriate location and provision of bus stops;
- The street design for upgraded public roads supporting the spatial allocation for each mode and outlining how the design appropriately and safely provides for all transport users;

- Whether proposed road upgrades meet the relevant transport standards of the Auckland Code of Practice for Land Development and Subdivision;
- The effects of any other reason for consent under Chapter E26 Infrastructure and Chapter E27 Transport of the AUP;
- A Draft Construction Traffic Management Plan (CTMP) including assessment of effects of construction traffic (including measures to maintain safe and efficient operation for all road users), the construction period and associated earthworks;
- The likely impacts of earthworks and construction activity and heavy vehicle movements on road pavements in the vicinity of the site.

The Whenuapai Structure Plan identifies Tōtara Road as a potential future bus route and potential cycle route. Auckland Transport's Future Connect identifies Tōtara Road as a collector road, and part of the cycle network (local supporting) and public transport network. Flow has proposed some upgrades on Tōtara Road along the site frontage within the existing road reserve. The upgrades should be amended to include separated cycle facilities along the site frontage, and this is expected to require additional land to be vested as road.

Flow proposes bus stops on both sides of Tōtara Road with a concrete pad waiting areas, and a pedestrian refuge crossing to connect the bus stops. The bus stops are supported in principle. There needs to be adequate space for bus shelters at both stops and the applicant should provide a shelter on at least the western side of Tōtara Road. The proposed pedestrian refuge crossing is not the preferred form of crossing, especially given likely use by older pedestrians from the development. A priority pedestrian crossing point (raised zebra or signal crossing) should be provided.

Further assessment should be provided on the form of the vehicle access points on Tōtara Road, taking into account safety, future traffic volumes and the need to access developments on the opposite side of Tōtara Road. Roundabout access should be considered.

It appears that the proposal does not involve any direct vehicle crossing from residential units onto Tōtara Road. This is supported and provides greater safety for users of cycle facilities.

Retirement Villages are self-contained developments which rely on private roads and tend not to provide transport connections, including for active modes, to adjacent sites. Flow indicates that a rear vehicle access is proposed at the southwest corner of the development from a road that is otherwise formed as a cul-de-sac onto the road network proposed for the residential subdivision to the south. It is not clear how this link is intended to function. The Design Report from Reset Urban Design (Reset) describes this as a 'gated entry to connect to future neighbouring subdivision and provide an alternate route in case main entry is blocked'. Further thought should be given to how the proposal can provide better connections. Reset also identifies two other walking connections to the future neighbouring subdivision and associated with a public walkway / link along the coastal edge. These should be referenced in any ITA.

A fast track application has been lodged for a 244 lot residential subdivision ('Tōtara Landing') immediately to the south. Co-ordination and integration with this project is important, particularly in terms of planning the upgrades on Tōtara Road and achieving appropriate connections between the two developments.

Flow considers potential vehicle generation for the proposal but does not include any information about the likely need for servicing by larger vehicles and emergency vehicles during its operation. This is particularly relevant to the care units. Service vehicles are likely to be associated with waste disposal, food delivery, and laundry operations.

## Asset Owner / Specialist Response

**From:** Hillary Johnston – Consultant Stormwater Specialist, Growth & Development, Healthy Waters

**Date:** 20<sup>th</sup> April 2023

### Overall Summary:

Metlifecare Limited have submitted a Fast-Track application for the development of a retirement village including 135 residential units, a joint amenity and care building and associated communal facilities including vehicle access and carparking. The development site is 8.96ha and is located at 99 Totara Road, to the north of the Whenuapai Airbase.

The assessment herein presents comments from the perspective of Healthy Waters as an asset owner, as well as from the perspective of a regulatory stormwater specialist.

The following application documents have been reviewed as part of this assessment:

1. *Technical Memo, 99 Totara Road, Whenuapai, Stage 1 - Fast Track Consent, Metlifecare Limited* by Harrison and Grierson dated 13.02.2023
2. *Metlifecare Whenuapai Village, Fast Track – Preliminary Ecology Assessment* prepared by Viridis Environmental Consultants dated 08.02.2023

The proposal has been briefly discussed with the following additional specialists:

3. Danny Curtis – Principal, Catchment Planning, Healthy Waters

Limited information has been provided in respect of the management of stormwater runoff from the proposed development. Sufficient information to understand the effects of the proposed development in relation to stormwater, or how potential effects would be avoided, remedied, or mitigated has not yet been provided.

### Authorisation

The site is within the Future Urban Zone under the Auckland Unitary Plan. Healthy Waters Department holds a network discharge consent which authorises the discharge of stormwater runoff from existing and future proposed public stormwater networks within urban zoned land. As the development is within the Future Urban Zone, authorisation for the discharge of stormwater under the Region Wide Discharge Consent cannot be sought. A private diversion and discharge consent is required under Chapter E8 of the Auckland Unitary Plan.

Granting of the EPA Fast-Track consent does not guarantee that public assets can and/or will be vested to Auckland Council Healthy Waters. Any proposed public stormwater infrastructure will need to meet the requirements of the Stormwater Code of Practice, and any other design guidance relevant to stormwater infrastructure and intended asset owner.

### Water Quality

The proposed development will result in increased impervious area, increases in runoff flowrates, and an increase in contaminant loading. The receiving environment includes areas which are subject to the Significant Ecological Area Overlay of the Auckland Unitary Plan. In line with the requirements of E1 of the AUP the downstream environment should be protected and where possible, enhanced.

## Asset Owner / Specialist Response

**From:** Ameya Bhiwapurkar, Development Engineer, Watercare Services Ltd.

**Date:** 20/04/2023

### Overall Summary:

The proposal seeks to redevelop the existing site and make provision for the new Retirement Village. The development will provide 110 new Villas, 1 amenity building, and 50 Care home staff & visitors. The master plan yields 135 Independent Living Units (ILUs) and 50 Care Units. The site is situated at the northwest of Totara Road, and has a land area of approximately 8.95ha. The legal description of the site is PT Lot 3 DP 52677.

### Watercare's comments on the proposal

#### Wastewater

Insufficient information has been provided in this application to confirm the serviceability of the development. Wastewater capacity for this catchment relies on delivery of the Brigham Creek pumping station, which is currently anticipated in 2025/2026. Wider catchment servicing plans associated with this indicate that capacity in the western gravity line heading through Whenuapai Village is to service the western catchments rather than this development area. Therefore, the proposed rising main discharge location and associated gravity network must be reconsidered.

No information has been provided on the proposed staging and timing of the development and how this will be managed with the downstream constraints. There will be no ability to service early flows through the existing Whenuapai Village pumping station.

The proposed point of connection can only be approved once the downstream infrastructure has been confirmed and approved. Additionally, the developer needs to confirm that the flow from this development is allowed with Neil Group to discharge in the Pump station. This needs to be confirmed with prior agreements for the contribution to downstream infrastructure.

#### Water

Watercare confirms that we have sufficient capacity to supply the proposed development without any further upgrades. For fire flow, Watercare can provide only up to FW2. All the Watermains/water leads inside the property will be private. Watercare can approve the pipes in the public berm only.

## Ward Councillor's Response

**From: Councillor John Watson**

**Date: 14/04/2023**

Good afternoon Mimouk

This is now the eighth application for the Whenuapai area that has been lodged recently through this legislation. As previously stated in earlier applications, we are concerned with the increasing number of applications for the Whenuapai area that are being processed under the fast track legislation that, as the name suggests, was designed to aid the covid-19 recovery.

We are particularly concerned with the cumulative effect of these applications in the one area and the fact that while reservations are being expressed by council, the Ministry for the Environment is still in a number of circumstances pursuing these applications. We believe it is now well and truly time to put these applications through the normal processes including the ability to publicly notify.

We are of the view that in the present circumstances the public scrutiny is not what it should be and that those with a legitimate interest in these applications are being cut out of the process. Moreover the council's Unitary Plan provisions that were the product of a rigorous and considered process are being seriously undermined. In these circumstances myself and Councillor Wayne Walker do not support progression to a panel for consideration.

Kind regards

John Watson  
Councillor, Albany Ward

## Deputy Chair of Planning, Environment and Parks

**From: Councillor Angela Dalton**

**Date: 19/04/2023**

Hi Mimouk, my concerns would be related to managed retreat for the houses proposed to be built by the cliff, flooding mitigation for the site and is there adequate infrastructure to support this many new residents in terms of roading, three waters etc. The answers are probably in the application which I haven't had a chance to read.

Thanks  
Angela



## Upper harbour Local Board comments

**From: Local Board Chairperson Anna Atkinson**

**Date: 21/04/2023**

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

Answer: The local board oppose this fast-track consent and recommend the application is declined. The project should follow the standard RMA consenting process.

- A. We have serious concerns about this development and the need for supporting infrastructure (hard and soft) and the need to avoid any potential adverse effects on the environment. All these issues are best identified through a full RMA process rather than fast track.
- B. We have concerns that there is no immediate funding solution to respond to the cumulative effects of increased traffic on the wider north-western transport system.
- C. We have financial concerns:
  - a. This development could have a financial implication for the local board and council. The applicant has proposed to fund infrastructure to mitigate the immediate local effects of the proposed development. The council most likely does not have enough information to accurately assign a fair proportion of future costs to the proposed development.
  - b. Full costs of the infrastructure for the wider network are unlikely to be determined at this time and are likely to take some time to be calculated. The shortfall in funding of the infrastructure costs is not provided for in the Long-Term Plan 2021-2031. Therefore, the council is unable to recover the costs of future infrastructure via either the Development Contributions Policy or by having another funding mechanism in place. Should the development go ahead without these matters being resolved it will result in future wider network infrastructure upgrades required for this development to be borne by the ratepayer under the current policy setting. This is assuming funding becomes available to deliver these upgrades.
- D. This proposal will add even more pressure on an area already underserved for play and recreation spaces. The Upper Harbour Strategic Play Provision Assessment 2018 states in the Whenuapai section "As more of the Future Urban Areas are developed, community play spaces with provision for informal recreation, fitness and teen play should be included. More neighbourhood play spaces focused on younger age groups, for new families in the area, should also be provided for." Even though this proposal contains a neighbourhood park the fact that it is tucked behind a retirement village and only accessible via easement through a neighbouring lot and coastal path means it is not accessible to the public. We do not believe that this park meets the requirements from the Whenuapai Structure Plan and it certainly doesn't meet the requirements of the community who regularly tell us about their needs for more accessible parks and reserves.
- E. This proposal contains discharge of stormwater into the coastal marine environment. We are concerned about this and the cumulative effects of the developments.

F. We express concern that this development may result in the removal of mature trees as the adopted Urban Ngahere 10 year action plan shows that Whenuapai currently has less than 10% tree cover, whereas the goal for each local board area is 30%. The proposal needs to ensure the planting of canopy trees not just garden trees.

G. Totara Road has been identified in the WSP and in future connect as an important road for busses and cyclists in the future. The plans as shown so far are not good enough to meet these goals. There should be a separated and safe cycle lane, full footpaths and appropriate bus shelters.

H. We express concerns that in light of recent flooding events the stormwater and wastewater plans are reassessed. We are concerned about the flood plain and overland flow paths.

I. This area off Totara Road is shown as Low Density in the Whenuapai Structure Plan. This does not appear to be what is shown in the plans here. Thus, the development is not in keeping with the structure plan and may lead to shortfalls in provided infrastructure.

J. Nothing more detailed than the 'structure' plan currently exists, thus it's difficult to ensure the effects of development on the receiving environment.

K. We have enough concern about the potential for negative effects on the environment that we believe that a full RMA hearing is the best way to ensure the best outcome for the environment. The current area is very degraded so there must be a significant ecological gain.

L. We are concerned about the esplanade reserves. We believe a 20 m esplanade reserve must exist and be in the public realm, not a privatised strip that may or may not have public access. The WSP envisages an 'interconnected open space' network, thus we need to ensure it is publicly available.

**Specific question 2. Not relevant for Local Board. We have no knowledge of this.**

Subject matter experts within council will require many reports detailing such things as stormwater and infrastructure assessments. The Local Board would also like a report showing the impact of the development on the surrounding areas.

**Specific Question 3. Would you consider (the) proposed neighbourhood (headland) park appropriate in terms of location, size, use and access as intended by the Whenuapai Structure Plan.**

We have enough concerns about the application to request it goes through the full resource management process.

Some of the most frequent complaints we get from residents in Whenuapai is the lack of open space, lack of playgrounds and lack of connectivity between those spaces.

The Whenuapai Structure Plan envisaged the following "The neighbourhood and suburban parks should be adjacent to esplanade reserves and protected stream margins where practicable to create an interconnected open space network".

We foresee issues with what is proposed. In the proposal open space is provided through privately owned assets. This may lead to issues in terms of maintenance (is it maintained properly), public perception (does the public know they can access it) and access. We believe the public will not think the park is theirs and will not enjoy the benefits.

Whenuapai is such a densely developing area that all parks and open spaces need to be open to the public and publicly owned as specified in the WSP.

There are also CPTED issues to consider.

We consider that a privately owned park that the public can access via an easement does not meet the requirements of the WSP.

For the reasons above, the Local Board do not consider the proposed neighbourhood park appropriate in terms of what is intended in the Whenuapai Structure Plan.

#### **Additional information**

The local board consider that plan changes for Future Urban areas in Whenuapai should be halted until a more detailed strategic plan for the area can be done. The strategic plan should consider in particular the waterways, wetlands, connectivity, planting and parks and ensure they are managed together to connect people and nature across the city. This will provide resilience and mitigate climate change impact.







# 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>	New Zealand Defence Force
<b>Contact person (if follow-up is required)</b>	Mr Mark Brunton
	Head of Defence Estate and Infrastructure, New Zealand Defence Force
	s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

<b>Project name</b>	MetLifecare Whenuapai Project
<b>General comment</b>	<p>The New Zealand Defence Force (NZDF) is a significant stakeholder in the Whenuapai area. The proposed MetLifecare Whenuapai Project site is located immediately to the north west of the secondary runway (runway 08-26) for Royal New Zealand Air Force (RNZAF) Base Auckland.</p> <p>The proposed development site is in close proximity to an engine testing location on Taxiway J adjacent to runway 08-26 and is significantly affected by noise from engine testing, which is an essential part of aircraft maintenance.</p> <p>The NZDF wishes to highlight the national, regional and local significance and the strategic importance of RNZAF Base Auckland, and to ensure that the proposed MetLifecare Whenuapai Project does not adversely affect the NZDF's capability, operations and ongoing viability of RNZAF Base Auckland.</p> <p>As one example of its strategic importance, RNZAF Base Auckland was used as an Emergency Coordination Centre, delivering around the clock outputs, during the National State of Emergency following Cyclone Gabrielle. It was also utilised as a staging post in another National State of Emergency following the Christchurch Earthquake in 2011.</p> <p>The Auckland Unitary Plan (Operative in Part) includes protection for RNZAF Base Auckland, including Minister of Defence designations 4310 (Whenuapai Airbase) and 4311 (Whenuapai Airfield Approach and Departure Path Protection), and strong policy direction for the protection of infrastructure.</p> <p>The key risk to the NZDF in relation to the MetLifecare Whenuapai Project (a retirement village) is reverse sensitivity arising from noise from Defence operations.</p> <p>Noise from engine testing on Taxiway J has been modelled by the NZDF's expert acoustic consultant. While the modelled engine testing noise contours represent an average noise exposure over a 7-day noisy week; peak noise levels experienced for short periods during individual engine tests will be significantly greater than the 7-day average at the development site.</p> <p>Acoustic insulation proposed by the applicant is intended to protect indoor environments, however, acoustic insulation does not on its own provide adequate protection against the risk of reverse sensitivity because it offers no protection to the outdoor environment. Rather, the NZDF's general position is that no-complaints covenants are the most effective and efficient method to mitigate the risk of reverse sensitivity.</p> <p>The NZDF's position generally is not to oppose development, but is rather if development is to occur, it must proceed in a manner which does not adversely affect NZDF capability and</p>

	<p>operations, including in relation to the risk posed by reverse sensitivity. The NZDF routinely and consistently requests that no-complaints covenants are registered on new titles in developments in order to mitigate the risk of reverse sensitivity, and in most cases, considers that to be sufficient.</p> <p>However, in this case, the NZDF's position is that the proposed development is incompatible with the high levels of noise from engine testing that are experienced within the development site</p> <p>In 2019 the Minister of Defence certified the activity of engine testing at RNZAF Base Auckland as exempt from the RMA for national security reasons, pursuant to section 4 (2) RMA. Notwithstanding the section 4 (2) RMA certification, there is a risk of material compromise to the operations of RNZAF Base Auckland.</p> <p>Based on available information regarding the application, and in light of the proximity of the proposed development to a key aircraft engine testing location at RNZAF Base Auckland, the NZDF does not consider that the risk of reverse sensitivity can be effectively mitigated.</p> <p>There is a real risk that if the MetLifecare Whenuapai Project proceeds as proposed, it will constrain Defence capability and the ability of RNZAF Base Auckland to operate due to the risk of complaints from new residents expecting levels of amenity which do not exist within the proposed development site. Ultimately the proposed development threatens RNZAF Base Auckland's ongoing viability. Accordingly, the NZDF considers that the application should not be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting Act) 2020.</p> <p>The Minister of Defence has also provided comments, which complement the NZDF's comments above.</p>
<b>Other considerations</b>	As above.
<b>[Insert specific requests for comment]</b>	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.















# 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.*

Organisation providing comment	Waka Kotahi
Contact person (if follow-up is required)	Sonya McCall – Waka Kotahi, Team Lead, Environmental Planning
	environmentalplanning@nzta.govt.nz

## Comment form

Please use the table below to comment on the application.

Project name	Metlifecare Whenuapai, 99 Totara Road, Whenuapai
General comment	<p>The development is located in an area identified as ‘Future Urban Zone’ and would normally require a structure plan and publicly notified plan change process prior to being released for urban development. The Auckland Unitary Plan anticipates preparation of a structure plan prior to rezoning of the land for urban activities which would in part demonstrate how the site and wider area would be developed in a comprehensive manner. To ensure appropriate consideration is given to development of the wider area, it is more appropriate for this proposal to follow the standard RMA process as outlined in section 23(5)(b) of the Fast-track Consenting Act.</p>
Other considerations	<p>Promoting this development without a broader strategic exercise that considers adverse effects and details the implementation of required wider infrastructure and mitigation measures is likely to result in piecemeal development and adverse effects on the transport network.</p> <p>The proposal does not consider the accessibility needs of the residents or provide any multi modal connections to the wider community in terms of walking, cycling or public transport resulting in an isolated car dependent community.</p> <p>Waka Kotahi recommends that it is essential to have an integrated approach to understanding land use and infrastructure, including the transport network, is critical to ensuring a quality, accessible development with good access to public transport and active modes.</p>

	<p>The transport assessment proposes several infrastructure upgrades are required to provide safe access to the site, however the necessary timing and party responsible for implementation is unclear.</p> <p>Waka Kotahi notes that this development proposes two accesses and suggests that a single larger intersection design should be considered for the entire site to reduce potential conflict points along the transport network.</p> <p>There is insufficient information and provision of required transport infrastructure to support recommending this project to the Fast-track process.</p>
<b>[Insert specific requests for comment]</b>	<p>Given the need to review any potential adverse effects on the transport network Waka Kotahi requests that any referral order for this project requires the Expert Consenting Panel to include Waka Kotahi as a person who is invited to comment on the project.</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.



# 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.*

Organisation providing comment	Watercare Services Ltd
Contact person (if follow-up is required)	Shane Lawton, Head of Developer Services, s 9(2)(a)
	Mark Iszard, Head of Major Developments, s 9(2)(a)
	Ameya Bhiwapurkar, Development Engineer, s 9(2)(a)

## Comment form

Please use the table below to comment on the application.

Project name	Metlifecare Whenuapai Project
General comment	<p>Overall Summary:</p> <p>The proposal seeks to redevelop the existing site and make provision for the new Retirement Village. The development will provide 110 new Villas, 1 amenity building, and 50 Care home staff &amp; visitors. The master plan yields 135 Independent Living Units (ILUs) and 50 Care Units. The site is situated at the northwest of Totara Road, and has a land area of approximately 8.95ha. The legal description of the site is PT Lot 3 DP 52677.</p> <p>Watercare's comments on the proposal</p> <p>Wastewater</p> <p>Insufficient information has been provided in this application to confirm the serviceability of the development. Wastewater capacity for this catchment relies on delivery of the Brigham Creek pumping station, which is currently anticipated in 2025/2026. Wider catchment servicing plans associated with this indicate that capacity in the western gravity line heading through Whenuapai Village is to service the western catchments rather than this development area. Therefore, the proposed rising main discharge location and associated gravity network must be reconsidered.</p> <p>No information has been provided on the proposed staging and timing of the development and how this will be managed with the downstream constraints.</p>

	<p>There will be no ability to service early flows through the existing Whenuapai Village pumping station.</p> <p>The proposed point of connection can only be approved once the downstream infrastructure has been confirmed and approved. Additionally, the developer needs to confirm that the flow from this development is allowed with Neil Group to discharge in the Pump station. This needs to be confirmed with prior agreements for the contribution to downstream infrastructure.</p> <p>Water</p> <p>Watercare confirms that we have sufficient capacity to supply the proposed development without any further upgrades. For fire flow, Watercare can provide only up to FW2. All the Watermains/water leads inside the property will be private. Watercare can approve the pipes in the public berm only.</p>
<b>Other considerations</b>	<p>Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.</p>
<b>[Insert specific requests for comment]</b>	<p>Click or tap here to insert responses to any specific matters the Minister is seeking your views on.</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.